

The image shows a yellow folder with two tabs. The top tab is labeled 'IEP Paperwork' and the bottom tab is labeled 'Meeting Notes'. The folder is set against a black background.

IEP Paperwork


Meeting Notes

# Resolution Meetings:

## A Guide for Parents

The Individuals with Disabilities Education Improvement Act (IDEA 2004) and its final Part B Implementing Regulations describe how disagreements about special education services between parents and schools may be resolved.

This guide for families will help readers to have a better understanding of resolution meetings, one of the ways in which special education disputes can be resolved.



This is a joint publication of the Technical Assistance ALLIANCE for Parent Centers National Technical Assistance Center and Consortium for Appropriate Dispute Resolution in Special Education (CADRE). This document was funded in part by the U.S. Department of Education, Office of Special Education Programs. Views expressed in this publication do not necessarily reflect the opinions of the funder.

## **Resolution**

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With the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004), Congress recognized the need to provide additional opportunities for early dispute resolution. The resolution process was added as another way schools and parents can work out their differences whenever a parent has filed a due process complaint.

## **Resolution Meeting**

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- A resolution meeting is a new conflict resolution process established under IDEA 2004.
- A resolution meeting must be held within 15 calendar days of receiving notice of a due process complaint, unless the parent and school district agree in writing to waive the meeting or agree to use the mediation process.
- The purpose of the meeting is for the parent to discuss the due process complaint and supporting facts so that the local educational agency (LEA) has the opportunity to resolve the dispute. A resolution meeting gives parents and the school district a chance to work together to avoid a due process hearing.
- The parent and the LEA determine which members of the Individualized Education Program (IEP) team will attend the resolution meeting. Participants include the parents, the LEA representative who can make decisions on behalf of the school, and any IEP team member who has relevant information about the issue that is being discussed. School districts may not bring an attorney to the resolution meeting unless the parents bring an attorney.

## **Benefits of Participating in a Resolution Meeting**

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- It is an important additional opportunity to talk things over.
- It is potentially less adversarial than a due process hearing.
- It offers an opportunity to develop a mutually agreeable solution.
- It offers the possibility of repaired communication and relationship.
- School attorneys are present only if the parent has an attorney in attendance.
- It offers an opportunity for a party to withdraw the resolution agreement within three business days of the agreement's execution.
- The school representative in the meeting has decision-making authority.
- Parents and LEAs decide which IEP team members will attend the meeting.
- The meeting may result in an agreement that is legally binding and enforceable in court.



## Concerns about the Resolution Meeting

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- Going in unprepared reduces the chance of a good agreement.
- Some situations could benefit from a third party facilitator.
- The meeting and preparations can be emotionally demanding.
- There is no guarantee that an agreement will be reached.
- The confidentiality of discussions is not protected in the same way that it is in the mediation process.

**(Note:** IDEA 2004 is silent regarding the confidentiality of resolution discussions. There is nothing in IDEA 2004 or the regulations that would prohibit the parties from entering into a confidentiality agreement as part of their resolution agreement. A state could not, however, require that the participants in a resolution meeting keep the discussions confidential or make a confidentiality agreement a condition of a parent's participation in the resolution meeting.)

## Frequently Asked Questions about Resolution Meetings

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Is there a required agenda for a resolution meeting?

No. However, you most likely will be offered a chance to further discuss the concerns you raised in your due process complaint and how they might be addressed. The meeting is more likely to result in an agreement if you and the school staff listen carefully to each other.

How do I prepare for the resolution meeting?

IDEA 2004 does not address this issue. The following may be helpful tips for preparation, however.

- Write a statement for yourself that identifies the issues as you see them, outlines what you feel your child needs, and includes some ideas you have for possible solutions that will resolve the situation.
- Organize your documents, recording dates and notes on them. Bring to the meeting any documentation that supports your viewpoint.
- Practice making your statement to an advocate, a family member, or a friend before going to the resolution meeting.
- Identify sections of the law or final regulations that you feel are being violated and include examples of these violations in your statement.

- Anticipate questions that the school may ask you. Write down your possible responses.
- Call your state Parent Training and Information Center (PTI) or Community Parent Resource Center (CPRC) to talk with an advocate. (Refer to the back of this booklet for contact information.)
- Think about how you plan to deal with emotions during the meeting. Try to minimize thoughts of past problems, worst fears and other negatives. Ask someone to come to the meeting with you to help you stay positively focused.

### Who pays for the resolution meeting?

There is no cost to parents. It is the school district's responsibility to convene the resolution meeting. Unless your attorney is involved, the only cost for you is the time to prepare and participate.

### How do you know the school district will follow through with the agreement?

Either you or the school district can withdraw from any agreement that is reached at the meeting within three business days of the agreement's execution. If the district does not withdraw from the agreement during that period, it is legally required to follow through. The agreement can be enforced in court.

### What happens if you do not reach an agreement in the resolution meeting?

If you and the district do not come to resolution, you may proceed to a due process hearing. The 45-day timeline for the due process hearing starts the next day. An impartial hearing officer must issue a decision within 45 days after the beginning of the due process hearing. You and the district also may consider going to mediation instead of having a resolution meeting.

### Who can attend the resolution meeting?

The parents and any IEP team members who have specific knowledge of the facts in the due process complaint and the LEA representative who has decision-making authority attend the resolution meeting. The parents and the school district decide who they would like to have participate. Attorneys from the school district may attend only if the parents bring their attorney to the meeting. It may be appropriate to have your child attend the meeting. An advocate from your local PTI or CPRC may be able to attend with you or help you with preparing for the resolution meeting.



## Are resolution meetings confidential?

There is no legal requirement to keep discussions in the resolution meeting confidential. A confidentiality agreement, however, could be considered for the parents and school district to sign at the beginning of the meeting. Also, see the note under the section “Concerns about the Resolution Meeting.”

