

Resolution Meetings: A Guide for Parents and Educators



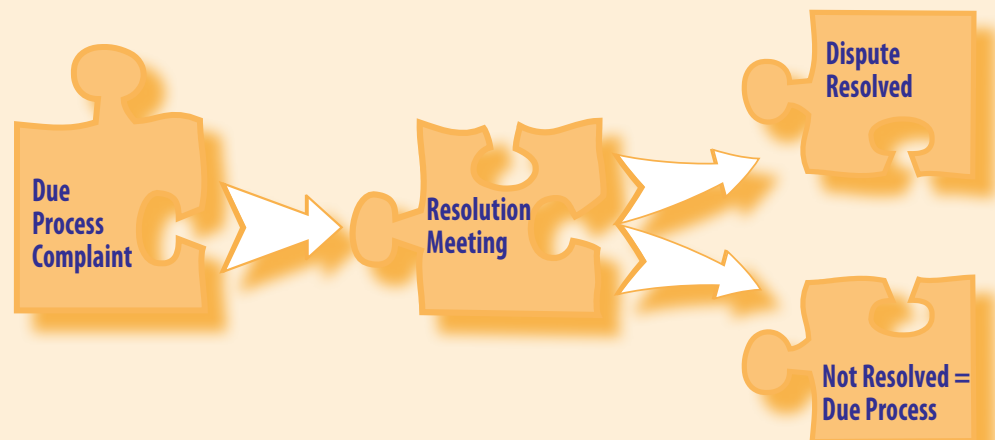
pennsylvania
DEPARTMENT OF EDUCATION

Bureau of Special Education
Pennsylvania Training and Technical Assistance Network

The Individuals with Disabilities Education Improvement Act (IDEA 2004) and its final Part B, Implementing Regulations, describe how disagreements about special education services between parents and educators may be resolved.

With the IDEA 2004, Congress recognized the need to provide additional opportunities for early dispute resolution. The resolution process was added as another way parents and educators can work out their differences whenever a parent has filed a due process complaint.

This guide will help parents and educators to have a better understanding of the resolution meeting, one of the ways in which special education disputes can be resolved.



Resolution Meetings

- A resolution meeting is a new conflict resolution process established under IDEA 2004.
- A resolution meeting must be held within 15 calendar days of the local educational agency (LEA) receiving notice of a due process complaint by the parents. Parents must participate in the resolution meeting unless they and the LEA agree in writing to waive the meeting or agree to use the mediation process.
- The purpose of the resolution meeting is for the parents to discuss the due process complaint and supporting facts so the LEA has the opportunity to resolve the dispute. A resolution meeting gives the parents and the LEA a chance to work together to avoid a due process hearing.
- The parents and the LEA determine which members of the Individualized Education Program (IEP) team will attend the resolution meeting. Participants include the parents, the LEA representative who can make decisions on behalf of the school, and any IEP team member who has relevant information about the issues that are being discussed.
- School districts may not bring an attorney to the resolution meeting unless the parents bring an attorney.

Benefits

of Participating in a Resolution Meeting

- It removes the need to incur the time and expense of a due process hearing.
- It is an additional opportunity to talk things over.
- It is often less adversarial than a due process hearing.
- It offers an opportunity to develop a mutually agreeable solution that is legally binding and enforceable in court.
- It offers the possibility of repairing communications and relationships.
- LEA attorneys are present only if the parents have an attorney in attendance.
- The LEA representative in the meeting has decision-making authority.
- It offers an opportunity for either the LEA or the parents to withdraw the resolution agreement within three business days of the agreement's execution.

Concerns

About the Resolution Meeting

- Going unprepared reduces the chance of a successful resolution meeting.
- The meeting and preparations can be emotionally demanding, but not as much as a due process hearing.
- There is no guarantee that an agreement will be reached.
- Confidentiality of discussions is not protected in the same way that it is in the mediation process.

Frequently Asked About Resolution Meetings

Is there a required agenda for a resolution meeting?

No. However, this is an opportunity to discuss the concerns raised by the parents in a due process complaint and how those concerns might be addressed. The meeting is more likely to result in an agreement if both parties listen carefully to each other.

How can parents and LEAs prepare for the resolution meeting?

IDEA 2004 does not address this issue. However, the following tips may be helpful for preparation.

Both parents and LEAs should:

- Write a summary that identifies the issues of concern and includes ideas and possible solutions to resolve the situation.
- Organize documents, recording dates and notes on them. Bring the supporting documents to the meeting.
- Anticipate questions that might be asked. Think through and write down possible responses.

