



# Office of the State Superintendent of Education

## Facilitated Resolution is now being offered for all Special Education Due Process Complaints

### Introduction

A Facilitated Resolution Meeting is a new offering by the Office of the State Superintendent of Education (OSSE) that provides an opportunity for parents and schools to resolve due process complaint issues with a Settlement Agreement, prior to a due process hearing. Facilitated resolution meetings are a rapidly growing resource designed to assist schools and parents who may be experiencing difficulties in resolving special education disputes. As of June 3, 2013, the Office of the State Superintendent of Education will begin offering the opportunity for facilitated resolution whenever a due process complaint is filed. The OSSE Student Hearing Office will be managing this process.

### What is a Facilitated Resolution Meeting?

Under IDEA regulation 34 C.F.R. § 300.510, within 15 calendar days of receiving notice of the parent's due process complaint (7 days if expedited), and prior to the initiation of a due process hearing, a school must convene a 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. 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 school has an opportunity to resolve the dispute that is the basis for the complaint. This is called the Resolution Meeting. The OSSE is offering schools and parents an opportunity to benefit from the expertise of a skilled facilitator to participate in the meeting to help the parties discuss their positions in a more meaningful way. The presence of a neutral facilitator at the resolution session may produce a more effective discussion and successful outcome.

### Benefits

There are numerous benefits to the utilization of a facilitator during the resolution meeting, and the parties should consider inviting a facilitator to the meeting. The benefits include:

- The student remains the focus of the discussions, and those who know the student best make all decisions rather than a hearing officer.
- Both school personnel and the parent are afforded an opportunity to fully and meaningfully participate in the discussions in a non-confrontational environment.
- Promotes consensus building and open communication, possibly allowing school district personnel and the parent to independently resolve any disputes or disagreements should they arise in the future.
- The school and the parent are spared considerable expense associated with litigation.
- Should a hearing be necessary, the parties would have had an opportunity to have narrowed down and clarified the points of agreement and disagreement, which can lead to a more focused, effective and efficient due process hearing.

### Can Facilitated Resolution be declined?

Yes, this is an optional service. All parties to the Due Process complaint will be contacted, and both parties must consent to facilitation before a facilitator is assigned.

