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Updated January 13, 2020
OVERVIEW OF ALTERNATIVE DISPUTE RESOLUTION PROVIDED BY SBCSELPA

It is the goal of the SBCSELPA and member LEAs/districts to promote collaborative relationships with parents/guardians to ensure that students with disabilities with a free and appropriate education (FAPE).

The SBCSELPA has made available to member LEAs/districts and parents/guardians and other agencies alternatives for resolving disputes with to save time and money by avoiding the need to retain costly attorneys, due process and state complaints and to promote ongoing collaborative relationships.

- **Level 1**
  - LEA/District Administrators and SPED Administrators Engage in ADR at local level during IEP/TEAM meeting

- **Level 2**
  - SBCSELPA Staff ADR Cadre Members facilitate an IEP/Team Meeting or non IEP meeting for LEA/district or parent/guardian upon request
  
  **Or**

- **Level 3**
  - SBCSELPA Director facilitates a dispute resolution session (ADR) with a LEA/District and Parent/Guardian or Outside Agency upon request

  - SBCSELPA Director facilitates non-attorney Due Process Resolution Session Upon Request
TYPES OF ALTERNATIVE DISPUTE RESOLUTION (ADR) SERVICES

Facilitated IEP Meeting with Trained ADR Cadre Member;
Facilitation is a process in which a trained and impartial person who is not a member of the IEP team assists the IEP team to communicate effectively and work towards agreements with which the members can all feel comfortable. The facilitator is not a decision maker or an advisor. Facilitation can be used whenever an IEP team wants to improve the effectiveness of communication. When conflicts have developed, facilitation can help defuse tensions and restore trust and more positive working relationships.

Facilitated Non IEP Meeting with Trained ADR Cadre Member;
A Facilitated Non IEP Meeting is similar to a Facilitated IEP Meeting in that a trained and impartial person assists the group to communicate effectively and work towards resolution. The difference is that the meeting is not a formal IEP meeting. There are many reasons why one may choose a Non IEP meeting over an IEP meeting. Some of these reasons may include but are not limited to programming, staffing, and compliance.

ADR Non IEP Meeting with SELPA Director:
A parents/guardians or LEA/District administrator may make a request to the SBCSELPA Director to meet to resolve a dispute. As a complaint agency, there are times when the SBCSELPA Director may be more directive than would be appropriate as an IEP facilitator to help parties determine what is or is not required under state and federal regulations or the SBCSELPA Local Plan. Examples of when a SBCSELPA ADR meeting may be needed are: 1) complaint filed at SBCSELPA by a parent/guardian or community member/agency, a request from the California Department of Education or CDE Complaint Process, or a Resolution Session required as part of a due process filing.

Co-Facilitation:
Co-facilitation is when two people jointly facilitate a meeting.

Models of Practice:
There are various models of practice that can be employed during facilitation.

   Evaluative
   This model is directive and provides advice and authority. The goal is settlement.

   Facilitative
   This model is supportive as it guides a team through probes and queries with purpose. The facilitator helps the team to generate options and the goal is a productive dialogue.

   Transformative
   This model is reflective and follows the discussion while asking questions without providing direction. The facilitator does not generate options for the team, rather the team does this themselves. The goal of this model is empowerment and recognition
IEP AND NON IEP FACILITATORS

Role and Expectations of IEP and Non IEP Facilitators:
The role of the facilitator is to be a neutral, impartial party to the process. Please refer to *IEP and Non IEP Facilitators Code of Ethics (SELPA89).*

Background and Training Required for SBCSELPA IEP and Non IEP Facilitators:
All facilitators will complete 18 hours of mediation coursework. Optional resources for coursework are the following: [https://www.cadreworks.org](https://www.cadreworks.org), Nick Martin with Center for Accord, and Key2Ed.

Follow-up Training:
Facilitators will participate in continuing professional development for a minimum of 6 additional hours yearly as well as attend quarterly cadre meetings.

Confidentiality:
All meetings are confidential and the facilitator will maintain the confidentiality of all participants in the process. This means that what is discussed in the meeting will not be repeated unless known from other sources or specifically authorized by the parties involved. There are exceptions to confidentiality which are when one of the parties makes a genuine threat of physical harm and/or child or elder abuse. Facilitator will not voluntarily testify or report on anything said during this facilitated meeting UNLESS one of the participants makes a threat of physical harm or reveals information of child abuse or elder abuse.

Potential Conflicts of Interest:
Facilitators may possibly have a conflict in interest in a case. If a conflict of interest is established and all parties are aware and agree, then the facilitator may still facilitate the meeting. If the conflict is such that they cannot take the case, then a different facilitator will be provided.

