

Information about a Resolution Meeting

Nature of Resolution Meeting: A resolution meeting is a dispute resolution process where the parents of the child discuss the issues on their petition, and the school system or local education agency (LEA) is provided the opportunity to resolve the complaint.

Scope of Resolution Meeting: The primary purpose of the Resolution Meeting is to resolve the issues in a pending due process hearing. It provides an opportunity for the parent(s) to present their concerns to the school system and for the LEA to clarify the issues and available options to resolve them.

Participants: Resolution meeting 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 school system/LEA who has decision-making authority on behalf of the school system.
- **The school system/LEA may not have an attorney present unless the parent is accompanied by an attorney.**

Timelines: The school system/LEA should hold a resolution meeting within **15 calendar days** of receiving notice of the parent's request for a due process hearing. A short extension is appropriate if necessary because of unusual circumstances, but the reasons for the delay must be documented and submitted to the EC Division with the Resolution Meeting Form. If the school system/LEA 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 meeting unless the parents and school system agree to one of the following actions:

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

If the resolution meeting is waived, the parent and LEA representative must sign a waiver, which is faxed to the **Due Process Coordinator** at the North Carolina Department of Public Instruction-Exceptional Children Division (919-807-4059) and to **Kim Hausen** at the OAH (919-431-3100). If the LEA refuses to waive the resolution session and the parent refuses to participate in the resolution session, on day 30, the LEA may submit a motion for dismissal to the OAH. The LEA should also submit documentation of the efforts to involve the parent in resolution.

Written agreement: If the parties resolve all or part of their dispute in a resolution meeting, 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. **A resolution agreement is voluntary, legally binding, and enforceable in state or federal court.**

The signed resolution agreement must be faxed to the NCDPI Exceptional Children Division, and to OAH within 4 days after it is signed. A hard copy with original signatures must be mailed to OAH.

Effective agreements should include:

- What agreements have been made and what action will be taken;
- When the action will be completed and by whom;
- 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;
- Whom to contact if a participant has a concern about the agreement; and
- The impact of this agreement on the pending hearing request.
- Create conditions to monitor implementation of the agreement and modify together if needed.

Points to remember in writing the agreement:

- Give specific names places, dates, times, amounts, and actions;
- Identify what participants will do and when, not what they won't do;
- Use impartial, non-judgmental language that is future oriented. Avoid reference to past problems or blame;
- Avoid contingencies, i.e., ("The school will do *xyz* if the parents do *abc*.") Each discrete activity should stand on its own; and
- Review the statements to be sure they are legally enforceable in North Carolina.

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.