

Contra Costa SELPA

Special Education Local Plan Area



ALTERNATIVE DISPUTE RESOLUTION

1992-2015

Agenda

- Who Are We?
- Promising Practices
- Early Data
- ADR Interventions Implemented
- Later Data
- More Data
- Concerns
- Closing Comments/Questions

What we look like...



Where are we today?



What is a SELPA?

Special Education Local Plan Area



Where is Contra Costa SELPA?



Promising Practices

- Statewide ADR Conference
- **Local Intake Coordinator**
- Trained Staff in preventative ADR Strategies/ Interventions
- **Providing Pro-Active Parent Support as an ADR Strategy**
- **Facilitated IEP's (Formal & Informal)**
- Expert/Technical Assistance Teams
- File Reviews
- **Planning Meetings for Educational Staff**
- Interagency Collaboration
- Professional Development
- **Processes closest to the IEP itself seems to be the most Successful**
- **Data Collection & Evaluation**

CADRE Continuum of Dispute Resolution Processes & Practices

Stages of Conflict	Stage I	Stage II	Stage III	Stage IV	Stage V													
Levels of Intervention	Prevention	Disagreement	Conflict	Procedural Safeguards	Legal Review													
Assistance/ Intervention Options																		
	Parent Engagement	Participant & Stakeholder Training	Stakeholder Council	Collaborative Rule Making	Parent to Parent Assistance	Case Manager	Telephone Intermediary	Facilitation	Mediation Models	Ombudsperson	Third-Party Opinion/Consultation	Resolution Meeting	Mediation under IDEA	Written State Complaints	Due Process Hearing	Hearing Appeal (Two-Tier Systems)	Litigation	Legislation
	Third-Party Assistance												Third-Party Intervention					
	Decision Making by Parties												Decision Making by Third-Party					
	Interest-Based												Rights-Based					
	Informal & Flexible												Formal & Fixed					



