

**POLICY 2**

**ALTERNATIVE DISPUTE RESOLUTION**  
**(ADR)**

*Adopted by Superintendents' Council 12/4/00*

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## SONOMA COUNTY SELPA

### ALTERNATIVE DISPUTE RESOLUTION (ADR)

#### INTRODUCTION

Alternative Dispute Resolution (ADR) is a process for resolving conflicts, one that respects the dignity of individuals while creating mutually satisfying solutions. ADR uses communication, collaboration, negotiation, and mediation to produce an agreement that meets the interests of the parties involved.

The Sonoma County SELPA encourages school districts and parents to access the services of the ADR program as a means for resolving disagreements and conflicts.

#### COMPONENTS OF ADR PROGRAM

The components of the ADR program include the following:

- Informational Pamphlets:

A pamphlet describing the ADR program and process will be given to every parent of a special education child in the SELPA at IEP meetings and when a new student enters the special education system mid-year. These pamphlets describe the ADR program components and will be included with a statement of parent rights and responsibilities.

- Informal Meetings:

When a concern surfaces around any special education student, one method of resolution may be an informal meeting between the parent and their child's teacher. A parent may be accompanied by a Resource Parent (see description below) who can help support and inform parents as to rights, responsibilities, and the ADR process. If the results of this meeting are not satisfactory, the site administrator, district special education administrator, or both may be called in to meet with the parents.

- IEP Meetings:

An IEP meeting may be held to clearly identify areas of concern and to attempt to reach solutions with a larger team. As stated in the law, parents or educational staff may request an IEP meeting at any time. Another option is to have the IEP facilitated by an ADR trained mediator (see mediator description below).

- Resource Parents:

Resource Parents are parents of children with special education needs who have been trained in communication and negotiation skills and cross-cultural communication. They have also been trained in IEP law, policy, and practice and will receive an annual update from the SELPA. The SELPA has contracted with Matrix Family Resource Center to coordinate training, support, and assignments. Matrix will assign a Resource Parent to a family based on expertise in particular disabilities, age groups, and proximity to the parent's district. The Resource Parents can act as listeners and as advisors in terms of special education and ADR, but may not act as parent representatives (advocates) in any meetings with district personnel. They are intended to be advisory and supportive only. Resource Parents may be assigned to families for first time IEPs or for transitional IEPs.

Parents may consult with Resource Parents by phone or in person and may request the Resource Parent to assist them in any meeting with their child's teacher or school or district staff.

- SELPA Program Specialists:

At any time in the dispute process, parents or school staff may request a SELPA Program Specialist to review placement and programmatic issues. Program Specialists are knowledgeable of the variety of programs and practices in special education and are charged with facilitating the smooth operation of special education programs throughout the SELPA. The Program Specialist's recommendations may be brought to the IEP team in an attempt to resolve the concerns.

- SELPA Intake Coordinator:

The SELPA shall appoint at least one Program Specialist as the Intake Coordinator for ADR. The Intake Coordinator will set the process in motion when a referral is received in writing or by telephone. The Coordinator will assure that the caller has contacted the other party concerning the disagreement. Once this is verified, the Coordinator will either attempt to resolve the issue by telephone with both parties or assign the appropriate resource to the case (Resource Parents, IEP facilitator, Solutions Team members, or non-ADR resources). The Coordinator will keep track of the disposition of the case on the Solutions Team Intake Form. Within approximately two weeks of a Solutions Team mediation, an evaluative survey will be conducted with both parties. The SELPA Intake Coordinator will interview or send a written survey to both parties and keep the result for ongoing analysis of the program. Data shall include date, name of the district, name of assigned mediator(s), type of issue, whether or not agreement was reached, and whether or not the case goes to state mediation or fair

hearing. The Coordinator will also be responsible for ongoing trainings countywide in the ADR process and related skills.

- Facilitation of IEPs:

If the IEP team cannot resolve a dispute, they have the option of ending the meeting and reconvening with a facilitator who is trained in mediation. This ADR-trained mediator can come from inside or outside the district and will be assigned by the Intake Coordinator.

- Solutions Teams:

If the IEP team cannot reach a solution and the Intake Coordinator does not reach a solution through telephone negotiation, either the parent or the district may ask the SELPA Intake Coordinator to assign a Solutions Team from outside the district where the student resides to mediate the conflict.

The Solutions Team convenes to hear both the parents' and the districts' side in a dispute and to help both parties reach a mutually acceptable agreement. The process is confidential and has been developed through intensive training in mediation and conflict resolution. It is also a binding process, meaning that both parties agree ahead of time to abide by the resolution they reach. The end result is a written agreement that can be taken back to the IEP team if a change in the IEP is needed. Any offers made during the process but not included in the signed written agreement will not be admissible in any future due process proceedings.

The Solutions Teams are made up of two trained mediators (typically a parent plus an educator, administrator, or advocate) all from outside the district in dispute. It is a low-pressure process that allows parents and schools to design their own solution. If no solution is reached, the disputants can either reconvene another Solutions Team or proceed to due process. Team members will be matched by culture, if possible, and interpreters will be provided when necessary. The SELPA Intake Coordinator will convene a Solutions Team within two weeks of receipt of request.

Sonoma County SELPA Solutions Team members will be requested to perform at least 3 mediations per school year to both hone their skills and to not be overburdened by too much time away from their work/home environment. This total does not include meetings in which the trainee would normally be included.

The ADR process and options in no way supersede a parent's or district's right to due process.