

How do I start the process?

Contact the Marin County SELPA at (415) 499-5850 and ask to speak with the ADR Coordinator.

How do I benefit from ADR options?

Confidential:

Everyone involved in the ADR process is bound by agreement and law to maintain confidentiality.

More Satisfaction:

The process is more satisfying than legal action because ADR allows parties in conflict to control and shape their own agreement.

No Cost:

ADR options are provided at no cost.

Fast:

ADR options do not delay the 45 day timeline for Due Process.

Is local ADR mandatory?

No, local ADR resolution sessions are voluntary and based upon both parties wanting to reach a fair and equitable agreement. Parents and districts are free to withdraw from the process.

The Marin County SELPA is committed to helping families and schools solve problems and conflicts in the fastest and easiest way.

As part of this commitment, we are proud to offer the following services:

Conferencing

Facilitated IEPs

Dispute Resolution Sessions



**Marin County
Special Education
Local Plan Area**

1111 Las Gallinas Ave. San Rafael, CA 94903

415 499 5850



Alternative Dispute Resolution (ADR)

**Informal Alternatives to
Resolve Special Education
Disputes**

Marin County SELPA

What is **ADR?**

ALTERNATIVE DISPUTE RESOLUTION

is an informal method of settling disagreements that may arise during an IEP meeting.

ADR uses specific options of this process to open communication, promote understanding, and reach agreements that support and strengthen relationships. ADR is designed to meet the interests of the parties involved that result in a mutually agreeable outcome, rather than a decision solely made by a third party, hearing officer, or judge.



LOCAL ALTERNATE DISPUTE RESOLUTION COMPONENTS

● **ADR Intake:**

The SELPA ADR Coordinator listens to your concerns, helps you identify your interests and identifies a process to help, coordinates meetings, and monitors ADR activities.

● **Conferencing:**

The SELPA staff is available to conference with parents or district staff to intervene early, offer suggestions, and resolve concerns.

● **Facilitated IEP Meetings:**

A formal IEP meeting facilitated by a neutral facilitator. The process enables the IEP team to build relationships, focus on the IEP content and the student, honor time limits and the IEP process, and work toward a resolution by the IEP team.

● **Dispute Resolution Sessions:**

The ADR Coordinator schedules a session that brings the disputing parties together to reach a mutually satisfying agreement with the guidance of a trained, impartial mediator. The session allows both parties to listen and express their point of view.

The mediator will help the parties try to find a solution that is acceptable to both parties. The parties decide whether or not the dispute is settled. When an agreement is reached, the specifics are put in writing and signed by all parties to signify the commitment of both parties to uphold the resolution.

If an agreement is not reached, either party can file for Due Process.

WHAT IS THE DIFFERENCE BETWEEN LOCAL ALTERNATE DISPUTE RESOLUTION AND A DUE PROCESS HEARING?

A Dispute Resolution session is a voluntary, confidential, informal meeting at which the parties and an experienced, impartial mediator attempt to resolve the dispute in a cooperative, non-adversarial atmosphere. The mediator facilitates communication between the parties. The participation of the mediator makes it more likely that the parties will reach a mutually satisfactory resolution.

Due Process refers to the legal procedures that can be raised when there is a concern that certain principles or practices have not been followed for children with special education services. Due Process ensures that specific procedures and timelines are followed and is guaranteed by federal law.

The Due Process Hearing has three levels: a resolution session, mediation meeting, and formal administrative fair hearing. Once a school district receives notice that a parent has filed a Due Process Hearing Request, the district has 15 days to hold a mandatory resolution session with the parents to resolve the dispute before a hearing is held. The district's lawyer is not allowed to attend the resolution session unless the parent brings a lawyer.

If the issue is not resolved in the resolution session, the matter will proceed to mediation. The mediation meeting is a meeting in which both parties voluntarily agree to meet with an Administrative Law Judge, provided by the Office of Administrative Hearings, to facilitate mutually agreeable settlement agreements. If an agreement is not reached, then the issue will proceed to a Due Process hearing.