

Form B

TO: LEA Superintendent/Designee
AEA Special Education Director

FROM: Dee Ann L. Wilson, Consultant

DATE:

RE: Resolution Meeting Information

In accordance with the Individuals with Disabilities Education Act (2004), whenever a parent files a due process complaint (hearing), the resident district and AEA are required to offer a meeting with the parent/s prior to the opportunity for the hearing conducted by the Iowa Department of Education (DE). This meeting is called a **resolution** meeting. The purpose of the resolution meeting is to provide the parent/s of the child an opportunity to discuss their concerns and provide the district and AEA an opportunity to resolve the issues identified in the complaint (hearing) notification.

Here are the requirements:

- 1) The district and AEA must initiate and arrange a meeting with the parent/s and the relevant member or members of the IEP team who have specific knowledge of the facts identified in the due process complaint (hearing) notification.
- 2) The meeting must be held within 15 calendar days of receiving notice of the parent/s' due process hearing request.
- 3) Representatives of the district and AEA who have decision-making authority on behalf of the LEA and AEA must be in attendance.
- 4) The LEA and AEA may not include an attorney at the resolution meeting unless an attorney accompanies the parent/s. The parent/s will be required to notify the agencies if an attorney will be present within a reasonable timeframe in the event the LEA and AEA should want to include legal representation as well.

- 5) The parent/s and LEA/AEA may *jointly* agree in writing to waive such meeting. The request to waive the resolution meeting must be sent to the DE as soon as the decision is made not to participate and no later than 15 calendar days of the district and AEA receiving notice from the parents of their due process complaint (hearing) request.
- 6) The LEA/AEA and parent/s can jointly agree to use the mediation process offered and conducted by the DE instead. Within five business days of receiving a request for a due process hearing, the DE will be contacting all parties in an attempt to have a conference call with both the administrative law judge and mediator and establish whether all parties desire having a mediation.
- 7) In case an agreement is reached that resolves the issues that are the subject of the request for the due process hearing, the parties shall execute a legally binding agreement. (This is true for both the resolution meeting and mediation.)
- 8) If the parties execute an agreement during the resolution meeting, a party may void such agreement within three business days of the agreement's execution. The three business days would commence using the latest date on the signature page of the final agreement. (The mediation does not provide for voiding an agreement within three business days.)
- 9) The written settlement agreement is enforceable in any State court of competent jurisdiction or in a district court of the United States.

My secretary will be e-mailing templates to person's name from agency that can be used at your discretion during the resolution meeting to assist you with developing a legally binding settlement agreement. The use of these forms is entirely optional. Also, you are to be advised that the law does not require the use of a facilitator during the resolution meeting. This is only a suggestion that the Department is offering.

If you have any questions, please feel free to contact: secretary name Fax 515-242-6019,
or email secretary name@iowa.gov.

cc: Parent/s

Enclosures: Agreement to Hold Resolution Meeting
Checklist for Legally Binding Resolution Meeting
Timelines

January 19, 2007