

Facilitated IEP Meetings

To help special education planning teams reach agreements, the Minnesota Department of Education, Compliance and Assistance, Alternative Dispute Resolution Services provide the option of facilitated IEP meetings. This option is available for IEP (Individualized Education Program), IIP (Individual Interagency Intervention Plan), and IFSP (Individual Family Service Plan) meetings*.

Using facilitated IEP meetings is a growing trend and has proved especially useful when relationships are strained. Minnesota Statutes, section 125A.091 states that:

Subd. 6. Dispute resolution processes; generally.

Parties are encouraged to resolve disputes over the identification, evaluation, educational placement, manifestation determination, interim alternative educational placement, or the provision of a free appropriate public education to a child with a disability through conciliation, mediation, facilitated team meetings, or other alternative process. All dispute resolution options are voluntary on the part of the parent and must not be used to deny or delay the right to a due process hearing. All dispute resolution processes under this section are provided at no cost to the parent.

All federal and state laws and regulations related to the development of IEPs, such as having 14 days to sign the IEP, still apply.

What is a Facilitated IEP Meeting?

Typically, a member of the IEP team leads the IEP meeting. Sometimes a school district representative with expert skills is called in to help the team complete the IEP process. There is also a growing use of students in leading their own meetings.

However, when IEP teams reach an impasse or conflict is expected at the meeting, it may be helpful to have an independent, trained facilitator guide the process. The facilitator is an impartial, trained person provided by the state to work with a student's IEP team. There is no cost for the service to the parents or school district.

The facilitator helps keep the IEP team members focused on developing the IEP while addressing conflicts and

disagreements that may arise during the meeting. The facilitator will try to create an environment in which the IEP team members can listen to one another's points of view and work together to develop an IEP that is acceptable to both the parents and the school district.

"An impartial facilitator conducting the meeting kept us moving forward so we did not become stuck on personal issues."

-A Parent

"The facilitator helped establish guidelines for the meeting which helped to relieve the tension. This allowed people to be open and honest."

-School Psychologist

Role of the Facilitator

The facilitator:

- helps members of the IEP team focus on the needs of the child and on developing a mutually acceptable IEP.
- assists the team in resolving conflicts and disagreements related to the IEP.
- helps maintain open communication among all members.
- helps team members develop and ask clarifying questions.
- helps team members stay on task and within the time allotted for the meeting.
- 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.

"As a facilitator at facilitated IEP meetings, it is my responsibility to help keep the lines of communication open among the IEP team members. Hopefully this will lead to the development of an appropriate Individualized Education Program for the student. At times this can be difficult because previous meetings may have been tense and stressful for all concerned. I use various facilitation skills in which I have

been trained. I try to help the team establish ground rules for the meeting, aid participants in developing clarifying questions that often lead to mutual solutions, and require members of the team to adhere to timelines for completion of the meeting. I do not make the final decisions; those are up to the IEP team and the family is always a key member of that team.”

-IEP Facilitator

Benefits of a Facilitated IEP Meeting

A facilitated IEP meeting:

- may build and improve relationships among the IEP team members and between parents and schools.
- models effective communication and listening.
- clarifies points of agreement and disagreement.
- provides opportunities for team members to resolve conflicts if they arise.
- encourages parents and professionals to identify new options to address unresolved problems.
- is typically less stressful than formal proceedings.
- supports follow through and follow-up. Roles and responsibilities can be discussed and planned.
- is the IEP meeting and does not require a separate IEP meeting to formalize agreements that are reached.

Responses collected by MDE/Compliance and Assistance from facilitated IEP meeting participants in fiscal year 2003 showed significant decreases in frustration and tension and significant increases in feelings of respect, hopefulness, and support.

“Everyone was heard and a good plan was worked out for the student.”

