

Date of Hearing: April 7, 2026

Fiscal: Yes

ASSEMBLY COMMITTEE ON PRIVACY AND CONSUMER PROTECTION

Rebecca Bauer-Kahan, Chair

AB 1861 (Lackey) – As Amended March 23, 2026

AS PROPOSED TO BE AMENDED

SUBJECT: Special education: complaint database

SYNOPSIS

Under federal law, eligible children with disabilities are entitled to a free appropriate education and personalized education plans. If parents believe a school has violated their child's educational rights, they may file a complaint with the Office of Administrative Hearings (OAH) or the California Department of Education (CDE). Although these complaints and resulting investigations are technically available to the public via a Public Records Act (PRA) request, parents and advocates struggle to access these documents and the information they contain.

This bill establishes a publicly accessible database of special education complaints filed with the California Department of Education. Due to concerns for students' privacy with publishing entire investigative reports on a database, the author has agreed to amend the bill to instead create an aggregate database that reports the total number of investigations per school district; the total number of investigations wherein a violation was found, and the specific statute that was violated; and the total number of corrective actions that were required and met one year after the decision was reached. This analysis focuses on this aggregate database and describes the bill as it will be amended should it pass this Committee. A full text of the amended version of the bill is contained in Comment #7.

This bill is cosponsored by Youth Justice Education Clinic at Loyola Law School and Cancel the Contract who argue that parents and advocates need a centralized database to help determine which schools are appropriate for their children. The bill is supported by a range of disability and children's rights groups including Disability Rights California, Alliance for Children's Rights, California Alliance of Child and Family Services, California State Parents Teachers Association, Children's Defense Fund California, and Equal Justice Society.

This bill has opposition from Kern County Superintendent of Schools and Alameda County Office of Education, who argue that the bill has unintended consequences on small, underfunded districts. Recent amendments address the opposition's concerns regarding student privacy.

This bill was previously heard by the Education Committee, where it passed on an 8-0 vote.

EXISTING LAW:

Federal Law:

- 1) Establishes the Family Educational Rights and Privacy Act (FERPA), which protects the privacy of student education records. The law applies to all schools that receive funds under

an applicable program of the U.S. Department of Education. (20 U.S.C. § 1232g; 34 C.F.R. Part 99.)

- 2) Establishes the Individuals with Disabilities Education Act (IDEA) that requires that a free appropriate public education be made available to individuals with exceptional needs. (20 U.S.C. § 1400 et seq)
- 3) Establishes procedural safeguards, including those pertaining to the opportunity to present and resolve complaints through the due process and state complaint procedures, including:
 - a. The time period in which to file a complaint;
 - b. The opportunity for the agency to resolve the complaint;
 - c. The differences between the due process complaint and state complaint procedures;
 - d. The availability of mediation;
 - e. The child's placement during the pendency of any due process complaint;
 - f. Hearings on due process complaints;
 - g. State-level appeals;
 - h. Civil actions, including the time period in which to file those actions; and
 - i. Attorneys' fees. (20 U.S.C. § 1415)
- 4) Authorizes a parent or a local educational agency to file a due process complaint relating to the identification, evaluation or educational placement of a child with a disability. (20 U.S.C. § 1415)
- 5) Requires that a due process complaint must allege a violation that occurred not more than two years before the date the parent or public agency knew or should have known about the alleged action that forms the basis of the due process complaint. (20 U.S.C. § 1415)
- 6) Authorizes the filing of complaints to the state education agency (SEA) for an alleged violation that occurred not more than one year prior and requires the SEA to investigate and issue a written decision within 60 days. (20 U.S.C. § 1415)

State Law:

- 1) Provides, pursuant to the California Constitution, that all people are by nature free and independent and have inalienable rights. Among these is the fundamental right to privacy. (Cal. Const. art. I, § 1.)
- 2) Establishes the K-12 Pupil Online Personal Information Protection Act (KOPIPA) to restrict the use and disclosure of students' "covered information," which means personally identifiable information or materials, in any media or format that meets the definition. (Bus. & Prof. Code § 22584.)

