

Alternative Dispute Resolution (ADR) Continuum

ADR offers parties the opportunity to resolve disputes collaboratively and avoid time-consuming and costly litigation. All components of the ADR process are confidential. Confidentiality means the restriction of access to verbal and written communications, including clinical, medical and educational records, to appropriate parties.

Least Intensive

SELPA Intakes:

ADR Intakes are strongly encouraged by SELPA and the California Department of Education (CDE). ADR intakes can come in the form of a phone call, written letter, written notice from Procedural Safeguards Referral Services with CDE, or a potential due process. The SELPA Intake Coordinator is trained to match strategies to resolve the disputes and is available to both parents and district staff to assist with the ADR process. During the intake, all concerns are heard and help is provided to both parties in identifying problems and conflicts. Dispute resolution options are discussed and follow up provided to check on the outcome of the option chosen. The ADR collaborative process allows for both parties to build relationships and is the first step in a positive resolution for both the parent and the school district so that matters do not escalate into a potential complaint or due process.

IEP Facilitation or Collaborative IEPs:

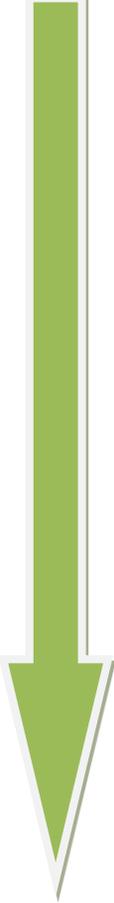
This process provides a choice of additional elements to facilitate or guide the IEP team meeting, including pre-meeting preparation through follow-up tasks. As part of the process, there may be a neutral facilitator who clarifies the agenda and meeting outcomes, enforces working agreements, keeps the group focused on the IEP process, encourages problem solving, monitors time and encourages participation by all team members. Additionally, there is a recorder who records key ideas and information, asks for clarification and makes corrections while maintaining a neutral perspective. The outcome of the facilitated or collaborative IEP is a signed IEP which has been developed collaboratively and with agreement between the LEA and parents.

Compliance Complaint:

A compliance complaint may be filed by a parent when they allege that the district has violated education code. The California Department of Education must resolve the complaint within 60 days. It will review all relevant information and make an independent determination about the alleged education code violations. An on-site investigation may be conducted if necessary and a written decision will be provided to the complainant addressing each allegation. Thirty days after the timeline for corrective action, the CDE's Focused Monitoring Technical Assistance Unit contacts the complainant to confirm that the complaint has been resolved.

CDE "Compliance Complaint" Form:

<http://www.cde.ca.gov/sp/se/qa/documents/cmplntinvsrqst.doc>



Resolution Meeting:

The resolution meeting is a requirement of IDEA 2004 within 15 days of district receipt of a filing for due process. This meeting, in which attorneys are not intended to be involved, provides the opportunity for discussion and clarification of issues with both the school and parent including a neutral facilitator trained to help the parties come to resolution. The team collaboratively determines solutions to the issues, creates a written agreement and in turn maintains a positive rapport between both parties.

Mediation:

Mediation is a way of settling a disagreement through facilitated discussion. At mediation the parties have the help of a trained mediator, who is unbiased and independent. The mediator will help the parties try to find a solution that is acceptable to both parties. In mediation, the parties work together to try to find a solution that will satisfy both parties. The parties decide whether or not the dispute is settled. If the parties try mediation but can't reach an agreement, they still have the right to continue to a due process hearing.

Due Process:

Both parents and district have the right to request an impartial due process hearing regarding the identification, evaluation, educational placement or the provision of a free, appropriate public education for a child. ADR is in place to alleviate this option and to encourage parents and districts to come to agreement before the issues escalate to this level.

Frequently Asked Questions: Special Education Due Process Hearings and Mediation
from Office of Administrative Hearings:

<http://www.documents.dgs.ca.gov/oah/SE/Forms/OAH%2070,%20rev.%2007-08.pdf>

Most Intensive