<http://www.directionservice.org/cadre/aboutcontinuum.cfm>



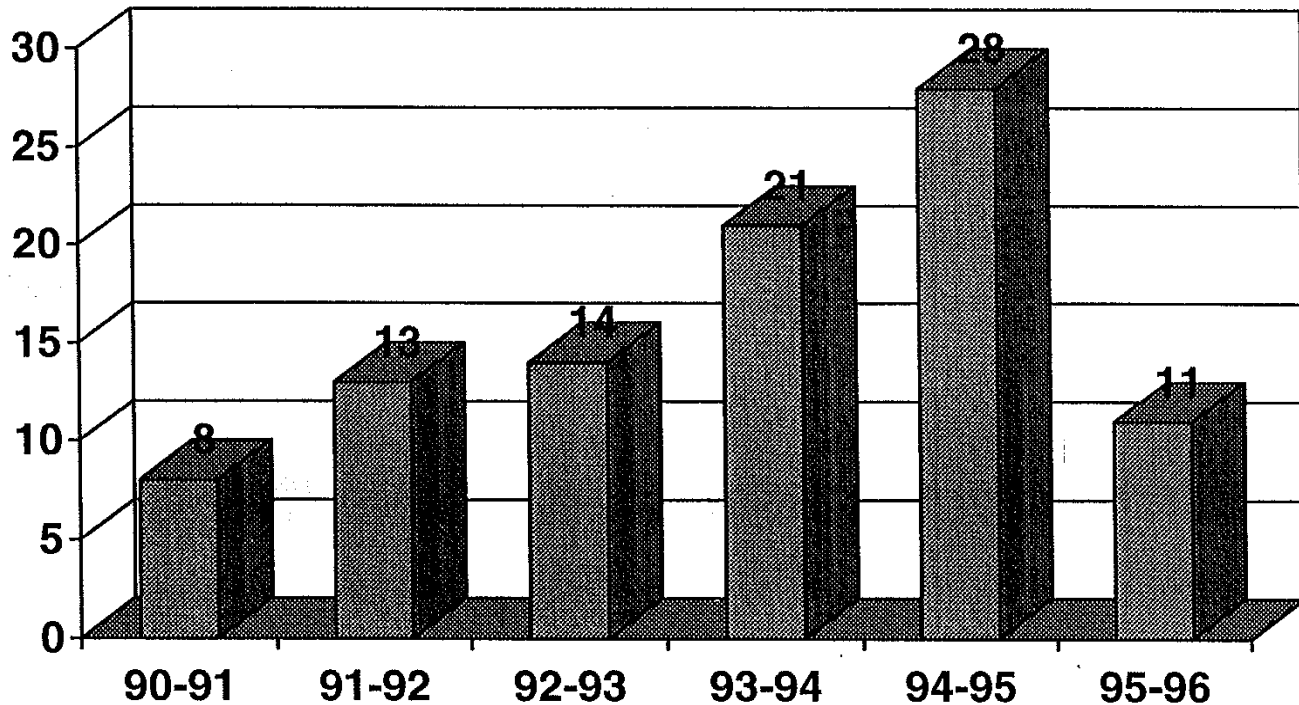


Find Out

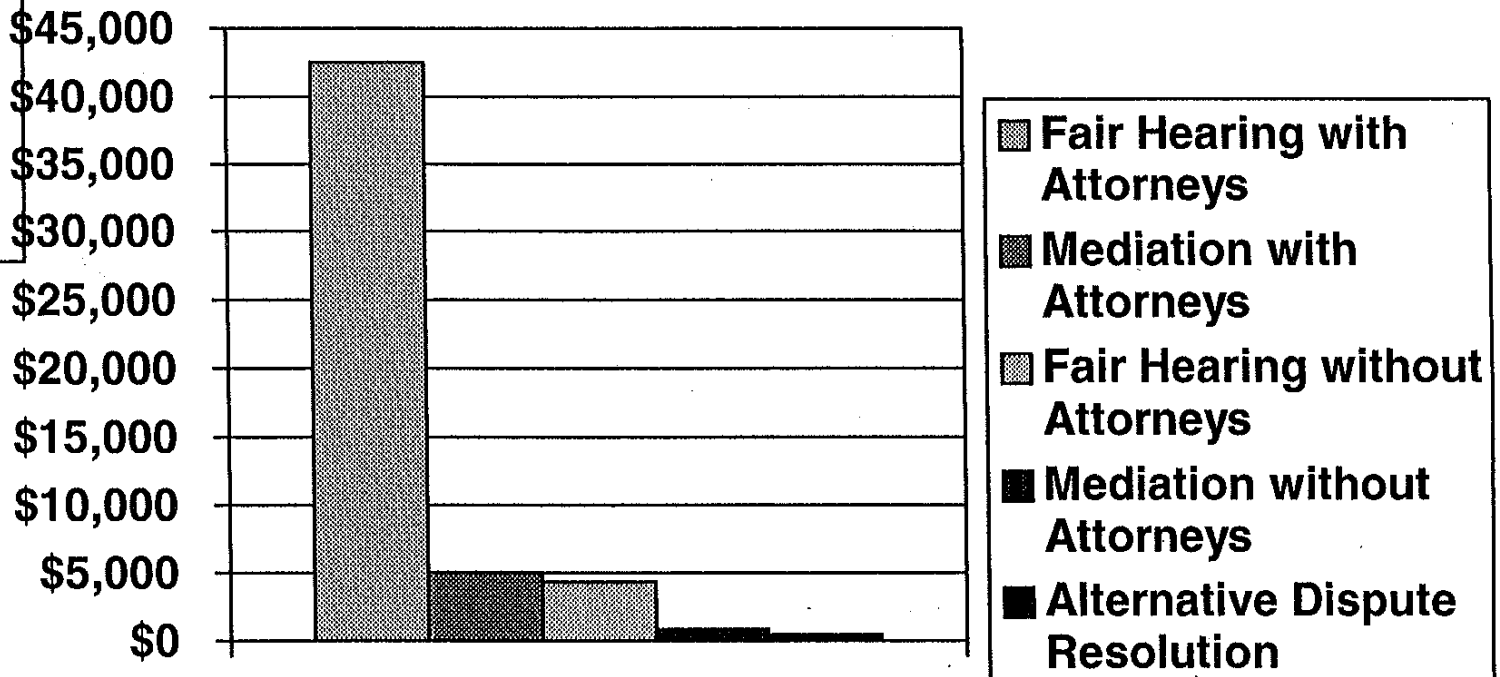
What's
Happening



Due Process Hearings Filed in C.C. SELPA Since 1990-1991

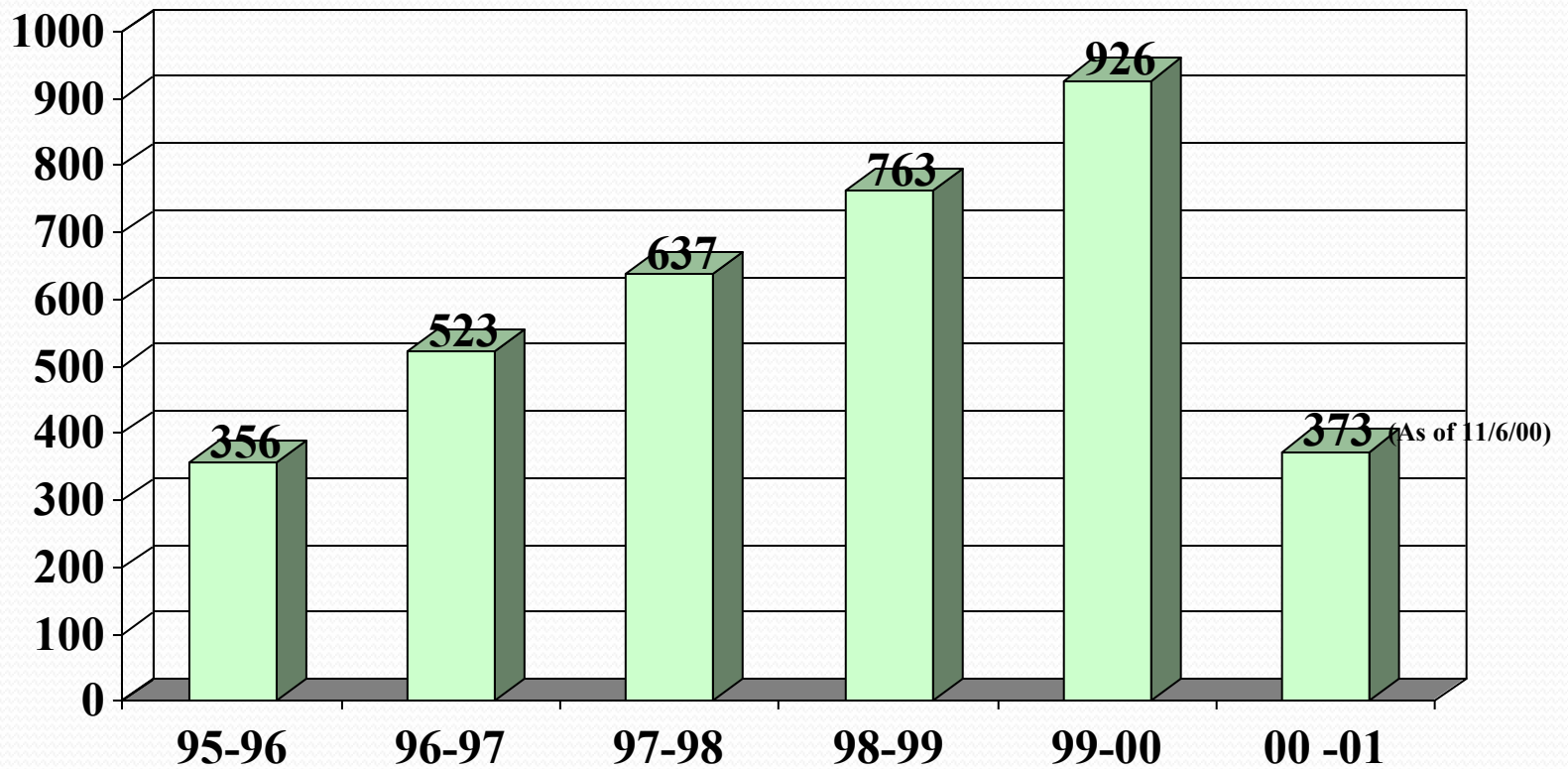


Formal Due Process Costs vs. Alternative Dispute Resolution



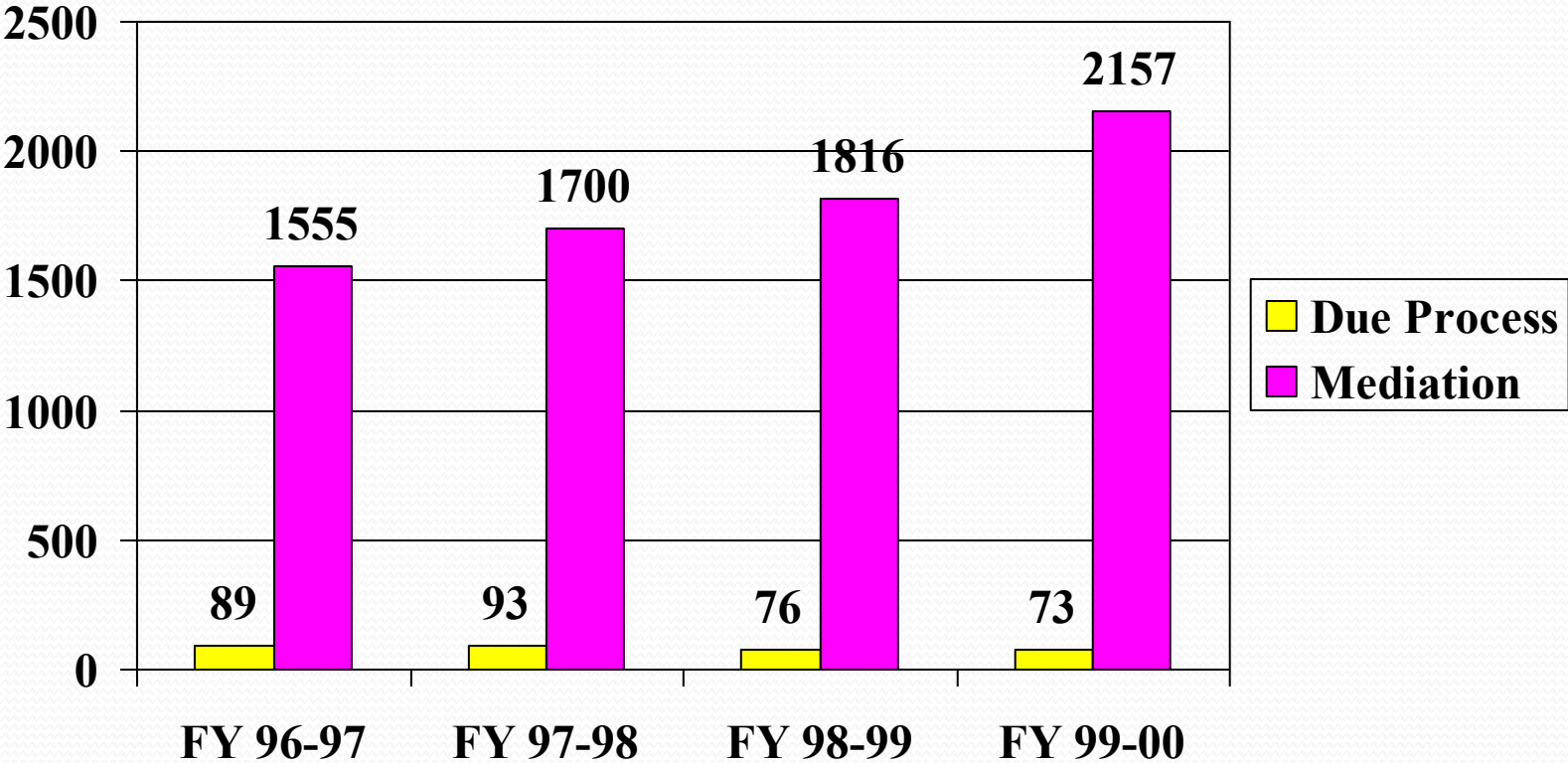
Complaints Received

(Updated 11/6/2000)



