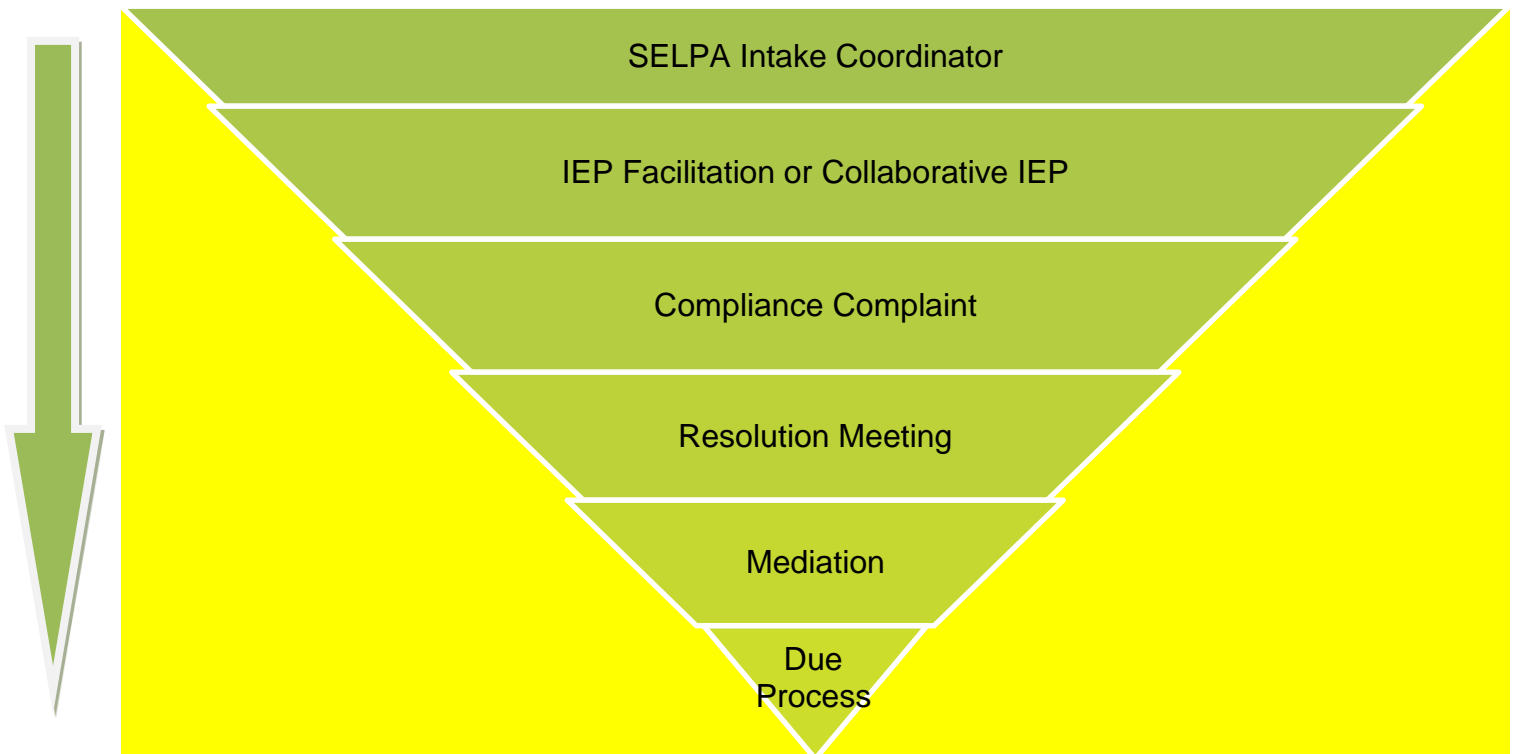


# Alternative Dispute Resolution (ADR) Continuum

Alternative Dispute Resolution, also known as ADR, is a free service that offers parties the opportunity to resolve disputes collaboratively and avoid time-consuming and costly litigation.

All components of the ADR process are confidential. Confidentiality means the restriction of access to verbal and written communications, including clinical, medical and educational records, to appropriate parties.



