



Office of Special Education and
Early Intervention Services

Resolution Session Agreements

Michigan's State Performance Plan
Indicator 18



www.michigan.gov/ose-eis

Resolution Session Agreements Matter for Students With Disabilities

 Resolution sessions allow parents and districts to informally resolve special education disputes in a cooperative and timely manner, ensuring that students receive appropriate programs and services.

Reporting Requirement: Resolution Session Agreements

Indicator 18 is a results measure.

Indicator 18—Percent of due process complaints/hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.

Michigan Information on Resolution Session Agreements

Each state must ensure that school districts and other publicly funded educational agencies in the state comply with the requirements of the *Individuals with Disabilities Education Act* (IDEA 2004) and its implementing regulations. Both state and federal law require districts to provide appropriate special education and related services. When disputes arise between parents and districts, it is important that an impartial system is available to resolve disputes in a timely and equitable manner.

Resolution sessions are a requirement of the IDEA and are intended to expedite dispute resolution, avoid high-cost litigation, and create equity between parties.

Michigan's Commitment to Education

The Michigan Department of Education, Office of Special Education and Early Intervention Services (MDE, OSE-EIS) has an ongoing commitment to explore and support the use of alternative forms of dispute resolution, including facilitated Individualized Education Programs (IEPs), mediation, and resolution sessions.

Defining Resolution Session Agreements

The IDEA requires states to have procedures for due process complaints/hearings for students with disabilities. A due process hearing may be requested to resolve issues such as: eligibility, evaluations, identification, appropriateness of an IEP, and a free, appropriate public education (FAPE). The IDEA also requires a resolution period to encourage parents and districts to resolve disputes without a hearing. The resolution period begins the date the complaint is filed and extends for 30 calendar days. If the dispute is not resolved during the resolution period, a due process hearing will be scheduled. The due process hearing must be fully adjudicated within 45 calendar days (or a properly extended time period) following the resolution period. Fully adjudicated is defined as having gone through a full administrative hearing and an administrative law judge (ALJ) having issued a final decision and order.

A parent may also request an expedited due process hearing to appeal district decisions regarding some disciplinary actions. The required resolution period for an expedited due process hearing is 15 calendar days. An expedited due process hearing must be fully adjudicated within 20 school days (or a properly extended time period) following the resolution period.

A resolution session settlement agreement allows the parent(s) and the district to resolve special education issues without going through a formal due process hearing. The settlement agreement is a written agreement signed by the parent(s) and the district. This agreement is enforceable in court.

Michigan's Performance

Measurable and Rigorous Targets

Indicator Component	FFY 2006 Result	FFY 2007* Result	FFY 2007 Target	FFY 2007 Status
Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.	45.0%	64.3%	37.0%	Target Met
Analysis of Hearing Request Data	FFY 2006	FFY 2007		
(3) Total Hearing Requests**	77	88		
(3.1) Resolution Sessions (Percent of total hearing requests)	64 (83.1%)	70 (79.5%)		
(3.1(a)) Number of Resolution Session Settlement Agreements (Percent of resolution sessions)	29 (45.3%)	45 (64.3%)		

Source: Michigan Hearings Database.

*Federal Fiscal Year (FFY) 2007=July 1, 2007 to June 30, 2008

**Parents now file a "due process complaint" per IDEA 2004 language, which is synonymous with Hearing Requests as referenced in this indicator.

Michigan met its target although there was an increase in the number of resolution sessions. The percentage of resolution session settlement agreements also increased from the previous year.

For More Information

Michigan Department of Education, Office of Special Education and Early Intervention Services (MDE, OSE-EIS)
www.michigan.gov/ose-eis

Michigan Special Education Mediation Program (MSEMP)
www.cenmi.org/msemp

Consortium for Appropriate Dispute Resolution in Special Education (CADRE)
www.directionservice.org/cadre

Michigan's State Performance Plan (SPP) and Annual Performance Report (APR)
www.michigan.gov/ose-eis

Michigan Can Improve

-  Develop policies and procedures to enhance the use of alternative dispute resolution for resolution sessions.
-  Provide opportunities for stakeholders' participation in policies, rules, and procedures revisions regarding alternative dispute resolution for resolution sessions.