- 3) Establishes Early Learning Personal Information Protection Act (ELPIPA), which extends the protections of KOPIPA to pupils in preschool and prekindergarten. (Bus. & Prof. Code § 22586.)
- 4) Requires that a complaint filed with the department regarding any alleged violations shall be investigated in an expeditious and effective manner in accordance with federal law. (Educ. Code. § 56500.2(a).)
- 5) Requires a written decision to be issued to the complainant in accordance with the 60-day time limit. (Educ. Code. § 56500.2(a).)
- 6) Requires the party filing the complaint to forward a copy of the complaint to the local educational agency or public agency serving the child at the same time the party files the complaint with the department. (Educ. Code. § 56500.2(a).)
- 7) Requires that the allegation cannot have occurred more than one year prior to the date the complaint is received by the department. (Educ. Code. § 56500.2(b).)
- 8) Requires the complainant to include all the following in the allegation:
 - a. A statement that the local educational agency or public agency has violated a requirement of IDEA;
 - b. The facts on which the statement is based;
 - c. The signature and contact information for the complainant.
 - d. The name and address of residence of the child, if alleging violations with respect to a specific child;
 - e. The name of the school the child attends;
 - f. A description of the nature of the problem with the child, including facts relating to the problems;
 - g. A proposed resolution of the problem to the extent known and available to the party at the time the complaint is filed. (Educ. Code. § 56500.2(c).)
- 9) Requires the Superintendent to develop a model form to assist parents and public agencies in filing a state complaint. (Educ. Code. § 56500.2(d).)

THIS BILL:

- 1) Requires that on or before January 1, 2030, the Department of Education create or contract to develop and maintain an online aggregate database of complaints received by the department.
- 2) The aggregate database shall include, but not be limited to, the following data elements for complaints received on or after July 1, 2027:
 - a. The total number of complaints the department investigated, disaggregated by local educational agency.

- b. The number of complaints that were substantiated, by local educational agency, disaggregated by statute.
- c. The total number of complaints in which a violation was found, and corrective action was required and the total number of corrective action requirements that were met within one year of the written decision, disaggregated by local educational agency.

COMMENTS:

1) **Author's statement.** According to the author:

AB 1861 is important because it increases transparency and accountability in special education. By requiring a public online database of complaints, hearing decisions, and investigative reports, while protecting student privacy. This bill helps families understand their rights, promotes consistent decision-making, and supports improvements to better serve students with disabilities.

2) **Special education dispute resolution options.** The Individuals with Disabilities Education Act (IDEA) entitles eligible children with disabilities to a free appropriate education. If parents or caregivers feel that their child is not receiving appropriate education and resources, the IDEA requires states to make the following dispute resolution options available to parents and schools: due process complaints, mediation, and written state complaints.¹

When parents and schools disagree on matters such as student eligibility for services or the services to be included in a student's Individualized Education Program (IEP), parents have the right under federal law to resolve their disagreements with the district using a system known as "due process." This system provides parents and schools with a series of options for resolving their complaints.

At the least formal end of the spectrum, parents and districts settle their disagreements using a resolution session, which typically involves only parents and the district. If parents do not feel that their complaints can be resolved with a resolution session, or that session does not resolve the dispute, they may request mediation, mediation and a hearing, or a hearing without mediation. In mediations, a mediator from the Office of Administrative Hearings (OAH) will try to help both parties reach a binding agreement. If parents and districts cannot reach an agreement via mediation, or if the filing party does not wish to go to mediation, the case will go to a hearing. In this case, an OAH judge specializing in special education law decides the outcome of the case.

Parents also have the option of filing a state complaint with the California Department of Education (CDE). A written signed complaint is a formal request to CDE to investigate allegations that a public agency has violated special education law. The complainant must also forward a copy of the complaint request to the school district or public agency serving the student at the same time the complaint is filed with CDE, after which CDE has 60 days to issue its decision. According to CDE, as of March 2, 2026, the department has received 1,744 state complaints. The total number of state complaints in 2025 was 1,753. The increase in the number of complaints fielded by CDE in recent years is reflective of national trends, according to the

¹ 20 U.S.C. § 1400 et seq.

bill's cosponsors, Cancel the Contract and Youth Justice Education Clinic at Loyola Law School, who state:

According to national dispute resolution data, there were nearly 10,000 written state complaints filed in the 2023-24 school year, a 22% increase compared to the prior year and a 79% rise over the previous decade's average, which indicates a rising demand for complaint resolution services.²

3) Privacy protection for students. FERPA is the primary law that protects the privacy of student records. It applies to all educational institutions that receive federal funds. FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when they reach the age of 18 or attend a school beyond the high school level. Such students are deemed "eligible students."