## Least Intensive

### SELPA Intakes:

ADR Intakes are strongly encouraged by SELPA and the California Department of Education (CDE). ADR intakes can come in the form of a phone call, written letter, written notice from Procedural Safeguards Referral Services with CDE, or a potential due process. The SELPA Intake Coordinator is trained to match strategies to the disputes and is available to both parents and LEA staff to assist with the ADR process. During the intake, all concerns are heard and help is provided to both parties in identifying problems and conflicts. Dispute resolution options are discussed and follow up is provided to check on the outcome of the option chosen. The ADR collaborative process allows for both parties to build relationships and is the first step in a positive resolution for both the parent and the local education agency (LEA) so that matters do not escalate into a potential complaint or due process.

### **IEP Facilitation or Collaborative IEPs (ADR Meeting):**

This process provides a choice of additional elements to facilitate or guide the IEP team meeting, including pre-meeting preparation through follow-up tasks. As part of the process, there may be a neutral facilitator who 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. Additionally, there is a recorder who records key ideas and information, asks for clarification and makes corrections while maintaining a neutral perspective. The outcome of the facilitated or collaborative IEP is a signed IEP which has been developed collaboratively and with agreement between the LEA and parents.

### **Compliance Complaint:**

A compliance complaint may be filed by a parent when they allege that the LEA has violated education code. The CDE must resolve the complaint within 60 days. It will review all relevant information and make an independent determination about the alleged education code violations. An on-site investigation may be conducted if necessary and a written decision will be provided to the complainant addressing each allegation. Thirty days after the timeline for corrective action, the CDE's Focused Monitoring and Technical Assistance Unit contacts the complainant to confirm that the complaint has been resolved. CDE "Compliance Complaint" Form:

<https://www.cde.ca.gov/sp/se/qa/cmplntproc.asp>

### **Resolution Meeting:**

The resolution meeting is a requirement of IDEA 2004 within 15 days of LEA receipt of a filing for due process. Attorneys are not intended to be involved. This meeting-provides the opportunity for discussion and clarification of issues, with both the school and parent, including a neutral facilitator trained to help the parties come to resolution. The team collaboratively determines solutions to the issues and creates a written agreement which in turn maintains a positive rapport between both parties.

### **Mediation:**

Mediation is a way of settling a disagreement through facilitated discussion. At mediation the parties have the help of a trained mediator, who is unbiased and independent. The mediator helps the parties work together to try to find a solution that will satisfy those involved. The parties decide whether or not the dispute is settled. If the parties try mediation but can't reach an agreement, they still have the right to continue to a due process hearing.

### **Due Process:**

Both parents and the LEA have the right to request an impartial due process hearing regarding the identification, evaluation, educational placement or the provision of a free, appropriate public education for a child. ADR is in place to minimize the use of this option and to encourage parents and LEAs to come to agreement before the issues escalate to this level.

# Most Intensive

## Office of Administrative Hearings (OAH) Special Education Division

For more information regarding Office of Administrative Hearings, please go to:  
<http://www.dgs.ca.gov/OAH>

### Special Education Division

- Special Education Handbook for Unrepresented parties
- Resource Packet for Unrepresented Parties
- Resource Packet for Districts
- Low Cost or Free Lists of Attorneys and Advocates
- Special Education Calendar
- Decision/Order Search
- Mediation and hearing Surveys-Links and Information

### Link to Special Education Due Process Parent Handbook through OAH:

<https://www.dgs.ca.gov/OAH/Case-Types/Special-Education/Resources>

This is a comprehensive guide to understanding Special Education Due Process Hearings at OAH. This User Guide contains answers to frequently asked questions about the hearing process to help parents and other parties better understand California's special education dispute resolution system.

### Low Cost or Free Lists of Attorneys and Advocates (Also available by request at SELPA)

Pursuant to California Education Code section 56502(h) and its inter-agency agreement with the California Department of Education, the Office of Administrative Hearings (OAH) is required to maintain lists of free or reduced cost attorneys and advocates and make those lists available to the public. The attorneys or advocates listed on these lists self-certify that they are free or low cost. You should contact the individual attorney or advocate and determine what free or low cost services they provide. OAH does not represent that the individuals placed on the list offer free or low cost services. It is important that if you choose to use these lists that you contact the attorneys and advocates to discuss their fees.

**Link to List of Low Cost or Free Special Education Attorneys and Advocates:** <https://www.dgs.ca.gov/OAH/Case-Types/Special-Education/Services/Page-Content/Special-Education-Services-List-Folder/Obtain-List-of-Low-Cost-or-Free-Attorneys-and-Advocates-for-Special-Education>