



**Welcome to Tehama County SELPA
Alternative Dispute Resolution in Schools Procedural Handbook**



We are a collaborative partnership of school districts, staff, students, families, and community agencies supporting each other to ensure all students receive access to equitable learning programs.



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OVERVIEW OF ALTERNATIVE DISPUTE RESOLUTION PROVIDED BY TEHAMA COUNTY SELPA

Alternative Dispute Resolution, or ADR, is a process for resolving conflicts that is voluntary, confidential, preserves future relationships, and respects the dignity of individuals while also creating mutually satisfying solutions. ADR uses communication, collaboration, negotiation, and mediation to produce an agreement that meets the interests of the parties involved. When participating in Alternative Dispute Resolution, parents and districts maintain the right to seek state-level due process.

Tehama County SELPA offers an Alternative Dispute Resolution process to help resolve conflicts between schools and families regarding special education concerns. The program, which is provided free of charge, serves the families of all children within Tehama County SELPA local educational agencies (LEAs)/districts, by enhancing a collaborative partnership and working to preserve the relationships. Major components of the program include:

- Level 1:** Phone Consultation
- Level 2:** Collaborative Conference
- Level 3:** Facilitated IEP Meetings
- Level 4:** SELPA Level Mediation (not part of IDEA)
- Level 5:** File with Office of Administrative Hearings (OAH) for Due Process



DEFINITION OF ALTERNATIVE DISPUTE RESOLUTION (ADR) SERVICES OFFERED BY TEHAMA COUNTY SELPA

Phone Consultation: Families, school district personnel and the general public who are members of Tehama County Special Education Local Area Plan (SELPA) have the opportunity to contact the Tehama County SELPA office to receive information about special education laws, rights and protections of children receiving special education services.

Collaborative Conference: Family members or district personnel may request a collaborative conference to receive support to help resolve disagreements before a formal meeting is held such as an IEP. The process is voluntary, confidential and can increase effective communication between families and district personnel. The Director of Student, Family & District Support will work with the team members either separately or together as a preemptive approach to resolve disagreements.

Facilitated IEP Meetings (FIEP): Facilitation is a collaborative process that emphasizes shared responsibility for the development of the most appropriate IEP for the student. A parent and/or district personnel may request the Director of Student, Family & District Support attend and facilitate an IEP meeting.

A facilitated IEP may result in:

- A decrease in more formal procedures
- More collaborative IEPs
- Improved relationships and communication between schools and families
- Resolutions to disputes that are more mutually satisfying to both families and schools
- Greater capacity of teams as they learn from facilitators how to conduct meetings successfully



SELPA Level Mediation (not part of IDEA): Mediation at the SELPA level is one way to resolve disagreements over special education matters between parents and schools. It is a voluntary process designed to be utilized prior to families and districts involving attorneys or outside personnel. The mediation process does not prevent future use of due process procedures for either districts or families and should not be used to delay or deny due process rights.

The proceedings are considered confidential and cannot be used outside the setting without consent from all parties. Both parties must agree to participate in the mediation process.

SELPA level mediation is conducted by the Director of Student, Family & District Support, who is a neutral person in the process, this means they do not take sides or make decisions but assist the parties in reaching their own agreeable solutions for the benefit of the student. The coordinator ensures everyone's participation, encourages communication, and assists both sides, by generating new ideas to resolve the disagreement. A successful outcome for mediation is that a mutually satisfying solution is generated by the participants and their relationship is enriched, enhancing future communications and the overall relationship. After an agreement is reached, both sides sign a written agreement to abide by the decisions made, and possibly to schedule an IEP team meeting to memorialize the decision.

File with California "OAH": If an agreement is not reached between parties through SELPA's level mediation, Parents and/or Districts have the option to file with the California Office of Administrative Hearing ("OAH") for due process, which may include mediation only, mediation and a hearing or a hearing only. Mediation through OAH is different from SELPA level mediation through Tehama County SELPA in that it is facilitated by an administrative law judge. The process is similar in that it is voluntary, confidential, and does not impact future due process hearing requests through OAH.



DEFINITION OF COMMON TERMINOLOGY IN ALTERNATIVE DISPUTE RESOLUTION

Facilitator: A facilitator helps keep members of a team focused on the development of the IEP while addressing conflicts and disagreements that may have occurred before or emerge during the meeting. Such assistance, coming from an individual who is not a member of the IEP team, can encourage cooperation among team members and help the IEP development process or meeting be more successful.

Mediator: An objective third party that guides a discussion between multiple Parties. It is a way to settle a conflict so both sides win. Parents and professionals discuss their differences and, with the help of a trained mediator, reach a settlement that both sides accept.

Norms: Guidelines for communicating and behavior to support an effective conversation.

Team: The Individualized Education Program (IEP) team consists of education professionals, school personnel, parents, students, and others who have special knowledge of the child.