Mediation and Due Process Hearings

(Updated 11/6/2000)



Most Frequent Allegations

- ◆ IEP Implementation
- ◆ Adherence to timelines
- ◆ Provision of related services
- ◆ Interim placements
- ◆ Implementation of agreements and orders
- ◆ Request for records
- ◆ IEP Team membership

Developing a Foundation





California's Statewide ADR Network



First Steps

- ADR Pilot Legislation enacted in 1989
- Not accessed until 1993
- Small two-year pilots established (3 then 6)
- Limited Data – but positive impressions
- No follow up
- No continuing effort



1999-2000

PROFESSIONAL DEVELOPMENT

- FIEP Contra Costa County (3 SELPA's)
- Solution Panels: 40 trained (Parents & Educators)
- Resource Parents: 7 all parents
- FIEP: 11 people trained (11 FIEP's conducted)



Local Intake Coordinator

Local ADR Intake Coordinator

- Listens to concerns, identifies problems & conflicts
- With permission contacts other parties
- With agreement of both parties coordinates a dispute resolution process
- May follow up to check on outcomes
- Supports all parties to build relationships
 - Fades Away...

Systems Require Definitions

Strategy: A course of action chosen to match a case's situation and implemented with specific intent as to outcome including:

- Referred to IEP
- Referred to Resource Parent or Program Specialist
- Facilitated IEP
- Local Mediation
- Solutions Panel

1999-2000 ADR Activities

- ADR Intake Coordinator
- 31 telephone calls for assistance
- 11 FIEP's conducted
- California State Procedural Safeguards Referral Service alerted Contra Costa SELPA of 7 potential due process/complaint filings
 - Only 1 went on to due process

2000-2009

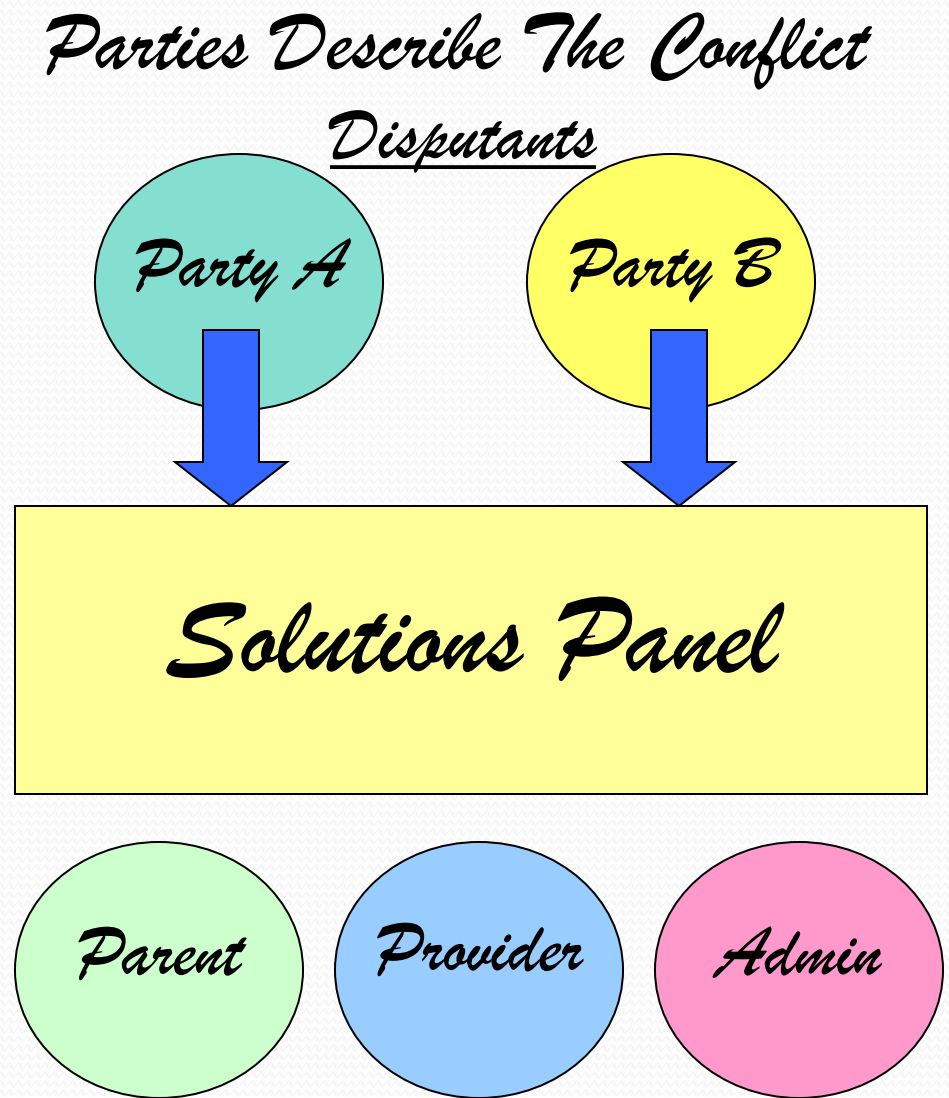
- Solution Panels
- Informal/Local Mediation
- Formal FIEP
- Resource Parents
- First Response File Reviews
- Technical Assistance/Expert Teams
- Resolution Sessions

Solutions Panel

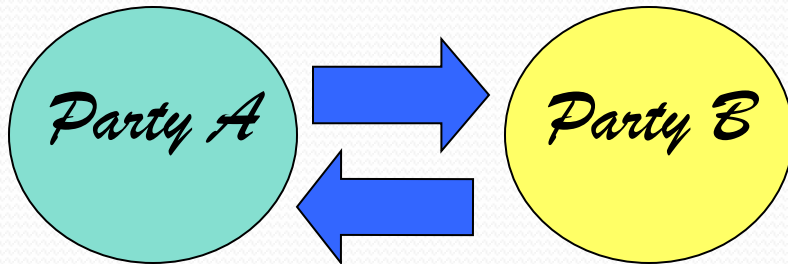
- A Panel of 2-3 individuals: Parents, Providers, Administrators
- From other school districts or other communities
- Specifically Trained
- Using a problem solving method to bring parties together
- The disputants reach a mutually satisfying agreement
- That agreement may need to be formally captured in an IEP

Solutions Panels

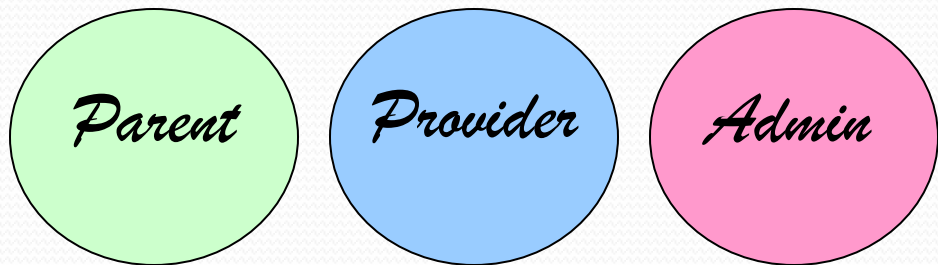
Phase I



Understanding Each Other
Disputants



Solutions Panel



*Solutions
Panels:*

Phase II

Solutions Panels:

Phase III



Solutions Panels

Phase IV

Agreements Written And Signed



SOLUTIONS PANEL

- First Implemented 1999-2000
- Last year implemented 2008-09
- 2000-2001 THE HIGH YEAR WITH 4
- 2009-2010 to 2014-15 o Solution Panels

