
Early Resolution Sessions Making Them Work For Students

**Georgia Department of Education
Divisions for Special Education Services and Supports
1870 Twin Towers East
Atlanta, Georgia 30334**



Early Resolution Sessions

- **IDEA 2004**

34 C.F.R. § 300.510 reads

(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 under 300.511, the LEA 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.

Who Attends?

- **The parent and the LEA determine the relevant members of the IEP Team to attend the Resolution meeting.**
- **LEA representative who has decision making authority on behalf of the system.**
- **May not include a system attorney unless the parent is accompanied by an attorney**

When?

Must be held within 15 calendar days of the LEA receiving notice of a parent's due process complaint.

Unless

Both the parent AND the LEA agree in writing to waive the meeting or agree to use the mediation process

What Happens?

The purpose of the Resolution meeting is for the parent to discuss the due process complaint and present their supporting facts.

The LEA will then after consideration of the information have an opportunity propose a remedy to the complaint.

Potential Benefits to System

- **Opportunity to prepare prior to the meeting**
- **Focus on issue to develop a mutually agreeable solution to the conflict**
- **Controlled environment- potential to repair communication and relationship**
- **Reduces expenditure of system resources**

Potential Benefits to Parents

- **Provides an opportunity to present concerns outside the IEP meeting**
- **Potentially less adversarial**
- **Opportunity to withdraw the resolution agreement within 3 days of execution**
- **May result in a binding agreement enforceable in court**

Potential Benefits to Students

- **Improved communication between parents and system**
- **Opportunity to be engaged in solution**
- **Delivery of services**
- **Clear understanding of all parties – providing consistency for student**

Confidentiality

- **IDEA 2004 is silent regarding the confidentiality of resolution discussions**
- **Nothing in the regulations prevent entering into a confidentiality clause agreement at the beginning of the meeting if both parties agree**
- **However- this cannot be a condition of participation in the meeting**

Getting Ready for the Meeting

- **Provide information regarding the meeting format to the parent**
- **Collaborate with the parent to determine participants, time and location**
- **Parents and system should organize documents and be prepared to present data to support their recommendations**
- **Be clear and concise- write statements ahead of time**

At the Meeting

- **Consider using a neutral party to facilitate the meeting**
- **Establish some ground rules at the beginning of the meeting- consider an agenda**
- **Have a recorder ready to draft agreement**
- **Be sure to include timelines in any agreement**

Tips for a Successful Meeting

- **Consider the physical environment**
- **Be aware of nonverbal communication**
- **Identify the issues**
- **Be prepared to listen**
- **Clarify/ restate**
- **Ask reflective questions**
- **Propose solutions to issues individually**
- **Try to draft points of agreement as they are reached- maintain focus**

Written Agreement

- **Read the agreement aloud – point by point**
- **Make adjustments as needed- ask for input from participants**
- **Include timelines for execution**
- **Identify parties responsible for implementation**
- **Include confidentiality clause, if appropriate**

No Resolution – Next Steps

- **No agreement is reached through the Early Resolution Meeting or Mediation by the end of the 30 day resolution period-**
- **Proceed to the due process hearing- the 45 day timeline starts the next day**
- **Extensions to the 45 day timeline are allowed as described in the IDEA**

**For additional information contact:
Debbie Gay 404 657-7329**

**Georgia Department of Education
Divisions for Special Education Services and Supports
1870 Twin Towers East
Atlanta, Georgia 30334
404-656-3963**

Website: http://www.gadoe.org/ci_exceptional.aspx

