



PROCEDURAL SAFEGAURDS: Understanding Resolution Meetings

The resolution meeting process was added to special education regulations to provide an additional way for parents and schools to resolve conflict. A resolution meeting is much like mediation, but without a mediator and is used whenever a parent files a request for a due process hearing. After the hearing request has been filed, the school has 15 days to hold a resolution meeting with the parents to try to resolve the problem without going to hearing.

The resolution meeting provides the opportunity for the parent to discuss the due process hearing request and supporting facts so that the school has the opportunity to resolve the dispute. A resolution meeting gives parents and the school district a chance to work together to avoid a due process hearing.

The parent and school determine which members of the Individualized Education Program (IEP) team will attend the resolution meeting. Participants include the parents, the school representative, and any IEP team member who has relevant information about the issue that is being discussed. The School Administrative Unit (SAU) representative has decision making authority at the resolution meeting. It might be appropriate to have the child attend the meeting. School districts may not bring an attorney to the resolution meeting unless the parent brings an attorney.

The meeting is not needed if:

- ★ The parent and the school agree in writing to waive it; or
- ★ The parent and the school agree to use the mediation process instead.

There are several good reasons to participate in a resolution session. This meeting allows both parties to discuss the issues and reach an acceptable solution, without going to hearing. The meeting is usually less adversarial than a hearing and can help open or repair communication between the parents and the school. If you don't reach agreement, the due process hearing proceeds.

It is a good idea to be well prepared for the meeting. Parents should write out their concerns and include ideas about how to resolve the issue. Organizing documents, making notes about what you want to talk about are good ideas as well. Parents can prepare themselves emotionally for this meeting by practicing what they want to say with a friend or family member. Thinking about the different questions that might be asked and what your response will be also helps you feel more prepared. Schools can help by having a comfortable setting for the meeting: one that allows for open discussion. Remember to keep the conversation focused on the child and to offer ideas that generate solutions.

At the time of the resolution session, the parent and the school may choose to sign a confidentiality statement. Although FERPA, the Federal Educational Rights and Privacy Act, applies to any written agreement or educational record that results from the resolution session, it doesn't cover discussion unless there is a signed confidentiality statement.

If the parent and the school reach agreement at the resolution meeting, the agreement will be put in writing and signed by both parties. Either side can change their mind within 3 business days of signing. If no agreement is reached at the resolution session, the due process hearing moves forward.

For a copy of the Notice of Procedural Safeguards go to:

Web: <http://www.maine.gov/education/speced/documents/ProceduralSafeguards.doc>

For a copy of the Maine Unified Special Education Regulations:

Web: www.maine.gov/education/speced/contentrules.htm



The contents of this fact sheet were developed, in part, by P³, a Parent Program Partnership between the Learning Disabilities Association of Maine, Maine Parent Federation and Southern Maine Parent Awareness.

This fact sheet was designed to inform the reader and its contents should not be taken as legal advice or a complete document on the subject. For more information on Understanding Resolution Meetings and other topics of importance to families of children with disabilities and special health care needs, contact Maine Parent Federation by telephone at 1-800-870-7746 (Statewide), 207-588-1933, or by email at parenconnect@mpf.org.

The contents of this fact sheet were developed, in part, under a grant from the US Department of Education, #H328M110002. However, those contents do not necessarily represent the policy of the US Department of Education, and you should not assume endorsement by the Federal Government.

