



The Road to Agreement ~ IDEA '04 & More: The Fourth National Symposium on Dispute Resolution in Special Education

**Washington, D.C.
December 7-9, 2006**

Alternative Dispute Resolution: A California Perspective



JACK O'CONNELL
State Superintendent
of Public Instruction

Presenters

- **Debra Babyak**
Staff Services Analyst
California Department of Education



- **Michael Warych**
Special Education Coordinator
Placer County Office of Education





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Dispute Resolution

**IDEA '04
encourages
resolution of
disputes at
the lowest
level possible.**





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Compliance Complaints

IDEA '04 Provides for:

- **Informal Resolution**

(34 CFR sections 300.152(a)(3)(i) and 300.153(b)(4)(iv))

- **Voluntary Mediation**

(34 CFR section 300.152(a)(3)(ii))

- **Alternative Dispute Resolution**

(34 CFR section 300.152(b)(1)(ii))



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Due Process Hearings

IDEA '04 Provides for:

- **Informal Resolution**
(34 CFR sections 300.508(b)(6))
- **Voluntary Mediation**
(34 CFR section 300.506(b)(1))
- **Alternative Dispute Resolution**
(34 CFR section 300.506(b)(2))
- **Resolution Meeting**
(34 CFR section 300.510(a)(2))



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California Public Schools

- **6,312,393**
Students
- **11,775**
Schools
- **1,432**
Districts



- **683,178 Special Education Students**





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CA Special Ed by Disability

SLD	314,817	OI	15,653
SLI	181,319	DH/H	12,487
MR	43,739	MD	6,125
OHI	40,081	VI	4,761
AUT	34,668	TBI	1,787
ED	27,512	DB	229

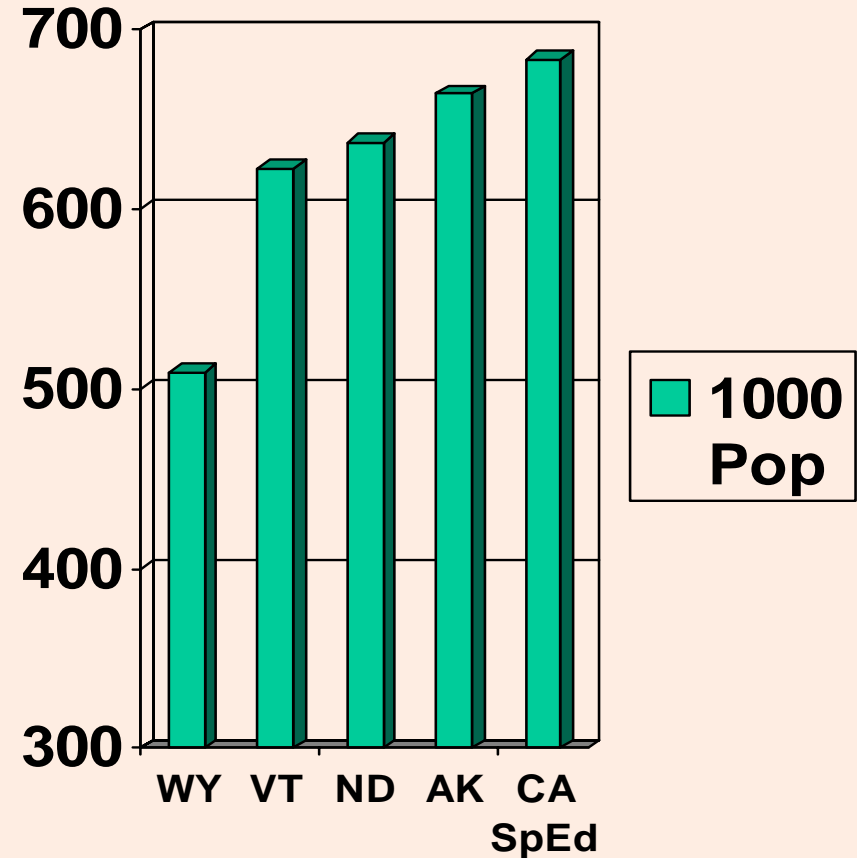


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Perspective

- **683,178
Special Ed
Students**
- **Forty-Fifth
Largest State
in America?**

<http://www.cde.ca.gov/ds/>





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More Perspective...