## Are facilitators available for the resolution meeting?

Some states or LEAs provide facilitators for resolution meetings. This varies depending on where you live. Neither the law nor the final regulations require the use of facilitators.

## **Other Strategies for Resolving Disputes in Special Education**

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States have developed a variety of strategies for early dispute resolution. These strategies may help improve communication and strengthen relationships between parents and schools. There are a range of informal conflict resolution and problem solving approaches. Generally, the most common are mediation and facilitated IEP meetings.

### Mediation

Mediation is an option that allows parties to resolve disputes without a formal due process hearing. It is voluntary for both parties and is not used to deny or delay the right to a hearing or any other rights under Part B of IDEA 2004. Mediations are scheduled at a time and location that is convenient for the parties and must be conducted by a qualified and impartial mediator who is trained in effective mediation practices.

A mediator helps the parent and the school district to express their views and positions and to understand each other's views and positions. The mediator does not take sides. If an agreement is reached to resolve a dispute, the parties develop a written, signed mediation agreement that is enforceable in court. Mediation discussions are to be kept confidential and may not be used as evidence in any subsequent due process hearing. The state bears the cost of mediation.

### Facilitated IEP

A facilitated IEP is an IEP meeting that includes an impartial facilitator. The facilitator is not a member of the IEP team. The facilitator helps with communication and assists the team to develop an IEP. The facilitator keeps the team focused on the development of the IEP while addressing conflicts as they arise. Facilitation also may be used with Individualized Family Service Plans (IFSPs).

## **Where to Find More Information about IDEA 2004, Resolution Meetings, Mediation, and Other Practices for Resolving Disputes**

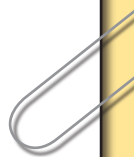
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You are encouraged to learn more about resolution meetings, mediation and other forms of dispute resolution under IDEA 2004 by contacting your local PTI or CPRC.

Visit [www.taalliance.org](http://www.taalliance.org) for a listing of Parent Centers or call the Technical Assistance ALLIANCE for Parent Centers National Technical Assistance Center toll free at 888-248-0822.

Contact the Consortium for Appropriate Dispute Resolution in Special Education (CADRE) for online resources related to dispute prevention and resolution: [www.directionservice.org/cadre](http://www.directionservice.org/cadre)

Visit the US Department of Education's official IDEA Web site at [IDEA.ed.gov](http://IDEA.ed.gov). Information on dispute resolution options can be found under "Procedural Safeguards".





## **A Joint Product Of:**

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Web site: [www.taalliance.org](http://www.taalliance.org)

and

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in Special Education (CADRE)

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Phone: 541-686-5060

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Web site: [www.directionservice.org/cadre](http://www.directionservice.org/cadre)



## **Technical Assistance ALLIANCE for Parent Centers**

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### Region 1 Technical Assistance Center

Statewide Parent Advocacy Network (SPAN)

35 Halsey Street, 4th Floor

Newark, NJ 07102

Phone: 973-642-8100

Toll free: 800-654-7726

E-mail: [span@spannj.org](mailto:span@spannj.org)

Web site: [www.spannj.org](http://www.spannj.org)

### Region 2 Technical Assistance Center

Exceptional Children's Assistance Center (ECAC)

907 Barra Row, Suite 102/103

Davidson, NC 28036

Phone: 704-892-1321

Toll free: 800-962-6817

E-mail: [ecacta@ecacmail.org](mailto:ecacta@ecacmail.org)

Web site: [www.ecac-parentcenter.org](http://www.ecac-parentcenter.org)

### Region 3 Technical Assistance Center

Exceptional Children's Assistance Center (ECAC)

907 Barra Row, Suite 102/103

Davidson, NC 28036

Phone: 704-892-1321

Toll free: 800-962-6817

E-mail: [ecacta@ecacmail.org](mailto:ecacta@ecacmail.org)

Web site: [www.ecac-parentcenter.org](http://www.ecac-parentcenter.org)

### Region 4 Technical Assistance Center

Ohio Coalition for the Education of Children with Disabilities (OCECD)

165 West Center Street, Suite 302

Marion, OH 43302-3741

Phone: 740-382-5452

Toll free: 800-374-2806

E-mail: [ocecd@gte.net](mailto:ocecd@gte.net)

Web site: [www.ocecd.org](http://www.ocecd.org)



## Region 5 Technical Assistance Center

PEAK Parent Center, Inc.

611 North Weber, Suite 200  
Colorado Springs, CO 80903

Phone: 719-531-9400

Toll free: 800-284-0251

E-mail: [region5ptac@peakparent.org](mailto:region5ptac@peakparent.org)

Web site: [www.peakparent.org](http://www.peakparent.org)

## Region 6 Technical Assistance Center

Matrix Parent Network and Resource Center

94 Galli Drive, Suite C  
Novato, CA 94949

Phone: 415-884-3535

Toll free: 800-578-2592

E-mail: [region6@matrixparents.org](mailto:region6@matrixparents.org)

Web site: [www.matrixparents.org](http://www.matrixparents.org)

This booklet describes the general conditions of the resolution process in IDEA 2004 and is not intended to interpret, modify or replace the formal requirements under federal law [20 USC 1415(f)] and the final IDEA Part B Implementing Regulations (34 CFR 300.510). Additional information about this law and its regulations can be found online at [IDEA.ed.gov](http://IDEA.ed.gov).

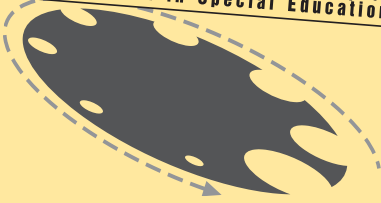
**My Contacts:**

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Local Parent Center