

POLICY 0430.72

**YOLO COUNTY SPECIAL EDUCATION
LOCAL PLAN AREA (SELPA)**

DISPUTE RESOLUTION

POLICY:

It is the responsibility of each member Local Education Agency (LEA) of the Yolo County SELPA, should disputes arise, that the process adopted through the Local Plan inclusive of the specific procedures shall be implemented by all parties.

Should disputes among member LEAs arise concerning special education related matters including, but not limited to, the interpretation of the Local Plan, policies and procedures, or issues with the SELPA Administrative Unit (AU), the disputing LEAs shall first follow the process adopted through the Local Plan.

Reference: EC 56205 (a)
20 USC §1412 (a) (5) (A)

Superintendents' Council

Adopted: April 16, 2008
Second Reading: April 16, 2008
First Reading: January 16, 2008

PROCEDURE 0430.72

YOLO COUNTY SPECIAL EDUCATION LOCAL PLAN AREA (SELPA)

DISPUTE RESOLUTION

PROCEDURES:

In the event of a disagreement among Local Education Agencies (LEAs), the LEAs and the Administrative Unit (AU), the LEAs and/or between the AU and the SELPA regarding the distribution of funding, responsibility for service provision, and any other governance activities specified in the Local Plan, it is the intent of the Superintendents' Council that issues be resolved at the lowest level possible in the governance structure outlined in the Local Plan. The Superintendents' Council is considered to be the Board of Last Resort. This dispute resolution process is intended to resolve disagreements within a period of 45 days, but it is not intended to undermine local authority.

1. If an LEA disagrees with a decision or practice of another agency or the SELPA Office, that LEA has a responsibility to discuss and attempt resolution of the disagreement with the party or parties directly involved. The parties involved will present the issues to their respective Superintendents, or designees, who will attempt to resolve the matter.
2. Should resolution not be achieved at an informal level, the following steps shall be followed:

Step 1: Either party may request the direct assistance of the SELPA Administrator to facilitate a resolution session. If the resolution session is unsuccessful, a written notification shall be submitted to the SELPA Administrator and the Superintendents' Council clarifying the disputed issues, and movement to the next step in the process shall occur.

Step 2: A review of the written notification of disputed issues is submitted to an impartial subcommittee composed of the Joint PAC/CBO Advisory Committee members and the SELPA Administrator. Both parties present their side of the dispute. If either party disagrees with the recommendation of the subcommittee, the disputing parties shall retain the services of a neutral third party mediator.

PROCEDURE 0430.72

DISPUTE RESOLUTION (Continued)

Step 3: The services of a neutral mediator from outside the SELPA are utilized to facilitate a resolution session. If this process fails, the parties may pursue a hearing on the issues and resolution with the Superintendents' Council.

Step 4: The issue will be placed on the Superintendents' Council agenda, with a summation of all events and outcomes included in the Board packet for their review. The Council will hear from the parties and render a decision no later than the next scheduled meeting. The decision of the Superintendents' Council shall be final.

Should the dispute involve inter-SELPA issues and be among the Superintendent Council members, the SELPA Administrator, or an outside mediator, will facilitate a resolution session.

If the resolution session is unsuccessful, the State dispute resolution proceedings will be initiated. To initiate this step, each LEA Superintendent will submit to the SELPA Administrator a written notification regarding the dispute. The SELPA Administrator will submit these notifications to a State arbitrator for review, and mediation will follow. The arbitrator's decision will be final. This procedure is referenced in Education Code Sections 21: 35565, 74281, and 81501; however, in this case, the SELPA Administrator replaces the County Superintendent for LEA dispute matters related to SELPA operations. Should disputes involve the SELPA Administrator, an LEA Superintendent, not involved with the dispute, will act as liaison to the arbitrator.

Superintendents' Council

Adopted: April 16, 2008

Second Reading: April 16, 2008

First Reading: January 16, 2008