

## ***Resolution Meeting Facilitation*** **PROCEDURES/FACT SHEET**

Resolution Meetings are mandated by IDEA 2004 for due process requests initiated by parents unless both parties waive participation in the meeting or if both parties agree to try mediation. When a due process hearing is requested, a dispute already exists and the parties may have difficulty reaching agreement at a resolution meeting. Like in mediation, the presence of a neutral facilitator at the resolution meeting may yield more effective and successful meetings. Resolution Meeting Facilitation is an alternate dispute resolution activity offered by the Office for Dispute Resolution (ODR).

The law states that the first 30 days after a parent requests due process is considered a resolution period. As a requirement of this, a resolution meeting must be held. If both parties believe the use of a neutral third party at the resolution meeting will increase the likelihood of reaching agreement, ODR will send a facilitator to assist the parties. It is also important to note that there is no charge to either party for the use of the facilitator.

The procedures and benefits of this activity are described below.

### ***Procedures for Resolution Meeting Facilitation***

- Upon receipt of a due process request from a parent, the ODR Case Manager will contact the local education agency (LEA) and parent to explain and offer Resolution Meeting Facilitation.
- If either the LEA or parent requests a facilitator, ODR Case Manager will contact the other party for agreement.
- The LEA and parent are responsible for scheduling the Resolution Meeting.
- Once the Resolution Meeting has been scheduled between the LEA and parent, the ODR Case Manager will assign a facilitator to attend at the time and place determined by the LEA and parent. This date will be within the first 30 days after a due process request has been made.
- Facilitators will be taken from the current ODR pool of IEP Facilitators.
- There will be no cost to LEAs or parents for the use of a facilitator at the Resolution Meeting.
- At the Resolution Meeting, the facilitator will ask the parties to sign a form that shows their agreement to the presence of a facilitator.
- Any agreement reached is between the parent and the LEA – the facilitator is not a party to any agreement.

- If the Resolution Meeting is successful and all issues are resolved, the requesting party will notify the Hearing Officer that agreement has been reached.
- If the Resolution Meeting is not successful, the due process will move forward.
- All parties will be asked to complete and return to ODR an evaluation form.
- The facilitator will not serve as a witness in any subsequent actions.

### ***Role of the Facilitator***

#### **The Facilitator:**

- Helps the parties focus on the student's needs.
- With the agreement of all parties, the facilitator may help create an overall agenda and assist in generating ground rules for the meeting.
- Assists the parties to resolve conflicts and disagreements that arise during the meeting.
- Helps to maintain open communication among all parties.
- Models effective communication and listening.
- Helps to keep parties on task and within the time allotted for the meeting.
- Maintains impartiality and does not take sides, place blame or determine if a particular decision is right or wrong.
- Clarifies points of agreement and disagreement.
- Ensures that the meeting is student-focused.
- Does not impose a decision on the group.

### ***Benefits of Resolution Meeting Facilitation***

#### **A Facilitation:**

- Builds and improves relationships between parents and schools.
- Provides opportunities for parties to resolve conflicts if they arise.
- Encourages parents and professionals to identify new options to address unresolved problems.
- Is typically a less stressful mechanism for resolving disputes than a due process hearing.
- Supports all parties in participating fully.
- Provides an opportunity to resolve issues which could negate the need to move forward with due process.

(updated 6/2010)