Available Options:
- **IEP Facilitation**
  Kirsten Escobedo, Santa Barbara County Education Office
  Deby Geiger, Santa Barbara County Education Office
  Jennifer Connolly, Santa Barbara County SELPA
  Patty Moore, Alpha Resource Center
  Cathy Breen, Santa Barbara County SELPA
  Shayne MacCuish, Santa Maria Joint Union High School District
  Amy Gillespie, Carpinteria Unified School District
  Beverly Sherman, Santa Ynez Valley Consortium
  Jamie Carpio, Santa Barbara Unified School District
  Dr. Karla Curry, Carpinteria Unified School District

- **ADR Non IEP meeting**
  Dr. Ray Avila, Executive Director Santa Barbara County SELPA
Use of SBCSELPA Cadre Facilitators Outside of SBCSELPA:
Individual LEA/District’s may contract with one of the facilitators outside of the SBCSELPA process. Please notify the SBCSELPA of any contracts.

Dissemination of Information:
A flow chart for positive school communication will be created to inform of ADR services. Information regarding ADR will be posted on the SBCSELPA website as well as through email blasts to LEAs.

TIME AND SCHEDULING

Required Notice:
It is recommended that requests for facilitation be received at least 10 days prior to a scheduled meeting. Exceptions to this rule can be made in extenuating circumstances.

Time Allotment for Each Facilitated IEP or Non IEP meeting:
Each meeting will be allotted 3 hours of facilitation time and a total of 5 hours per case. Cadre facilitators will be responsible for logging hours spent on each case and will inform district and SBCSELPA of the total hours per case.

REQUESTING A FACILITATED IEP OR NON IEP MEETING

Who Can Request a Facilitated IEP or Non IEP Meeting:
- Adult Student
- Parents, Guardians
- LEA/Districts

How to Make a Request for a Facilitated IEP or Non IEP Meeting:
Contact SBCSELPA Clerical Assistant either by phone (805) 683-1424, or by completing the ADR Facilitated Meeting Intake and Documentation Form (SELPA86). The intake process includes collecting background information as well as seeking agreement from both parties to participate in a facilitated meeting. After agreement to participate is reached, the SBCSELPA Clerical Assistant will forward the ADR Facilitated Meeting Intake and Documentation Form (SELPA86) to the SBCSELPA Director for review.

Assignment IEP or Non IEP Meeting Facilitators
The SBCSELPA Director will review the request and determine if it is appropriate for facilitation through SBCSELPA. If appropriate, SBCSELPA Director will assign a SBCSELPA ADR Facilitator based on availability, geographical locations, and issues in the case. Once a facilitator is assigned, the SBCSELPA Director will provide this information to the SBCSELPA Clerical Assistant who will then forward ADR Facilitated Meeting Intake and Documentation Form (SELPA86) to the assigned ADR Facilitator. The ADR Facilitator will then contact both parties within two business days of receipt of ADR Facilitated Meeting Intake and Documentation Form (SELPA86).
Denial of Facilitated IEP or Non IEP Meeting Request:
A request can be denied for facilitation. These types of situations include, but are not limited to:

- a topic beyond the scope of facilitation
- the case is in due process
- families have retained an attorney
- one of the parties does not agree to facilitation
- the request is received with not enough time to arrange for a facilitator or there are no facilitators available.

PROGRAM DATA COLLECTION, EVALUATION AND REPORTING

Evaluation of Each Meeting:
After being notified by the SBCSELPA ADR Facilitator of case resolution, the Facilitated IEP or Non IEP Evaluation Form (SELPA88) will be disseminated by the SBCSELPA Clerical Assistant and sent to parent and LEA. SBCSELPA Clerical Assistant will record outcome and survey data and the SBCSELPA ADR Cadre will review data at minimum of two times annually to determine efficacy and advise future practices.

Ongoing Evaluation of IEP and Non IEP Facilitators:
The SBCSELPA Director will informally evaluate the effectiveness of the ADR Cadre members annually prior to the June meeting with both the LEA / district special education administrators and the JPA Board. Evaluation will be based on 1) Availability 2) Meeting outcomes and 3) Survey data.

Annual Methods of Overall Program Evaluation:
Record keeping / data collected
- number of cases
- number of meetings
- hours per meeting
- hours per case
- outcome of meeting
- satisfaction level of participants
- facilitator’s performance
- perceptions of facilitator
- follow up after facilitation
- relationship to other dispute resolution
- facilitator debrief
- chairperson debrief
- parent debrief
WHAT FORMS SHOULD BE USED

The following forms should be used in conjunction with requesting and implementing Alternative Dispute Resolution (ADR):

SELPA86: *ADR Facilitated Meeting Intake and Documentation Form*

SELPA87: *Alternative Dispute Resolution (ADR) Meeting Participation Guidelines and Code of Ethics*

SELPA89: *IEP and Non IEP Facilitators Code of Ethics*

SELPA88: *Facilitated IEP or Non IEP Evaluation Form*

Copies of all SELPA, IEP, and Supplemental IEP forms referenced in this handbook are located on our county’s online SIRAS Systems (https://sirassystems.org)