
INTRODUCTION

As an informed and involved parent, you are vital to the success of your child's special education program. Federal laws and SD regulations enable you to play an important role in the special education process. By sharing what you know about your child and by helping to make decisions, you will make an important contribution to your child's education.

Sometimes, misunderstandings occur that require third party involvement. If conflict arises, you may request IEP facilitation, mediation, file a formal complaint, and/or request a due process hearing. Each of these options has a specific purpose for helping you with your concerns, so it is important that you choose the best option for you. This brochure describes the **IEP facilitation** process.

What steps can you take before requesting IEP facilitation or other conflict resolution procedures?

1. Talk with the school personnel involved and let them know that you are seriously concerned. Reasonable efforts should be made to resolve the problem at the school district or public agency level.
2. Make an appointment to see your director of special education and/or your superintendent of schools.
3. Contact SD Parent Connection or SD Advocacy to discuss your concerns.
4. Call the SD Department of Education for assistance. See the front of this brochure for contact information.

What is IEP facilitation?

Parents of children with disabilities and school staff sometimes disagree about a child's special education and related services. A facilitated IEP meeting is an IEP meeting that includes an impartial facilitator who promotes effective communication and who assists the IEP team in developing an acceptable IEP. The facilitator keeps the team focused on the proper development of the IEP while addressing conflicts that arise. IEP Facilitation is not used to resolve disputes unrelated to the IEP.

What is the difference between an internal facilitator and an external facilitator?

Typically, a case manager or another member of the IEP team facilitates the meeting. In some instances, students may lead their own IEP meetings. These are internal facilitators.

When IEP teams reach an impasse or meetings are expected to be contentious, an independent (external) facilitator, who is not affiliated with the team or school district, may help guide the process. The external facilitator keeps members of the IEP team focused on the development of the IEP and will foster effective communication in order to complete the development of a high quality IEP.

Who are the external facilitators?

Facilitators are individuals with a background in special education who have experience and training in IEP development, special education law, and facilitation methods. The facilitator is not a decision-maker but models effective communication skills and offers ways to address and resolve issues related to the IEP development. They are impartial and do not represent the parent, the school district or the state.

When can parents and school districts request a facilitator?

When the IEP team process has been difficult or ineffective at developing an IEP acceptable to the parents and school district, either party may seek to use a facilitator. The external facilitator can help the team resolve conflicts that arise during the IEP meeting.

How is a facilitated IEP meeting different from mediation?

IEP facilitation should not be confused with mediation. The purpose of a facilitated IEP meeting is to develop an acceptable IEP and involves the required IEP team members plus the facilitator. Unlike mediation, a facilitated IEP meeting does not require a separate IEP meeting to formalize the agreements that are reached. Mediation also differs from IEP facilitation in that it involves a smaller, balanced number of participants and may deal with a broader range of issues unrelated to the IEP.

How long does the facilitated IEP meeting take?

A facilitated IEP meeting may take longer than a standard IEP meeting, but typically does not exceed four hours. A facilitated IEP meeting can always be reconvened if consensus on the IEP is not reached at the first meeting.

How do I request an IEP Facilitator?

You may request a facilitated IEP by completing the *Request for IEP Facilitation* form that can be downloaded from the SDDOE website at: http://www.doe.sd.gov/oess/sped_complaints.asp or by calling SDDOE at the telephone number listed on the front of this brochure. Requests should be addressed to Special Education Programs at the address printed on the front of this brochure.

What are the characteristics of IEP facilitation?

A Facilitated IEP Meeting:

- Supports all parties in participating fully.
- Builds and improves relationships among the IEP team members and between parents and schools.
- Ensures that the meeting is student-focused.
- Models effective communication.
- Clarifies points of agreement and disagreement.
- Provides opportunities for team members to consider other alternatives.
- Is provided at no cost to the parents or the school.
- Is less stressful than formal proceedings.
- Supports improved implementation because there is greater ownership by all members.

What is the role of the IEP Facilitator?

The facilitator:

- Assists members of the IEP team to focus on developing a satisfactory IEP and will assist in creating an overall agenda for the meeting.
- Guides the discussion by keeping the team's energy centered on student-focused questions such as "Where does the student need to be a year from now?"
- Assists the team to resolve disagreements that arise during the meeting.
- Fosters open communication.
- Asks clarifying questions about issues.
- Keeps the team members on task.
- Maintains impartiality and does not take sides, place blame or determine if a particular decision is right or wrong.
- Does not impose a decision on the group.

Does the facilitator make decisions?

The facilitator, who is not a member of the team, facilitates communication among the IEP team members and assists them in developing an appropriate IEP for the student. The members of the IEP team are the decision-makers.

How do I prepare for a facilitated IEP meeting?

- Prepare a written list of issues you want to discuss and questions you want to ask.
- Ask yourself:
 - (1) Where is the student now in his/her educational performance?
 - (2) Where do you want the student to be a year from now and how can those expectations be measured?
 - (3) In what ways can the team help the student to meet those expectations?
- Organize your documents.
- Be willing to consider other alternatives.

The SDDOE – Special Education Programs, believes that this brochure will be useful to you in resolving your concerns. The Department is dedicated to building positive, effective parent and professional partnerships based upon knowledge, trust and open communication.

This brochure describes the special education **IEP Facilitation** process. If you wish to discuss other dispute resolution options available to you in resolving your problems, you may contact the Department at the number listed on the front of this brochure.

Dispute Resolution in Special Education

IEP Facilitation

South Dakota Department of Education
Special Education Programs
MacKay Building
800 Governors Drive
Pierre, SD 57501-2294
(605) 773-3678

July 1, 2011