- Parents or eligible students have the right to inspect and review the student's education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records. Schools may charge a fee for copies.
- Parents or eligible students have the right to request that a school correct records that they believe are inaccurate or misleading. If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record setting forth his or her view about the contested information.
- Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record.

Under FERPA, schools must generally have written permission from the parent or eligible student to release information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to certain parties or under certain conditions, such as following a judicial order or in the case of state or local educational audits.

In addition to federal law, California leads the nation on student privacy rights through the unanimous passing of SB 1177 (Steinberg, Ch. 839, Stats. 2014), which established KOPIPA. KOPIPA was California's response to reports regarding uses of student information and the inadequacies of state and federal law in protecting student personal information. Of particular note, FERPA applies only to schools, not to third parties who operate educational websites, services, or applications.

KOPIPA restricts the use and disclosure of the personally identifiable information or materials of K-12 students.³ It regulates operators of websites, online services, online applications, or mobile applications with actual knowledge that the sites, services, or applications are used primarily for

² Kara Arundel, "States struggle with increase in special education complaints," *K-12 Dive*, (Sept. 8, 2025), <https://www.k12dive.com/news/increase-in-special-education-complaints-parents-school-dispute-resolution/759435/>.

³ Bus. & Prof. Code § 22584.

K–12 school purposes and were designed and marketed for K–12 school purposes. It prohibits operators from knowingly engaging in specified activities with respect to their site, service, or application. These activities include:

- Engaging in targeted advertising when the targeting of the advertising is based upon any information that the operator has acquired because of the use of that operator’s site, service, or application.
- Use of information, including persistent unique identifiers, created or gathered by the operator’s site, service, or application, to amass a profile about a K–12 student except in furtherance of K–12 school purposes.
- Selling a student’s information.

KOPIPA also restricts disclosing covered information but provides various exceptions, including where the disclosure is in furtherance of the K–12 purpose of the site, service, or application or to law enforcement. Operators are also required to implement and maintain reasonable security procedures and practices appropriate to the nature of the information, and protect that information from unauthorized access, destruction, use, modification, or disclosure.

In 2016, the protections in KOPIPA were extended to pre-school and pre-kindergarten students and their parents with the passage of the Early Learning Personal Information Protection Act (ELPIPA) (AB 2799 Chau; Ch. 620, Stats of 2016.)

4) Federal and state laws governing public release of special education findings and decisions. Under IDEA, due process hearing findings and decisions, after being scrubbed of the student’s personally identifiable information, must be made available to the public. The OAH’s website hosts 1,558 special education case decisions ranging from 2008 to 2026, which is a fraction of the number of CDE complaints that are investigated every year.⁴ However, CDE complaints are currently accessible to the public only through Public Records Act (PRA) requests.

Several states have their own versions of databases that make public state education departments’ records from hearings. Oregon’s department of education, for instance, hosts a log of individual complaints, filtered by year.⁵ Although the students’ personally identifiable information was scrubbed from the reports, a quick glimpse through any of the hundreds of PDFs revealed a wealth of information. From one 31-page report, a reader can learn a student’s age, grade, current diagnoses, strengths, parental concerns, and intimate details of the child’s IEP. Other states, such as Delaware, take greater care to redact personal information such as the child’s name, the child’s age and grade, previous schools the child attended, the child’s diagnoses, and the parents’ names.⁶ Scanning pages of court transcripts to redact any personally identifiable information is no doubt more onerous than simply searching for and removing a

⁴ Office of Administrative Hearings, “Special Education Decisions,” <https://www.dgs.ca.gov/OAH/Case-Types/Special-Education/Services/Decisions>.