Agreement: A negotiated arrangement between parties as to a course of actions.

Caucus: Meeting with a party separately, typically during the mediation process.

[CADRE Comparison Chart Links](#)

English: [Quick Guide to Special Education Dispute Resolution Processes for Parents of Children & Youth \(Ages 3-21\)](#)

Spanish:

https://www.cadeworks.org/sites/default/files/resources/Gui%CC%81a_ra%CC%81pida_para_la_Educacio%CC%81n_Especial_Procesos_de_Resolucio%CC%81n_de_Disputa..._o.pdf



PROCESS FOR REQUESTING AN ALTERNATIVE DISPUTE RESOLUTION SERVICE

Step 1: Intake

- a. Contact Director of Student, Family & District Support at 530-527-8636 or by emailing afulk@tehamaschools.org and request intake form for requested ADR service.
- b. Fill out appropriate request form in its entirety and return to:

Tehama County SELPA
900 Palm Street Red
Bluff, CA. 96080
(530) 527-8581

****The intake process includes collecting background information as well as **seeking agreement from both parties** to participate in a meeting. After agreement to participate is reached, Director of Student, Family, & District Support will review.**

Step 2: Screening

- a. Party Screening:
 - i. The requesting party is typically parent/guardian, adult student or LEA/District.
- b. Subject Matter Screening
 - i. Issues appropriate for mediation include, but are not limited to: eligibility, classification, type of program, services/make up sessions for services missed, accommodations, transition, IEP goals, discipline and behavior plans, and evaluations.
- c. Nature of Request:
 - i. The requesting party indicates the lower level of resolution services attempted (i.e., collaborative conference, FIEP).



d. Facilitated IEP Meeting or Mediation

- i. FIEP: The IEP facilitator can help support the full participation of all parties. The facilitator does not impose a decision on the group; the facilitator clarifies points of agreement and disagreement and can model effective communication and listening for the IEP Team members. When disagreements arise, the facilitator can help encourage the members to identify new options. Most importantly, the impartial facilitator ensures that the meeting remains focused on the child.
- ii. Mediation: Lower level of dispute resolution attempted, and disagreements are unable to be resolved during an IEP meeting.

Step 3: Acceptance or Denial of Request

- a. Once the request is approved, the director will contact both parties within 2 business days to discuss the case and schedule a time/date for mediation.
- b. If a request is denied, the director will contact both parties within 5 business days and follow up with a written explanation.
- c. Reasons a request may be denied 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



TIME AND SCHEDULING

Advance Notice:

It is recommended that requests for Alternative Dispute Resolution Services be received at least 10 days prior to a scheduled meeting. Exceptions to this rule can be made in extenuating circumstances. Requests must be made by completing the appropriate intake form.

Time Allotment for each service

Collaboration Conference: 2-4 Hours

Facilitated IEP (FIEP): 3-5 Hours

Mediation: 5-10 Hours

Director of Student, Family, & District Support is responsible for logging hours spent on each case and completing a data form after each case.



FACILITATOR/MEDIATOR CODE OF ETHICS

Role and Expectations of Facilitator and Mediator:

The role of the facilitator is to be a neutral impartial party to the process. Please refer to Facilitator and Mediator Code of Ethics.

Background and Training Required for Tehama County SELPA

Facilitators:

All staff providing mediation services will complete 80 hours of mediation coursework, such as intensive training through a higher educational institution. Staff providing Facilitated IEPs will complete 40 hours of training through Straus Institute for Dispute Resolution with Pepperdine University. Other optional resources for coursework/training are the following: <https://www.cadeworks.org> and Key2Ed.

Follow-up Training:

Facilitators will participate in continuing professional development for a minimum of 6 additional hours yearly as well as attendance at job alike meetings/conferences at local, state, and national community of practices throughout the year.

Confidentiality:

All meetings are confidential, and the mediator 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 exist when one of the parties makes a genuine threat of physical harm and/or child or elder abuse. Mediator will not voluntarily testify or report on anything said during mediation sessions UNLESS one of the participants makes a threat of physical harm or reveals information of child or elder abuse.

Assignment

The Director of Student, Family, & District Support will review the request, determine if it is approved and accepted, determine if a Collaborative Conference, Facilitated IEP or SELPA Mediation is appropriate. Once approved, the Director of Student, Family, & District Support will contact both parties within two business days of receipt of Intake and Documentation Form.



PROGRAM DATA COLLECTION, EVALUATION AND REPORTING

Evaluation of Each Meeting:

Participants will have the opportunity to complete an online survey at the close of each ADR service.

Annual Methods of Overall Program Evaluation:

Record keeping/data collection

- ADR Level of Service
- Number of cases
- Number of meetings
- Hours per meeting
- Hours per case
- Outcome of meeting
- Satisfaction level of participants
- District Involved
- Who Initiated?
- Parent(s) debrief
- District/site debrief