

School Agreement to Use a Third Party Neutral Facilitator During Resolution Session

The goal of the resolution session is to exchange information and to consider options that could resolve the Due Process complaint. The facilitator's role is to ensure that parties have an opportunity for equal participation in a structured setting while adequately addressing the facts and issues raised by the Due Process complaint. The facilitator will assist the parties with discussing matters related to the Due Process complaint in an attempt to reach a mutually acceptable resolution. The facilitator does not provide legal advice and does not render a decision for the parties.

Resolution sessions may be confidential upon the agreement by both parties. Each party is responsible for understanding and adhering to applicable timelines and deadlines for hearings and appeals in due process.

The Special Education Resolution Center will be contacting the parties to set a time and location for the facilitation. The School District will convene the meeting with the parent and the relevant member or members of the IEP team who have specific knowledge of the facts identified in the due process complaint and must include a representative of the School District who has decision-making authority on behalf of that agency. The School District may not bring an attorney if the parent does not bring an attorney. 34 C.F.R. §§300.510(a)(1).

The purpose of the meeting is for the parent to discuss the due process complaint and the facts that form the basis of the complaint so that the School District has the opportunity to resolve the dispute that is the basis for the due process complaint. The facilitator will assist the parties to discuss the issues in a structured setting and 34 C.F.R. §300.510 (a)(2)

If a resolution to the dispute is reached at the resolution session, the parties must execute a legally binding agreement that is:

1) signed by both the parent and a representative of the school district who has the authority to bind the agency and 2) enforceable in any State court of competent jurisdiction or in a district court of the United States. If the parties execute a resolution agreement, a party may void the agreement within three (3) business days of the agreement's execution.

If the school district is unable to obtain the participation of the parent in the resolution meeting after reasonable efforts have been made, then the school district may, at the conclusion of the 30 day resolution period, request the hearing officer to dismiss the parent's due process complaint. If the school district fails to participate in the resolution meeting, the parent may seek the intervention of the hearing officer to begin the due process hearing timeline.

I agree to use a third party neutral facilitator during the Resolution Session.

School District Representative

Date