

Per California Code of Regulations, title 2, section 548.5, the following information will be posted to CalHR's Career Executive Assignment Action Proposals website for 30 calendar days when departments propose new CEA concepts or major revisions to existing CEA concepts. Presence of the department-submitted CEA Action Proposal information on CalHR's website does not indicate CalHR support for the proposal.

A. GENERAL INFORMATION

1. Date

March 20, 2025

2. Department

California Department of Education

3. Organizational Placement (Division/Branch/Office Name)

Special Education Division/Opportunities for All Branch/Office of Dispute Resolution

4. CEA Position Title

Associate Director

5. Summary of proposed position description and how it relates to the program's mission or purpose.
(2-3 sentences)

The Associate Director is responsible for overseeing the Dispute Resolution System in California, ensuring the timely processing of Individuals with Disabilities Education Act state compliance complaints and promoting alternative dispute resolution options. The Associate Director ensures children, from birth through age twenty-two, with disabilities receive a free and appropriate public education within the Special Education Division.

6. Reports to: (*Class Title/Level*)

Division Director, Special Education Division,CEA Level B

7. Relationship with Department Director (*Select one*)

- ☒ Member of department's Executive Management Team, and has frequent contact with director on a wide range of department-wide issues.
- ☐ Not a member of department's Executive Management Team but has frequent contact with the Executive Management Team on policy issues.

(Explain):

8. Organizational Level (*Select one*)

- ☐ 1st ☐ 2nd ☒ 3rd ☐ 4th ☐ 5th (mega departments only - 17,001+ allocated positions)

B. SUMMARY OF REQUEST

9. What are the duties and responsibilities of the CEA position? Be specific and provide examples.

The Associate Director will assist the Director of the Special Education Division (SED) with developing and implementing policies that ensure children from birth through age twenty-two with disabilities receive a free appropriate public education in the least restrictive environment, as required by Individuals with Disabilities Education Act (IDEA). This includes overseeing the timely processing of investigations in accordance with the dispute resolution and procedural safeguards outlined in 34 Code of Federal Regulation (CFR) 300.152. The Associate Director will provide leadership, technical assistance, and direction, working closely with the Director of SED to develop, implement, and promote departmental and statewide policies and regulations. These policies are designed to address the needs of California's students and educators while ensuring compliance with both federal and state special education laws.

The Associate Director also plays a key role in ensuring that special education programs processing and submitting complaints within California's pre-K–12 public education system are aligned with IDEA compliance requirements. The Associate Director will oversee policy development for special education compliance, which will involve collaborating with California Department of Education (CDE) staff, other state agencies, school district Superintendent's offices, charter schools, County Offices of Education, and Special Education Local Plan Area Directors to ensure that complaints, investigations, and mediations are resolved or conducted within the required timelines. The Associate Director will oversee teams responsible for implementing corrective actions when necessary, facilitate state-mediated complaints to reach resolution, and ensure that appropriate resolutions are carried out following the completion of investigations, maintaining accountability for federal compliance.

In close coordination with the Director of SED and CDE leadership, the Associate Director will monitor federal and state legislation to provide recommendations that influence policy direction, ensuring the CDE remains in compliance with evolving IDEA regulations. The Associate Director will proactively resolve potential conflicts and avoid litigation from parents, local education agencies, or other concerned parties by ensuring the timely and thorough processing of complaints, investigations and mediations adhere to federal requirements.

The Associate Director may represent the Director of SED or other CDE leadership at legislative hearings or meetings where high-level representation is needed. This may also include public speaking engagements at both the state and national levels, promoting IDEA compliance and supporting the educational reform agendas of the State Board of Education and the State Superintendent of Public Instruction.

B. SUMMARY OF REQUEST (continued)

10. How critical is the program's mission or purpose to the department's mission as a whole? Include a description of the degree to which the program is critical to the department's mission.

- ☒ Program is directly related to department's primary mission and is critical to achieving the department's goals.
- ☐ Program is indirectly related to department's primary mission.
- ☐ Program plays a supporting role in achieving department's mission (i.e., budget, personnel, other admin functions).

Description: California's public education system is administered at the state level by the CDE for the education of more than six million students from birth to adulthood. The CDE, under the direction of the elected State Superintendent of Public Instruction, is responsible for developing and enforcing education laws and regulations, and for providing leadership to local education agencies as they continue to reform and improve public schools to ensure a strong, effective, high quality and wholesome learning environment for all students.

The mission of the CDE is "California will provide a world-class education for all students, from early childhood to adulthood. The Department of Education serves our state by innovating and collaborating with educators, schools, parents, and community partners. Together, as a team, we prepare students to live, work, and thrive in a multicultural, multilingual, and highly connected world."

