



**COUNTY OF SAN BERNARDINO
PRESCHOOL SERVICES DEPARTMENT
POLICY**

NO. 01 ISSUE 3
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Updated

**SUBJECT: GOVERNANCE INTERNAL DISPUTE
RESOLUTION/IMPASSE POLICY**

APPROVED BY: *Juan Alexander*
Policy Council: 04-17-2017
**Shared Governance Board:
03-23-2017**

PURPOSE:

Commitment to Resolve Issues in Good Faith

Effective January 1998, the revised Head Start Program Performance Standards required that each grantee and delegate agency establish written procedures for resolving internal disputes, including impasse procedures, between the governing body and policy group.

POLICY:

To resolve all differences between the Head Start Shared Governance Board ("Shared Governance Board") as representatives of the San Bernardino County Board of Supervisors ("Board of Supervisors") and the San Bernardino County Head Start Policy Council ("Council") through normal channels or the use of the formal procedures noted in this document.

REFERENCE

1301.6 Impasse procedures.

INTRODUCTION:

This Policy assumes the commitment of the Shared Governance Board and the Council to make every good faith effort to resolve differences on an amicable basis. This includes using all internal agency communications systems available to reach agreement and avoid impasse.

If necessary, this includes the Shared Governance Board's and the Council's commitment to fully cooperate in all aspects of the established internal dispute and impasse process in order to resolve issues in the best interest of the children and families being served.

DISPUTE RESOLUTION COMMITTEE

When internal disputes arise between the Shared Governance Board as the representative of the Board of Supervisors, and the Council, the dispute shall be referred to a dispute resolution committee. The Dispute Resolution Committee ("Committee") shall be made up of four (4) members comprised of the Chair and Vice-Chair from both the Shared Governance Board and the Council.

PROCEDURES FOR INFORMAL DISPUTE RESOLUTION:

Within five (5) County business days of non-approval by either the Shared Governance Board and the Council of any item within the scope of shared decision making, either the Shared Governance Board or the Council may give written notice to the San Bernardino County Head Start Director ("Director") requesting that the Committee be convened and the dispute resolution process commenced. At the time written notice is provided, the

Shared Governance Board or Council requesting dispute resolution, shall provide the Director and the other party with a written statement of the issue at dispute and a recommendation for resolution.

The Director shall have five (5) County business days from the date the written notice was officially filed to notify the members of the Committee of the notice and to provide the written statement of issue.

The Committee shall convene a meeting within five (5) County business days of receipt of the statement of issue. The Committee shall first determine whether the subject falls within the scope of shared decision making. If it does, then the Committee may request additional information from the Director, the Shared Governance Board or the Council. The Committee shall have ten (10) County business days from the first meeting convened to determine the validity of the issue(s) and provide a written solution to the Shared Governance Board, Council and the Director.

The written solution must be:

- Presented to the Council for acceptance or rejection.
- Presented to the Shared Governance Board for acceptance or rejection, and then submitted to the BOS for final acceptance or rejection.

Both parties must inform the other in writing of their determination to either accept or reject the written solution. If the Committee does not reach a consensus, the Committee so shall inform the Council, the Shared Governance Board and the Director. If either the Committee cannot reach a consensus, or if the written solution is rejected by either body, the dispute shall proceed to mediation.

PROCEDURES FOR MEDIATION:

Within fifteen (15) County business days from written notification that a consensus could not be reached, or rejection of the written solution, mediation shall be initiated by the Committee. The mediation shall be conducted by the Head Start Director from a neighboring County. The mediator shall work with the Committee to make a final decision. A written proposed resolution shall be provided within ten (10) County business days from the beginning of the mediation process.

The proposed resolution shall be:

- Presented to the Council for acceptance or rejection.
- Presented to the Shared Governance Board for acceptance or rejection, and then submitted to the Board of Supervisors for final acceptance or rejection.

Both parties must inform the other in writing of their determination to either accept or reject the written solution.

If either body rejects the proposed resolution, the dispute shall proceed to arbitration for issuance of a binding decision in accordance with the Head Start Performance Standards.

PROCESS FOR BINDING ARBITRATION:

Within fifteen (15) County business days from written notification that the proposed solution was rejected by either body, binding arbitration shall be initiated by the Committee. The

Committee shall utilize the services of a professional arbitrator in accordance with the County's procurement policy. The arbitration must take place within fifteen (15) days of initiation of the process, unless a greater time is needed to secure an arbitrator or arbitration location. A written resolution must be provided by the arbitrator to the Committee. The Committee shall present the resolution to their respective bodies. The written resolution shall be presented by the Shared Governance Board to the Board of Supervisors for final notification.