DUE PROCESS – RESOLUTION SESSION – TRACKING FORM

ATTENTION SCHOOL DISTRICT OR COMMUNITY SCHOOL (SD or CS): The Ohio Department of Education, Office for Exceptional Children (ODE/OEC), is required to collect data on the resolution session outcomes.

A representative of the SD or CS must complete this form. Please send a copy of the completed form along with any written waivers to the Ohio Department of Education, Office for Exceptional Children, **prior to your pre-hearing conference**. The documents can be mailed, or faxed to:

Ohio Department of Education
Office for Exceptional Children
ATTN: Bernadette Laughlin, Due Process Coordinator
25 South Front Street, Mail Stop 409
Columbus, Ohio 43215
Phone: 614-752-7406
Fax: 614-728-1097
Toll Free Number: 1-877-644-6338

Due Process Case: _____ Date Request Was Received: _____
Student's Name: _____
SD or CS: _____
Authorized SD or CS Representative (Print Name):_____
Signature: _____ Date: _____

Resolution Period: Resolution Meeting

1. Was a resolution session held? ☐ YES ☐ NO If you answered NO to question #1, please go to question #4.

2. If yes, what was the date of the resolution session? _____
   If more than one resolution session was held, list all dates: _____
3. Was an agreement reached? ☐ YES ☐ NO
   If yes, was it a full or partial agreement? _____
   Yes, but the agreement was voided within three business days ☐

4. If a resolution session was not held please select one of the following:

   ☐ The parties agreed, in writing, to waive the resolution session (see **Waiver of Resolution Session)**.
   ☐ The resolution session was convened but the parent failed to attend (please describe your efforts in the Comments Section of this form and attach any relevant documentation).
   ☐ The SD or CS failed to convene the resolution session.
   ☐ The parties agreed to participate in mediation.

Waiver of Resolution Session

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

Parent(s) or adult student:

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

School District or Community School (SD or CS)

Authorized SD or CS Representative (Print Name): _____

Signature: _____ Date: _____

PROVIDE A COPY OF THIS SIGNED WAIVER TO YOUR IMPARTIAL HEARING OFFICER (IHO) AND THE OHIO DEPARTMENT OF EDUCATION, OFFICE FOR EXCEPTIONAL CHILDREN, AS THIS WILL START YOUR 45-DAY HEARING TIMELINE

Resolution Period: Impasse

☐ We agree that we participate in a resolution session, but no agreement is possible.
☐ We agree that we participate in mediation, but no agreement is possible.

Parent(s) or adult student:

Print Name: _____ Signature: _____ Date: _____

Print Name: _____ Signature: _____ Date: _____

School District or Community School (SD or CS)

Authorized SD or CS Representative (Print Name): _____

Signature: _____ Date: _____

PROVIDE A COPY OF THIS SIGNED IMPASSE TO YOUR IMPARTIAL HEARING OFFICER AND ODE/OEC IMMEDIATELY AS THIS WILL START YOUR 45-DAY HEARING TIMELINE

Resolution Period: Mediation

1. Was mediation used in lieu of a resolution session? ☐ YES ☐ NO
2. If yes, what was the date of the mediation session? _____
3. Was an agreement reached? ☐ YES ☐ NO
   If yes, was it a full or partial agreement? _____

COMMENTS (attach additional pages if necessary):

_____
_____
_____
_____
_____

DUE PROCESS – RESOLUTION SESSION INFORMATION

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 and before the due process hearing timelines begin. It provides parents and school district (SD) or community school (CS) an opportunity to meet to resolve the problems identified in the parent's due process hearing request. Resolution sessions are explained in greater detail in the federal regulations that implement Individuals with Disabilities Education Act (IDEA) at 34 C.F.R. § 300.510.

What are the resolution session timelines? Within **15 calendar days** of receiving notice of a parent's due process complaint, and prior to the initiation of a due process hearing the SD or CS must convene a meeting-the resolution session-with the parents that filed the complaint, and relevant members of the individualized education program (IEP) team. At this meeting, the parents are given the opportunity to discuss their complaint and the facts that form the basis of the complaint, and the SD or CS is provided the opportunity to resolve the complaint. The resolution session must be convened unless: (1) the parent and the SD or CS jointly agree in writing to waive the meeting; or (2) the parent and the SD or CS agree to participate in mediation in lieu of a resolution session.

What are the resolution timelines for expedited due process hearing requests? When a parent files a request for an expedited due process hearing, the SD or CS must hold a resolution session within 7calendar days of receiving notice of the due process complaint, and attempt to reach resolution within 15 calendar days of the receipt of the hearing request.

Who are the required participants? Resolution session participants include the parent and the relevant member or members of the IEP team who have knowledge of the facts identified in the due process complaint, including a SD or CS representative who has decision-making authority.

- The resolution session **may not** include the SD OR CS's attorney unless the parent is accompanied by an attorney.

What if the parent does not want to participate in a resolution session or the SD OR CS does not convene the resolution session? If a parent files the due process complaint and the SD or CS does not convene a resolution session within the timelines, the parent may ask the Impartial Hearing Officer (IHO) to begin the due process hearing timeline. If the parent files the due process complaint and does not come to the meeting as scheduled, and the SD or CS documents that it is unable to obtain the participation of the parent, the SD or CS may, at the conclusion of the 30 calendar day resolution period, request the IHO to dismiss the parent's due process complaint.

What happens if we reach agreement? If the issues in the due process complaint are resolved at the resolution session, then the parties shall develop a legally binding written agreement that is signed by both parent and a representative from the SD or CS with authority to bind the agency. The agreement is enforceable in a state court of competent jurisdiction or in a district court of the United States. Either party may void the resolution agreement within **three business days** of the agreement's executive.

What happens if we do not reach agreement? If, after a resolution session or mediation, the SD or CS has not resolved the parent's due process complaint within 30 days of receipt of the complaint, the due process hearing may occur. The 45-day due process hearing timeline begins at the end of the 30-day resolution period, or the day after one of the following events:

1. Both parties agree jointly in writing to waive the resolution session; or

2. After either the mediation or the resolution session starts, but before the end of the 30-day resolution period, the parties agree jointly in writing that no agreement is possible.

- **If one of the above occurs, the parties must immediately notify the IHO.**
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If you have questions about resolution sessions, please contact the
Ohio Department of Education, Office for Exceptional Children, Bernadette Laughlin, Due Process Coordinator, at 614-752-7406
Toll Free Number: 1-877-644-6338

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