

PROCEDURAL HANDBOOK

SECTION

12

Alternative Dispute Resolution (ADR)

This section contains information you should know about...

Overview of Alternative Dispute Resolution provided by SBCSELPA.....	12-1
Types of Alternative Dispute Resolution Services	12-2
IEP and Non-IEP Facilitators.....	12-3
Time and Scheduling	12-4
Requesting a Facilitated IEP or Non IEP Meeting	12-4
Program Data Collection, Evaluation and Reporting	12-5
What Forms Should be Used	12-6

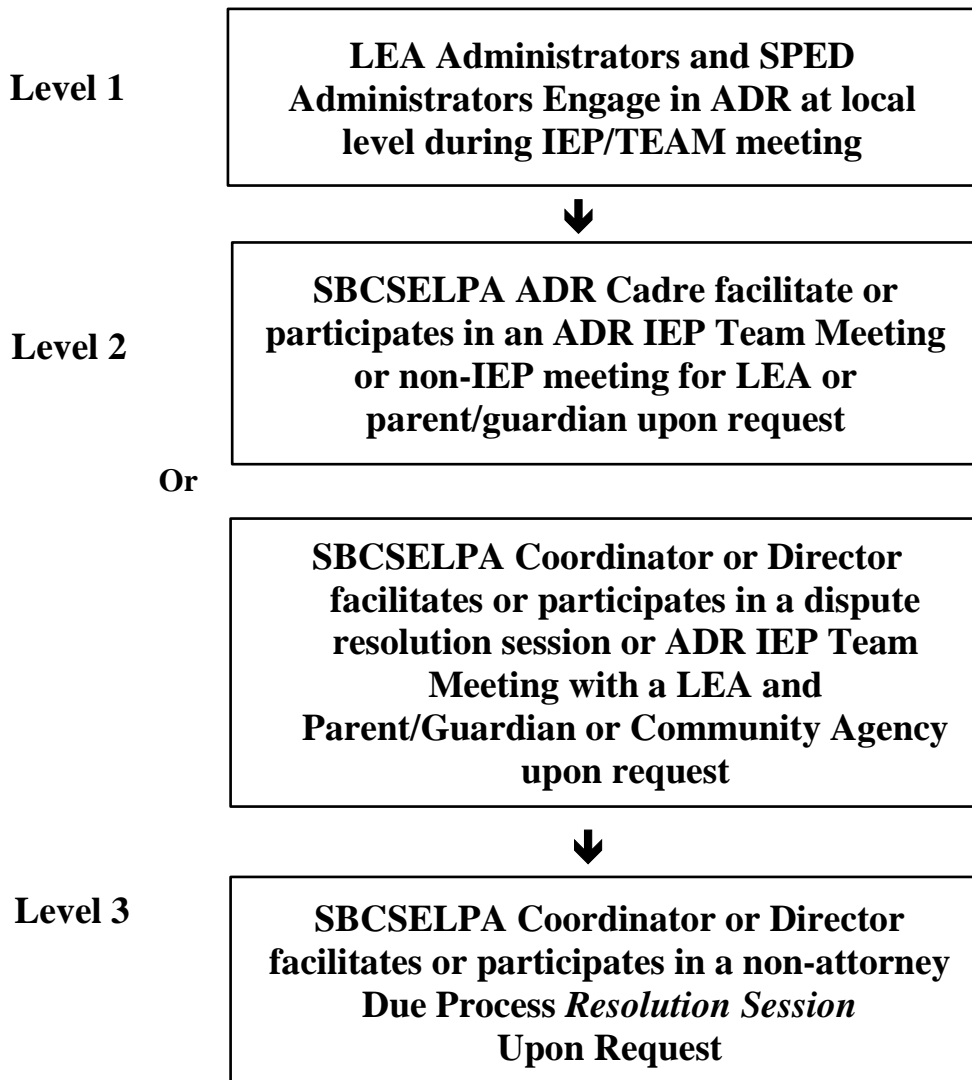
Updated May 3, 2021

OVERVIEW OF ALTERNATIVE DISPUTE RESOLUTION PROVIDED BY SBCSELPA

SBCSELPA and member LEAs promote collaborative relationships with parents or guardians and community agencies ensuring students with disabilities receive a free and appropriate education (FAPE).

SBCSELPA provides to member LEAs, parents/guardians, and agencies throughout Santa Barbara County alternatives for resolving disputes or misunderstanding in the IEP process. The Alternative Dispute Resolution (ADR) goal is to restore positive communication with parents or guardians and LEAs. ADR meeting save time and money by avoiding the need to retain costly attorneys, create due process and state complaints, and promote ongoing collaborative relationships with parents, LEAs, and community agencies.

