PROCEDURAL HANDBOOK

SECTION

12

Alternative Dispute Resolution (ADR)

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Updated March 9th, 2017
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

SBCSELPA Director conducts a dispute resolution session (ADR) with a LEA/District and Parent/Guardian or Outside Agency upon request

Level 3

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;

Facilitated Non IEP Meeting with Trained ADR Cadre Member;

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 that 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 Facilitator’s Code of Ethics (SELPA89).

Background and Training Required for SBCSELPA IEP and Non IEP Facilitators:
All facilitators must complete a 40-hour mediation course in addition to 18 hours of IEP facilitation training.

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, Carpinteria Unified School District
  Deby Geiger, Santa Barbara County Education Office
  Stacy Tolkin, Santa Barbara County SELPA
  Patty Moore, Alpha Resource Center
- Consultation
  Margaret Saleh, Goleta Union School District
- ADR Non IEP meeting
  Jarice Butterfield, 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:
Brochures and flyers will be created to advertise 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 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. If an LEA requires additional time, then that time can be purchased.
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 Director either by phone or by completing the Request for Facilitated IEP/Non IEP Meeting Form (SELPA86).

Assignment IEP or Non IEP Meeting Facilitators

All requests for a facilitated IEP meeting or non IEP meeting will be forwarded to the SBCSELPA Director for review. The SBCSELPA Director will review the request and determine if it is appropriate for facilitations through SBCSELPA. The parties will be contacted to seek agreement for a Facilitated IEP or Non IEP Meeting. After agreement is reached the SBCSELPA Director will forward the request to both the requestor and other party to seek consent to an assigned facilitator. Proposed facilitators will be based on availability, geographical locations, and issues in the case.

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
- attorneys are attending the meeting
- 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:

An evaluation form, Facilitated IEP Meeting Evaluation Form (SELPA88), will be disseminated to each meeting participant at the meeting and a request to complete immediately following the meeting will be made. Evaluation forms will be collected by the meeting facilitator and returned to the SBCSELPA Director for review as part of the data collection process and program review. If a participant cannot complete immediately, they will be requested to send it to SBCSELPA Director.

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 the LEA / district special education administrators. 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:  *Request for Facilitated IEP or Non IEP Meeting*

SELPA87:  *Agreement to Participated in Facilitated IEP or Non IEP Meeting*

SELPA88:  *Facilitated IEP or Non IEP Evaluation Form*

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

Copies of all SELPA, IEP, and Supplemental IEP forms referenced in this handbook are included in Appendix A and B of the handbook, posted to the Santa Barbara County SELPA website.
(www.sbcelp.oeg), and on our county’s online Special Education Information System (SEIS) (www.seis.org).