

Resolution Session Information Sheet

Nature of Resolution Session: A resolution session is a dispute resolution process that gives parents who are seeking a due process hearing an opportunity to discuss their concerns with district¹ staff. Resolution sessions allow parents and staff to explore their disagreements in an informal context and to negotiate mutually acceptable solutions without going through a 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 district representative who has decision-making authority.

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

Timelines: The district must hold a resolution session within 15 calendar days of receiving notice of the parent's request for a due process hearing. If the resolution session is held, please send the date(s) of the session(s) to the Legal Specialist at the Oregon Dept of Education by email to ODE.DisputeResolution@ode.state.or.us. If the district has not resolved the dispute to the parent's satisfaction within 30 calendar days of the receipt of the hearing request, 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:

1. To waive the resolution session in writing, or
2. To participate in mediation rather than a resolution session.

If the resolution session is waived in writing, please forward the signed waiver to Legal Specialist – Student Services, Oregon Dept of Education, 255 Capitol St. NE, Salem OR 97310, by email to ODE.DisputeResolution@ode.state.or.us or by fax to Student Services Dispute Resolution at 503-378-5156.

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 district representative 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.

¹ In this document, the term “district” refers to a public school district or program required under IDEA to provide a free appropriate public education to eligible students with disabilities.

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,

We agree to waive the Resolution Session.

For the parent(s) or adult student:

Print Name: _____ Signature: _____ Date: _____

Print Name: _____ Signature: _____ Date: _____

For the district/program:

Print Name: _____
Authorized District Representative

Signature: _____ Date: _____

B. Resolution Session

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

<u>Name:</u>	<u>Position and Agency</u>	<u>Date(s) of Participation</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Outcome:

- Agreement reached – see below.
- No agreement reached

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

Due Process Hearing No.: _____
Filed on: _____

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.
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)

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/adult student and authorized district representative agree to waive the resolution session, sign and date the Waiver of Resolution Session and forward to the Legal Specialist – Student Services, Oregon Dept of Education, 255 Capitol St. NE, Salem OR 97310, by email to mike.franklin@state.or.us or by fax to Mike Franklin at 503-378-5156
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).