Level of Alternative to Dispute Resolution (ADR) Meetings



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 ADR Cadre/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:

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 SBCSELPA Coordinator or Executive Director:

A parents/guardians or LEA/District administrator may make a request to the SBCSELPA Coordinator or Executive Director to meet to resolve a dispute. As a complaint agency, there are times when the SBCSELPA Coordinator or Executive 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/ADR Cadre:

The role of the facilitator/ADR Cadre 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/ADR Cadre:

All facilitators/ADR Cadre will complete 18 hours of mediation coursework. Optional resources for coursework are the following: <https://www.cadeworks.org>, Clare Fowler from mediate.com, Nick Martin with Center for Accord, and Key2Ed.

Follow-up Training:

Facilitators/ADR Cadre 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. The facilitator/ADR Cadre 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. The Facilitator/ADR Cadre 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/ADR Cadre 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/ADR Cadre may still facilitate the meeting. If the conflict is such that they cannot take the case, then a different facilitator/ADR Cadre will be provided.

Available ADR Cadre in Santa Barbara County:

- IEP Facilitation and ADR Non-IEP meetings:
Deby Geiger, Special Education Director, Santa Barbara County Education Office
Patty Moore, Manager of Children and Family Advocacy Services, Alpha Resource Center
Cathy Breen, Former Special Education Assistant Superintendent, SBCEO, currently representing Santa Barbara County SELPA
Amy Gillespie, School Psychologist, Carpinteria Unified School District
Beverly Sherman, Coordinator, Santa Ynez Valley Consortium
Jamie Carpio, Program Facilitator, Santa Barbara Unified School District
Dr. Karla Curry, Special Education Director, Carpinteria Unified School District
Dr. Joseph Ledoux, Program Specialist, Lompoc Unified School District
Dr. Cheryl Lew, Assistant Superintendent Pupil Services, Goleta Union School District
Rusty Gordon, Special Education Director, Santa Maria Bonita School District
Matt Stockton, Assistant Principal Pioneer Valley High School, Santa Maria Joint Union High School District

Jennifer Connolly, Coordinator Santa Barbara County SELPA
Meghan Davy, Advocacy Systems Specialist, Alpha Resource Center
Dr. Ray Avila, Executive Director Santa Barbara County SELPA

Use of SBCSELPA ADR Cadre Facilitators Outside of SBCSELPA:

Individual LEA/District's may contract with one of the facilitators/ADR Cadre 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. ADR 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 ADR MEETING

Who Can Request a Facilitated IEP or Non IEP ADR Meeting:

- Adult Student
- Parents, Guardians
- LEA/Districts

How to Make a Request for a Facilitated IEP or Non-IEP Meeting:

Contact SBCSELPA 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 Executive Assistant will forward the *ADR Facilitated Meeting Intake and Documentation Form (SELPA86)* to the SBCSELPA Coordinator and Executive Director for review.

Assignment IEP or Non-IEP Meeting Facilitators/ADR Cadre:

The SBCSELPA Coordinator and Executive Director will review the request and determine if it is appropriate for facilitation through SBCSELPA. If appropriate, SBCSELPA Coordinator and Executive Director will assign a SBCSELPA ADR Cadre/Facilitator based on availability, geographical locations, and issues in the case. Once an ADR Cadre/Facilitator is assigned, the SBCSELPA Coordinator will provide this information to the SBCSELPA Executive Assistant who will then forward *ADR Facilitated Meeting Intake and Documentation Form (SELPA86)* to the assigned ADR Cadre/Facilitator. The ADR Cadre/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 ADR 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 Cadre/Facilitator of case resolution, the *Facilitated IEP or Non-IEP Evaluation Form (SELPA88)* will be disseminated by the SBCSELPA Executive Assistant and sent to parent and LEA. SBCSELPA Executive 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 Coordinator and Executive Director will informally evaluate the effectiveness of the ADR Cadre 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 ADR Cadre/Facilitator
- follow up after ADR meeting
- relationship to other dispute resolution
- ADR Cadre/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
- SELPA88: Facilitated IEP or Non IEP Evaluation Form
- SELPA89: IEP and Non IEP Facilitators Code of Ethics

Copies of all SBCSELPA, IEP, and Supplemental IEP forms referenced in this handbook can be found on our county's on-line *SIRAS Systems*, www.sirassystems.org.