

These have been stressful times. What are you doing for self care?  
Share in the chat :-)



**SFUSD** SAN FRANCISCO  
PUBLIC SCHOOLS

# Overview of Alternative Dispute Resolution for Students with IEPs



THE 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

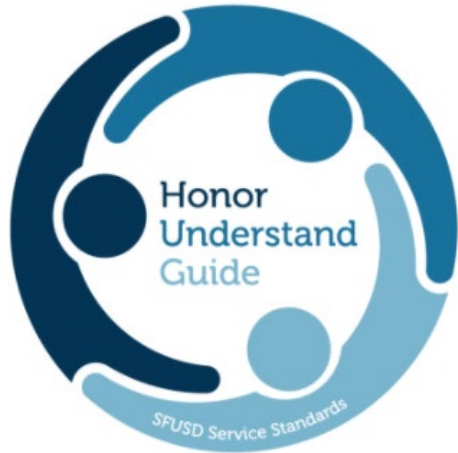
- More than ever, the outer world pressures, including rapid social justice change, require that we maintain empathetic approaches and a cultural lens when dialoguing with families
- ADR strategies are now being called upon by the state to mitigate the challenges of learning
- Life and work stresses 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**

# Today's Agenda

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



# Introductions

## 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

## Mildred Browne

ADR Consultant

- SFUSD liaison to State SELPA ADR committee and district ADR Team
- Troubleshoot ADR cases to support positive outcomes for students
- Ongoing support to district ADR team
- Suggestions and implementation strategies for supporting underserved families.

## Carole Conn

BASF Director of ADR

- Facilitator Panel recruitment, management and training
- Liaison for Facilitator case assignments
- Project design thought partner



# Connector- Who's in the Room?

In the breakout room:

1. Introduce yourself: Name, role, and something unique about yourself.
2. What poorly resolved conflict would you like to have seen resolved differently? Share your proposed solution.



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

SAN FRANCISCO UNIFIED SCHOOL DISTRICT

## 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

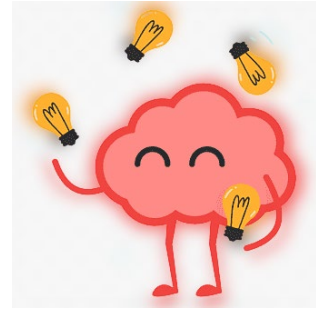
## Guided Consult



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

# 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 continue:

- 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 the referral forms are required in the process.**

# 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
<b>CDE Complaints</b>	21	20	36	17	20	13	9	2	4	1
withdrawn								1		
<b>Collaborative Conferences</b>										
Total Meetings				15	18	29	10	5	3	5
Total Contacts					13	13	6	4	-	10
<b>Facilitated IEPS</b>										
Total Meetings				0	28	94	6	8	18	1
Total Contacts					18	32	4	12	-	7
<b>Communication Strategies</b>										
Total Meetings				0	7	12	7	9	7	2
Total Contacts					7	9	12	4	-	4
<b>Settlements Agreements (Public placement only)</b>							21		34	28 (incl residual from 20-21)



# ADR Partnerships

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

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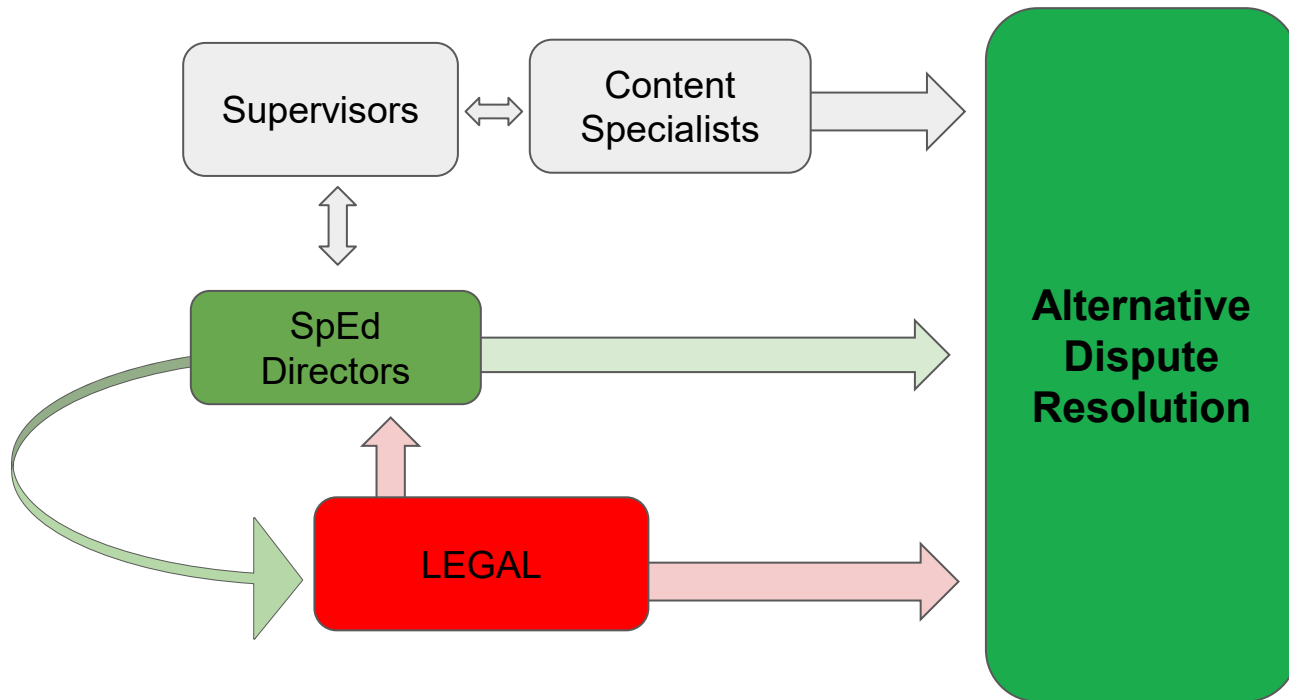
# Alternative Dispute Resolution FlowChart

# STEP 1:

Refer all cases to Alternative Dispute Resolution before engaging Legal

Referrals to Legal  
come through  
**DIRECTORS only**

Legal is explored  
**AFTER** all other  
options are tried.



# Alternative Dispute Resolution FlowChart

The Special Education 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

## 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 Studies

# Instructions

- Break into 5 groups
- Pick a case study and type your names into the top of the table.
- Read the case study together
- Discuss possible outcomes
- Answer the three questions in the table
- Be prepared to discuss with whole group.

[Link to Case Studies Worksheet](#)



# Takeaways

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Briefly summarize the case study.

Could there be responses or solutions other than what your group came up with?

Can you think of non-ADR strategies that might have historically been used to resolve this conflict?



# Closing

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# ADR Contacts