Facilitated IEPs

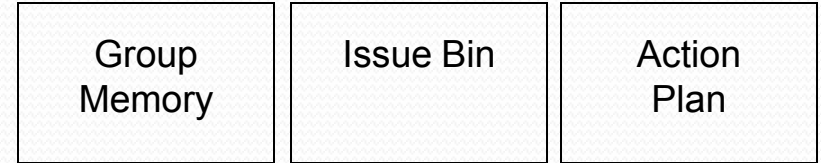


Meeting Roles, Functions and Room Arrangements

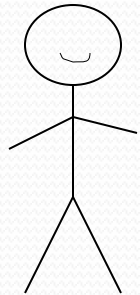
Wall Charts



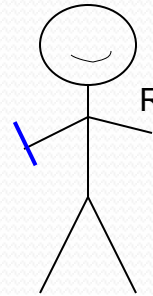
Developed before Meeting



Developed at Meeting



Neutral
Facilitator



Recorder

Administrator
(e.g., Principal,
SE Director)

Student

Parent

**Advocate
(Attorney)**

**Service
Provider**

Chair
(Authority for:
SE Resources
Offer of FAPE)

Psychologist

Teacher

Scribe
(IEP Writer Meeting
Note-Taker)

**Service Provider
(Timekeeper)**

- Location of participants in semi-circle is not important

- Semi-circle is desirable

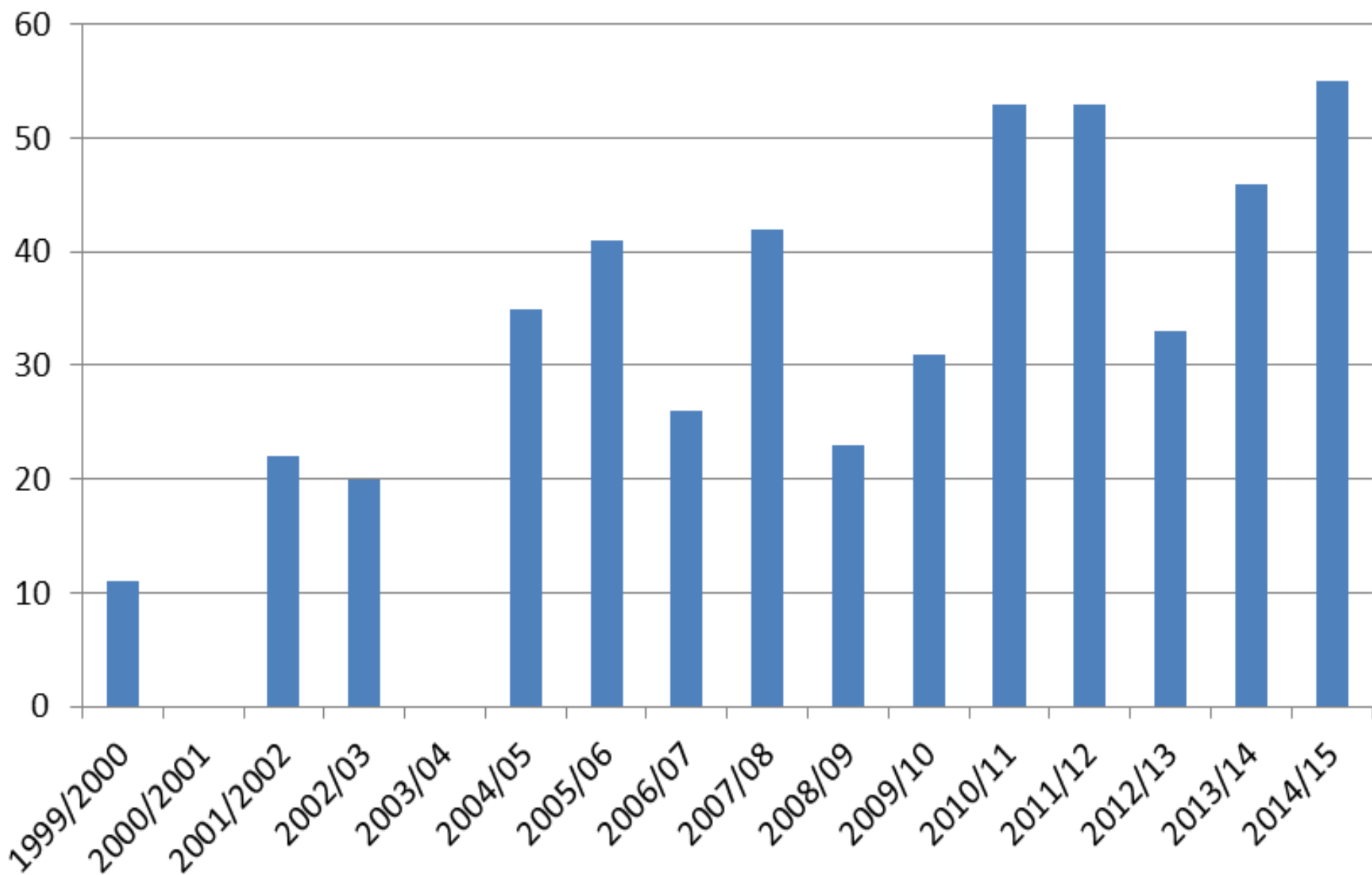
- Any participant can be Scribe, Timekeeper

- Recorder can rotate between Service Providers

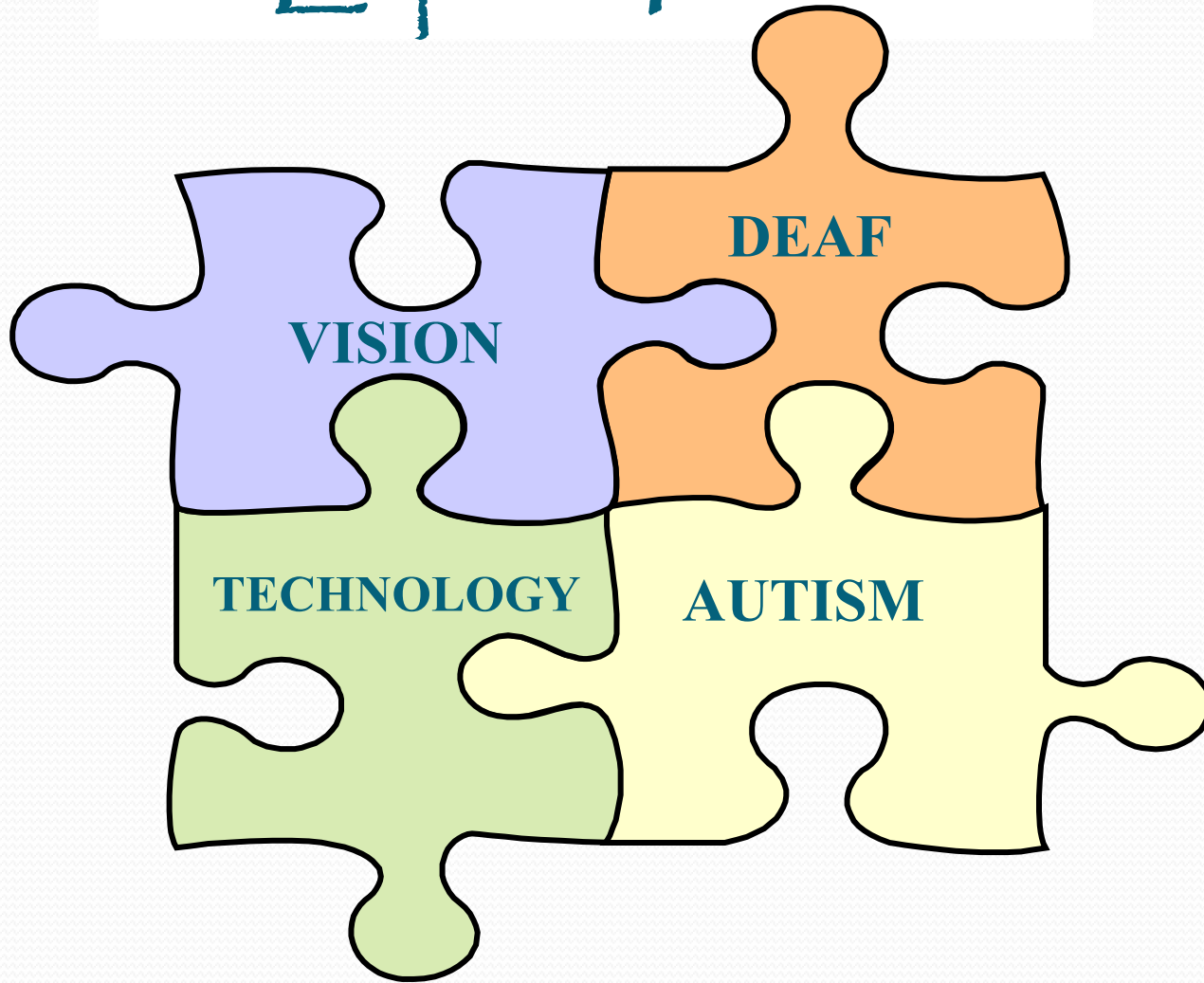
Facilitated IEP

- Implemented 1999-2000
- low of 11 (99/00)
- Highest 55 (14/15)

