

Overview of Alternative Dispute Resolution for Students with IEPs



Today's Agenda

- Connector
- Introductions
- ADR in SFUSD
- Case Studies
- ADR Request Process
- Closing



Adriana Aro

Alternative Dispute Resolution Program Administrator

- Coordinates all ADR sessions
- Consults with staff and families regarding special education conflicts
- Develops training and education for stakeholders
- Liaises with Bar Association of San Francisco

ADR GRANT HISTORY

SFUSD was identified for a 5-year grant starting 2016-17 due to a high number of parent complaints.

Original grant focused ADR strategies on resolving CDE complaints prior to CDE investigation; it has evolved to pro-actively de-escalate conflicts.

Signature approaches included: >Collaborative Conference (CC)

> Communication Strategy Session (CSS)

In 2018, FIEPs were added

CSS evolved to support families

Data Tracking is evolving

NEW ADR GRANT

New Federal \$\$ to address COVID-related Issues:

- **Distance Learning Plans**
- **Learning Loss and FAPE Recovery**

Our Current Reality

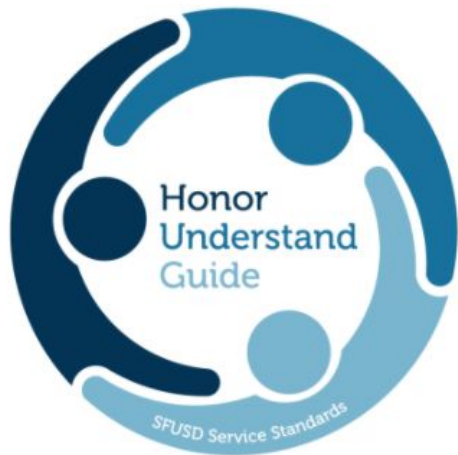
- **More than ever**, the outer world pressures, including rapid social justice change, require that we maintain **empathetic approaches and a cultural lens when dialoguing with families**
- **ADR strategies are now being called upon by the state to mitigate the challenges of learning**
- Life and work stresses are compounding in a way that never has been seen **before**
- Remembering that work-life balances are more intense **than ever**

Special Education Services

Our Mission



- The Special Education Department is committed to providing **innovative**, effective services resulting in positive outcomes for the life-long success of students.
- In compliance with state and federal regulations, specialized academic instruction and related services are designed to meet the needs of students with a qualifying disability as outlined in each student's Individualized Education Program (IEP).



SFUSD's nine service standards fall under the categories of Honor, Understand, and Guide, or HUG for short.

These HUG service standards help all SFUSD employees consistently provide high-quality service to our students, families, colleagues, and community members.

Honor

- Communicate positively and proactively
- Respond in a timely, professional, and accurate manner
- Respect ideas and feedback from people of all backgrounds and positions

Understand

- Listen and ask questions
- Empathize and consider different perspectives
- Offer options and differentiated support

Guide

- Be solutions-oriented
- Collaborate and share responsibility to solve challenges
- Clarify agreements and follow through on commitments

Benefits of ADR



Builds and Repairs Relationships

Voluntary and Confidential

Effective, Empowering, and Efficient

BASF- SFUSD's Alternative Dispute Resolution (ADR) Strategies

Collaborative Conferences



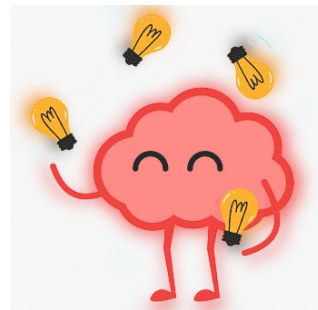
Communication Strategy Session



Facilitated IEP



Guided Consult



BASF-SFUSD's Alternative Dispute Resolution (ADR) Strategies

Collaborative Conferences



- Confidential
- Neutral facilitator runs the meeting
- Families have an opportunity to speak for themselves
- Focus on relationship and communication-building
- Resolution of chronic conflicts related to FAPE, Placement, Services, etc.

BASF-SFUSD's Alternative Dispute Resolution (ADR) Strategies

Facilitated IEP



- Neutral Facilitator coordinates IEP Agenda and runs meeting
- Ensures all voices are heard and understood
- Goal of reaching an agreement on the IEP
- Conflict Management
- Often pairs with other ADR strategies

BASF- SFUSD's Alternative Dispute Resolution (ADR) Strategies

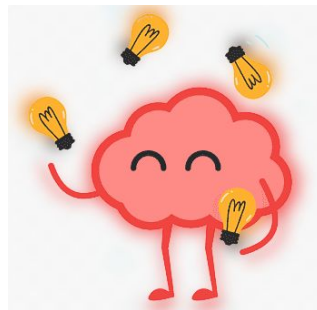
Communication Strategy Session



- Confidential
- 1:1 or small group meeting with neutral facilitator
- Strategize ways to improve communication with members of the IEP team, which includes the family

BASF-SFUSD's Alternative Dispute Resolution (ADR) Strategies

Guided Consult



- Confidential
- 1:1 meeting with neutral facilitator
- Discuss and unpack Covid-related educational concerns
- Strategize Covid-related support requests for student; thought partnership

Typical types of disputes:

- Disputes over FAPE/school placement
- Disagreement with eligibility
- Relationships with school site / SpEd office
- Safety, bullying
- Paraeducator support
- AB 130 - Online Learning

Anticipate new disputes tied to Distance Learning and Understanding FAPE in these times.