- **Los Angeles Unified School District**
- **184,774 Special Education Students**
- **184,774 Annual Reviews**
- **Equivalent to one IEP team meeting every three minutes; 24/7**



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Dispute Resolution: A Four-Pronged Approach

1. **Parent Centers** (Parent Training and Information Centers (**PTI**), Parent Resource Centers (**PRC**), Family Empowerment Centers (**FEC**))
2. **California Dept of Education** (**CDE**)
3. **Office of Admin Hearings** (**OAH**)
4. **Special Education Local Plan Areas** (**SELPA**s)



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Parent Centers

- 9 PTIs:** Federal (IDEA 671)
- 13 FECs:** State
- 5 PRCs:** Federal (IDEA 672)

- **Located Throughout California**
- **Provide Information, Training, and Referrals**





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Parent Centers, cont.

- **71,807** **Parent/Professional Contacts**
- **12,544** **Training Participants**
- **1,195** **Meetings (IEPs, Hearings, Mediations)**

<http://www.cde.ca.gov/sp/se/qa/caprntorg.asp>



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Shared Experiences with Parent Centers





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CDE Dispute Resolution

- **8,052 Contacts**
(calls and correspondence)
- **1,074 Compliance Complaints**
(written requests for
state-level intervention)
- **983 Investigation Reports**
(formal findings of
compliance or non-compliance)



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CDE Resolution, cont.

- **Informal CDE Mediation and Intervention for Most Disputes**
- **91 Facilitated Resolutions of Formal Compliance Complaints**

<http://www.cde.ca.gov/sp/se/qa/#psrs>



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Shared Experiences with State Departments of Education





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OAH: Due Process Hearings

- **3,623 Requests for Hearings**
- **130 Written Decisions**

- **3,493 Requests** **Withdrawn,
Settled,
Mediated, or
Dismissed**



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OAH Due Process, cont.

- **Resolution Sessions, per IDEA '04**
 - a. **665** Requests for Due Process Hearings, July 1 – Sept 30, 2006
 - b. **63** Successful Resolution Meetings
 - c. General Satisfaction with Resolution Meeting Process

<http://www.oah.dgs.ca.gov/Special+Education/Default.htm>



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Shared Experiences with Resolution Sessions





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Special Education Local Plan Areas (SELPA)

- **115 SELPAs**
- **Organize special education services within the area**
- **20 “ADR SELPAs”**





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ADR SELPAs

20 mini-grants

- Develop ADR strategies
- Produce ADR materials
- Provide ADR training





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ADR Strategies

1. **Solutions Panel**: *Three-member panel provides specially designed mediation*
2. **Facilitated IEP**: *Specially trained individual helps IEP team with problem solving and action planning*
3. **Resource Parents**: *Parent volunteers provide parent-to-parent support*



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ADR Strategies, cont.

4. **First Aid/Early Case Review**: *SELPA staff member explores resolution options with parents and school district personnel*
5. **IEP Coach**: *General education staff member assists IEP teams*
6. **Local Mediation**: *SELPA staff member provides mediation services*



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ADR Strategies, cont.

7. **Expert Team:** *Highly skilled individuals help IEP team design services and select materials/equipment*
8. **Independent Child Advocate:** *Independent advocate or attorney supports parents while facilitating communication*
9. **Placement Specialist:** *SELPA program specialist helps parents and district find appropriate placement options*



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Grant Results

- **9 ADR strategies developed**
- **Variety of materials produced (videos, brochures, training materials)**
- **Training provided to 4,902 participants**
- **537 Disputes resolved**



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Bottom Line

ADR SELPAs have a lower rate of requests for state-level interventions:

