

INDIVIDUALIZED EDUCATION PROGRAM (IEP) FACILITATION IN ARIZONA

Frequently Asked Questions about a State-coordinated Facilitated IEP Program

What is IEP facilitation?

IEP facilitation is a student-focused process in which a trained facilitator assists the IEP team in developing an IEP that provides a free appropriate public education (FAPE) to the student, as required under the Individuals with Disabilities Education Act (IDEA) 2004, and its implementing regulations. This process:

- Supports the full participation of all IEP team members;
- Provides opportunities for team members to resolve conflict as it arises;
- Builds and improves relationships among IEP team members and between parents and schools;
- Models effective communication and listening.

What is the State-coordinated Facilitated IEP Program?

The State-coordinated facilitated IEP program is a free, voluntary early dispute resolution option available through the Arizona Department of Education/Dispute Resolution (ADE/DR) unit for IEP teams experiencing conflict or communication difficulties. This option is available for both parents of children with disabilities, and public education agencies (PEA), in cases where both parties agree it would be valuable to have a neutral, independent facilitator at an IEP meeting to assist with the IEP process. The facilitator keeps the IEP meeting focused on developing an IEP that is reasonably calculated to provide the student with a FAPE under the Individuals with Disabilities Education Act (IDEA).

When is it appropriate to request a State-coordinated IEP facilitator?

IEP facilitation may be requested by either the parents of a child with a disability or the PEA, when previous meeting attempts have proven unsuccessful. The use of a State-coordinated IEP facilitator should not be the IEP team's first approach at working together but should also not be accessed so late that the IEP team relationship cannot be maintained (or repaired).

Although IEP facilitation may be requested by either the parent of a child with a disability or the PEA, both parties must agree to participate in this voluntary process. When one party requests facilitation, the Alternative Dispute Resolution (ADR) Specialist will contact the other party to determine if both parties are willing to participate in this voluntary IEP facilitation process.

How is a State-coordinated Facilitated IEP meeting different from mediation?

Mediation is part of a parent's procedural safeguards and is a formal dispute resolution process available for PEAs and parents of children with disabilities to utilize to resolve any matter that arises under Part B of the Individuals with Disabilities Education Act (IDEA). Mediation is not used to develop an IEP, but as a way to resolve conflict or address a specific issue through a written and signed legally binding agreement.

Facilitated IEP, on the other hand, is an informal dispute resolution option where members of a child's IEP team agree to include a neutral facilitator to lead the IEP meeting for the purpose of developing an IEP that is reasonably calculated to provide the child a FAPE.

What is the role of the IEP facilitator?

The facilitator:

- Talks to all parties in advance of the meeting, assists in scheduling an IEP meeting date, and generates an agenda for the meeting;
- Helps keep members of the IEP team focused on the student and on developing an effective IEP that addresses all requirements of the IDEA;

- Helps maintain open communication among all members;
- Assists the team in resolving conflicts and disagreements that may arise during the meeting;
- Assists the team members in making decisions for the child that are consistent with IDEA requirements, but because the facilitator is not an IEP team member he/she will not make decisions for the child;
- Maintains impartiality and does not represent the parent, student, school district/charter school, or the ADE/DR.

Who are the facilitators and how will they be assigned?

The ADE/DR works with independently contracted facilitators experienced in special education, leading IEP meetings, and conflict resolution. These independently contracted facilitators do not represent ADE/DR or make decisions on behalf of ADE/DR. Facilitators will be assigned by the ADR Specialist on a rotational basis.

Who attends the State-coordinated facilitated IEP meeting?

Attendance at a State-coordinated facilitated IEP meeting would include the facilitator and the required members of the IEP team: the child's parents; regular education teacher; special education teacher; individual to explain evaluation results; and representative of the PEA. The IEP team may also include additional individuals with knowledge or special expertise regarding the student that the school or parent invites. The facilitated IEP meeting will not take place if the required team members are not present or have not been excused appropriately.

How long does a State-coordinated facilitated IEP meeting take?

There is no set time for a State-coordinated facilitated IEP meeting, but all participants should set aside up to three hours; however, the participants may agree that more (or less) time is needed. School personnel should ensure that they can participate for the whole meeting by arranging for classroom coverage ahead of time. Likewise, parents are asked to make childcare arrangements to ensure that they can meaningfully participate for the duration of the facilitated IEP meeting.

How do I request a facilitator?

A request for facilitation can be made by completing the IEP Facilitation Request Form, which is available on the Dispute Resolution website, or you may call 602-542-7579 for assistance.

Where and when will a State-coordinated facilitated IEP meeting be held?

The facilitator will assist in scheduling an IEP meeting date and location. Similar to any IEP meeting, a State-coordinated facilitated IEP meeting is held at a time and place mutually agreed upon by the parent and PEA. The PEA will be expected to provide a meeting space. The PEA must provide the parent with a proper meeting notice.

Can an annual IEP review date be delayed by requesting a State-coordinated facilitated IEP meeting?

No. If a facilitator is needed for an annual IEP meeting, a request for facilitation should be made well in advance of this date. Although, ADE/DR will make reasonable efforts to assign a facilitator as quickly as possible, we cannot guarantee that specific date requests will be met.

How is the confidentiality of the student and the family maintained?

When agreeing to participate in a State-coordinated facilitated IEP meeting, the parent will be required to provide consent authorizing the PEA to share information with the facilitator regarding the child's identity, needs, and issues surrounding disagreements about educational programming. Since confidentiality is critical to the success of a facilitated IEP meeting, the facilitator will keep all information confidential, and sessions may not be recorded.

How can I prepare for the State-coordinated facilitated IEP meeting?

One of the most important aspects of a successful facilitated IEP meeting is preparation before the meeting. The assigned facilitator will contact both parties to gather information and identify concerns/issues. The facilitator will create an agenda for the meeting reflecting all relevant concerns/issues. IEP team participants can prepare by brainstorming a list of possible solutions to their concerns/issues and gathering and organizing all documentation needed for the meeting prior to the meeting.

What happens if the IEP facilitation is not successful?

As with any IEP meeting, if the parties to a facilitated IEP meeting cannot reach consensus and thus cannot draft a mutually agreeable IEP, the PEA is ultimately responsible for the education of the student and thus must make decisions when consensus is not possible. In such cases, the PEA must provide prior written notice of its proposals and refusals to the parent and provide notification of the right to request mediation or a due process hearing. The parties are free to pursue other dispute resolution options such as mediation or a due process hearing.

Can a State-coordinated facilitator be requested for additional follow-up meetings?

A State-coordinated facilitator will not typically be assigned to any additional meetings beyond the first facilitated IEP meeting. The intent of the State-coordinated Facilitated IEP program is to build and improve relationships among IEP team members and between parents and schools, and to assist teams to develop an IEP in a single meeting. IEP teams should try to use the skills and strategies presented at the facilitated IEP meeting and strive to continue improving relationships amongst IEP team members. On a case by case basis, DR may grant a facilitator for a second IEP meeting. Please contact DR for additional information.

Furthermore, the facilitator is not a necessary participant in any subsequent proceedings relating to the facilitated IEP meeting and will not be called upon as a witness or consultant in any other administrative, judicial, or educational process, and no records, notes, or other work product of the facilitator shall be called for or subpoenaed in the future by any party or participant.

For information regarding State-coordinated Facilitated IEP or to schedule FIEP training, please contact:

Alternative Dispute Resolution Specialist
Phone: 602-542-7579
Email: FIEPInBox@azed.gov
Fax: 602-364-0641

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