

Checklist for Legally Binding Resolution Meeting

<i>I. Recitation of facts (can be in narrative format)</i>	Yes	No	NA
1. Name of student (First and last)			
2. Resident district			
3. Attending district if different			
4. AEA			
5. Date of resolution meeting			
6. Location of resolution meeting			
8. Names and roles of people attending			

Optional: birthdate, disability, grade level, and other information

<i>II. Timelines and participants</i>	Yes	No	NA
1. The resolution meeting was scheduled within 15 calendar days of receiving notice of the parents' hearing request.			
2. The resolution meeting included the parents and relevant member or members of the IEP Team who had specific knowledge of the facts identified in the due process complaint (hearing) request.			
3. The resolution meeting included a representative of the agency who had decision-making authority on behalf of the agency.			
4. An attorney was not present for the district or AEA unless an attorney accompanied the parent.			

<i>III. Resolution section</i>	Yes	No	NA
1. For each issue identified: <ul style="list-style-type: none"> • A specific action described how to resolve the issue as agreed to by all parties. • A person was identified as being responsible to initiate and complete an action in order to resolve the issue. • A timeline was provided for a particular issue. (E.g., a strategy might be implemented a certain period of time before reevaluating the effectiveness.) 			
2. The agreement identified a person responsible to (a) coordinate the implementation of the entire agreement and (b) to serve as the point of contact for all parties, i.e., the "shepherd."			
3. If appropriate, the parties wrote a contingency plan because of something that had the potential to be outside the control of any party in the dispute. (E.g., an independent evaluation may be agreed upon yet there may be a waiting period.)			
4. It passed the "stranger test." <ul style="list-style-type: none"> • If a reasonable person not in attendance read the agreement, would the person know what it meant? • Can all parties articulate the expectations in the agreement? • Was everything clearly defined? 			
5. The starting and ending date of the agreement was specified.			

IV. Signatures and dates.	Yes	No	NA
1. Every person in attendance signed the Agreement to Hold resolution meeting sheet.			
2. The process to obtain a signature from each party was outlined, making certain signatures of the LEA and AEA reflect a person with the authority to bind each agency). (A party has three business days to void the agreement's execution.)			
3. The Facilitator or whoever was agreed upon provided a copy of the signed agreement to all participants and to the Iowa Department of Education (DE) via U.S. mail			
4. The parent was advised of the need to inform the DE in writing of the status of the hearing request if not specifically stated in the agreement. The DE will notify the administrative law judge. Anything sent to the ALJ must be copied to all other parties.			

Requirements for legally binding resolution meeting based on:

Sec. 300.510 Resolution process.

(a) Resolution meeting. (1) Within 15 days of receiving notice of the parent's due process complaint, and prior to the initiation of a due process hearing under Sec. 300.511, the LEA must convene a meeting with the parent and the relevant member or members of the IEP Team who have specific knowledge of the facts identified in the due process complaint that--

- (i) Includes a representative of the public agency who has decision-making authority on behalf of that agency; and
- (ii) May not include an attorney of the LEA unless the parent is accompanied by an attorney.

(2) The purpose of the meeting is for the parent of the child to discuss the due process complaint, and the facts that form the basis of the due process complaint, so that the LEA has the opportunity to resolve the dispute that is the basis for the due process complaint.

(3) The meeting described in paragraph (a)(1) and (2) of this section need not be held if--

- (i) The parent and the LEA agree in writing to waive the meeting; or
- (ii) The parent and the LEA agree to use the mediation process described in Sec. 300.506.

(4) The parent and the LEA determine the relevant members of the IEP Team to attend the meeting.

(b) Resolution period. (1) If the LEA has not resolved the due process complaint to the satisfaction of the parent within 30 days of the receipt of the due process complaint, the due process hearing may occur.

(2) Except as provided in paragraph (c) of this section, the timeline for issuing a final decision under Sec. 300.515 begins at the expiration of this 30-day period.

(3) Except where the parties have jointly agreed to waive the resolution process or to use mediation, notwithstanding paragraphs (b)(1) and (2) of this section, the failure of the parent filing a due process complaint to participate in the resolution meeting will delay the timelines for the resolution process and due process hearing until the meeting is held.

(4) If the LEA is unable to obtain the participation of the parent in the resolution meeting after reasonable efforts have been made (and documented using the procedures in Sec. 300.322(d)), the LEA may, at the conclusion of the 30-day period, request that a hearing officer dismiss the parent's due process complaint.

(5) If the LEA fails to hold the resolution meeting specified in paragraph (a) of this section within 15 days of receiving notice of a parent's due process complaint or fails to participate in the resolution meeting, the parent may seek the intervention of a hearing officer to begin the due process hearing timeline.

(c) Adjustments to 30-day resolution period. The 45-day timeline for the due process hearing in Sec. 300.515(a) starts the day after one of the following events:

- (1) Both parties agree in writing to waive the resolution meeting;
- (2) After either the mediation or resolution meeting starts but before the end of the 30-day period, the parties agree in writing that no agreement is possible;
- (3) If both parties agree in writing to continue the mediation at the end of the 30-day resolution period, but later, the parent or public agency withdraws from the mediation process.

(d) Written settlement agreement. If a resolution to the dispute is reached at the meeting described in paragraphs (a)(1) and (2) of this section, the parties must execute a legally binding agreement that is--

- (1) Signed by both the parent and a representative of the agency who has the authority to bind the agency; and
- (2) Enforceable in any State court of competent jurisdiction or in a district court of the United States, or, by the SEA, if the State has other mechanisms or procedures that permit parties to seek enforcement of resolution

agreements, pursuant to Sec. 300.537.

(e) Agreement review period. If the parties execute an agreement pursuant to paragraph (c) of this section, a party may void the agreement within 3 business days of the agreement's execution.