

Resolution Process: A New Option to Resolve Issues in Special Education

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Presented by

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WI Special Education Mediation System



WSEMS Partners



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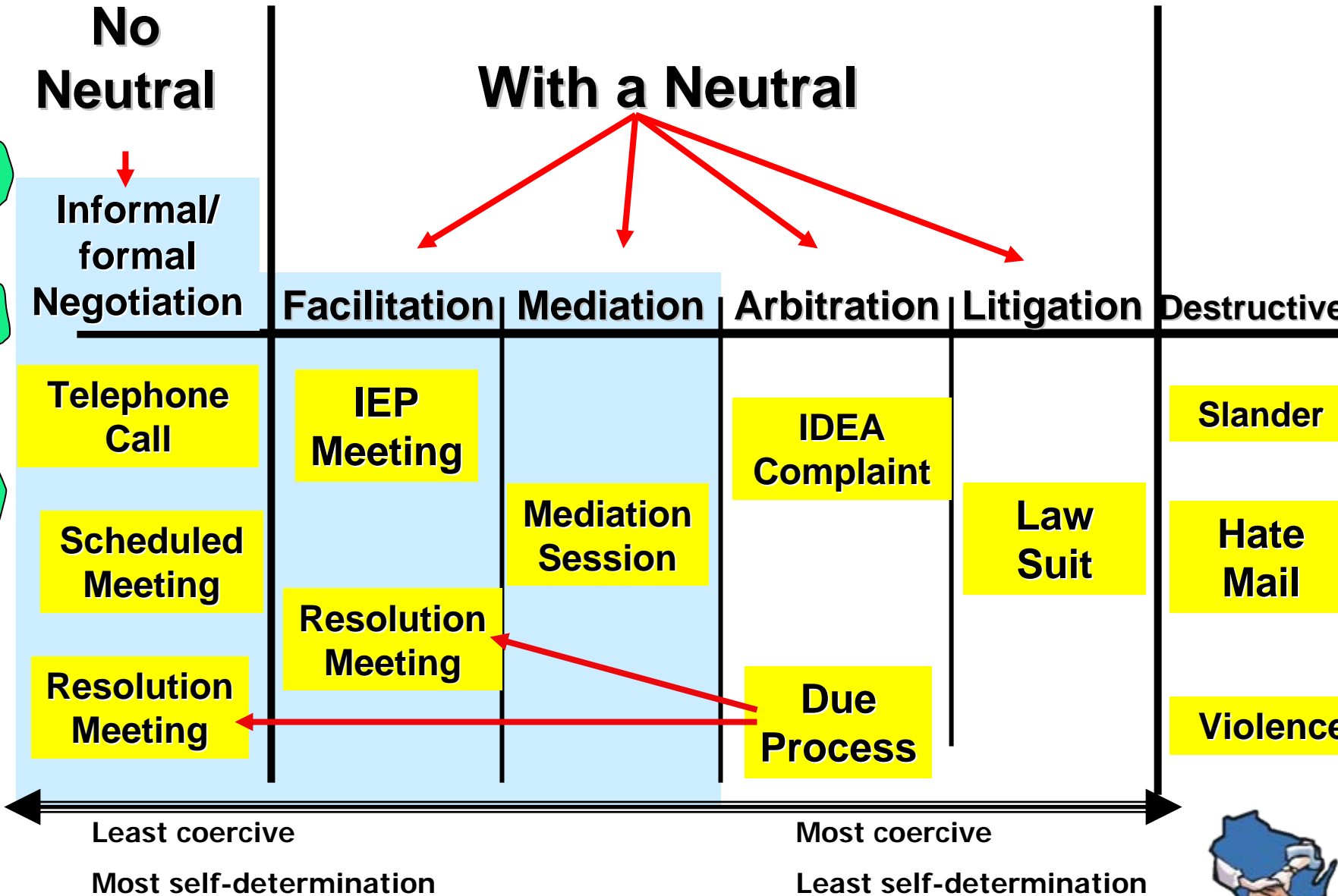
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Mediator & Director,
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Dispute Resolution Options

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Resolution Process

- An opportunity to resolve issues



Resolution Process



➤ Timeline

 DPH Request  RS held within 15 days  30 days DPH

 Exp. DPH Request  RS held within 7 days  15 days DPH



➤ Attorney's fees



Resolution Process

➤ Waiver

WAIVER OF RESOLUTION SESSION FOLLOWING RECEIPT OF DUE PROCESS HEARING REQUEST

_____ **SCHOOL DISTRICT**
[If you need this waiver in a different language or communicated in a different way, or have questions about this agreement, please contact _____ at _____.]

