

TULARE COUNTY/DISTRICT SELPA	POLICY #	9200
STUDENT –SERVICES – MISC.	Adopted:	12/6/00
	Revised:	5/13/2020

Alternative Dispute Resolution

It is the intent of the Tulare County SELPA that parties utilize alternative dispute resolution processes in an effort to effectively and positively resolve any conflicts or disputes.

PROCEDURES:

Following is a summary of the alternative dispute resolution process utilized by the Tulare County SELPA for special education disputes.

1. Introduction: Informal conversation often resolves conflict and helps maintain open communication and positive relationships. Disagreement is normal and a natural part of life; however, it is how it is approached and dealt with that determines everyone's level of comfort with decisions made.
2. Alternative Dispute Resolution Overview: Tulare County SELPA has embraced the concept of Alternative Dispute Resolution to encourage conflict resolution through continued home/school communication, before either party seeks more formal intervention. The District will encourage parents to resolve conflicts first at the School Site level, then the District/SELPA Level, before parent files with the California Department of Education (CDE) or Office of Administrative Hearings (OAH). Nothing in this Policy/Procedures shall be construed to mean that a parent and/or District must first exhaust these ADR interventions before filing a complaint with CDE or OAH. If at any time a conflict with special education arises, parents and/or the District have a right to seek formal intervention.
3. Hierarchy of Local Conflict Resolution Contacts (See Attachment)
 - a. **School Site Level**: Parents concerned about their child's education are encouraged to first contact the child's teacher, school psychologist and/or school principal to discuss their concerns.
 - b. **District Level I**: If an issue is not resolved at the School Site level, parents are encouraged to contact the District's Program Specialist or Coordinator, Special Education to discuss their continued concern.

- c. **District/SELPA Level II:** If an issue is not resolved at the School Site and Program Specialist/Coordinator levels, parents are encouraged to contact the Executive Director, Special Education and the District or the SELPA to facilitate finding the option that best fits the need at the time.
4. **Local Alternative Dispute Resolution (ADR) Options:** ADR is a cost-free process for resolving conflicts, and one that respects the dignity of individuals while creating mutually satisfying solutions. ADR resolves disagreements and conflicts by focusing on communication, collaboration, negotiation, and mediation to achieve agreements that meet the interests of all the parties involved. ADR provides a variety of options for the District and parents seeking to work toward a resolution at the local level.
 - a. **Collaborative IEP Process:** The District has administrators and teachers trained in the Collaborative IEP Process – this is a process where an agreement is reached at each point in the IEP before moving on. Often parents and the District find they agree on many more things than they disagree, and can build on those areas to reach a compromise.
 - b. **Facilitated IEP:** The District/SELPA can help locate a trained IEP Facilitator to help an IEP team build and improve relationships among IEP team members. This Facilitator is a neutral party that 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. The goal is to achieve a signed IEP that all team members feel represents all the issues needed to educate a student.
 - c. **Local Mediation:** Parents and the District are able to participate in a cost-free, impartial local mediation when desired. Local mediation uses an effective problem-solving method through a neutral Mediator who will discuss possible solutions and develop agreements that are mutually acceptable to both parties. It is a safe, low-pressure process. Final decisions will be committed to writing in a Settlement Agreement.

The advantages of using the alternative dispute process are many, not the least of which are quick resolutions in a collaborative manner that focuses on the needs of all those involved. Although the process is quick and informal, it may result in a formal, binding agreement between the District and the Parents (Form B).

Parents and school districts are encouraged to use one of the above alternative dispute resolution systems available before resulting to the formal complaint process.