⁵ Oregon Department of Education, “Complaint Orders Log,” <https://www.oregon.gov/ode/rules-and-policies/pages/complaintlog.aspx>.

⁶ Delaware Department of Education, “Administrative Complaint Findings,” (2026), <https://education.delaware.gov/legacy/home/instruction-and-assessment/exceptional-children/special-education/families-rights-and-disputes/administrative-complaint-findings/>.

student's name, but the ability for bad faith actors to scrape vital personal information from these minors should be considered.

In California, current law requires interested parties submit a PRA request to access CDE's complaint records.⁷ However, many of the complaints are filed by parents and family members who may not know how to submit a PRA request, as Disability Rights California, supporters of AB 1861, note:

According to CDE records [obtained following] a Public Records Act (PRA) request conducted by a California education advocacy partner regarding the compliance complaints in question, from 2023 to 2025, family members or legal guardians filed about 73% of all of these special education complaints directly, without the assistance of a lawyer or other advocate. This data demonstrates that parents and guardians are the primary stakeholders served by this system, and they often have the least resources available to seek these investigative reports by other means, such as PRA requests of their own.

5) Privacy concerns with an online database for special education complaints. As noted above, several states have already established their own databases for special education complaints, including Delaware, Oregon, and Colorado.⁸ However, these states have vastly different requirements for redacting personal information, with some only redacting the most basic identifiable information like student names. Additional privacy concerns with the creation of a complaints database include: the greater risk for privacy violations for students at smaller school districts and the ability for artificial intelligence (AI) to scrape public databases and draw inferences that allow them to identify the students and connect very personal information to existing dossiers on those students and their families.

Smaller schools, bigger privacy problems. With certain school districts having only a few schools with several dozen children enrolled at each, smaller schools are at greater risk for unintentionally exposing a child's identity through complaint documents. Although large school districts like Los Angeles Unified make up over 30 percent of total student population, more than half of California's students are enrolled at school districts that have less than 2,500 enrollees.⁹ If a parent of a child at one of these small districts files a complaint, the child may be identifiable by the published documents, even if the child's identity is redacted. Recognizable characteristics such as grade, disability, and even teacher description could reveal the child's identity, as Kern County Superintendents of Schools, opponents to the bill, cited:

Of particular concern, while the bill includes provisions to redact personally identifiable information, depending on the size of the school district, the number of students with disabilities, or the specific disability, the student may be able to still be identified. Furthermore, although it rarely occurs, there are instances where an educational agency may have to file a complaint about a parent who refuses to sign a student's Individualized Education Plan, attend meetings, implement services required, etc. In such cases, how would the data base protect their privacy?

⁷ Gov. Code § 7920.

⁸ Oregon Dep of Education; Delaware Dep of Education; Colorado Department of Education, "Decisions," <https://ed.cde.state.co.us/spedlaw/decisions>.

⁹ California Department of Education, "Largest & Smallest Public School Districts," (May 22, 2025), <https://www.cde.ca.gov/ds/ad/ceflargesmalldist.asp>; and CalMatters, "California School Districts by Size," *Infogram*, <https://infogram.com/california-school-districts-by-size-1h8j4x0xznjr4mv>.

Additionally, smaller schools are more likely to be underfunded and therefore lack critical resources to provide for students with disabilities. Alameda County of Education, opponents to the bill, stressed concern that:

[T]his database will disproportionately feature the struggles of the districts with the fewest resources to fill special education vacancies. Of our 18 districts in Alameda County, only one has been able to fill its speech and language therapist positions, for example, and only by offering annual bonuses to therapists who come to work in that district. Our other districts, especially those with fewer resources, are unable to offer such incentives, and as a result, some vacancies remain unfilled.

Highlighting the challenges our least resourced districts face through a complaint database only intensifies inequities and leaves these more vulnerable districts open to higher scrutiny and greater liability—with additional costs to the district and therefore fewer resources for their students.