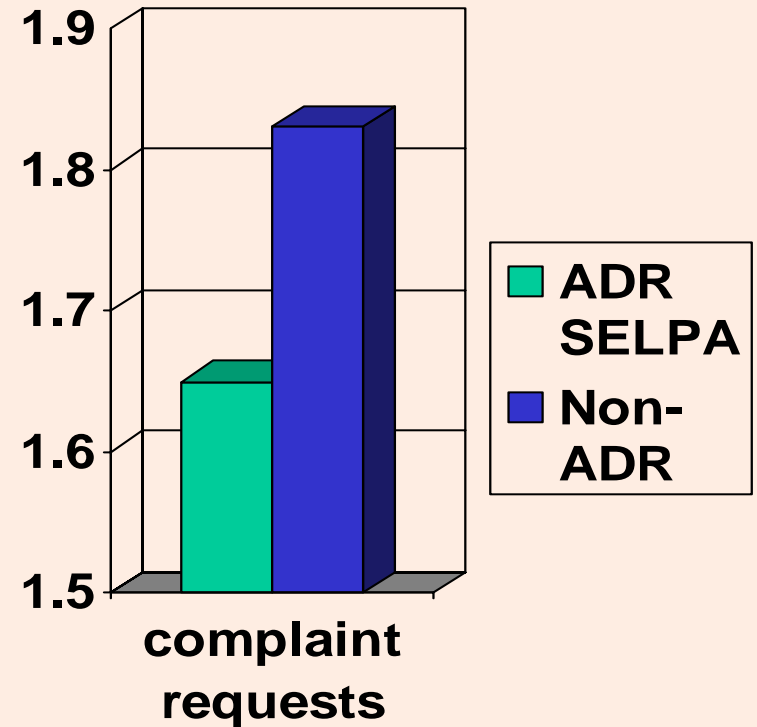
- a. compliance complaints**
- b. due process hearings**



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Compliance Complaints

- **ADR SELPAs:**
1.65 per 1,000
special education
students
- **Non-ADR
SELPAs:**
1.83 per 1,000
special education
students

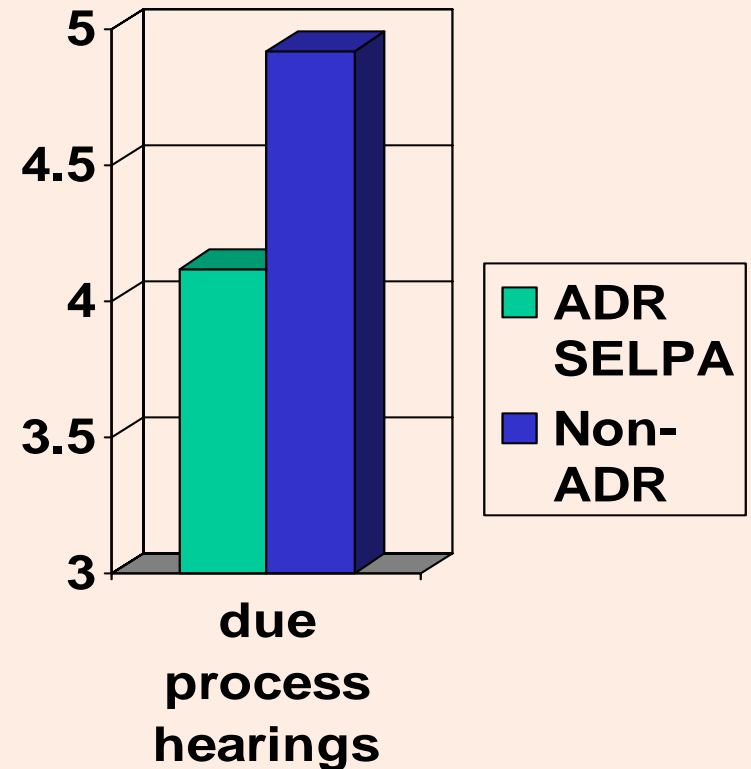




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Due Process Hearings

- **ADR SELPAs:**
4.12 per 1,000
special education
students
- **Non-ADR
SELPAs:**
4.92 per 1,000
special education
students





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Summary

- **Goal to Minimize Formal State Interventions** (Compliance Complaint Investigation Reports and Due Process Hearing Decisions)
- **Four-Pronged Approach to ADR** (Parent Centers, CDE, OAH, SELPAs)



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Summary, cont.

- **683,114 Special Education Students**
- **1,113 State Interventions**
(983 reports; 130 decisions)
- **1.6 Interventions per 1,000 Special Education Students**



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For More Information

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