

DRAFT AGREEMENT REGARDING RESOLUTION SESSIONS

DCPS is committed to making resolution sessions meaningful and to improving the quality and effectiveness of the resolution process through good faith efforts to reach mutually acceptable settlements of due process complaints.

As noted in the Interim Report of the Evaluation Team, filed February 8, 2007, the parties recognize that at present, for a variety of reasons, resolution sessions often do not accomplish their intended purpose. To remedy this condition, the parties agree as follows:

1. By April 4, DCPS will recruit, select, and train approximately ten (10) resolution specialists to conduct resolution sessions. The specialists will be distributed district-wide, according to need, through DCPS's instructional divisions.

- a.. DCPS will begin actively recruiting from a pool of experienced persons full-time employees and/or contractors by December 10, 2007.
- b. The specialists will be selected by February 5, 2007 on the basis of their experience in dispute resolution, their ability to train school-based staff in mediation and their empathy with parties involved in resolution sessions.
- c. The specialists will be trained by March 3, 2007.

2. DCPS will develop, in collaboration with plaintiffs, operating procedures, policies, and protocols for resolution sessions. This will include developing short and long term strategies to communicate resolution session notes to the Student Hearing Office and other parties.

3.. DCPS will increase capacity in the OGC to handle any temporary increase in due process hearings that may result from implementation of this agreement, through measures such as facilitating the early screening and review of all due process complaints and hiring more legal staff. The parties accept the possibility that the defendants' efforts to meet the timely compliance requirements of the Blackman/Jones Consent Decree may temporarily be impeded when this agreement is implemented. The parties agree that this is an acceptable risk given the anticipated value of the implementation.

- a. NOTE: The SHO SOP specifies that "Unless otherwise provided by law, every letter or document, including every pleading, motion, or notification filed with the Student Hearing Office shall simultaneously be served on all parties or party representatives by the same method as the document was filed with the SHO, except that service by facsimile may be substituted for

personal service.”¹

- b. By March 1, 2008, the SHO will develop policies and procedures to transmit all due process complaints to the OSE/OGC within one business day of the filing of the complaint with the SHO. By March 1, 2008, the Policies and Procedures of the Student Hearing Office will provide for pre-hearing conferences to be held prior to the scheduled date for a hearing.

4. Scheduling of the resolution sessions will be handled by a master scheduler.

5. Each resolution specialist will be responsible for training at least one member of the school-based staff, such as the Principal, Assistant Principal or designee, on the implementation of successful resolution sessions. The goal of this training will be to strengthen the school’s capacity to conduct successful resolution sessions;

6. In addition:

- a. Principals and Special Education Coordinators will become aware of the resources available to them to meet the educational and related services needs of students, either directly through DCPS or through third-party contractors, and the scope of their authority to incur expenditures for such resources; and
- b. In addition to relevant members of the IEP Team who have specific knowledge of the facts identified in the complaint, the Principal or a designee with authority to resolve the complaint will be present at all resolution sessions.

7. DCPS has authority to award fees as part of a resolution reached at a resolution session. The operating procedures, policies, and protocols for resolution sessions to be developed under paragraph 2 above will address fee awards.

8. During the 2007-2008 school year, DCPS will use the approach described above in schools to be determined and monitor and evaluate the effectiveness of resolution sessions at such schools.

¹ The requirement for SHO transmission of all complaints to the OGC is intended as a failsafe in the event that there are problems with the service of the complaint as described in the SHO SOP.

9. Where the above approach is not being implemented, DCPS will waive having a resolution session when the parent waives having a resolution session.