Facilitated IEP's



Technical Assistance- Expert Teams



Technical Assistance- Expert Team Process

- Implemented 2000/01
- Low 1 (12-13, 13-14, 14-15)
- High 27 in (2010-2011)

Resource Parents



Program Specialists



Program Specialists

- Implement the following strategies:
 - ❖ FIEP
 - ❖ Student Observation
 - ❖ Expert Panel
 - ❖ File Reviews
 - ❖ Planning Meetings
 - ❖ Parent Intervention
- Coach new teachers
- IEP compliance
- ❖ That data is reflected in our overall data in each of the categories

Parent Intervention



Parent Intervention

- Implemented 1993 but Strengthened 10/11
- Low 18 (12/13)
- High 96 (14/15)

First Response Teams File Reviews



File Reviews

- Implemented 2007-08
- Low 0 (2011-12)
- High 5 (2009-10 & 2013-14)

Local Mediation



Local Mediation

- Implemented 2007/08
- Low 1 (2007/08)
- High 7 (2012/13)

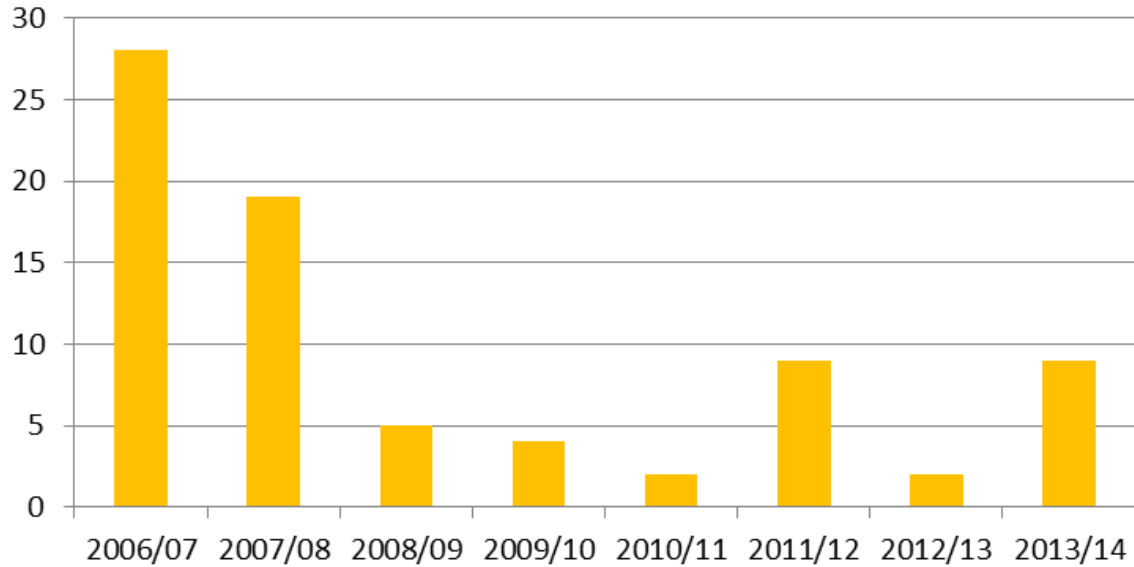
Resolution Session

- Implemented 2007/8
- High 9 in 9/10
- Low 1 in 11/12

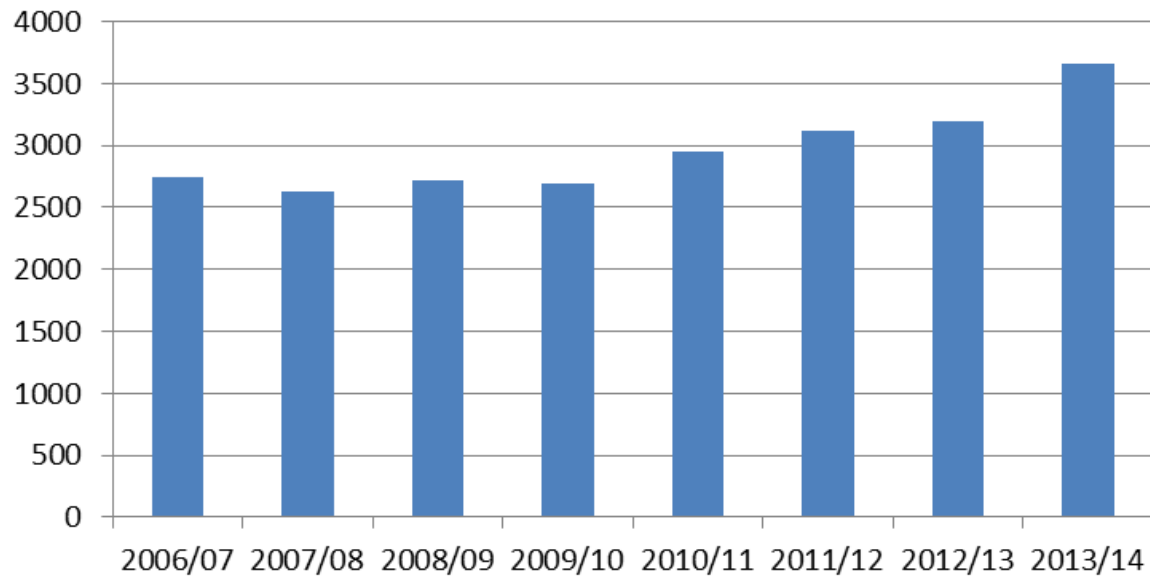
States with the 10 Largest Rates of Due Process Requests per 1,000 Students with Disabilities 2006–07

State	Hearing Requests	Mediation Requests
New York	13.3	1.0
Hawaii	6.6	.3
California	3.7	4.1
Massachusetts	3.6	5.1
New Jersey	3.4	2.4
Maryland	3.0	3.1
Connecticut	2.9	3.3
Pennsylvania	2.5	1.0
New Hampshire	2.0	1.1
Vermont	1.9	2.9
U.S Average	2.1	1.2

