

Tips, Tools & Resources for Local Education Agencies and Early Intervention Providers to Improve Agreement Rates in Resolution Sessions

This resource was developed to provide local education agency personnel and early intervention providers with ideas and strategies on how to improve their resolution meeting agreement rate (Part B Indicator #18, Part C Indicator #12 where applicable). These ideas address the full range of program issues from policy and agreement writing tips to participant involvement and the use of facilitators.

IDEA regulations (8300.510) state, in part:

To review the IDEA in regulations in full ~ www.directionservice.org/cadre/2004regs.cfm

(a) Resolution meeting. (1) Within 15 days of receiving notice of the parent's due process complaint, and prior to the initiation of a due process hearing..., the LEA [local educational agency] must convene a meeting with the parent and the relevant member or members of the IEP [individualized education program] Team who have specific knowledge of the facts identified in the due process complaint that—

(i) Includes a representative of the public agency who has decision-making authority on behalf of that agency; and

(ii) May not include an attorney of the LEA unless the parent is accompanied by attorney.

(2) The purpose of the meeting is for the parent of the child to discuss the due process complaint, and the facts that form the basis of the due process complaint, so that the LEA has the opportunity to resolve the dispute that is the basis for the due process complaint...

(d) Written settlement agreement. If a resolution to a dispute is reached at the meeting... the parties must execute a legally binding agreement...

Below are Questions for Local-Level Coordinators of the Resolution Meeting Process to Consider When Developing Procedures:

- Are local written policies and procedures in place for administering the Resolution Meeting?
- Who is responsible for managing the use, timeliness and legal compliance of Resolution Meetings?
- When and by what means does a parent learn about the Resolution Meeting requirement (from the SEA, Part C Lead Agency, hearing officer, local school district, other entity)?
- What are the reasons why parents may be reluctant to participate in the meeting?
- Are you prepared to manage discussions where high or intense emotions are present?
- What education and outreach materials (e.g., brochure, Q & A, tip sheet, guide for parents) do you make available to help participants prepare for the Resolution Meeting? Is information about the resolution meeting process available in accessible formats (e.g., alternate languages or formats)?
- Who manages pre-meeting communication (the LEA, SEA, Lead Agency, service provider, hearing officer, case manager)? How is information provided (e.g., form letters, telephone, email)?
- What procedures are in place to waive the Resolution Meeting or to request mediation in lieu of or in addition to a Resolution Meeting?
- How are written settlement agreements integrated into the IEP/IFSP process?
- What is the process for collecting and reporting written settlement agreements?
- If the Resolution Meeting ends without agreement, how are the participants encouraged to keep communication open until the hearing?

Use of Resolution Meeting Facilitators:

Although not required, some State and Local Education Agencies have implemented the use of facilitators for their resolution meetings in order to make them more effective. When relationships between parents and schools are strained, facilitated meetings may be more productive. A facilitator helps keep meeting participants focused on the development of a satisfactory agreement while addressing strong differences of opinion or conflicts that may arise during the meeting. Many different approaches are in use including the use of special education mediators, district personnel, parent center staff and IEP/IFSP facilitators, all trained to capably serve in the role of resolution meeting facilitator.

The use of third party neutrals can help:

- Improve relationships between parents and schools.
- Ensure that the meeting is student-focused.
- Model effective communication and listening.
- Clarify points of agreement and disagreement.
- Encourage parents and professionals to identify new options to address issues.
- Save money when compared to more formal proceedings, especially a fully adjudicated hearing.
- Reduce the stress that characterizes more formal proceedings.
- Support better agreement implementation.
- Clarify roles and responsibilities.

When using a facilitator, questions to consider include:

- What policies will you have in relation to confidentiality? (IDEA is silent on this issue — see below.)
- How will the facilitator address issues related to power disparities between the family and school?
- How will issues of language, socio-economic status and culture be addressed?

Possible Forms to use (with links to State forms):

Sample Written Settlement Agreement Template ~ <http://www.directionservice.org/cadre/IAresolutionagreementtemplate.cfm>

Sample Optional Confidentiality Agreement (Since the law is silent, participants may voluntarily elect to keep the meeting discussions confidential.) ~ www.directionservice.org/cadre/PAresolutionmtgconfidentagreement.cfm

Sample Agreement to Use a Third Party Neutral Facilitator During Resolution Session (including confidentiality provision) ~ www.directionservice.org/cadre/okparentagreetofacilitate.cfm
www.directionservice.org/cadre/okschoollagreetofacilitate.cfm

Sample Consent for Release of Confidential Information (to Third Party Neutral) ~ www.directionservice.org/cadre/okferpa.cfm

Sample Post-Resolution Meeting Report/Data Collection to Hearing Officer/State Education Agency ~ www.directionservice.org/cadre/CTresolutiondatacollection.cfm

Tips for Writing Durable Settlement Agreements:

While strategies can be implemented to improve settlement agreement rates, it remains important that agreements are written in a way that improves the likelihood that they are implemented and durable. Below are suggestions that can assist participants in creating durable settlement agreements.

For each issue identified:

- A specific activity describes how to resolve the issue as agreed to by all
- A person is identified as being responsible to initiate and complete an activity
- A timeline is specified for a particular activity

The agreement identifies a person responsible to (a) coordinate the implementation of the entire agreement and (b) to serve as the point of contact for all parties.

If appropriate, the parties might consider a contingency plan, because some things may be outside the control of any party in the dispute (e.g., an independent evaluation may be agreed upon yet there may be a waiting period).

Agreements should pass the “stranger test”:

- If a reasonable person not in attendance read the agreement, would the person know what it meant?
- Can all parties articulate the expectations in the agreement?
- Was everything clearly defined?

The starting and ending date of the agreement are specified, if applicable.

Resources & Materials Available to Help Participants Prepare for Resolution Meetings:

Resolution Meetings: A Guide for Parents ~ A joint publication from CADRE and the ALLIANCE ~ www.directionservice.org/cadre/resmtgdoc.cfm

Sample Checklist for Resolution Meetings ~ A publication of the Iowa Department of Education ~ www.directionservice.org/cadre/IAresolutionmtgchecklist.cfm

Steps to Success: Communicating with Your Child's School ~ A joint publication from CADRE and the National Dissemination Center for Children with Disabilities (NICHCY) ~ www.directionservice.org/cadre/success.cfm

State Education Agency & Lead Agency Resources for Resolution Meetings:

<http://spp-apr-calendar.rrfcnetwork.org/explorer/view/id/466> (Part B Indicator #18)

<http://spp-apr-calendar.rrfcnetwork.org/explorer/view/id/475> (Part C Indicator #12)

Some of the content of this resource incorporates existing material from CADRE, the Technical Assistance ALLIANCE for Parent Centers, and the state education agencies in Connecticut, Iowa, Pennsylvania and Oklahoma. For more resources on dispute resolution in special education, visit the CADRE website at www.directionservice.org/cadre

This guide was developed by CADRE in collaboration with the Regional Resource Center General Supervision Priority Team's Dispute Resolution Workgroup. Workgroup members came from the Regional Resource Centers, Regional Parent Technical Assistance Centers, and the Office of Special Education Programs.

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