



SAN LUIS OBISPO COUNTY SPECIAL EDUCATION LOCAL PLAN AREA

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SELPA GUIDE Resolution Session

When a parent files for a fair hearing with the Office of Administrative Hearings, Federal law requires that a local resolution session be held prior to moving forward to mediation or fair hearing. The only exception to this is if the parent and their Local Education Agency (LEA) agree to go directly to state mediation without a local resolution attempt. When that is not the case, the resolution session must take place within 15 days of the LEA being notified of a parent's filing for due process. All efforts to resolve issues contained in the request for fair hearing must be completed within 30 days. If action is not taken/completed within 30 days the case will move forward.

The LEAs of the San Luis Obispo SELPA have agreed on a regulation that governs the structure of these sessions. Attached is the SELPA local policy for review. In summary, the local resolution session will consist of mediation between the parent and the LEA. The intent of this mediation is to resolve the issues contained in the due process complaint locally and reach a binding agreement that is acceptable to both parties.

Resolutions sessions are generally scheduled for three hours; however, this time may be adjusted depending on the complexity of the complaint. The resolution session will consist of a mediation conducted by the SELPA director or his designee, or by the LEA superintendent. The individual conducting the meditation will contact the parties prior to the mediation to: (1) set a time and place for the resolution session, (2) explain the ground rules of the mediation, and (3) gather information concerning the complaint and suggested solutions for the problem(s).

Parents may bring an attorney or an advocate to the resolution session; however, the mediation will be between the parent and the LEA's representative. If an attorney or an advocate is present his or her role will be restricted to that of a consultant. The LEA will not bring an attorney to this meeting unless the parent decides to; however, that is an optional decision on the part of the LEA. If an agreement is reached the law guarantees the parent has 3 days to rescind, in writing, the agreement. The law is clear that legal fees may not be collected for having an attorney attend a resolution session.

At the conclusion of the resolution session one of three things will occur: (1) either a binding written agreement is reached, (2) a resolution will be continued based on mutual agreement up to the 30-day limit, or (3) no agreement will be reached. In any case, you will be provided with a letter to be forwarded to the Office of Administrative Hearings, which notes the outcome.

SELPA or District Letterhead

[Date]

Office of Administrative Hearings
Special Education Unit
1102 Q Street, 4th Floor
Sacramento, CA 95814

Ref: Resolution Session - [Case Number]

To Whom It May Concern:

The parents/guardian of the child's name in the above case have:

Agreed not to conduct a resolution session and go directly to state mediation.

Met on the following date: _____ and:

Were unable to resolve the issues.

Signed a binding agreement to resolve the issues.

If you should have questions concerning this matter please contact me at the number listed above.

Sincerely,

Sincerely,

Director

Parent

Address: _____

**RESOLUTION SESSION
LOCAL ADMINISTRATIVE REGULATION**

Within the San Luis Obispo County SELPA, when a due process filing occurs following steps will take place:

1. The involved LEA shall notify the SELPA as soon as possible.
2. The SELPA director, or designee, shall contact both parties to:
 - a. Explain the process
 - b. To gather information concerning desires and possible solutions
 - c. To schedule a resolution session within 15 days or sooner
3. The Resolution Session shall consist of:
 - a. Mediation between the two parties conducted by the SELPA director, his designee, a director from another district, or the district superintendent, or designee
 - b. The participants in this meeting shall be the parents and the director of the named LEA
 - c. Attorneys and/or advocates may attend this meeting to provide support or input to the party they represent, however, they may not participate in other manners
 - d. The LEA may not have an attorney present unless the parents have such representation
 - e. The use of caucuses by the mediator, although not required, is recommended for the resolution sessions
 - f. Either party may consult parties not present during the session
 - g. The session shall be scheduled for a minimum of three hours all, in one day. Additional time or sessions may be scheduled upon agreement of both parties
 - h. Any information shared or generated during a resolution session shall be confidential with the exception of a settlement agreement if achieved
4. Resolution Session outcomes:
 - a. If resolution can be reached, a settlement agreement will be developed and signed by both parties at the session. Each party has up to three days to void such agreement. And must notify the other party in writing
 - b. If resolution cannot be reached the SELPA shall provide the filing party with a letter noting that a resolution session has been held
5. Intent of Resolution Session:
 - a. Nothing in the resolution session process should be deemed as interfering with either party's right to due process. On the contrary, the resolution session is designed to help both parties find solutions to issues at the local level

- b. The resolution session is viewed as a non-adversarial alternative dispute resolution process that is different, but does not interfere with any other form of dispute resolution that is available prior to a party filing for due process

Approved by Governing Council on June 17, 2005