



The Facilitated IEP Meeting Fact Sheet

A report recently released final report by President Bush's Commission on Excellence in Special Education recommends using skilled facilitators to guide IEP meetings in a situation where parties are having difficulty reaching agreement so that the process can result in win-win solutions for the child. (See the Commission's Report entitled *A New Era: Revitalizing Special Education for Children and their Families* (Final Report), March 11, 2005, page 40, available at www.ed.gov/index/html. Search the document title.)

About the Facilitated IEP Process

The role of an IEP Facilitator is to ensure that the IEP Team does their best thinking, interacts respectfully, the perspectives of all participants are heard, and the IEP team 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.

Benefits of a Facilitated IEP Meeting

This process has a whole array of benefits, but here are a few key ones.

- A facilitated IEP meeting can resolve concerns at the lowest level possible; no state involvement or need to go to a formal complaint.
- Unlike mediation, a FIEP meeting does not require a separate IEP meeting to formalize the agreements that are reached.
- The challenges of communication during an IEP meeting where parties are encountering continued difficulty 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 of having to 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.

When and When Not to Use a Facilitated IEP

If you as a school team member or as family member who find yourself doing any of the following, then it is time to consider this option.

- Spending more time putting out fires than working on activities that promote student achievement and success
- Sensing that the discussions and/or interactions at IEP meetings are creating an acrimonious climate that might lead to a formal complaint
- Attending multiple IEP meetings for the same student to address persistent issues with little or no resolution or a completed quality plan

The facilitated IEP process is designed to work best when the dispute is **child or situation specific**. 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.

How to Use the Facilitated IEP Process

If both the district and the family agree that they need assistance with working out their differences with the help of a third party, and the district or charter school agrees to the expense of contracting with a mediator as an IEP Facilitator, then contact the NMPED's Special Education Bureau and ask to speak to the ADR Coordinator or the 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 also encourage parents and the local education agency to mutually agree on the selection of the mediator who will serve as the IEP Facilitator. In the event that the parties cannot agree on a the individual, and they still wish to pursue this alternative dispute resolution process, then the ultimate selection will be up to the district that pays the Facilitator's expenses. In a situation where the dispute has resulted in a formal complaint or a due process hearing, and the parties request a Facilitator, the State will provide and assign the Facilitator. If the parties decline to use the assigned Facilitator, then the district must contract with and pay for the Facilitator it chooses.

We Agreed to a FIEP Meeting. What Then?

- 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.

If you have questions about this process, please feel free to contact the following persons in the Special Education Bureau at (505) 827-1457:

- ADR Coordinator (for districts or charter schools)
- Parent Liaison (for parents)