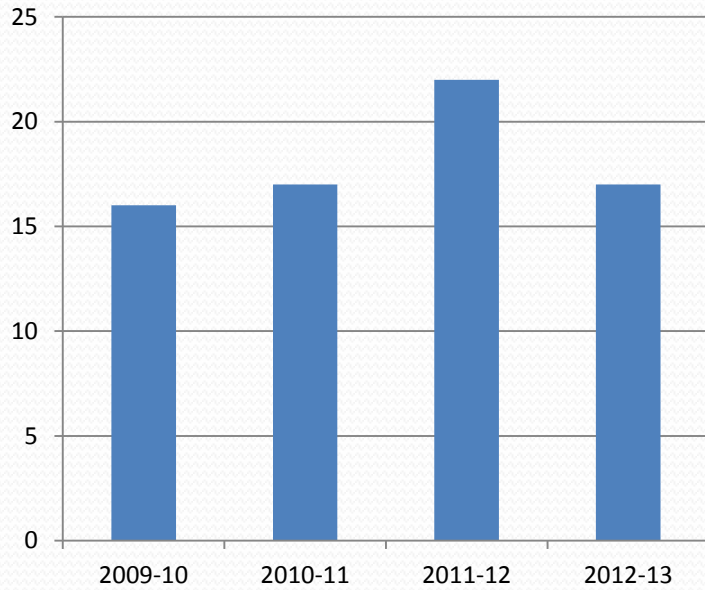
OAH Due Process Filings CC SELPA



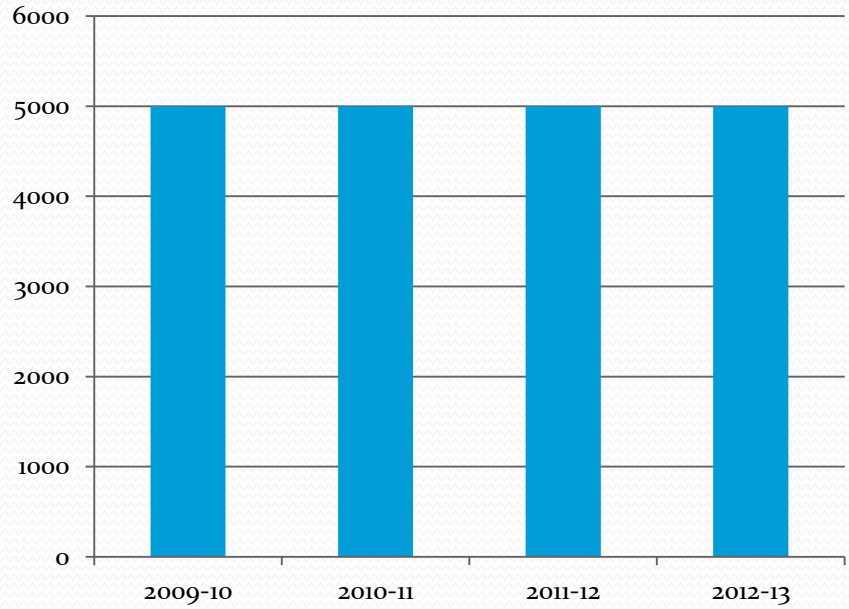
OAH Due Process Filings CA



Four Years Written State Complaints Filed CONTRA COSTA SELPA (CALIFORNIA)



Four Years Written State Complaints Filed CADRE DECEMBER 2014 UPDATE



2010-2015

- Solution Panels
- **Planning Meetings**
- Informal/Local Mediation
- **FIEP/IEP Facilitation/Informal FIEP/Guided IEP's**
- Resource Parents
- First Response File Reviews
- **Technical Assistance/Expert Teams**
- Resolution Sessions
- **Interagency Collaboration**
- **Program Specialists**
- **Student Observations**

Planning Meetings



Planning Meetings

- Implemented 10/11
- High 63 in 14/15
- Low 1 in 12/13

Interagency Collaboration

- Implemented 2007/08 Mental Health Services
- Strengthened 2014/15

Student Observations

- Implemented 10/11
- High 14 in 13/14
- Low 11/12 3



Most Frequent Allegations

- **IEP Implementation**
 - Accommodations/Modifications
 - Implementation of agreements
- LEA not following IEP meeting process
- Meetings move too fast for parent input
- **IEP team membership**

= Lack of Trust



ADR ACTIVITY

PERSONNEL INVOLVED

Due Process

Administrative
Hearing Officer

Local Mediation
Resolution Sessions

ADR Coordinator

Formal IEP Facilitation

ADR Coordinator & Program Specialists

Informal FIEP

ADR Coordinator & Program Specialists

1:1 Parent Support
Professional
Development
File Reviews
Planning Meetings
Interagency
collaboration

ADR Coordinator
&
Program
Specialists



Lessons Learned

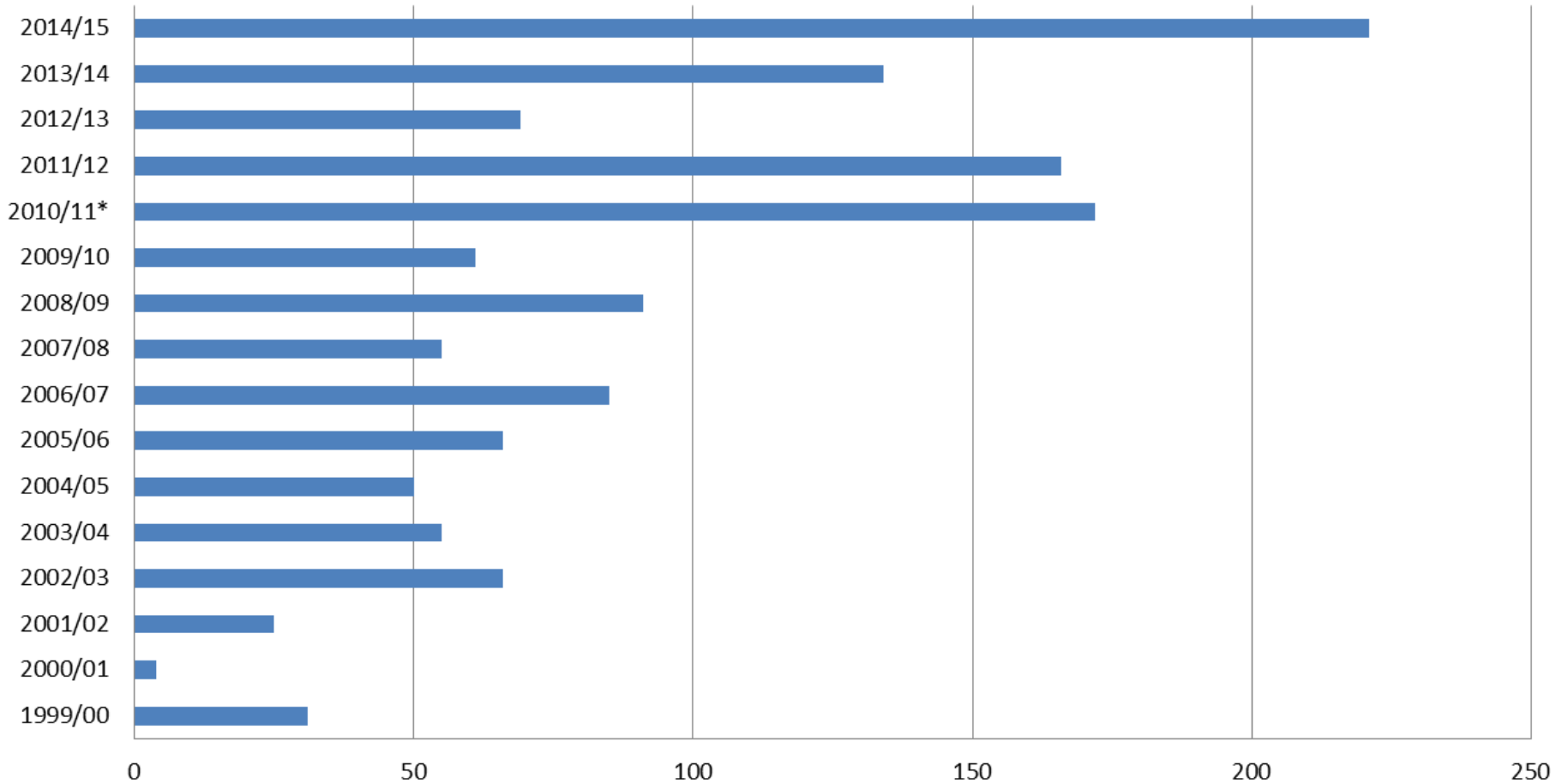
- EARLY INTERVENTION/PREVENTION
- Common Definitions
- Local/State/National Commitment
- Continuing Education of District Staff
- Dedicated Staffing-Locally
- Professional Development

