

Keys to Success

All parties (parent, district representative, and facilitator) agree:

- to cooperate,
- to be courteous and honest, and
- to share relevant information during the facilitation process.

Please contact us for further assistance.

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Always remember your dreams for your child. They should guide the decisions you make!



Parents Reaching Out

Your One Stop Resource for a Stronger Family

Facilitated Individualized Education Program (FIEP) Process

Strong partnerships between parents and schools are needed to develop successful programs for children. Effective partnerships involve building a relationship based on trust and respectful communication. Unfortunately, there are times when the partnership breaks down and conflict arises. There are many ways to resolve conflict, and, ideally, we want to solve problems without destroying relationships. Informal ways of resolving conflicts often work best, but sometimes more formal methods are needed. Mediation is one process that parents and school districts can use to resolve disputes. For more information on that process, you will want to consult our Mediation brochure. There is an alternative, though, to mediation. Parents and the school district can choose to request a dispute resolution option known as a Facilitated Individualized Education Program or FIEP meeting. A FIEP meeting utilizes a professional facilitator who is trained to facilitate this particular type of IEP meeting.

Parents Reaching Out (PRO) and the New Mexico Public Education Department (NMPED), Special Education Bureau (SEB) have developed this brochure in order to answer your questions concerning Facilitated IEP meetings. Our hope is this information will help you decide if a Facilitated IEP is appropriate for your family, and, if it is, how to go about accessing this service. If you have further questions about Alternative Dispute Resolution (ADR) options such as mediation or Facilitated IEPs, please call Parents Reaching Out or the NMPED SEB and ask to speak to the Alternative Dispute Resolution (ADR) Coordinator/Parent Liaison. The NMPED-SEB web site also has fact sheets about resolving disputes.

Facilitated IEP Process

When there is a dispute between the family and the school district, using skilled facilitators to guide IEP meetings in situations where parties are having difficulty reaching agreement can result in win-win solutions for the child. This process is called a Facilitated IEP (FIEP).

What is a Facilitated IEP Meeting?

Answer: NMAC 6.31.2.7C(2) Definition

“Facilitated IEP (FIEP) meeting” means an IEP meeting that utilizes an independent, state-approved, state-funded, trained facilitator as an IEP facilitator to assist the IEP team to communicate openly and effectively, in order to resolve conflicts related to a student's IEP.



What are the statutory/legal requirements for a Facilitated IEP Meeting?

Answer: The following excerpt is from the New Mexico administrative code; NMAC 6.31.2.13(H)(3)(b)

(b) FIEP meeting: Parties to a state-level complaint may choose to convene a FIEP meeting or mediation instead of a CAIEP meeting. To do so, the public agency must (and the parent may) notify the NMPED - SEB in writing within 1 business day of reaching their decision to jointly request one of these ADR options. A FIEP meeting or mediation shall be completed not later than 14 days from the date of the SEB's written acknowledgement of the complaint, unless a brief extension is granted by the SEB based on exceptional circumstances. Each session in the FIEP or mediation process must be scheduled in a timely manner and must be held in a location that is convenient to the parties to the complaint.

CAIEP (Complaint Assistance IEP) is a special type of IEP meeting that is intended to provide parents with an opportunity to discuss disputed IEP-related matters, and to provide the public agency with an opportunity to address and resolve their concerns. A CAIEP is requested from the Special Education Director and the school district. The school district may offer a CAIEP to the parents to assist in resolving disputes.

When should a FIEP Meeting be used?

Answer: If you find yourself, either as a family member or a staff member, doing any of the following:

- Spending more time putting out fires than working on activities that promote student achievement and success.
- Sensing that the discussions and/or interactions at an IEP meeting are creating an acrimonious climate that might lead to further formal action.
- Attending multiple IEP Meetings for the same student for repeated issues with little or no resolution or completed quality IEP.
- Concluding that you are not being heard or given the opportunity to give input.
- Dealing with an interest group whose agenda is not student focused.

How Do I Know Which Option to Use — FIEP or Mediation?

Answer: It is the parties' choice, but here are some general guidelines:

New Mexico rule makes state funded FIEPs available to parties of a state level complaint or due process complaint. It may be available at other times if the district chooses to fund it, but according to rule, the NMPED-SEB offers FIEP only to parties of a state level complaint or due process complaint. (If a state level complaint is filed, the NMPED will contact you and offer a FIEP or mediation. The school district may offer parents/guardians a Complaint Assistance IEP (CAIEP).

If the concern is about communication or relationship issues between the parent and one or more school staff or IEP team members, then the parties may wish to request mediation.

If the concern is solely or primarily about IEP-related matters, then the parties may agree that requesting a FIEP meeting would be the best option.

If the concern involves **both** communication/relationship issues and IEP-related matters, then it might be beneficial for the parties to request a FIEP meeting and then explore with the IEP Facilitator, who is also a trained mediator, the possibility of **conducting a mediation session prior** to the FIEP meeting. In that way, once the parties come to the IEP table, the focus of the meeting remains on the student and his or her education needs.

How Will We Know When and When Not to Use a Facilitated IEP?

