



San Mateo  
County  
SELPA

# Special Education Local Plan Area

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## POLICY

### **DISPUTE RESOLUTION PROCESS (Education Code § 56205(b)(5))**

In the event of a disagreement among local education agencies, local education agencies and the Responsible Local Agency (RLA), local education agencies and/or the RLA 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 SELPA Governing Board that issues be resolved at the lowest level possible. The SELPA Governing Board is the board of last resort. If any party involved in a disagreement is a voting member on the SELPA Governing Board, an alternate from a district with the same configuration will replace the voting member during the SELPA Governing Board resolution of the dispute. This policy is intended to resolve disagreements within a period of 45 days, but is not intended to undermine local authority.

If a local education agency disagrees with a decision or practice of another agency or the SELPA, that local education agency 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. Either party may request the assistance of the SELPA Administrator, or his/her designee, or the Chair of the SELPA Governing Board. If this process fails, the parties may pursue a hearing on the issues and resolution with SELPA Governing Board.

If either party disagrees with the recommendation of the SELPA Governing Board, and the dispute relates to the distribution of funding, the responsibility for service provision or other governance activities specified within the Local Plan, the party may submit the dispute to mediation. The parties will make a good faith effort to mutually agree to a mediator with expertise related to the dispute. If the parties cannot agree on a mediator, the parties will submit the dispute to the Peninsula Conflict Resolution Center for selection of a mediator.

Any dispute unresolved in mediation, arising from a dispute that relates to the distribution of funding, the responsibility for service provision or other governance activities specified within the Local Plan shall be settled by arbitration. The arbitration decision shall be made by a panel of three, including one person appointed by each party and a neutral chair of the panel selected by the other two panel members. If the parties agree, the mediator involved in the parties' mediation may be asked to serve as the panel chair.

Each party shall bear its own costs and expenses and an equal share of the mediator's and/or arbitrator's and administrative fees of arbitration. The power and jurisdiction of an arbitrator shall be limited to adjudicating the rights and responsibilities of the parties. The arbitrator shall not have the power to determine constitutional issues or issues outside the scope of Education Code section 56205(b)(5).