Inference and AI. Each successive version of generative AI (genAI) tools such as ChatGPT and Claude relies on larger amounts of data to train on so that it can reliably predict text or image responses. Any public database is open to “scraping” or extracting data from websites, meaning that pages of court documents would be available for AI systems to learn and extrapolate from. GenAI uses these data to learn how to make inferences, essentially how to predict how new data is going to behave. Not only is this incredibly useful for generating human-like speech or realistic images, inference learning can also be used to deduce personal attributes about someone from seemingly unrelated information in a process Dr. Tianshi Li, an assistant professor of computer science at Northeastern University, calls deep inference. According to Dr. Li, even seemingly harmless data like an Instagram photo of ice cream can be used by AI to make deep inferences about the poster’s exact location when the photo was taken.¹⁰ Training AI using a student’s information like their IEP requirements could likewise expose these children to AI’s deep inferences that could reveal crucial personal information, even if that information was not present in the documents themselves.

6) What this bill, as proposed to be amended, would do. AB 1861 aims to create a special education complaints database that would provide aggregate information on investigations conducted by the CDE. Although the decisions regarding the complaints must be made public with personally identifiable information removed, as the State Council on Developmental Disabilities, supporters of AB 1861, write:

[These decisions] are only accessible if a Public Records Act (PRA) request is submitted. The Department is not required to maintain a centralized, searchable, or publicly accessible online database of complaints, decisions, or investigation reports.

As a result, this information is technically public but functionally inaccessible to families, advocates, attorneys, and school districts. The lack of centralized recordkeeping of complaints makes it difficult to identify patterns of noncompliance (both to identify systemic issues as well as enable advocates and families to use data from other regions to identify

¹⁰ Noah Lloyd, “The five crucial ways LLMs can endanger your privacy,” *Northeastern Global News*, (Nov 21, 2025), <https://news.northeastern.edu/2025/11/21/five-ways-llms-expose-your-personal-data/>.

issues and encourage consistent, compliant practices locally), understand how laws are being enforced, and ensure accountability across the system.

[. . .]

Despite the volume and significance of these complaints, California lacks a reliable, transparent system to track and analyze this information. Without accessible data, parents, advocates, and policymakers are left without the tools needed to identify systemic issues and drive meaningful improvements.

Proposed amendments, described below, address privacy concerns by creating an aggregate database that reports only the total number of investigations completed by the CDE disaggregated by educational agency, the total number of violations found by the CDE disaggregated by statute, and the total number of corrective action requirements that were met one year after the posted decision disaggregated by educational agency. This database will be updated yearly and will provide critical information regarding the number of violations per district and how many districts come into compliance a year after being found to be in violation of federal law. Thus, parents of children with disabilities can access critical information about how school districts are handling complaints to make more informed choice for their children's education.

7) **Amendments.** Due to concerns about potential student privacy violations, the author has opted to adopt instead an aggregate database, rather than a database hosting PDFs of investigative reports. As amended, the bill will read:

SEC. 1. Section 56049.2 is added to the Education Code, immediately following Section 56049.1 to read:

56049.2 (a) (1) On or before January 1, 2030, the department shall create, or contract to create, and maintain ~~an~~ *a publicly available* online *aggregate* database of complaints received by the ~~received by the department pursuant to Section 56500.2. The database shall include both of the following:~~ *department, on and after July 1, 2027, for an alleged violation of the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) or regulations implementing the act (Part 300 (commencing with Section 300.1) of Title 34 of the Code of Federal Regulations).*

~~(1) All complaints received by the department that it has received consent to post beginning with the first school year in which the database is operational.~~

~~(2) Within 30 days of the department issuing its decision pursuant to Section 300.152(a)(5) of Title 34 of the Code of Federal Regulations, the investigation report, which includes the summary of allegations, applicable citations, findings of fact, conclusions, and required corrective actions.~~

~~(b) Before entering any documents into the database, the department shall obtain consent from the complainant to add the report to the database and redact any personally identifiable information consistent with the confidentiality requirements of Section 1417(e) of Title 20 of the United States Code.~~

~~(c) The department shall notify school districts, county offices of education, and charter schools of the requirements of this section.~~

(2) *The database shall include, but not be limited to, the following data for complaints described in paragraph (1):*

(A) *The total number of complaints the department investigated, disaggregated by local educational agency.*