ADR Team tracks information to capture trends on demographics, issues, and strategy effectiveness. This is why referral forms are required in the process.

Alternative Dispute Resolution FlowChart

ADR
Workflow

Intake Supervisor's role is complex:

- Analyze merits and weaknesses of the case
- Ask probing questions of staff and parent/s
- Clarify vague issues and background
- Investigate referrals from SFUSD SpEd Legal team

How would I know a case is brewing?

FAPE ISSUES:

- Missed services
- Unmet goals
- Unilateral placements
- Unsigned IEPs without clarification

Adult AFFECTS:

- Expressed tension and frustration
- Difference of opinions
- "Sides" are digging in
- Avoidance

STEP 1

- Email/Discuss case with your Director
- Propose resolutions
- Detail case vulnerabilities

STEP 2

- Complete [ADR Intake form](#)
- Schedule a meeting w/ADR team or ADR Office Hours
- Initiate Communication Strategy and/or Guided Consult Protocol

STEP 3

- Gather questions for meeting
- Secure parameters of CRA offer, if warranted

STEP 4: Attend Alternative Dispute Resolution meeting
*** Collaborative Conference or FIEP**

Breathe Listen



Agreement

Collaborative Conference:

BASF Facilitator/ADR Admin finalizes agreement. Depending on terms, IEP scheduled to memorialize agreement when needed.

Facilitated IEP (FIEP):

IEP notes indicate issues resolved; if CRA offered, terms are not disclosed

No Agreement

Discuss outcome with Director to determine next steps

Questions?
(raise hand or via chat)

ADR Data

	2013 - 2014	2014 - 2015	2015 - 2016	2016 - 2017	2017 - 2018	2018 - 2019	Fall 2019 - 2020	Spring COVID 2019 - 2020	COVID 2020 - 2021	2021-2022
CDE Complaints	21	20	36	17	20	13	9	2	4	1
withdrawn								1		
Collaborative Conferences										
Total Meetings				15	18	29	10	5	3	5
Total Contacts					13	13	6	4	-	10
Facilitated IEPS										
Total Meetings				0	28	94	6	8	18	1
Total Contacts					18	32	4	12	-	7
Communication Strategies										
Total Meetings				0	7	12	7	9	7	2
Total Contacts					7	9	12	4	-	4
Settlements Agreements (Public placement only)							21		34	28 (incl residual from 20-21)

ADR Partnerships

Ombudsperson	Program Administrator	Bar Association of San Francisco
Often first point of contact	Coordinates all ADR referrals	Contracts with neutral facilitators for all ADR strategies:
Investigates complaints and advocates for students	Liaises with families, sites, and Sped staff	<ul style="list-style-type: none">• Guided Consults• Collaborative Conference• Communication Strategies• Facilitated IEPs
Identifies correct SFUSD staff to address concerns	Oversees cases from beginning to end	Develops and delivers facilitator-led professional development for SFUSD staff
Refers families to ADR Program Administrator and Support for Families of Children with Disabilities	Tracks & Compiles Data	
	Develops Professional Development for Staff	

All three entities coordinate and collaborate with Parent Advisory groups, including Community Advisory Council and African American Parent Advisory Council, and Parent Empowerment Center (in SF - *Support for Families with Disabilities*)

Who Are the ADR Facilitators?



- Certified with the Bar Association of SF's Bay Area Mediation Program.
- Certificated mediators with strong special education background; cultural competency.
- Ongoing training in special education matters.

Case Study

Case Study:

Every time you message your child's case manager, you receive what feels like a short, irritated answer.

You've also requested an IEP meeting to talk about this dynamic, and the case manager says that they're happy to have a meeting, but it doesn't need to be an IEP since you have no plans to change anything in the IEP.

It's been like this with the case manager for several years, and you're afraid to ask any questions, or make any suggestions in IEP meetings. When you meet with them to talk about the dynamic between the two of you, they sit with their arms crossed, and barely give any response whatsoever to you. The principal is in this meeting with you, and you don't feel that they helped move the conversation forward, or that you have a better understanding of why your relationship with the case manager is like this.

Guiding Questions:

Share your responses via chat:

- What part of the conflict should be the focus of ADR?
- Which strategy should the ADR admin recommend?
- How might ADR help support more equitable outcomes for students?
- How might the relationship be repaired by using ADR?

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ADR Contact

CDE Links with information about districts with ADR Programs. There are two different grant programs, so there are two links to check:

[ADR Grant Expansion 2019-20](#)

[ADR Grant 2019-20](#)

Questions?