

## **What happens if a Board does not approve the Local Plan update?**

- Each member district/LEA must approve changes to the permanent portion of the Local Plan.
- Any participating member district of a SELPA may elect to approve or deny changes to the permanent portion of the local plan, however it is atypical that denial be given without reason or recommendations for improvement.
- The dispute resolution process, should this step be necessary, is required by *Education Code 56205(b)(5)* to be delineated in the Local Plan. Denial of a Local Plan amendment does not automatically mean intentions to withdraw from membership in a SELPA.
- Disputes over changes to the Local Plan should be worked out at the local level, or through the dispute resolution process at the local level.

**Below is a copy of the Dispute Resolution Process outlined within the Nevada County Local Plan.**

### **3. Dispute Resolution Process**

#### **A. Rationale**

In order to ensure the continual delivery of quality services to children with disabilities, a process for dispute resolution over the responsibility for service provision, governance activities, program transfer, or the distribution of funding must be in place.

#### **B. Policy Statement**

If a dispute arises over the responsibility for service provision, governance activities, the distribution of funding or if a school district, including any charter school LEA, group of school districts, or a county office believes that an action taken by the Council of Superintendents will create an undue hardship on the district(s) or county office(s), or that the action taken exceeds the authority granted the Council of Superintendents within the Local Plan and/or state or federal statute, the aggrieved district(s) or county office may request mediation. If mediation is not successful, the aggrieved district(s) or county office may request a review of the action by an Independent Review Panel.

Any request for mediation must be submitted in writing to the RLA Superintendent within thirty (30) days of the action taken by the Council of Superintendents. The written request must clearly identify the reason(s) for the request and the potential resolution(s) to the problem. A request for review by the Independent Review Panel of the results of mediation must be submitted in writing to the RLA Superintendent within thirty (30) days of the action taken through the mediation process, and must include the reason(s) for the request and the potential resolution(s) to the problem.

#### **C. Administrative Guidelines**

1. In the event of a disagreement among 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 Council of Superintendents (COS) that issues be resolved at the lowest level possible in the governance structure outlined in the Local Plan.
2. 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 COS, or the services of a neutral mediator from outside the SELPA. This policy is intended to resolve disagreements within a period of 45 days, but is not intended to undermine local authority.
3. If either party is not satisfied with the results of this early mediation, and the dispute relates to the distribution of funding, the responsibility for service provision or other governance activities specified within the Local Plan, the parties agree to 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 mediation administered by an agency specializing in mediation.
4. Each party shall bear its own costs and expenses and an equal share of the mediator's administrative fees.
5. If mediation is not successful, an Independent Review Panel will be established.
6. To establish an Independent Review Panel, the Superintendent of the RLA shall establish a list of persons from nearby SELPAs, districts, or county offices, who are knowledgeable in the area of special education and who would be willing to serve as a member of such panel.
7. From the list of available panel members, the LEA or county office which requested the review, and the Superintendent of the RLA, acting for the Council of Superintendents shall each select a representative for the panel. These representatives then select one additional neutral member to serve as chairperson.
8. The panel shall meet as often as necessary to consider the facts of the complaint and prepare a written report and recommendations for consideration by the Council of Superintendents.
9. After studying the report of the review panel and at the next scheduled meeting of the Council of Superintendents, the Council must take one of the following actions. All voting is to be done in accordance with the weighted voting procedures specified in the Local Plan.
  - a. Vote to reaffirm the previous action of the Council.

- b. Vote to rescind the previous action of the Council.
- c. Vote to modify the previous action of the Council to comply or partially comply with the recommendations of the Review Panel.

Any costs resulting from this process are to be shared equally by the LEA(s) or county office which requested the review.