

AMENDED IN SENATE APRIL 16, 2002
AMENDED IN SENATE MARCH 6, 2002
AMENDED IN ASSEMBLY APRIL 30, 2001
AMENDED IN ASSEMBLY APRIL 16, 2001
AMENDED IN ASSEMBLY MARCH 15, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 164

Introduced by Assembly Member Harman

January 31, 2001

An act to add Section 56500.4 to the Education Code, relating to special education.

LEGISLATIVE COUNSEL'S DIGEST

AB 164, as amended, Harman. Special education: alternative dispute resolution.

Existing law provides procedural safeguards, including due process hearings for the resolution of complaints regarding alleged violations of the Individuals with Disabilities Act. Existing law also authorizes parties to special education disputes to seek resolution through mediation prior to filing a request for a due process hearing.

This bill would require the State Department of Education to establish and administer a statewide program of grant funding, with specified components, to support special education local plan areas (SELPA) in conducting alternative dispute resolution programs for resolving special education disputes. The bill would state the intent of

the Legislature to make \$300,000 available for purposes of the program, on an annual basis, would prescribe the allocation of funds under the program, and would require grant recipients to perform specified services related to alternative dispute resolution. The bill would prescribe other matters related to the grant program.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) The Legislature finds and declares as
- 2 follows:
- 3 (1) The Individuals with Disabilities Education Act (20 U.S.C.
- 4 Sec. 1400 et seq.) encourages the use of mediation to resolve
- 5 disputes between parents of children with disabilities and local
- 6 education agencies.
- 7 (2) The only statewide mediation process available to parents
- 8 and local education agencies is a prehearing mediation conference
- 9 filed with the state or a mediation conference scheduled after a
- 10 request for a due process hearing has been filed with the state.
- 11 (3) The number of requests for special education due process
- 12 hearings and complaints filed by parents of children with
- 13 disabilities against local education agencies have increased
- 14 significantly in recent years.
- 15 (4) The costs of litigation, state level mediation, and
- 16 investigation of complaints have likewise increased significantly
- 17 in recent years.
- 18 (5) The current system of dispute resolution often results in
- 19 adversarial relationships between parents and local education
- 20 agencies, thereby affecting the provision of an appropriate
- 21 education to children with disabilities.
- 22 (6) A limited number of special education local plan areas
- 23 (SELPA) have implemented an alternative dispute resolution
- 24 process that has successfully resolved disputes at the local level,
- 25 thereby reducing the amount and cost of litigation and complaint
- 26 investigation at the state level.
- 27 (7) Parents of children with disabilities are entitled to other
- 28 options for dispute resolution that develop lasting relationships
- 29 and build trust.



1 (8) Through an alternative dispute resolution program,
2 children with disabilities may be provided appropriate services.

3 (b) It is, therefore, the intent of the Legislature to do the
4 following:

5 (1) ~~New options to do the following~~ *To establish new options*
6 for alternative dispute resolution at the local level ~~be created~~
7 through coordination by the SELPA system or collaboration of
8 multiple SELPAs.

9 (2) These new options not interfere with a parent's right to
10 pursue other options at the state level, but work in conjunction with
11 these options to provide a greater variety of options to the parent.

12 (3) A program be established with funding to support the
13 development and implementation of alternative dispute resolution
14 in each SELPA throughout the state.

15 SEC. 2. Section 56500.4 is added to the Education Code, to
16 read:

17 56500.4. (a) The State Department of Education shall
18 establish and administer a statewide program of grant funding to
19 establish alternative dispute resolution programs for special
20 education that includes the following:

21 (1) An advisory board that includes representatives from local
22 alternative dispute resolution projects to ensure ongoing
23 communication.

24 (2) An annual planning *and training* conference for new
25 implementers of alternative dispute resolution programs.

26 (3) An annual statewide conference for all implementers of
27 alternative dispute resolution programs.

28 (4) Criteria for awarding grants, funding, data collections, and
29 evaluating alternative dispute resolution projects.

30 (5) The selection of recipients and allocation of funding.

31 (6) The selection of individuals to serve as mentors to support
32 implementers.

33 (b) It is the intent of the Legislature that the State Department
34 of Education shall be funded, *through subsequent appropriation*,
35 at three hundred thousand dollars (\$300,000) annually, as adjusted
36 annually by the cost of living, to carry out its responsibilities under
37 subdivision (a).

38 (c) Subject to the availability of funding for this purpose,
39 funding for grant recipients shall be at the following levels:



1 (1) SELPAs and multi-SELPA applicants selected by the State
2 Department of Education shall receive fifty thousand dollars
3 (\$50,000) annually, as adjusted annually by the cost of living, for
4 a period not to exceed three years for initial implementation
5 purposes.

6 (2) SELPAs and multi-SELPA applicants that continue to
7 implement alternative dispute resolution programs after the initial
8 three years shall receive ongoing funding at ~~_____ dollars (\$_____)~~
9 ~~annually plus _____ dollars (\$_____)~~ *twenty-five thousand dollars*
10 *(\$25,000) annually plus twenty-five cents (.25)* per average daily
11 attendance, as adjusted annually by the cost of living and as
12 recommended by the State Department of Education for ongoing
13 program maintenance.

14 (d) SELPAs and multi-SELPA collaboratives receiving
15 funding under this section shall provide the following services:.

- 16 (1) Intake coordination and parent outreach.
- 17 (2) Prevention activities.
- 18 (3) Formal dispute resolution activities.
- 19 (4) Training of parents and local education agency staff.
- 20 (5) Data collection.
- 21 (6) Narrative reports of alternative dispute resolution training
22 and other activities.
- 23 (7) Expenditure reports.
- 24 (8) Evaluation activities.
- 25 (9) Participation in annual planning and implementation
26 conferences.

27 (e) The State Department of Education shall administer a
28 mentorship program that identifies individuals whose
29 responsibility is to provide support to implementers. These
30 individuals shall be responsible for the following activities:

- 31 (1) Participation on the alternative dispute resolution advisory
32 board.
- 33 (2) Participation in the planning and implementation of
34 quarterly meetings with assigned implementers.
- 35 (3) Participation in the planning and implementation of the
36 annual statewide alternative dispute resolution conference.
- 37 (4) Participation in the planning and implementation of the
38 annual alternative dispute resolution planning conference.
- 39 (5) A quarterly report of activities to the State Department of
40 Education.



- 1 (6) Consultation, training, and other technical assistance to
- 2 support the State Department of Education and SELPAs to
- 3 implement the provisions of this chapter.
- 4 (7) Contracting with individuals to mentor planning and
- 5 implementing.

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