



*EXCERPT:
Resolution Session*

Rhode Island Department of Elementary and Secondary Education

***SPECIAL EDUCATION
IMPARTIAL DUE PROCESS HEARING PROCEDURES***

Office of Student, Community and Academic Supports

Updated October 2011

These procedures are available on the Rhode Island Department of Education website at:

http://www.ride.ri.gov/OSCAS/Dispute_resolution/

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Resolution Process

(Regents Regulations §300.510)

Within 15 days of receiving notice of the parent's due process complaint, the LEA must convene a meeting with the parent and the relevant member(s) of the IEP team who have specific knowledge of the facts identified in the complaint. The relevant members of the IEP team to attend the meeting are determined by the parent and the school department.

The resolution meeting must include a representative of the LEA who has decision-making authority on the agency's behalf. The resolution meeting may not include a school department attorney unless the parent is accompanied by an attorney.

The purpose of the meeting is for the parent(s) to discuss the due process complaint, including the facts that form the basis of the complaint, so that the LEA has the opportunity to resolve the dispute upon which the due process complaint is based.

Reaching a Settlement Agreement through the Resolution Process

If a resolution to the dispute is reached through the resolution meeting, the parties must create a legally binding agreement that is:

- signed by both the parent and the public agency's representative with the authority to bind the agency and
- enforceable in any State court of competent jurisdiction or in U.S. District Court.

3-day review period: Either party to the resolution agreement has the right to void the agreement within 3 business days of its execution.

The resolution meeting need not be held if:

- the parent and the LEA agree, in writing, to waive the meeting; or
- the parent and the LEA agree to use the special education state mediation process.

Proceeding with the Impartial Due Process Hearing

If the LEA has not resolved the complaint to the parent's satisfaction with 30 calendar days of receiving the due process complaint, the impartial due process hearing may proceed, unless the parties are engaged in mediation and have agreed in writing to continue the mediation at the end of the 30 day period.