



## Resolution Meetings: A Guide for Parents

# Resolution Meetings

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 request for a due process hearing.

### Resolution Meeting

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 a request for a due process hearing, unless the parent and the school 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 the school 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 school determine which members of the ARD (Admission, Review and Dismissal) committee/IEP team will attend the resolution meeting. Participants include the parents, a school representative who can make decisions on behalf of the school, and any ARD committee/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.



*Resolution meetings are provided at no cost to parents.*

### Benefits of Participating in a Resolution Meeting

- It is an 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.
- The school representative in the meeting has decision-making authority.
- It offers an opportunity for a party to withdraw the resolution agreement within three business days of the agreement's execution.
- Parents and schools decide which ARD committee/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

- 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 confidentially 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

### 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 you prepare for the resolution meeting?

IDEA 2004 does not address this issue. The following tips may be helpful 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 what the school may ask you. Write down your possible responses.

- Call your state Parent Training and Information Center (PTI) for help in preparing for your resolution meeting. In Texas, the PTIs are the PATH Project, PEN Project and TEAM Project. More information about the Texas PTIs, including contact information, is available at [PartnersTx.org](http://PartnersTx.org) or by calling 1-800-866-4726.

- 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.



## Frequently Asked Questions about Resolution Meetings, continued

### 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 ARD committee/IEP team members who have specific knowledge of the facts in the due process complaint and the school 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. A special education advocate may be able to attend with you or help you prepare for the 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 school districts 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

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

### 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.

## Other Strategies for Resolving Disputes in Special Education, continued

A mediator helps the parent and the school district to express their views and positions and to understand the 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 ARD/IEP meeting that includes an impartial facilitator. The facilitator is not a member of the ARD committee/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

### Consortium for Appropriate Dispute Resolution in Special Education (CADRE)

<http://www.directionservice.org/cadre/>

### Partners Resource Network, Inc.

<http://www.partnerstx.org>

### Texas Education Agency's (TEA) Special Education Web Site

<http://www.tea.state.tx.us/special.ed/>

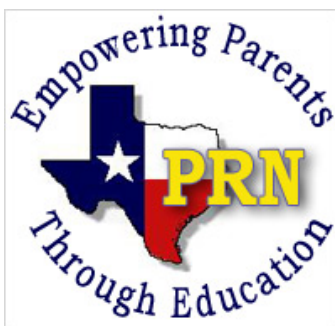
### U. S. Department of Education's IDEA Web Site

<http://idea.ed.gov/>



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THIS FACT SHEET 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).



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