

# INDEPENDENT CHILD ADVOCATE

## Alternative Dispute Resolution Program

Carlo Rossi

Sonoma County Local Plan Area (SELPA)

&

Social Advocates for Youth (SAY)

Santa Rosa, Ca.

Restoring Focus on the Child

CADRE's National Symposium on Dispute Resolution

October 18 – 20, 2017



# ADR: A Definition

- An informal process to resolve conflict between families and schools
  - Non-adversarial
  - No attorneys
  - No cost



**Give respect Get respect**

- Encourages all parties to keep the child's educational needs first and foremost while respecting the dignity of all of the individuals involved

# Why Is ADR Successful?

- ADR intervention is neutral
- Keeps the focus on the student's needs
- Uses communication, collaboration, negotiation and mediation to help parties produce an agreement that meets their interests



# Why Is ADR Successful?

- Produces an agreement that meets the student's needs and that each party can agree to
- Helps to rebuild relationships and trust

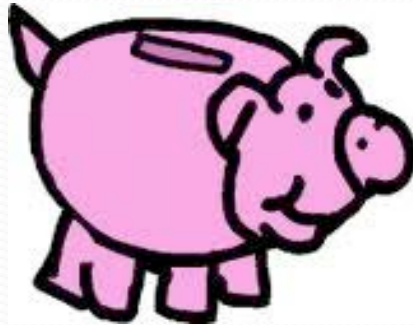


- ADR does not prevent either party from initiating due process

# Due Process: Possible Costs



+



+



=



# Benefits of Local Dispute Resolution

## ADR

Relationships, Associations

Talk, Interaction, Collaboration,  
Discussion, Conversation

Agreement, Understanding

Rewarding, Harmony,  
Satisfaction

## Litigation/Due Process

Legal Authority

Rules of Evidence, Proof,  
Substantiation

Binding Decisions

Penalty/Pain, Win/Lose,  
Adversarial

# Remember...

- You're probably in this relationship for a while
- Everyone's true desired outcome - what's best for the student



# Why Was ADR Implemented in Sonoma County?

- 1991-1997: Sonoma County had the highest number of filed due process cases in California (107)
- 1991-1997: 8 decisions were rendered by State Hearing Officers  
(All others settled out of court)
- As a result: SELPA developed ADR options that included (in 2001) the Independent Child Advocate Program



# What is the Independent Child Advocate Program?



- A quick, easy to use, local option for resolving contentious and challenging special education disputes that are likely headed to state intervention
- A proactive rather than a reactive strategy
- A process that supports and guides parents and district staff to collaboratively develop mutually agreeable solutions that meet student needs

# What is the Independent Child Advocate Program?

- A results oriented process
- Focused on meeting the child's needs
- While maintaining positive working relationships between parents and school district staff



# What is an Independent Child Advocate?

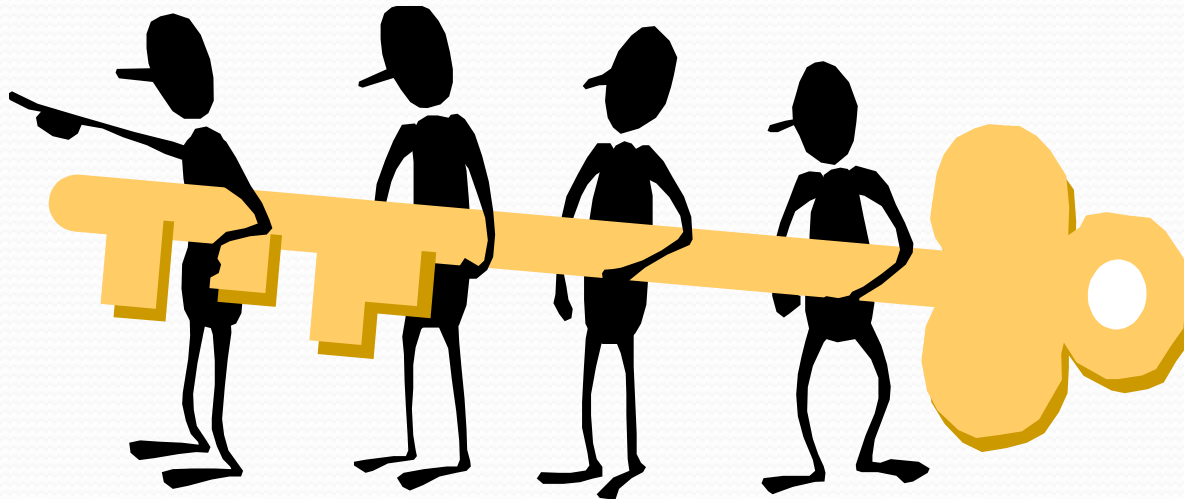
- Independent and impartial person available to assist parents, districts and other agencies (probation, juvenile justice, mental health) in resolving difficult and challenging special education disputes
- Similar to an “Ombudsman”

# How is the program funded?

- 40 Sonoma County (Calif.) school districts fund (off the top) two positions (one full-time and one part time) Independent Child Advocate at a local not-for-profit agency
- Solely dedicated to supporting Sonoma County school districts and parents in resolving challenging, contentious special education disputes

# Program Values

- Open and Honest Communication
- Respectful Relationships
- Conversations: Dialogue, Dialogue, Dialogue



# It's All About Relationships Having a Conversation

“Human conversation is the most ancient and easiest way to cultivate conditions for change—personal change, community and organizational change, planetary change. *If we can sit together and talk about what's important to us, we begin to come alive*”...



