



As authorized by the Mississippi Administrative Code 7-3:80.4 and the Mississippi Department of Education’s *Every Student Succeeds Act: Equitable Services Dispute Resolution Procedure*, a moderated **Settlement Conference** has been arranged between the LEA public school district and private school identified herein, in order to attempt to resolve one or more disputes between the parties regarding the equitable services requirements of the *Elementary and Secondary Education Act of 1965 as amended by the Every Student Succeeds Act of 2015*.

The Settlement Conference shall commence on **[date]**, at **[time] [a.m./p.m.]**.  
(The conference shall proceed as scheduled except in the case of an emergency.)

After consultation with the parties, the State Ombudsman has determined that the Settlement Conference shall be conducted: **[by conference call] [in-person at a conference room located at [address]]**.

The parties attending the Settlement Conference are:  
(A maximum of two additional individuals may accompany each party’s representative.)

Name of LEA:			
Street address:			
Name and title of LEA’s attending representative:			
Representative’s contact number:			
Representative’s email address:			

Name of private school:			
Street address:			
Name and title of private school’s attending representative:			
Representative’s contact number:			
Representative’s email address:			

The Settlement Conference shall be moderated by MDE’s Office of Federal Programs (OFP) staff, who will advise and assist the parties.

OFP district contact for LEA:		phone:	
OFP private school coordinator:		phone:	
OFP program specialist & title:			
OFP program specialist & title:			
OFP program specialist & title:			

(Attending OFP staff are subject to change.)

Questions about the Settlement Conference process and scheduling should be directed to the Equitable Services Ombudsman.

Equitable Services Ombudsman:			
phone:		email:	

**Notice of Settlement Conference**

Date emailed to parties: mm/dd/yyyy

Case Number: (not yet applicable)

**Instructions & Information**

**Purpose**

The purpose of this Settlement Conference shall be for the parties and the Mississippi Department of Education’s (MDE’s) Office of Federal Programs (OFP) specialists to collaboratively discuss the parties’ unresolved equitable services dispute(s), and resolve the dispute(s) by reaching agreement if possible; also to ensure that no dispute is the result of any miscommunication or mistake regarding *ESEA*’s equitable services requirements.

In furtherance of this purpose, it is recommended that both parties provide an individual with the authority to reach final agreement on all issues, without the need to consult further with higher authorities not present. If, however, this arrangement is impossible due to organizational structure, proposed agreements may be conveyed to the decision-making authority and decided upon within a maximum of three (3) business days following the conference.

**Documents**

The LEA’s *Final Equitable Services Plan* (if applicable) for the private school, including (if any) the LEA’s attached “written explanations of disagreement” with the private school (required by *ESEA*’s consultation provisions), shall be the primary document of reference. Other documents may be submitted for reference by the parties – electronic/scanned copies of any such documents must be emailed to the Ombudsman, who will distribute to the opposing party prior to the conference (see email addresses above). Audio and video evidence, if any, may be submitted in the same manner.

**Procedure**

The conference shall be informal in procedure, and conducted collegially and in good faith.

MDE OFP shall determine which of its staff shall attend, and one of these staff shall act as the conference facilitator. Due to the likelihood of his/her impending adjudicatory role, the Ombudsman shall not attend the conference.

The private school and LEA shall participate with such personnel deemed indispensable by those parties, limited to a maximum of three individuals per party.

No audio or video recording of the conference shall be permitted.

If the conference is conducted by conference call, please use a pre-tested speaker phone.

If any dispute remains unresolved following the Settlement Conference, the private school shall be given the option to file a Complaint for Enforcement, which will trigger (if requested by either party) an on-the-record, formal Enforcement Hearing on a date in the immediate future, presided over by the Ombudsman, who shall hear the evidence, determine the facts of the case, and apply the requirements of *ESEA* and MDE’s Equitable Services Dispute Resolution Procedure to resolve all disputes, issuing a written decision and order. If neither party requests an in-person hearing, the Ombudsman’s decision shall rely only upon the documentary/other evidence submitted.

**Questions**

If questions arise prior to the Settlement Conference: the LEA should contact its OFP district contact; the private school should contact the OFP private school coordinator (see, page 1).