

## Resolution Session Information Sheet

**Nature of Resolution Session:** A resolution session is a dispute resolution process where the parents of the child discuss their complaint, and the district/program is provided the opportunity to resolve the complaint.

**Scope of Resolution Session:** The primary purpose of the Resolution Session is to resolve the issues in a pending due process hearing.

**Participants:** Resolution session participants include:

- Parents and relevant members of the IEP team who have specific knowledge of the facts identified in the due process hearing request; and
- A representative of the district/program who has decision-making authority on behalf of the district/program.

The district/program may not have an attorney present unless the parent is accompanied by an attorney.

**Timelines:** The district/program must hold a resolution session within 15 calendar days of receiving notice of the parent's request for a due process hearing. If the district/program has not resolved the dispute to the parent's satisfaction within 30 calendar days of the receipt of the hearing request, the due process hearing may occur, and all of the applicable timelines for the due process hearing begin.

**Waiver:** If a special education hearing has been requested, the parents and school district must participate in a resolution session unless the parents and school district agree to one of the following actions:

- To waive the resolution session, or
- To participate in mediation rather than a resolution session.

**Written agreement:** If the parties resolve all or part of their dispute in a resolution session, they will write an agreement that is signed by the parent (or adult student) and a representative of the school district who has the authority to bind the district. Effective agreements may include:

- What agreements have been made and what action will be taken;
- When the action will be completed ;
- Who is responsible for making sure the action is taken;
- The time period of the agreement;
- A process for review when the actions are completed;
- Who to contact if a participant has a concern about the agreement; and
- The impact of this agreement on the pending hearing request.

A resolution agreement is voluntary, legally binding, and enforceable in state or federal court.

**Voiding agreement:** Any party signing the agreement may void the agreement within three business days of the date of the agreement. A party intending to void an agreement must send the other party a written, signed, dated statement to this effect. This statement must be received by the other party within three business days following the date of agreement.

Child's name: \_\_\_\_\_  
 Date of Birth: \_\_\_\_\_  
 School District: \_\_\_\_\_  
 Attending school: \_\_\_\_\_

Due Process Hearing No.: \_\_\_\_\_  
 Filed on: \_\_\_\_\_

### Resolution Session

#### A. Waiver of Resolution Session

Having reviewed the Resolution Session Information Sheet, *Check applicable boxes below, sign and date.*

- We agree to waive the Resolution Session; or
- We agree to participate in mediation instead of a resolution session.

**For the parent(s) or adult student:**

Print Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Print Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**For the district/program:**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Authorized District Representative

#### B. Resolution Session

**Participants:** *List all resolution session participants, whether or not an agreement is reached.*

Name:	Position and Agency	Date(s) of Participation

**Outcome:**

- Agreement reached – see below.
- No agreement reached

#### C. Resolution Agreement: *Complete if the parent(s) and district/program reach an agreement.*

\_\_\_\_\_ and \_\_\_\_\_ agree to the following:  
 (parent or adult student)      (educational agency)

1. [insert agreement]
2. [insert agreement]
3. [insert agreement] *[Add as many items of agreement as necessary]*

The parties understand that:

1. This agreement is voluntary, legally binding, and enforceable in any State court of competent jurisdiction or in a district court of the United States.

Child's name: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_  
School District: \_\_\_\_\_  
Attending school: \_\_\_\_\_

Due Process Hearing No.: \_\_\_\_\_  
Filed on: \_\_\_\_\_

2. Any party signing below may void this agreement by sending a written, signed, dated statement which is received by the other party within three business days of the last date signed below.

For the parent(s) or adult student:

Print Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

For the district/program:

Print Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
(Authorized District Representative)

Child's name: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_  
School District: \_\_\_\_\_  
Attending school: \_\_\_\_\_

Due Process Hearing No.: \_\_\_\_\_  
Filed on: \_\_\_\_\_

### **Directions for Resolution Session Information Sheet and Form**

#### **This information sheet and form is used to:**

- Inform resolution session participants about the nature and purpose of the resolution session required under IDEA 2004, Sec 615(f)(1)(B), when a due process hearing is requested;
- Document any agreement to waive the requirement for a resolution session; and
- Document any agreement to participate in mediation instead of a resolution session;
- Document resolution session participants and outcomes; and
- Document resolution session agreements, if any.

#### **Directions:**

1. Review the Resolution Session Information Sheet with participants before or at the beginning of a resolution session.
2. Enter the information at the top of the Resolution Session form, including:
  - the child's name and date of birth;
  - the school district or educational agency that is a party to the due process hearing;
  - the child's attending school.
  - the due process hearing number, and the date the hearing was filed.
3. Waiver of Resolution Session:
  - If the parents and authorized district representative agree to waive the resolution session, check the first box, indicating agreement to waive the resolution session.
  - If the parents and authorized district representative agree to participate in mediation instead of a resolution session, check the second box, indicating agreement to participate in mediation instead of the resolution session. If the decision is to participate in mediation rather than the resolution session, the parties need to contact ODE as soon as possible to arrange for mediation.
  - The parents (or adult student, if rights have transferred) and authorized district representative sign and date the waiver.
  - Provide the parent with a copy of the Resolution Session Information Sheet and Resolution Session form indicating agreement not to participate in the resolution session.
4. Resolution Session:
  - If there is no waiver, continue with the process by listing the resolution participants, and their position/agency. *Note:* If the participants include a neutral meeting facilitator, the facilitator should be listed.
  - For each participant, list the date(s) of their participation.
  - Check box indicating outcome (agreement reached or no agreement reached).
5. Resolution Agreement:
  - Any agreements resulting from the resolution session must be in writing. List all agreements reached in the Agreement section.
  - Parties to the agreement sign and date the agreement. If rights have transferred to the adult student, the adult student should sign the agreement.
  - Give the parties a copy of the documents (information sheet, resolution session, resolution agreement).