*turning to one another  
conversations to restore hope to the future  
By Margaret J Wheatley*

# Crucial Conversations

➤ Crucial conversations defined as conversations where:

➤ Opinions vary

➤ Stakes are high

➤ Emotions run strong



➤ Sound like IEP/SPED meetings you've attended?

➤ (*Crucial Conversations: Tools for Talking When Stakes are High*, Paterrson, Grenny, McMillan, Switzler)

# It's All About Respectful Relationships

Communication: Fear of each other keeps us apart, so let's get to the table and talk about what's important



*Relationships*: it's really all there

Conversation: the natural way that humans think together

*turning to one another  
simple conversations to restore hope to the future  
By Margaret J Wheatley*



# Productive Conflict?

## YES!!!

“In great teams, conflict becomes productive. The free flow of conflicting ideas is critical for creative thinking, for discovering new solutions no one individual would have come to on his own.”

Peter Senge  
MIT Sloan School of Management

“In any given moment we have two options; to step forward into growth or to step back into safety

” Abraham Maslow



# Open and Honest Communication

“We have to slow down. Nothing will change for the better until we do. We are losing the great human capacity (of having conversations) in the speed-up of modern life and it is killing us.”

“We can’t be creative, if we refuse to be confused.”



turning to one another  
simple conversations to restore hope to the future  
By Margaret J Wheatley

# Open and Honest Communication

- We will absolutely “uncover” and talk about “elephants” in the room
- There will be no surprises...

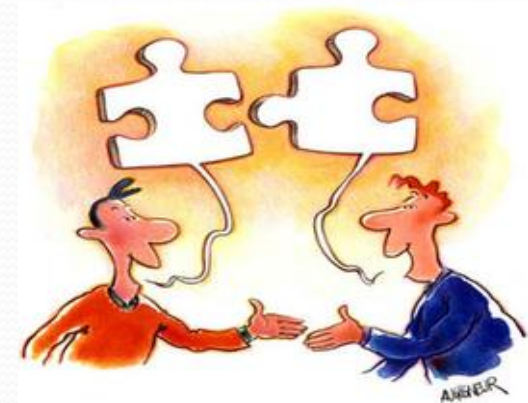


# Dealing with Difficult Conversations: Dialogue, Dialogue, Dialogue

## ➤ Dialogue:

- A conversation between two or more persons
- An exchange of ideas with a view to reaching an amicable agreement

Random House College Dictionary



# Irony of Communication

- Open and honest communication takes time...anything less than total candor saps motivation and 'dumbs down' decisions
- The alternatives take longer



# Irony of Communication

- When we give up trying to convince, we become more convincing
  - Slower is faster.
- Taking time to “dig deep” leads to more effective results than the game playing that inevitably follows



# How does the Independent Advocate Program work?

- An ADR Brochure is distributed at EVERY IEP meeting along with parent rights
- When an issue arises: parent and/or district rep call the *ADR Line* providing info on student and scope of the issue
- Independent Advocate completes an intake form and determines if it is a referral that is appropriate for the Independent Child Advocate
- If the referral is appropriate, the advocate contacts parent/district within 24 - 48 hours of receiving the call, obtains agreement to participate and gets to work

# What might the Advocate do?

- Develops a list of findings and recommendations
- Facilitate a meeting to discuss options for resolving dispute
- Supports the team in implementing solutions
- Makes appropriate referrals





# What does the Advocate do?



- Independent Child Advocate does whatever might be needed to assist in resolving the dispute;
- Usually includes:
  - a review of the student's IEP and records
  - Interviews (parent, teachers, DIS Providers, coaches, tutors)
  - home visits,
  - classroom observations
  - attends meetings

# What are the advantages of using this program?

➤ ICAP is QUICK:

Begins within 24 – 48 hrs. of receiving request

➤ ICAP is EASY:

➤ One call starts the process

➤ ICAP is LOCAL:

Maintain control - avoid state intervention

➤ ICAP is Cost Effective:

Saves \$\$\$

# History of Success

- In 16 years:
  - 91% of all accepted\* cases have been successfully resolved without state intervention
  - Positive parent/district relationships
  - Saves money and time

\*cases worked and completed with agreement from district/parent

# Skills necessary to staff the position:

## ➤ Embrace the spirit of “ADR”

- Integrity and confidentiality
- Knowledge/experience of SPED law
- Effective communicator
- Teaching/classroom experience
- Willingness to listen and “get” parent’s issues;
- Experience in mediation and negotiation;
- Flexibility and willingness to find solutions “outside the box”
- Objectivity and fearlessness (elephant hunting)

# TRUST AND THE ADR PROCESS

- *Together families and districts work collaboratively*
- *Respecting their knowledge as equal partners in the process*
- *Understanding diversity and respecting the values and cultures that exist*
- *Shared responsibility for decision making*
- *Trust leads to building relationships that help meet the needs of children*



For information on the  
Independent Child Advocate  
Program:

Carlo Rossi  
Social Advocates for Youth  
707-524-2785