-School Administrator

Family Preparation for a Facilitated IEP Meeting

- List your child’s strengths, needs, and interests and your major concerns about his or her education. (Consider using PACER’s “IEP Team Meeting Planner.”)
- Consider how your child’s disability affects his or her education.
- Think about your child’s educational progress. What has been working and what has not?
- Read your child’s most recent school Evaluation Report; request a copy if you don’t have one.
- Is the Evaluation Report still an accurate and complete picture of your child?
- Be willing to listen carefully and consider possible

solutions and options.

- Attend a workshop or training conducted by a parent center, such as PACER Center, to learn about your role and responsibilities as a member of the IEP team.
- Call PACER Center. A staff member can answer your questions and help you prepare for the meeting. In some cases, a staff member may attend the facilitated IEP meeting with you.

How do I request a facilitated IEP meeting?

Either parents or schools can request a facilitated IEP meeting. However, both parties must agree to use this voluntary process. A request form must be signed by both parties and sent to the MDE office. The forms are available at school district offices and advocacy organizations, MDE’s website, or they will be sent to an interested party by MDE.

Compliance and Assistance can be contacted at:

Patricia McGinnis, Compliance and Assistance
1500 Highway 36 West • Roseville, MN 55113
651-582-8222 or toll free at 1-866-466-7367
Fax: 651-582-8498

Who attends a facilitated IEP meeting?

The required members of the IEP team attend the facilitated IEP meeting in addition to the facilitator. If they wish, parents may still bring an advocate or other people who have knowledge or special expertise regarding the child.

Who is the facilitator?

MDE/Compliance and Assistance keeps a list of persons trained and experienced in IEP development and conflict resolution. They are impartial, not representing either the parents or the school district.

Where and when is a facilitated IEP meeting conducted?

Just as for any IEP meeting, the facilitated IEP meeting is scheduled by the school district and conducted at a time and place mutually agreeable to all required IEP team members, including the parents.

Is there any type of procedural notice that I will receive regarding a facilitated IEP meeting?

The district is still required to give proper notice of the IEP meeting to the parents about the purpose, time, and location as well as who has been invited.

What happens if we don't finish the IEP?

A facilitated IEP meeting may take longer than a typical IEP meeting, but it is recommended that it not last more than four hours. If an agreement about the IEP is not reached at the first meeting, another meeting may be scheduled.

Does the facilitator make decisions?

No. The role of the facilitator is to facilitate communication among the IEP team members, helping them to develop an effective IEP for the student. The facilitator models effective communication skills and offers ways to address and resolve conflicts in the development of the IEP. Facilitators are trained in effective communication and ways to address and resolve conflicts. The members of the IEP team are the decision-makers. Parents still have 14 calendar days to sign the "Notice of District's Proposed Action or Denial."

Do parents pay for the facilitated IEP meeting?

There is no cost to parents or to the school for IEP facilitation. One reason for using the facilitated IEP meeting is to reduce costs and avoid more adversarial procedures.

What if the facilitated IEP meeting does not work?

Sometimes issues, disagreements, and problems may not be resolved through a facilitated IEP meeting. Parents still have rights to other appropriate forms of dispute resolution such as mediation and conciliation. Due process hearings are also available.

Is there a guaranteed right for families to have access to an IEP facilitator?

No. The state will provide a facilitator only if both the parent and school district agree on the need and make the request.

- * All references to IEP (Individualized Education Program) meetings include IIP (Individual Interagency Intervention Plan) and IFSP (Individual Family Service Plan) meetings.

Resources:

- PACER Center – Tel: (952) 838-9000 Toll free in Greater MN: (800) 537-2347 Website: PACER.org
E-mail: PACER@PACER.org
 - See Publications page for the "Special Education Record Keeping Folder," a helpful tool to organize important papers related to your child's education
- Minnesota Department of Education –
Tel: (651) 582-8689.
Website: <http://www.education.state.mn.us/MDE/SchSup/SpecEdComp/ComplMonitor/AltDispRes/index.html>
- National Center on Dispute Resolution in Special Education (CADRE)
Website: <http://www.directionservice.org/cadre/>