

Date of Hearing: May 6, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

AB 1861 (Lackey) – As Amended April 9, 2026

Policy Committee:	Education	Vote:	8 - 0
	Privacy and Consumer Protection		15 - 0

Urgency: No                      State Mandated Local Program: No                      Reimbursable: No

**SUMMARY:**

This bill requires the California Department of Education (CDE), on or before January 1, 2030, to create, or contract to create, and maintain a publicly available online aggregate database of complaints alleging violation of the federal Individuals with Disabilities Education Act and associated federal regulations received on or after July 1, 2027.

**FISCAL EFFECT:**

Ongoing General Fund costs of an unknown but potentially significant amount, possibly in the low hundreds of thousands of dollars, to CDE associated with creating, or contracting to create, and maintaining a publicly available complaint database.

According to the CDE, the number of complaints received by the CDE since the 2023-24 school year appears to be increasing steadily, with 1,635, 1,753, and 1,744 complaints received each year respectively (through March 2, 2026).

**COMMENTS:**

**Special Education.** Through the Individuals with Disabilities Education Act (IDEA), federal law requires local educational agencies (LEAs) to provide special education services to students with disabilities. Parents or teachers typically are the first to identify if a student might benefit from special education services. After referral for evaluation by school district specialists and a finding that the student has a disability that interferes with his or her ability to learn, the student receives an individualized education program (IEP). An IEP sets forth the services the school must provide the student to be in compliance with IDEA. The IEP may include various types of special education services, such as specialized academic instruction, speech therapy or behavioral intervention. In California, approximately 750,000 of the state’s nearly six million students have IEPs.

**Special Education Dispute Resolution and Alternative Dispute Resolution.** Families have both formal and informal options for recourse if their student with an IEP does not receive legally-required services. The formal recourse action is known as “dispute resolution.” Dispute resolution provides three options to families: full due process, mediation or a state complaint process through CDE. All processes may result in an order for compensatory education if there has been a denial or delay of IEP services that causes student regression. The statute of limitations on filing for due process cases or mediation is two years and one year for a CDE complaint. The Office of Administrative Hearings (OAH) administers due process cases and

mediation cases. OAH handles about 5,000 cases a year (0.7% of students with IEPs). For complaints filed with the CDE, CDE has 60 days to render its decision.

The informal recourse action is known as “alternative dispute resolution.” Alternative dispute resolution provides various options for families and administrators to resolve IEP disputes without proceeding to formal dispute resolution. Examples of alternative dispute resolution strategies include facilitated individualized education program meetings, parent-to-parent assistance, ombudspersons, collaborative negotiation and informal local mediation. Alternative dispute resolution results in lower costs and tends to promote collaboration toward solutions. (A family may still pursue dispute resolution in addition to alternative dispute resolution.) In addition, unlike dispute resolution, alternative dispute resolution is less likely to include attorneys retained by families of students with IEPs. According to some Special Education Local Plan Areas, they typically settle with families at the equivalent of about \$5,000 in compensatory services for children with IEPs who have not received services. Research indicates alternative dispute resolution is generally more cost effective and more expedient than other processes and may foster collaborative educator-family relationships.

**Analysis Prepared by:** Aaron Heredia / APPR. / (916) 319-2081