(B) *The number of complaints in which a violation was found, disaggregated by local educational agency and the federal law violated.*

(C) *The total number of complaints in which a violation was found and corrective action was required, and the total number of corrective action requirements that were met within one year of the written decision, disaggregated by local educational agency.*

(b) *After the database described in paragraph (1) of subdivision (a) has been created, the department shall ensure that the data required to be included in the database, as described in paragraph (2) of subdivision (a), is updated and published on or before December 31 of each year.*

(c) *This section shall not be construed to require the department to publicly disclose individual complaint files, written decisions, or any other records that are subject to the provisions of Section 56504 or the federal Family Educational Rights and Privacy Act of 2001 (20 U.S.C. Sec. 1232g).*

(d) *For purposes of this section, “local educational agency” means a school district, county office of education, or charter school.*

ARGUMENTS IN SUPPORT: A group of disability and children’s rights advocates, led by the bill’s cosponsors, Cancel the Contract and Youth Justice Education Clinic at Loyola Law, write in support of an earlier version of the bill:

Under the Individuals with Disabilities Education Act, parents and guardians are entitled to procedural safeguards to ensure that their children with disabilities who qualify for special education are receiving a free appropriate public education (“FAPE”). Procedural safeguards for students who qualify for special education services pursuant to Individualized Education Programs (“IEPs”) include items such as specific timeframes for educational assessments and IEP meetings to occur, as well as school district requirements to implement a student’s IEP as written.

When their special education rights are violated, parents can file a complaint with the California Department of Education or with the Office of Administrative Hearings (“OAH”). Parents may include only procedural violations in their complaints to CDE, and within 60 calendar days of receiving the complaint, CDE must initiate an investigation and issue a written decision. These state-level written complaints are the only formal process that anyone can file to initiate a state level investigation into compliance with special education procedural safeguards, and about 86% of these complaints received by CDE result in a formal investigation.¹¹

¹¹ The Center for Appropriate Dispute Resolution in Special Education, “National and State DR Data Dashboard,” <https://cadreworks.org/national-state-dr-data-dashboard>.

Complaints to OAH, on the other hand, are typically more fact-intensive as they include allegations regarding substantive denials of FAPE. OAH is already statutorily required to make its special education due process hearing decisions public, after redacting all identifiable information to protect student privacy. There is currently no equivalent requirement to publish state level special education decisions and investigation reports.

[...]

By making a public database of the investigation reports and decisions related to special education complaints, families can make more informed choices about their children's education, and policymakers can have more reliable data to implement systemic reforms that will improve education access for students with disabilities.

ARGUMENTS IN OPPOSITION: In opposition to an earlier version of the bill, Kern County of Superintendent School argues:

Any effort to increase transparency should be paired with safeguards that prevent misuse of information, protect districts from frivolous litigation, and ensure that educational resources remain focused on student learning rather than legal compliance and defense. For these reasons, we respectfully oppose AB 1861.

And Alameda County of Education wrote in opposition of an earlier version of the bill:

ACOE supports the responsible use of data to improve student outcomes, and we understand the need for transparency with regard to services for students with disabilities. However, we are concerned about this bill's approach for several reasons:

- Redacted information may not fully hide the identity of a student, particularly in small districts or schools
- The information may be misunderstood and misused, taken out of context, with possible liability implications for school districts
- Solution-oriented approaches are needed to address gaps in services
- The database will feature school districts with the fewest resources to address the gaps

REGISTERED SUPPORT / OPPOSITION:

Support

Cancel the Contract (Co-Sponsor)

Youth Justice Education Clinic, Center for Juvenile Law and Policy, Loyola Law School (Co-Sponsor)

ACLU California Action

Advocacy 4 Unique Minds

Alliance for Children's Rights

Association of Regional Center Agencies

Black Parallel School Board

California Alliance of Child and Family Services

California Association for Parent-child Advocacy (CAPCA)
California State PTA
Children's Defense Fund-California
Disability Rights California
East Bay Community Law Center
Equal Justice Society
Fresno County Public Defender's Office
Haywood Burns Institute
SCDD

Opposition

Alameda County Office of Education
Kern County Superintendent of Schools Office

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