The SED is responsible for overseeing local education agency programs to ensure the effective implementation of IDEA across the state. With over 800,000 students with disabilities, California serves the largest population of students with disabilities in the nation. The SED supports programs for students ages 3 through 22 and works closely with local education agencies to improve student outcomes for students with disabilities. In addition, the SED plays a critical role in managing and resolving state compliance complaints and investigations related to special education services, ensuring that all concerns are addressed in a timely and effective manner. The SED regularly collaborates with other divisions within the CDE to ensure a coordinated approach in achieving the CDE's mission.

B. SUMMARY OF REQUEST (continued)

11. Describe what has changed that makes this request necessary. Explain how the change justifies the current request. Be specific and provide examples.

The SED has seen a significant increase in responsibilities and has established additional units to address these growing demands. However, these expanded responsibilities have coincided with a notable rise in both the volume and complexity of complaints and litigation related to special education services. This increase in complaints, coupled with the growing potential for legal action, has added substantial complexity to the SED operations. As a result, the SED has faced challenges in fully optimizing its capacity to support improved outcomes for students with disabilities across the state, while also effectively managing these heightened compliance demands.

The establishment of new units within the SED allows staff to function at a higher capacity and effectively drive systemic change, but the increased program responsibilities necessitates enhanced oversight and specialized roles. Specifically, the addition of an Associate Director would provide essential support to ensure the timely and thorough processing of state compliance complaints, directly aligning with the state's obligations under IDEA. This position will help California meet, and potentially exceed, its requirements for general supervision as mandated by the U.S. Department of Education's Office of Special Education Programs (OSEP). Historically, California has struggled to meet annual targets as required by OSEP. The Associate Director will address these gaps and ensure that the state remains in full compliance with the IDEA regulations. The Associate Director will collaborate with both new and existing units to develop policies, refine practices, and ensure effective dispute resolution processes. By overseeing the timely processing of complaints, the Associate Director will ensure that the rights of students with disabilities are upheld and that schools and districts are held accountable for meeting their legal obligations under IDEA and state law. This would directly contribute to improving the quality of special education services and support better outcomes for students with disabilities across California.

The Associate Director will streamline operations, improve efficiencies, and provide a coordinated approach to resolving the growing volume and complexity of state compliance complaints. California is a highly litigious state, processing approximately 1,000 formal state complaints each year. The number of complaints has significantly increased in recent years, with allegations becoming more extensive and complex. Since 2020, complaints have risen by 38%, and the number of students involved in each complaint has grown from an average of one student in 2019 to three students in 2023. The demand for efficient and effective investigation of these complaints has never been greater. The Associate Director is crucial in addressing the rising workload, ensuring that investigations or mediations are completed in a timely manner while meeting all legal and regulatory requirements.

The Associate Director position will strengthen the SED's ability to focus on long-term strategy and systemic improvements, while ensuring efficient handling of day-to-day state compliance complaints. This role will not only improve the division's operational effectiveness, but also benefit parents, organizations, and other entities by ensuring their complaints are addressed promptly and thoroughly.

C. ROLE IN POLICY INFLUENCE

12. Provide 3-5 specific examples of policy areas over which the CEA position will be the principle policy maker. Each example should cite a policy that would have an identifiable impact. Include a description of the statewide impact of the assigned program.

Under IDEA, 34 CFR Section 300.151, the CDE is required to create policies and procedures for resolving complaints, as outlined in 34 CFR 300.152. The Associate Director will serve as the principal policy maker for these areas, ensuring the state complies with federal and state regulations.

Policy Area: Complaint Resolution Timelines. The Associate Director will oversee the development and implementation of policies to ensure that complaints are received, processed, and investigated by teams within the statutory timeline. This includes compliance with Education Code (EC) Section 56500.2, which requires a written decision to be issued to the complainant within 60 days, and 5 California Code of Regulations (CCR) Section 3202(a), which mandates resolution within a 60-day administrative, non-adversarial process. Additionally, the Associate Director will ensure that the procedures are aligned with 34 CFR 300.151-300.153, which require a timely resolution of complaints. Effective policy in this area would ensure that California consistently meets the 60-day timeline for complaint resolution, improving service delivery for families of students with disabilities. This would reduce delays and provide families with the assurance that their concerns will be addressed promptly.

Policy Area: Corrective Actions and Compliance Monitoring: Under IDEA regulations, when violations are identified through complaints, the state is required to take corrective actions. The Associate Director will develop and update policies to ensure that corrective actions are not only implemented but are properly monitored to ensure compliance with state and federal regulations, including 34 CFR 300.151-300.153 and EC Section 56500.2. This policy would create a more efficient process for addressing systemic issues in special education across the state. It ensures that districts or agencies with non-compliant practices are held accountable and that corrective actions result in meaningful changes for students with disabilities.