Parents might:

- Identify sections of the law or final regulations that are at issue.
- Practice sharing issues with an advocate, a family member, or a friend before going to the resolution meeting.
- Call Pennsylvania's parent training and information center, the Parent Education and Advocacy Leadership (PEAL) Center, or a Community Parent Resource Center (CPRC) to talk with an advocate. (Refer to page 7 of this booklet for contact information.)
- Think about how to deal with emotions during the meeting. Remain positive and try to minimize thoughts of past problems, worst fears, and other negatives.

LEAs should:

- Set up the meeting space so it is comfortable and conducive to discussion.
- Stay centered on the child and stay focused on generating solutions.
- Be clear about goals and objectives.
- Review the student's Individualized Education Program (IEP) and Evaluation Report (ER).
- Communicate effectively with the meeting participants: listen, ask questions, clarify statements.
- Present options in a collaborative way.

Are there resources available to help both the parents and the LEA proceed with the resolution meeting?

Yes. If both the parent and the LEA agree that the presence of a neutral facilitator may result in a more effective and successful resolution meeting, the Office for Dispute Resolution (ODR) will send a facilitator to the resolution meeting. The facilitator helps to maintain open communication among all parties, but does not impose a decision on the group. Sometimes the use of a facilitator provides an opportunity to resolve issues, which could remove the need to move forward with due process.

Who pays for the resolution meeting?

There is no cost to parents. It is the LEA's responsibility to convene the resolution meeting. Unless an attorney is involved, the only cost for parents is the time to prepare and participate.

What if the agreement isn't followed?

Either the parents or the LEA can withdraw from any agreement that is reached at the resolution meeting within three business days of the agreement's execution. If the LEA or parent does not withdraw from the agreement during that period, it becomes legally binding. The agreement can be enforced in court.

What happens if you do not reach an agreement in the resolution meeting?

If the parents and the LEA do not come to resolution, either party may proceed to a due process hearing.

Who can attend the resolution meeting?

The parents and any IEP team members who have specific knowledge of the facts in the due process complaint and the LEA representative who has decision-making authority attend the resolution meeting. The parents and the LEA decide who should participate. Attorneys from the LEA may attend only if the parents bring their attorney to the meeting. It may be appropriate to have the child attend the meeting. An advocate from the parent training and information center or CPRC may be able to help the parent with the preparations for the resolution meeting.

Are resolution meetings confidential?

There is no legal requirement to keep discussions in the resolution meeting confidential. However, the confidentiality provisions in the IDEA Part B regulations and the Family Educational Rights and Privacy Act (FERPA) and its regulations continue to apply. A confidentiality agreement could be considered for the parents and the LEA to sign at the beginning of the meeting.

Contact Information:

Special Education ConsultLine, Office for Dispute Resolution

(800-879-2301) (TTY Users: PA Relay 711)

ConsultLine is a statewide service of the Pennsylvania Department of Education, Bureau of Special Education that provides assistance to parents and advocates of eligible or thought-to-be eligible children with school-related concerns, special education regulations, and the special education complaint process.

The Office for Dispute Resolution (ODR)

(800-222-3353) (TTY Users: PA Relay 711)

ODR provides the resources for parents and educational agencies to resolve disputes concerning the identification, evaluation, educational placement, or the provision of a free appropriate public education for students with disabilities, students who are gifted and children with disabilities served by the early intervention system.

Visit the website at www.odr-pa.org for more information on Resolution Meeting Facilitation and other services offered by ODR.

Parent Training and Information (PTI) Center

Parent Education and Advocacy Leadership Center (PEAL)

(412-281-4404 V/TTY) (866-950-1040 V/TTY toll free)

PEAL is a coalition of parents and professionals providing technical assistance, on-site parent training workshops, and literature regarding early intervention, special education, and transition.

Community Parent Resource Centers (CPRC)

Hispanos Unidos para Ninos Excepcionales (HUNE)

(215-425-6203) (Fax 215-425-6204)

HUNE is a not for profit organization established in 1998 providing free bilingual English and Spanish training, technical assistance, and individual assistance to parents of infants, toddlers, children, and youth with disabilities and to professionals who work with children. This assistance helps parents to participate more effectively with professionals in meeting the educational needs of children and youth with disabilities. HUNE works to improve educational outcomes for children and youth with all disabilities (emotional, learning, mental, and physical) from 0-21 years of age.

Mission Empower

(855-825-0788) (Email: advocate@missionempower.org) or (www.missionempower.org)

Mission Empower serves Erie County families who have children with the full range of disabilities, from birth to age 26, by providing individual assistance, as well as advocacy, training, and facilitation of parent involvement in their child's school.

This document was adapted with permission and is based on a publication created by the Consortium for Appropriate Dispute Resolution in Special Education (CADRE) and the Technical Assistance ALLIANCE for Parent Centers.

Commonwealth of Pennsylvania

Tom Wolf
Governor



Bureau of Special Education
Pennsylvania Training and Technical Assistance Network