Lessons Learned

- Use of positive language/statements in IEP's
- Neutrality to process & parties
 - Behavior is neutral
- Data Collection/Accountability
 - Common Data Collected

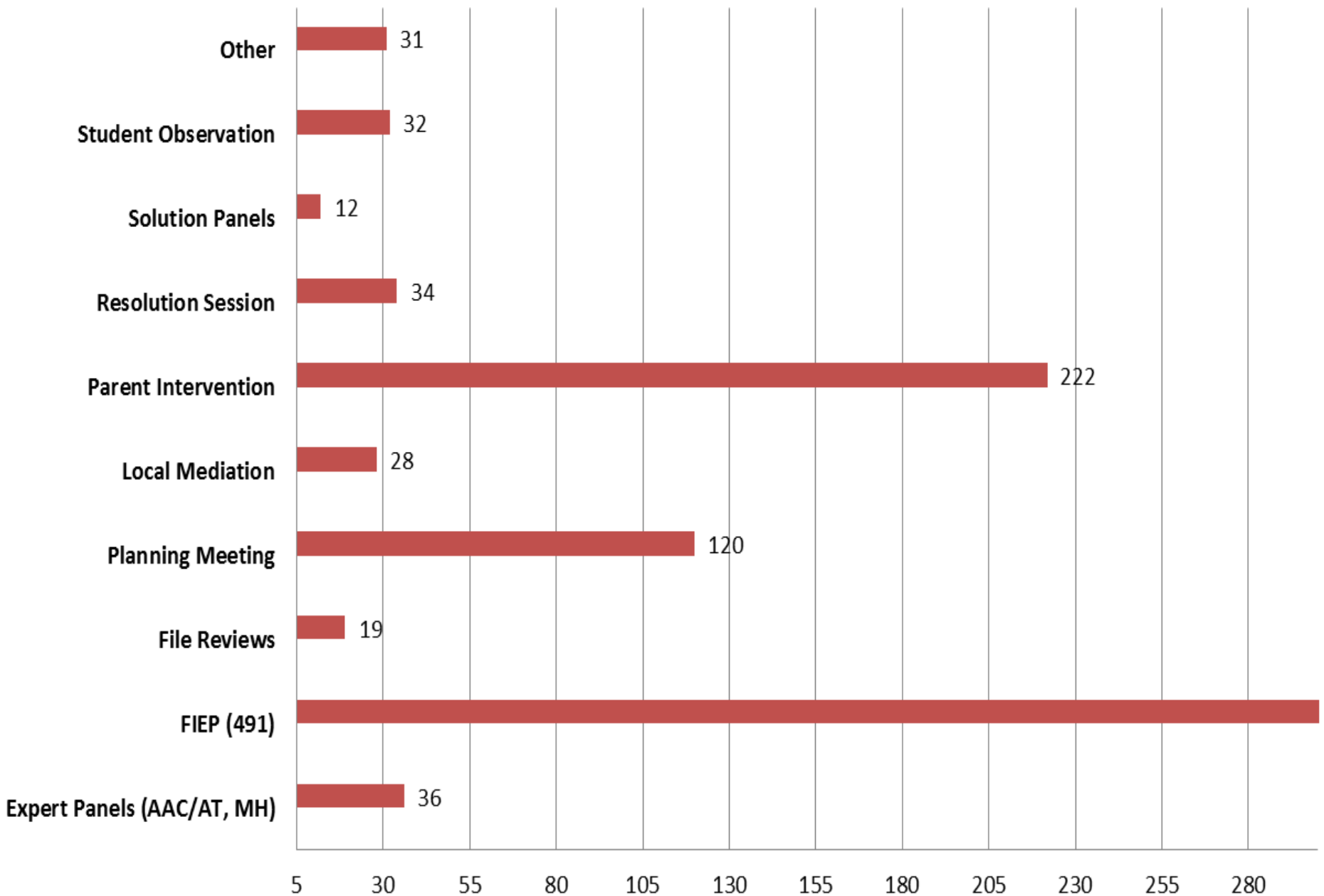


Contra Costa SELPA Number of All ADR Activities 1999-2015

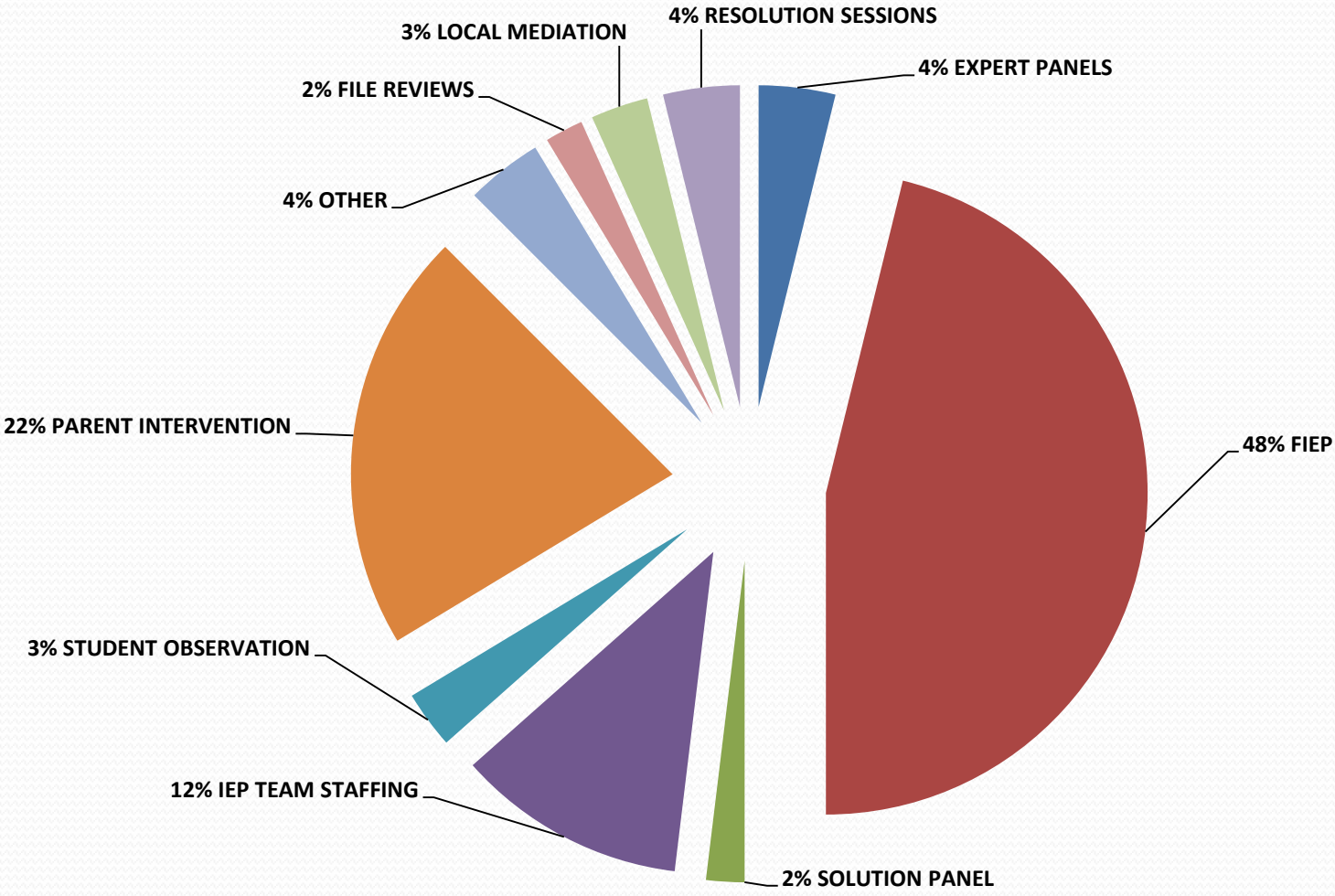


*2010/11 Includes MH related ADR activities
AB 3632 Repeal

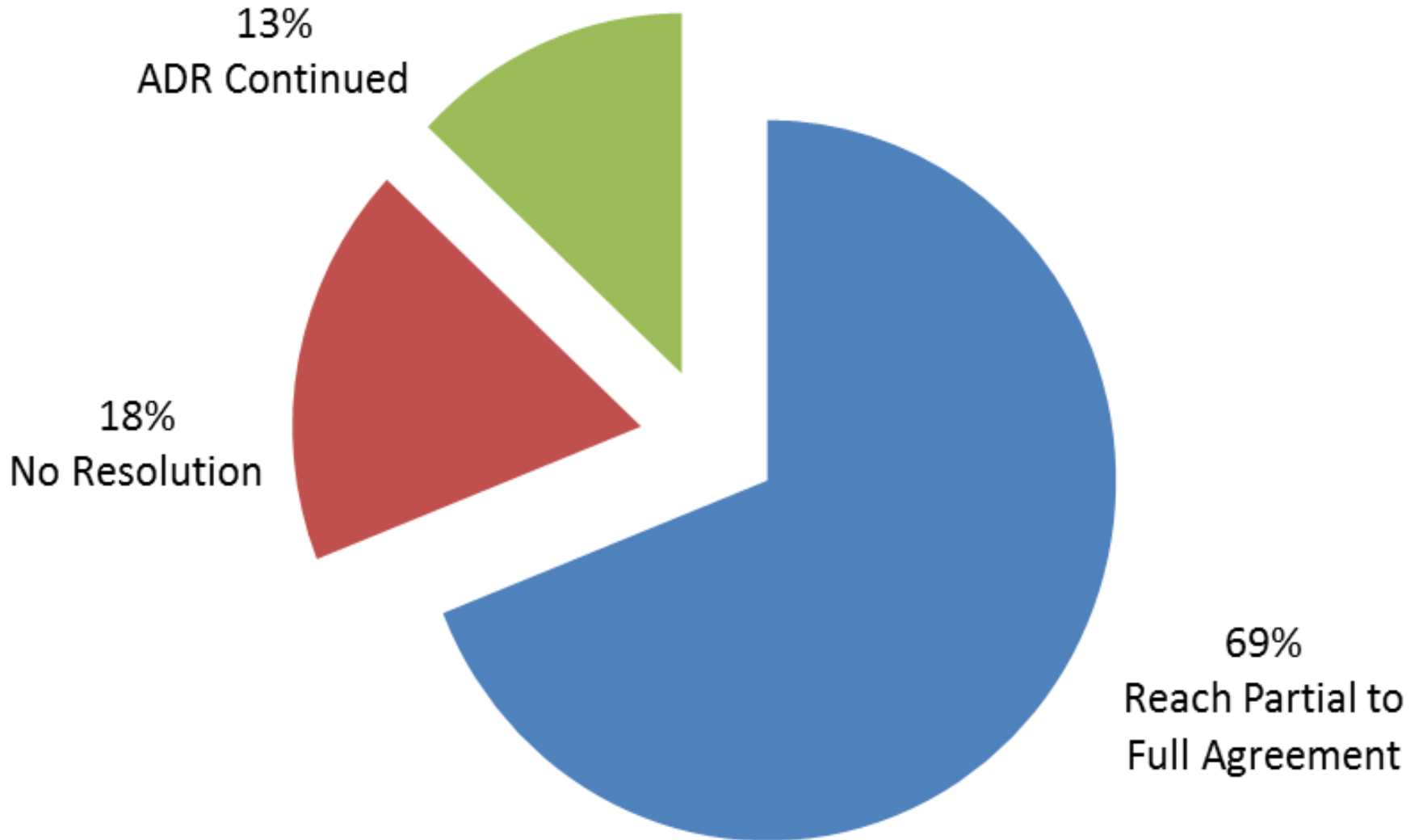
