

**Special Education Alternative Dispute Resolution Allocation for
Fiscal Year 2021–22**

Frequently Asked Questions (FAQ):

1. What is the purpose of these funds?

Section 160 of AB 130 (Chapter 44, Statutes of 2021) appropriated \$100,000,000 from the General Fund to the CDE, on a one-time basis, for allocation to Special Education Local Plan Areas (SELPAs) to support member local educational agencies in conducting dispute prevention and voluntary alternative dispute resolution activities to prevent and resolve special education disputes resulting from school disruptions stemming from the COVID-19 public health emergency during the period of March 13, 2020, to September 1, 2021, inclusive, in a collaborative and equitable manner.

2. What are the requirements of these funds?

In expending funds appropriated for this purpose, SELPAs shall support all of the following:

- Early intervention to promote collaboration and positive relationships with families to prevent disputes through proactive communication, collaborative problem solving, and parent support activities.
- Conducting voluntary alternative dispute resolution activities to reach agreement and resolve issues that are not resolved through the IEP process.
- As practicable, work in partnership with Family Empowerment Centers or other family support organizations.
- Develop and implement plans to identify, and conduct outreach to, families who face language barriers and other challenges to participation in the special education process, and whose pupils have experienced significant disruption to their education as a result of the COVID–19 pandemic.

3. How much time do we have to expend funds?

All funds must be encumbered no later than June, 30, 2023 and expended by September 30, 2023.

4. When and how will LEAs and SELPAs receive these funds?

The Superintendent of Public Instruction shall allocate the funds appropriated in subdivision (a) to special education local plan areas no later than August 31, 2021. These funds will be allocated to the SELPAs directly on or before the above date using the formula stipulated in AB 130 Section 160. On or before September 13, 2021, each special education local plan area shall allocate 80 percent of the amount received pursuant to subdivision (b)

proportionally to their member local educational agencies using the greater of the member's Fall 1 Census special education data for the 2019–20 or 2020–21 fiscal years.

5. What is Alternative Dispute Resolution?

The ADR process is less formal than a due process hearing and intends to maintain positive relationships between families and LEA staff by working collaboratively toward solutions. ADR is a voluntary method of resolving disputes and may not be used to delay the right to a due process hearing.

6. What are the requirements of the Plan?

On or before October 1, 2021, SELPAs must develop and submit a plan to the Superintendent of Public Instruction detailing how they will support their member local educational agencies in conducting dispute prevention and voluntary alternative dispute resolution activities, including detailed proposed expenditure information broken down by eligible activity, and the number, disabilities, and demographics of pupils proposed to be served. The CDE encourages SELPAs and LEAs to consider innovative and strategic ways to resolve disagreements with families collaboratively and informally whenever possible.

7. How does the LEA and SELPA determine the needs for using the funds?

SELPAs will work with their LEAs to determine the needs of their LEA and how they can support their LEAs to build strong, collaborative relationships and informally resolve disputes.

8. What does “the number, disabilities, and demographics of pupils proposed to be served” mean? How should that be detailed in the plan? What needs to be reported later?

The plan should identify the target population for those funds, including the number of students with disabilities this plan intends to support. If the Plan is targeted to a specific student population based on disabilities or demographics, it should be described in the plan. There is a place on the plan template where the target population will be notated. The CDE encourages SELPAs to work with the LEAs to conduct a data analysis to identify students with disabilities most impacted by school disruptions from COVID-19 pandemic and target their resources to those efforts. This may include reviewing data from local assessments or other applicable local data.

On or before **September 30, 2023**, LEAs that received support from their special education local plan area for alternative dispute resolution activities under this section shall submit a report to their SELPA, that includes all of the following information:

- The number of cases mediated through alternative dispute resolution services.
- The number of cases totally resolved by agreement.

- The number of cases refusing alternative dispute resolution services and requesting due process.
- A list of the issues that generated the request for dispute resolution services.
- The demographics of pupils served, including, but not limited to, the pupil's disability, family income, English learner classification, and the parent's primary language.
- A summary of outreach activities conducted pursuant to this section.
- A summary of activities conducted in partnership with family support organizations pursuant to this section.

On or before October 1, 2023, the special education local plan areas shall submit the information collected pursuant to subdivision (e) to the State Department of Education.

9. Who should complete and submit the Plan?

This is SELPA-level plan, meaning that SELPA will develop and submit the plan that describes how the SELPA will support its member LEAs in conducting dispute prevention and voluntary alternative dispute resolution.

10. What expenditures information will need to be provided?

The Plan template includes a table that identifies a number of proposed expenditures for the plan. The SELPA should prepare the proposed expenditures based on the plan detailed in the template.

11. Where do I send the completed plan?

The plan or plans should be submitted by the SELPA by October 1, 2021 to CDE via email at ADR@cde.ca.gov

12. Does the plan need to be signed?

The plan will be submitted via email and the CDE will accept that as an electronic submission by the SELPA. An electronic signature is not required.

13. Will the CDE approve or accept submitted ADR Plans?

14. The CDE will not be approving the plan, but will accept them and support the implementation by SELPAs.

15. How will we amend or adjust our plan to reflect changes?

The CDE may conduct checkpoints, by reaching out to the SELPA to determine if there are updates to the plan, if the implementation is proceeding as intended, and if the SELPA needs additional supports to implement their plan as designed.

16. Will the CDE monitor student outcomes? When? How? To whom? What does final reporting look like and when is it due?

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16. Are the requirements the same for Charters and COEs?

The language in the statute does not differentiate between different types of LEAs. Therefore, the requirements are the same for Charter Schools and COEs.

17. What is the timing and how soon do these funds have to be spent/obligated?

The funds will remain available through September 30, 2023.