

Facilitation of Resolution Session

If you are conducting facilitation, then you are within the federal requirements of the due process hearing system. **The parties will be meeting at a mandatory resolution session to try and resolve the specific issues of a *Due Process Complaint Notice*.** Specific rules apply to facilitation of resolution sessions! Reread the letter sent to the parties to refresh your memory as to the specific rules.

Read the Due Process Complaint. The respondent must answer the complaint notice within 10 days. Sometimes it is helpful to read the answer.

Contact the parties to set the perimeters of the facilitation. While our office indicates facilitation may take several hours please reinforce the idea that the parties should allow enough time (up to 5 hours) to complete the task appropriately.

Let them know that the parties must execute a **Resolution Agreement** as to any issue resolved. If any issues remain unresolved, those issues will proceed to hearing. When drafting the Resolution Agreement, the parties must allow appropriate time for drafting an agreement that everyone can clearly understand the obligations of the parties when reading it.

Write the agreement so that if you were the Judge you would clearly be able to define if the parties had met or failed to meet the agreement. Make the provision bright line.

Avoid lines such as “The parent will be informed....”

Rather state the provision of what the school must do to inform the parent:

“The school will notify the parents each time a discipline action is taken by the school within one school day by mailing the discipline action to the parent’s home address”.

If the School or parent is anxious to leave the meeting and do not want to attend to the details...simply acknowledge that they are wanting to leave but that it is important to say and be very careful that the legal documents must be drafted so that the provisions are carefully worded so that all parties will be clearly able to define (in the future) if the provisions have been met. Let them know that it is to their legal advantage and must be done carefully.