NUMBER OF SPECIFIC ADR INTERVENTIONS 1999-2015



ADR INTERVENTIONS IMPLEMENTED 1999-2015



ADR Outcomes 2011-2015

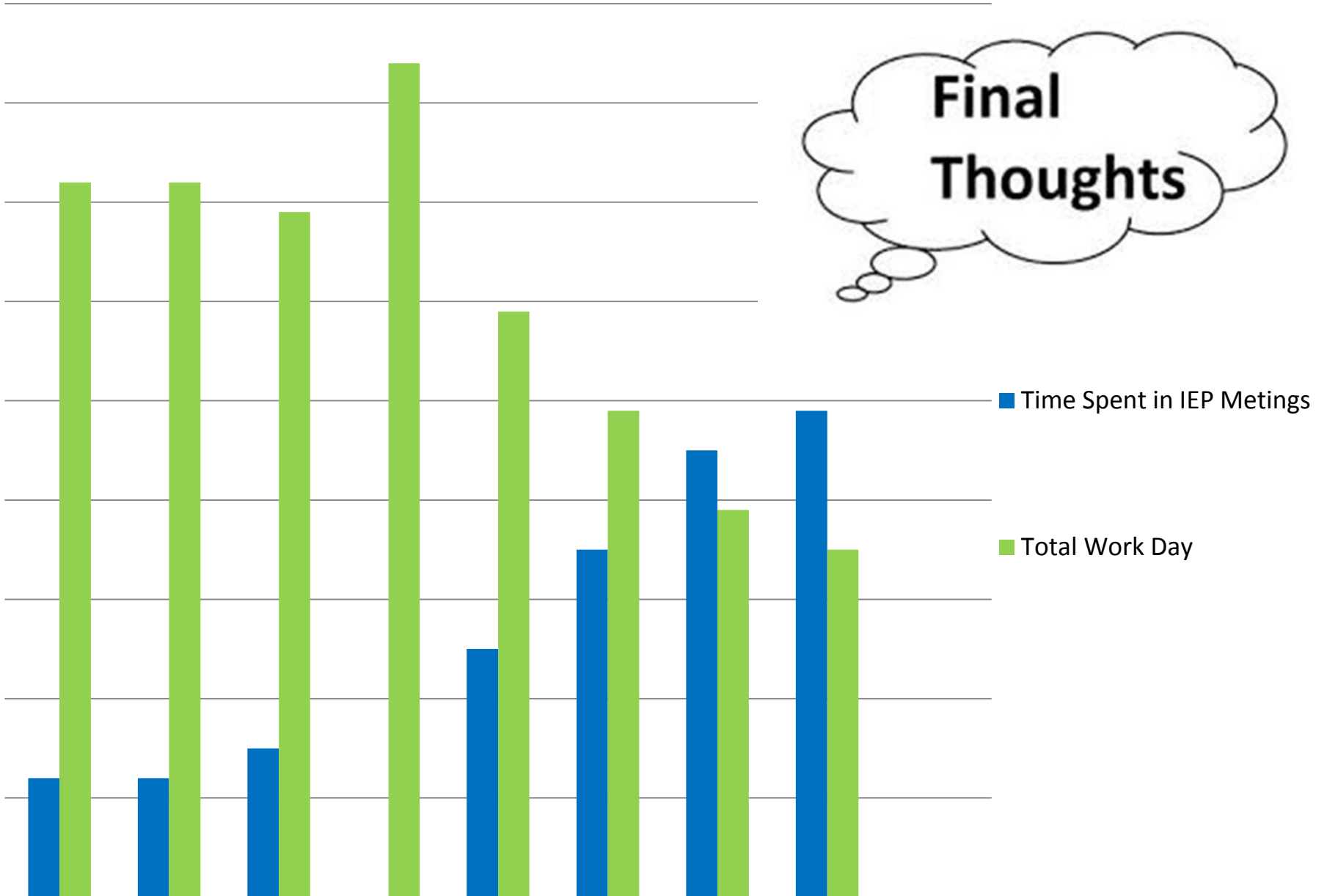


In 2014/2015



- IEP teams engaged in an average of 2.7 ADR activity per dispute (least=1 - Most=9)
- 83% of disputes required more than one ADR activity or intervention

Teacher Work Day & Time in IEP Meetings



Closing Comments





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