

Alternative Dispute Resolution

What is Alternative Dispute Resolution?

Alternative Dispute Resolution (ADR) is a process that creates mutually satisfying solutions for resolving conflicts through specific strategies and interventions. ADR uses communication, collaboration, and mediation to produce an agreement that meets the interests of both parents and Local Educational Agencies (LEAs) involved in a dispute.

The Fresno County SELPA will provide leadership and facilitate the Alternative Dispute Resolution Processes to help resolve conflicts between schools and parents of students receiving special education services.

Throughout the Fresno County SELPA, personnel from LEAs and agencies, along with parents, have been trained in two levels of ADR interventions. The first level of intervention is the Facilitated Individualized Education Program (Facilitate IEP) meeting, which is an IEP meeting directed by a trained facilitator. The second level, the Solutions Panel, consists of a team mediation approach which is used outside of the IEP meeting.

Level 1 - Facilitated Individualized Education Program (FIEP) Meeting

A Facilitated Individualized Education Program (Facilitated IEP) meeting is an Individualized Education Program (IEP) meeting conducted by a trained facilitator not directly involved with the education of the student. The facilitator leads the IEP team in a systematic process that helps parents and the LEA reach agreements, while developing various components of the IEP. The responsibilities of the facilitator include setting an agenda, maintaining the focus of the meeting on the needs of the student and encouraging effective communication strategies among all team members.

The outcome of the Facilitated IEP meeting is a signed IEP, which has been developed collaboratively and with agreement between the LEA and parents.

Level 2 - Solutions Panel

The Solutions Panel process was developed in response to the growing need for a better way for families and schools to resolve their differences around special education issues.

Solutions Panel members listen to both parties and structures the discussion in such a way that the parties arrive at their own mutually agreeable solution(s). The panel members do not decide who is "right" or who is "wrong" but rather assist the parties in getting their interests met regarding the special education program/services for the student.

The Solutions Panel consists of three individuals who are trained as a neutral third party to guide the way to a solution between disagreeing parties. All Solutions Panel members are specially trained mediators who use an effective, confidential, problem-solving process. Typically, the panel is composed of one parent of a student with a disability(s), one educator, and one administrator; all from outside the LEA.

Upon completion of a mutually satisfying outcome, both parties sign an agreement. If the parties do not come to resolution, they may continue working on a solution and/or they may choose to exercise due process rights.

Advantages

Facilitated Individualized Education Program Meetings can help the following:

- They provide a secure environment that encourages a free exchange of ideas.
- They encourage participation, positive collaborative working relationships and communication between parents and district personnel in a systematic process conducted by trained staff.
- They provide all of the essential elements of an IEP meeting (assessment results, present levels of performance, educational needs, accommodations/modifications, goals & objectives, programs and related services).
- They facilitate an outcome of a signed IEP agreeable to both parents and the LEA.

Solutions Panels can help the following:

- They provide a secure environment that encourages a free exchange of ideas.
- They encourage participation, positive collaborative working relationships, and communication between parents and district personnel in mediation by trained staff.
- They are bound by agreement to maintain confidentiality.
- They convene at a site agreeable to both parties and are usually held within two to three weeks of the initial request. This process is considerably faster than state timelines for due process hearings or complaints' investigations.
- They usually result in written agreements acceptable to both parties.
- They are more satisfying than seeking legal action with subsequent decisions and high costs for attorney's fees.
- They are provided free of charge within the Fresno County SELPA.

"I Want to Use the ADR Process. What Is The Next Step?"

- The interested party may call the Fresno County SELPA's ADR Coordinator at (559) 497-3880 who will listen to concerns and help identify issues and interests. Information about special education laws and practices may be provided, if relevant, and a referral may be made to others who can appropriately work with the issues.
- The SELPA ADR Coordinator will provide additional information about the Facilitated IEP and Solutions Panel processes.
- If a Facilitated IEP meeting is requested, the SELPA ADR Coordinator will assist the interested party in contacting the LEA of the student to request a meeting. The LEA is responsible for contacting a neutral facilitator and scheduling the FIEP at a convenient time for all parties.

The following may occur if a Solutions Panel is requested:

- The Coordinator will complete an intake checklist and, with permission, contact the other party and encourage participation in the Solutions Panel process.
- If the other party agrees to the process, the Coordinator will complete a case assessment, assign three panel members, and will coordinate the location and time of the mediation with all parties.
- When an agreement is reached, the details are written into a Solutions Panel Agreement and signed by all parties involved. All parties will receive a copy of the agreement.

Contact Vanessa Ramirez at (559) 265-4026 or vramirez@fcoe.org.