

## **Resolution Session Information Sheet**

**When parents file a request for a due process hearing, districts are required to hold a resolution session with the parent to try and resolve the issues identified in the due process hearing request. This Information Sheet addresses the requirements for a resolution session and also contains forms that districts and parents may use to document participation, waivers, and agreements.**

**What is a “resolution session?”** A resolution session is a dispute resolution process that occurs after a parent has filed a due process hearing request but before the due process hearing timelines can begin. It provides parents and districts an opportunity to meet and try to resolve the problems identified in the parent’s due process hearing request.

**What are the timelines?** When a parent files the due process request, the district is to hold the resolution session within 15 calendar days of receiving notice of the parent’s request for a due process hearing. If the parent’s due process hearing request is expedited, the resolution session must occur within 7 calendar days of the due process hearing request. If the district has not resolved the dispute to the parent’s satisfaction within 30 calendar days of the receipt of the hearing request (or within 15 days of the expedited due process hearing request), the due process hearing may occur, and all of the applicable timelines for the due process hearing begin.

**Who are the participants?** Resolution session participants include:

- Parents and relevant members of the IEP team who have specific knowledge of the facts identified in the due process hearing request; and,
- A representative of the district/program who has decision-making authority on behalf of the district/program.

**Note:** The district/program may not have an attorney present unless the parent is accompanied by an attorney.

**What if we don’t want to hold another meeting?** If a special education hearing has been requested, the parents and school district are to participate in a resolution session, unless the parents and school district agree to either:

- Waive the resolution session, or
- Participate in mediation rather than a resolution session.

**What happens if the parent wants to amend (change) their original due process request?** If the other party agrees to the amendment, or if the administrative law judge (ALJ) allows the amendment, the timelines and requirements for the resolution session begin again.

**What if the parent does not want to meet or the district refuses to convene the meeting?** The district must schedule the resolution session within 15 calendar days (7 calendar days for expedited hearings) of the request unless there is written agreement by the parent and the district to waive the resolution session. If the parent files the request and does not come to the meeting

scheduled by the district, the ALJ may require a resolution meeting to occur before the hearing timelines begin, or the ALJ may decide to dismiss the hearing request.

**What happens when we reach an agreement?** If the parties resolve all or part of their dispute in a resolution session, they will prepare a written agreement that is signed by the parent (or adult student) and a representative of the school district who has the authority to bind the district. Effective agreements may include:

- What agreements have been made and what action will be taken;
- When the action will be completed;
- Who is responsible for making sure the action is taken;
- The time period of the agreement;
- A process for reviewing that actions are completed;
- Who to contact if a participant has a concern about the agreement; and,
- The impact of the agreement on the pending hearing request.

A resolution agreement is voluntary, legally binding, and enforceable in state or federal court, or through a citizen complaint. The due process hearing will be dismissed if all issues have been resolved. If some issues remain, the hearing will address the remaining issues.

**What if we change our minds about the agreement?** The parent and the district party may void the agreement within three business days of the date of the agreement. A party intending to void an agreement must send the other party a written, signed, dated statement to this effect.

**The following pages contain forms that districts and parents may use to document participation, waivers, and agreements.**

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Due Process Hearing No.:	Filed on:
Student Name:	Date of Birth:
School District:	Attending school:

### **Waiver of Resolution Session**

Check applicable boxes below, sign, and date.

- ☐ We agree to waive the Resolution Session; or
- ☐ We agree to participate in mediation instead of a resolution session.

#### **For the parent(s) or adult student:**

Print Name:		Signature:		Date:	
Print Name:		Signature:		Date:	

#### **For the district/program:**

Print Name & Title:		Signature:		Date:	
Print Name & Title:		Signature:		Date:	

*(Authorized District Representative)*

**Note:** Provide a copy of the information to the Administrative Law Judge assigned to the case. If the resolution session is waived and mediation is not scheduled, the timelines for the hearing begin.

Due Process Hearing No.:	Filed on:
Student Name:	Date of Birth:
School District:	Attending school:

### **Resolution Session**

**Participants:** *List all resolution session participants, whether or not an agreement is reached.*

<b><u>Name</u></b>	<b><u>Position and Agency</u></b>	<b><u>Date(s) of Participation</u></b>

**Outcome:**

- ☐ Agreement reached – see below.
- ☐ No agreement reached

Due Process Hearing No.:	Filed on:
Student Name:	Date of Birth:
School District:	Attending school:

### **Resolution Agreement**

*Complete if the parent(s) and district/program reach an agreement.*

	and	
(Name & Signature of Parent(s) or adult student)		(Name and Signature of Educational agency)

agree to the following:

1. (insert agreement)
2. (insert agreement)
3. (insert agreement) [Add as many items of agreement as necessary]

The parties understand that:

1. This agreement is voluntary, legally binding, and enforceable in any State court or competent jurisdiction or in a district court of the United States.
2. Any party signing below may void this agreement by sending a written, signed, dated statement, which is received by the other party within three business days of the last date signed below.

#### **For the parent(s) or adult student:**

Print Name:		Signature:		Date:	
Print Name:		Signature:		Date:	

#### **For the district/program:**

Print Name & Title:		Signature:		Date:	
Print Name & Title:		Signature:		Date:	

(Authorized District Representative)

**Note:** Provide a copy of the information to the Administrative Law Judge assigned to the case. If the resolution session is waived and mediation is not scheduled, the timelines for the hearing begin.