

IEP Facilitation Procedures for Special Education 2012-2013 School Year

A Guide for Families and Districts

OREGON DEPARTMENT OF EDUCATION

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Facilitated Individual Education Programs

What is IEP Facilitation?

Individual Education Program (IEP) facilitation is a student focused process designed to help the IEP team overcome the pressures and challenges of a potentially contentious meeting. The facilitator makes no educational decisions regarding the student or the IEP. The facilitator's primary goal is to assist team members in the thoughtful, productive construction of a quality IEP. The facilitator's role is to:

1. Keep the meeting focused on the student.
2. Ensure everyone at the table has a voice.
3. Encourage active listening by all participants.
4. Keep the group from getting stuck on just one aspect of the IEP.

A facilitated IEP meeting provides an opportunity for early conflict prevention and resolution and is available to school districts, parents of children with disabilities and adult students with disabilities. The district, the parent or the adult student may request a trained, impartial professional facilitator to attend the IEP meeting to help members of the IEP team remain focused on student issues and goals while addressing conflicts and disagreements that may arise during the meeting.

The process may be used for any IEP team meeting including an initial eligibility, the annual IEP, a reevaluation, and other meetings to review and revise the IEP. IEP facilitation is free to all participants. ODE will provide an independent facilitator for a **maximum of five hours**, including time spent before and after the IEP meeting.

What are the benefits of a facilitated IEP?

A facilitated IEP meeting:

- Builds and improves relationships among the IEP team members.
- Ensures that the meeting is student-focused.
- Improves communication among IEP team members by modeling effective communication and listening skills.
- Clarifies points of agreement and disagreement.
- Provides opportunities for team members to resolve conflicts.
- Encourages parents and professionals to identify new options to address unresolved problems.
- Reduces cost to the parent and district, and costs the State and the district less than more formal dispute resolution proceedings such as mediation, complaint and due process.
- Creates less stressful than formal complaint proceedings.
- Supports better IEP implementation by establishing roles and responsibilities for follow-up action. Roles and responsibilities can be discussed and planned.
- Takes place during the IEP meeting and does not require a separate meeting to formalize agreements reached in the IEP facilitation.
- Supports full engagement and participation by all parties.

When should a facilitated IEP be requested?

It is advisable to request a facilitated IEP early in the IEP process. When you believe it will be difficult for the IEP team to reach consensus and there are potential problems due to earlier conflicts (e.g. a lack of trust between team members, and/or a breakdown in communications between the team), a facilitated IEP meeting may be the answer. A facilitated IEP team meeting encourages early dispute resolution as team member concerns are discussed and conflicts don't have time to develop into more serious disputes. In some cases, when parties have become entrenched in their position on a certain issue, IEP facilitation may not provide the level of support needed to remedy the situation and mediation should be sought. ODE offers free IDEA mediation services as a dispute resolution option.

How is a facilitated IEP requested?

Parents or school staff may contact their district's special education director or the ODE to formally request a facilitated IEP meeting. IEP facilitation is not a required dispute resolution option under the IDEA. As such, facilitated IEPs are subject to facilitator availability and are provided at the discretion of the ODE. Districts may choose to provide a facilitator when the state is unable to schedule a facilitator for the IEP meeting. Four weeks notice should be provided when making a request for facilitation. A facilitator will be selected based on availability, the proximity to the region of the facilitator, and with adequate time to become familiar with the IEP and the goals of the meeting.

Who arranges a facilitated IEP?

Once the Oregon Department of Education receives the request for a facilitated IEP, a representative from ODE will contact the school district, the IEP case manager and the family to arrange a mutually agreed upon date and time for the meeting. This date must be within 365 days from the previous IEP review/revision; a facilitated IEP does not extend the deadline for completion of the annual IEP.

Who participates in a facilitated IEP?

The entire IEP team will participate in the facilitated IEP meeting.

The IEP team consists of:

1. One or both of the child's parents;
2. Whenever appropriate, the child with the disability;
3. Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);
4. Not less than one special education teacher of the child, or where appropriate, not less than one special education provider of the child;
5. A representative of the public agency who is:
 - I. Qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
 - II. Knowledgeable about the general education curriculum;
 - III. Knowledgeable about the availability of resources of the public agency; and
 - IV. Authorized to commit agency resources and ensure that services set out in the IEP will be provided.
6. An individual who can interpret the instructional implications of evaluation results, who may be a member of the team serving in another capacity; and
7. At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate

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How can families prepare for a facilitated IEP?

The following may help families prepare for a facilitated IEP meeting:

- Carefully consider the following three questions:
 1. Where is my son or daughter now in his/her educational performance?
 2. Where do I want my son or daughter to be a year from now and how can those expectations be measured?
 3. In what ways can the team help him/her to meet those expectations?
- Make a list of the child's strengths and needs;
- List any major concerns about his/her education;
- Prepare a written list of issues to discuss and questions to ask the team;
- Consider how the child's disability affects his/her progress and education;
- Review the child's most recent IEP and make a list of what has worked and what did not work; and
- Think about whether the child has been making progress with his/her current program.

It is also essential that **all** participants be willing to listen carefully and be open to consideration of options and possible solutions to parent requests.

Who are the facilitators?

Facilitators are independent contractors assigned by ODE. They have been trained in IEP facilitation and IEP procedures.

What is the role of the facilitator?

It is important to note that the facilitator is **NOT** a member of the IEP team.

- The facilitator will open the IEP team meeting with a brief statement identifying themselves and his/her role in the process. The facilitator does not make any decisions for the team or advise the team on IEP regulations or policy.
- The facilitator keeps the team focused on the task of developing a comprehensive and mutually agreed upon IEP that provides an educational benefit to the child.
- The facilitator models and helps maintain open and respectful communication by establishing a set of guidelines and group agreements that will be upheld during the meeting. The facilitator will assist in resolving minor conflicts that may arise during the course of the meeting as an impartial third party.

What are the similarities between mediators and IEP facilitators?

Both a mediator and a facilitator will:

- Model good communication skills for all parties;
- Ensure that active listening is taking place;
- Help parties look at common goals;
- Keep the process moving forward in a timely manner;
- Keep the process focused on the student;
- Help all parties avoid blaming, shaming, and attacks; and
- Manage group dynamics.

What is the difference between mediation and IEP facilitation?

FACILITATION	MEDIATION
The facilitator helps with the meeting process and helps resolve conflict.	The mediator helps parties work on resolving specific disputes.
The facilitator usually works with the parties before the dispute reaches an impasse when the discussion is difficult and complex.	The mediator works with the parties after they have reached an impasse and feel they can go no further.
The facilitator has a 5 hour time limit to spend with the parties.	The mediator has no time limit on how long they can spend working with the parties towards a solution.
The facilitator assists with communication in developing the IEP.	The mediator assists in trying to resolve underlying issues and emotions.
The IEP process determines the meeting agenda.	The mediator helps the parties create an agenda.
The outcome is the IEP which is either revised or completed.	If an agreement is reached, the outcome will be a written agreement that resolves the dispute. It is a legally binding contract in state and federal court.
In facilitation, the IEP created is confidential.	In mediation, the agreement is binding and has a confidentiality law that has been tested and upheld by the courts.
In facilitation, the entire team works together.	In mediation, the entire group works together, but the mediator may also work separately with specific parties (caucus) at times during the process.

Where can I get more information?

Please visit the ODE Dispute Resolution website at <http://www.ode.state.or.us/search/results/?id=125>.

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