

REQUIRED RESOLUTION MEETING/SESSION INFORMATION

(May 2010)

This is a mandatory process that occurs following the filing of a due process hearing request. The process requires the parties to meet to discuss the dispute and explore ways of resolving the dispute without a hearing.

I. Regulations

The implementing IDEA regulations state, in part:

- Within 15 days of receiving notice of the parent's due process complaint, and prior to the initiation of a due process hearing, the LEA must convene a meeting with the parent and relevant members of the IEP team who have specific knowledge of the facts of the complaint. The parent and LEA determine the members to attend the meeting.
- The resolution session shall be convened at a mutually agreed-time and location during normal business hours, wherever possible.
- The purpose of the resolution meeting is for the district to have the opportunity to resolve the dispute within the 30 day resolution period (*this is inclusive of the 15 days in which to meet at the resolution meeting*).
- Unless the parent, guardian or student chooses to bring legal counsel to the resolution session, the district may not have legal counsel present.

II. Available Options

These options are available to parties involved in a due process hearing:

- Meeting no later than the 15th day following the date that the district received the parent's request for due process to participate in resolution;
- Participate in State-sponsored mediation instead of the resolution process;
- Waive the resolution process completely and proceed directly to hearing.

(The regulations state that a resolution meeting need not be held if the parent and LEA agree in writing to waive the resolution meeting, or the parent and LEA agree to use State-sponsored mediation).

III. Resolution Meeting Held

A. When the parties meet within 15 days and an agreement is reached –

1. A written withdrawal of the hearing request must be submitted to the hearing officer with the outcome of the resolution session (*all issues were resolved*);
2. The parties resolution agreement must be committed to writing;
3. Either party has up to three (3) business days from the date of the agreement to rescind the agreement (which also must be provided in writing to the opposite party), and

4. After three (3) business days, the agreement is binding and fully enforceable in either a State or Federal court of competent jurisdiction.
- B.** When the parties meet, but the LEA has not resolved the complaint to the satisfaction of the parent –
1. The resolution period expires at the end of 30 days and the hearing timeline begins.
- C.** When the parties opt to terminate the resolution process after an unsuccessful meeting, but before the end of the normal 30 day period –
1. The parties must submit a waiver to the hearing officer that includes the outcome (*no issues were resolved*), and
 2. The hearing timeline will begin the day after the parties provide their joint written statement of intent to terminate the resolution process.

IV. Mediation in Place of Resolution Meeting

When the parties opt for State-sponsored mediation:

- The parties must submit the *Intent to Use State-Sponsored Mediation* form to the hearing officer immediately (included in initial packet); **OR** the parties can provide separate copies of the signed form.
- The parties are responsible for contacting the ISBE Mediation Coordinator at 217/782-5589 (office), 866/262-6663 (toll-free for parents) or scolegro@isbe.net (the LEA should take the lead).

V. Waiver of Resolution Meeting

When the parties opt for State-sponsored mediation:

- The parties must submit the waiver form (included in the initial packet) to the hearing officer as soon as possible;
- The 45-day timeline for the hearing begins upon receipt of the waiver form.

VI. Party Not Participating in Resolution Meeting

- A.** When the parent fails to participate in the resolution meeting –
1. The hearing officer may delay the resolution process and hearing timeline until the meeting is held; **OR**
 2. The hearing officer may dismiss the case at the end of the 30 day period, if the LEA makes the request and has documented reasonable attempts to obtain parental participation.
- B.** When the LEA fails to hold the resolution meeting within 15 days -
1. The hearing officer may begin the hearing timeline prior to the 30 day period, upon parental request;
 2. The hearing officer may consider a default order against the school district, in appropriate situations and upon motion of the parent;