Answer: The facilitated IEP process is designed to work best when the dispute is child or situation centered. *If you find that you are facing a dispute that raises systemic concerns or a situation where the parties do not appear to be solution oriented, then this process is not a viable option in these situations, and you should consider mediation.*

How Do We Use the Facilitated IEP Process?

Answer: If both the district and the family agree that they need assistance with working out their differences with the help of a third party, contact the NMPED'S SEB. Ask to speak to the ADR Coordinator/Parent Liaison to find out more about a facilitated IEP meeting that will work towards positive interactions, improved relationships, and an improved education program for the student.

We Have Agreed to Use the Facilitated IEP Process and Agreed on a Facilitator. What Will Happen Next?

Answer: The IEP Facilitator will then contact the parties and schedule the FIEP meeting to be held in a timely manner and in a location that is convenient for both parties. The IEP Facilitator will also speak by telephone with the parents and the IEP chairperson prior to the meeting to clarify the issues, gather necessary information, and explain the FIEP process.

What can I do to prepare for the Facilitated IEP meeting?

Answer: Review the PRO Publication, *The Handbook—Parental Rights & Special Education Procedures*. You may choose to view the handbook at www.parentsreachingout.org. Or, you may call Parents Reaching Out to request a copy. Pay special attention to the chapter, "Preparing for the IEP Meeting." There is no substitute for being well prepared for the meeting to make sure that all the issues as you see them are on the table and shared with the facilitator.



What is the role of the IEP Facilitator?

Answer: The role of an IEP Facilitator is to ensure that the IEP Team does their best thinking, interacts respectfully, hears the perspectives of all participants, and focuses on future action. Thus, an IEP Facilitator serves the *whole group* rather than an individual, and assists the group with the *process* of the IEP meeting rather than the *content* of the IEP. The agenda for a facilitated IEP meeting is the IEP process, and the focus of the meeting is the student and his or her needs.

An IEP Facilitator also has the opportunity to gather issues from, and then exchange issues between, the key participants prior to the IEP meeting. This process provides the participants some private time to consider possible resolutions and options for discussion before the day of the IEP meeting. The IEP Facilitator then supports the group in collaboratively creating solutions for the student. As a result, all members equally share responsibility for the IEP meeting process and the results. Keep in mind that the IEP Facilitator is not the IEP chair, nor is he or she a decision maker. Rather, the IEP Facilitator supports the **collaborative process** of the meeting and assists the parties to reach *consensus* where possible.

Note: Any time that a mediator or facilitator is requested, the NMPED/SEB will utilize a round robin method to select a qualified person from the mediator/facilitator pool and assign that person to work with the parties. If the parties decline to use the assigned mediator/facilitator, then the district may contract with and pay for the agreed upon person.



The Facilitator will:

- Maintain focus on the student's needs and his/her future educational program.
- Encourage open communication.
- Ensure that all parties are heard.
- Support the IEP Team in collaboratively creating solutions for the student.



Pre-IEP Functions of the Facilitator:

Contacts both parties prior to the facilitated IEP to clarify the issues, gather and exchange information, and further explain the facilitated IEP process.

Schedules the facilitated IEP by consulting both parties and makes that decision through mutual consent.

Discusses the appropriate IEP participants with both parties, exchanges that information and, upon agreement, directs the school to follow the standard IEP Notification procedure and process.

IEP Functions of the Facilitator:

Ensures that the IEP Team interacts respectfully and that the perspectives of all parties are heard.

Assists the group with the process of the IEP Meeting rather than the content since their role is not that of a special education expert.

Supports the IEP Chairperson and IEP Team in making decisions in a collaborative manner.

Assists the parties to reach consensus where possible.

Serves the group as a whole rather than any individual.

Does not act as a representative of the school district.

Benefits of Facilitated IEP Meetings

- A facilitated IEP meeting can resolve concerns at the lowest level possible.
- Provides an impartial person, the facilitator, who has no history with the group and will have no future relationship with the group.
- Enables the IEP Team to build and improve working relationships among the members.
- Assists the group in exploring various problem solving techniques.
- Unlike mediation, a FIEP meeting does not require a separate IEP meeting to formalize the agreements that are reached.
- The facilitator helps with the challenges of communication during an IEP meeting. When parties are encountering continued difficulty, it may best be handled by an impartial facilitator not affiliated with the school or family—that is, someone who has no past experience with the group members and will not have any continued relationship with those members.
- The facilitator enables the IEP team to build and improve strong relationships among its individual members, problem solve as a group, reach true consensus, focus on the student's needs, and experience an efficient and productive meeting where effective communication skills are practiced.
- The presence of an IEP Facilitator eliminates the need to have someone at the table play the dual role of participant and facilitator.
- The tool box of mediation skills that a trained IEP Facilitator brings to the IEP meeting can assist not only in preventing the IEP meeting from getting off track with respect to either content or process, but also in intervening during the IEP meeting to help get people back on track with respect to either content or process.
- Past experiences between the group members can at times hinder any future possibilities of working together in a productive fashion. Having an IEP Facilitator involved in the meeting can sometimes change the whole environment and outcome of an IEP meeting by helping the family and the school team find effective ways to problem solve and interact.
- Evaluates and monitors the effectiveness of the facilitated IEP process.