Within 15 days of receiving notice of a parents' request for a due process hearing, and prior to the beginning of a due process hearing, the school district must convene a meeting with the parents and the relevant member or members of the individualized education program (IEP) team who have specific knowledge of the facts identified in the hearing request. The meeting must include a representative of the school district who has decision-making authority on behalf of that district. The meeting may not include an attorney of the school district unless the parent is accompanied by an attorney. The purpose of the meeting is for the parents of the child to discuss their hearing request and the facts that form the basis of the hearing request, so that the school district has the opportunity to resolve the dispute that is the basis for the hearing request.

The district is not required to hold this meeting if the parents and the school district agree in writing to waive the meeting or agree to use the mediation process to try to resolve the issues included in the hearing request. If the parents and school district do not agree to waive the resolution session and the district has not resolved the due process complaint to the parent's satisfaction within 30 days of the receipt of the due process hearing request, the due process hearing must occur. An agreement to waive the resolution session must be in writing.

Agreement to use mediation process rather than resolution session:

I agree to waive the resolution session and use mediation to attempt to resolve the due process issues.			
Signature of parent/legal guardian or adult student	Date	Signature of school district representative	Date

Agreement to proceed directly to due process hearing:

I agree to waive the resolution session and want to proceed directly to the due process hearing.			
Signature of parent/legal guardian or adult student	Date	Signature of school district representative	Date



Resolution Process

➤ Participants



Resolution Meeting

➤ Suggested Process:

- Sit around a table in a relaxed, informal manner
- Everyone describes issues from their perspective
- Cultural diversity: considerations and awareness



Resolution Meeting

➤ Suggested Process (continued):

- Ask questions to clarify
- Look for underlying interests
- Suggest & discuss options
- Parents & school write down how they have decided to resolve their dispute.

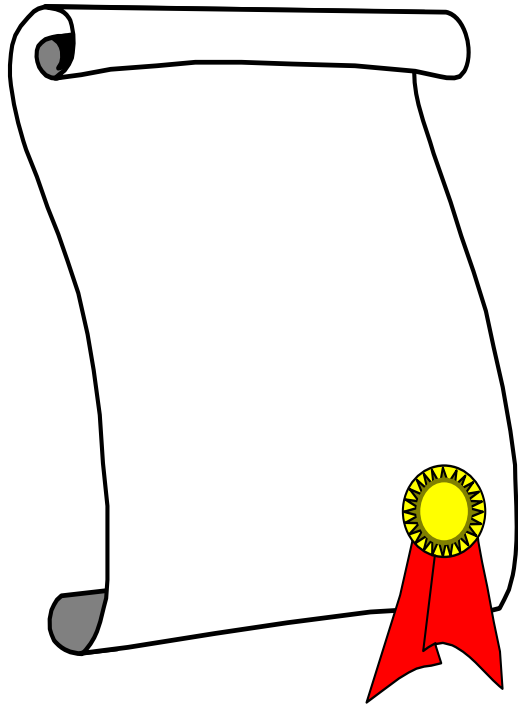


QuickTime™ and a
TIFF (Uncompressed) decompressor
are needed to see this picture.



Resolution Meeting

➤ Written agreement



- Parties write down points of agreement
- List the terms:
 - Who.. will do what..when (IEP)
 - Use plain language
 - Consider future meetings
 - Only parents & school rep sign
- May void in 3 business days
- Enforceable in court



Resolution Process

➤ Potential Advantages

**Early
intervention**

**Improve
communication**

Build trust



Resolution Process

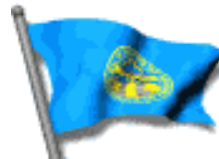
- **Potential Concerns**
 - **Mandatory**
 - **Delay and expense**
 - **Negotiation**
 - **Missing participants**
 - **Date of meeting**
 - **Confidentiality**



Resolution Process

➤ SEA Perspective

- How do states administer the “Resolution Session”.
- Emerging “success stories” as well as concerns with the “Resolution Session” concept.



www.marquette.edu/wsems/

Wisconsin Special Education Mediation System (WSEMS)

The Wisconsin Special Education Mediation System (WSEMS) helps parents and schools resolve disputes about special education.

Tuesday January 30, 2001
Good Evening !

Contact
WSEMS



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