Policy Area: Reconsideration of Complaint Outcomes: The Associate Director will advise on the policies for reconsideration of complaint decisions, ensuring that the process is fair, transparent, and consistent with state and federal law. This would align with the requirements of 34 CFR 300.152 and EC Section 56500.2, which provide specific timelines and processes for reconsideration. This policy would ensure that families and local education agencies have clear avenues for reconsideration and appeal if they believe a complaint outcome was incorrect. It would help maintain transparency in the system and foster trust between the CDE, local education agencies, and families.

Policy Area: Statewide Training for Compliance and Resolution Procedures: The Associate Director will be responsible for developing and overseeing statewide training initiatives for local education agencies and CDE staff on proper dispute resolution procedures, ensuring uniformity in how complaints are handled across California. This aligns with IDEA, 34 CFR 300.151, and 5 CCR 3202. Statewide training would help standardize the dispute resolution process, ensuring that all entities involved are well-informed on proper procedures and timelines. This would reduce the chances of mishandled complaints and improve the overall quality of the process for all parties involved.

Policy Area: Court Cases and Legal Oversight: In situations where state and federal courts involve complaint cases, the Associate Director will provide testimony and depositions as necessary, advising the Attorney General on cases where complaints are used as evidence. This is critical to ensuring the state's compliance with IDEA and CFR 300.151-300.153. The Associate Director's involvement in legal matters would provide crucial insight into how state compliance complaints may impact or be used in court cases. This would help ensure that the state remains compliant with legal standards and that policies surrounding state compliance complaints are upheld in the legal system.

C. ROLE IN POLICY INFLUENCE (continued)

13. What is the CEA position's scope and nature of decision-making authority?

The Associate Director will hold broad authority to manage the resolution of state compliance complaints under the IDEA, specifically 34 CFR 300.151 and 300.152. The Associate Director will oversee the development of corrective actions and action plans ensuring compliance and effective enforcement of state and federal law. The Associate Director will be responsible for ensuring that all complaints are processed within the required 60-day timeline, providing leadership in all aspects of complaint resolution, including the final issuance of written decisions.

In addition to overseeing corrective actions, the Associate Director will be the primary authority on updates to policies and procedures, ensuring they align with IDEA and state law. The Associate Director will manage the reconsideration process for cases that require review, ensuring all decisions are legally sound and defensible. This includes overseeing final reports and ensuring compliance findings meet legal standards.

The Associate Director will also collaborate with external agencies and local education agencies to address complaints that span multiple jurisdictions. This collaboration will streamline the enforcement of corrective actions and improve complaint resolution processes across the state, ensuring IDEA compliance is maintained.

The Associate Director will play a critical role in developing training for local education agencies on handling complaints and improving their processes within the dispute resolution spectrum promoting alternative dispute resolution options. Furthermore, the Associate Director will provide expert testimony in legal proceedings, particularly in cases involving state compliance complaints, and will advise the Attorney General in cases where litigation occurs. The Associate Director's role will help ensure the CDE's positions are consistent with IDEA requirements and bolster the division's ability to manage litigation effectively.

Lastly, the Associate Director will have the authority to recommend hiring decisions within the Special Education Division, ensuring the division is staffed with knowledgeable professionals who can effectively carry out investigations and compliance functions in alignment with IDEA.

14. Will the CEA position be developing and implementing new policy, or interpreting and implementing existing policy? How?

This position will require both the development of new policies and the interpretation and implementation of existing policies, particularly in the context of resolving state compliance complaints. The Associate Director will play a critical role in defining and shaping the policy framework surrounding complaints under IDEA, ensuring that both state and federal requirements are met while maintaining fairness and transparency in the complaint resolution process.

Moreover, the Associate Director will be responsible for interpreting IDEA statutes and regulations to determine whether a local education agency has violated any provisions, and if so, what corrective actions should be taken to address noncompliance. One specific area of focus will be the interpretation of the federal statute, 34 CFR 300.152(b)(1)(i), which allows for an extension of the 60-day investigation timeline in "exceptional circumstances." The Associate Director will need to develop a clear and consistent procedure for identifying and assessing what qualifies as "exceptional circumstances." This policy development is crucial as it will directly impact how investigations are conducted and the timeliness of outcomes, which is of particular interest to the public, media, and legislators, especially in cases involving high-profile complaints or legal action.

Furthermore, the Associate Director will be instrumental in developing new procedures to address emerging challenges within the state dispute resolution process. For instance, the Associate Director will refine existing complaint resolution frameworks, such as those outlined in 34 CFR 300.151-300.153 and California EC sections 56043(p) and 56500.2, to ensure that they remain responsive to the evolving needs of students, families, and educational agencies. The Associate Director will also work to develop new guidelines or policy recommendations for instances when disputes involve particularly complex or systemic issues, such as disproportionate impacts on specific student groups or ongoing noncompliance by a local education agency.