

## **Frequently Asked Questions about IEP Facilitation and the Facilitated IEP Program**

### **What is IEP facilitation?**

IEP facilitation is a voluntary early dispute resolution option available to parents of children with disabilities and school districts/agencies when both parties agree it would be valuable to have a neutral person-the IEP facilitator-present at an IEP meeting to assist with the IEP process. Most IEP meetings do not need the services of an IEP facilitator. Generally, an IEP facilitator is requested when parents and school district/agency personnel are experiencing difficulties communicating and reaching agreement about a student's needs. IEP facilitation may be used for any IEP team meeting, including the initial, annual, or reevaluation process.

### **What are the benefits of IEP facilitation?**

- Builds and improves relationships among IEP team members.
- Keeps the meeting focused on the student.
- Models effective communication and listening.
- Provides opportunities for team members to resolve conflicts as they arise.
- Supports participation of all IEP team members.
- No cost to the parties.
- Typically less stressful than formal dispute resolution options.
- Is the IEP meeting and thus does not require a separate proceeding.
- Team members control the outcome.

### **What is the difference between facilitation and mediation?**

Mediation is typically used when there is a significant disagreement between parties the parties have become very positioned on certain issues that cannot otherwise be resolved. In mediation, a trained mediator brings the parties together to work with each other to resolve conflicts, often including those unrelated to the student's IEP. Facilitation involves the required IEP team members, in addition to the facilitator, and is a process for helping the IEP team complete a task, solve a problem, and reach an agreement that is mutually satisfactory.

### **What is the role of the IEP facilitator?**

The IEP facilitator helps keep members of the IEP team focused on the student and the development of an IEP that is satisfactory to all members while addressing conflicts and disagreements that may arise during the meeting. The IEP facilitator is not a member of the IEP team and is not a decision maker. The IEP facilitator assists in generating ground rules and an agenda for the meeting; maintains open communication among all IEP team members; helps clarify points of agreement and disagreement; keeps members on task, and maintains impartiality. The facilitator does not represent the parent, student, school district/agency, or state.

**Who are the facilitators?**

Facilitators represent members of the education community experienced in working with special education issues. They are knowledgeable about the special education process and have received training in conflict resolution. Facilitators are not employees of the SC Department of Education or public school districts.

**How will a facilitator be assigned?**

The Office of Special Education Services' (OSES) IEP facilitation coordinator will work with the parties to assign a facilitator after both parties have agreed to a facilitated IEP meeting.

**Who can request IEP facilitation?**

Parents (including guardians and surrogate parents) of a child with a disability, adult students with a disability (18 years or older), or special education directors/coordinators can request IEP facilitation. If only one party requests facilitation, the OSES IEP facilitation coordinator will contact the other party to ask for consent to the facilitation and talk about the benefits of facilitation and how the process works.

**Is there a requirement that IEP Facilitation be offered?**

IEP facilitation is not required by the Individuals with Disabilities Education Act (IDEA) or any state regulation.

**Who attends the IEP facilitation?**

Attendance at a facilitated IEP meeting is the same as any other IEP meeting. The required members of the IEP team attend the meeting, in addition to the facilitator. As with non-facilitated IEP meetings, parents and adult students have the option to invite an advocate or other people who have knowledge or special expertise regarding the student.

**How long does a facilitated IEP meeting take?**

A facilitated IEP meeting may take longer than a typical IEP meeting but the scheduled time should not exceed three (3) hours. A facilitated IEP meeting can always be extended and/or reconvened if consensus is not reached at the first meeting with approval of the parties and OSES' facilitation coordinator.

**Is there any cost for the IEP Facilitation?**

IEP Facilitation is free to all participants. All costs are covered by the SC Department of Education.

### **When is it appropriate to request IEP facilitation?**

In most situations, the IEP team is able to reach agreement about the identification, evaluation, educational program, placement, or the provision of a free appropriate public education for students with disabilities through discussions and consensus decision-making. It may be appropriate to request IEP facilitation when parties have concerns about communication and trust; if parties are becoming apprehensive about the next IEP meeting; or when the parties need help focusing the IEP process on the student.

IEP facilitation is designed to work best when the disagreement is child or situation specific. If a dispute raises systemic concerns or involves a situation where the parties do not appear to be solution oriented, then facilitation is not a viable option.

### **When are IEP facilitations scheduled?**

Individuals interested in IEP facilitation should submit the completed and signed request form to the OSES at least ten (10) days prior to the proposed IEP meeting date. The OSES facilitation coordinator will make every attempt to locate a facilitator who is available for the proposed time frame. If a facilitator is not available on this date, however, the IEP team may need to reschedule the date of the meeting or proceed without the facilitator. A facilitated IEP meeting will not be scheduled if the facilitation coordinator determines that the issues identified by the parties are not related to the student's IEP or otherwise determines that facilitation is not an appropriate resolution option. In such cases, the facilitation coordinator will work with the parties to identify other resolution options.

Once a facilitator is assigned and the date/time confirmed, the school district/agency will fax a copy of the student's IEP to the OSES facilitation coordinator. The facilitation coordinator will contact the facilitator and provide the facilitator with the student's IEP and other relevant documentation. The facilitator will then contact both parties to determine concerns and desired outcomes and to develop the agenda for the meeting based on input from the parties.

### **How do I request IEP facilitation?**

A request for facilitation can be made by completing a *Request for IEP Facilitation Form*. After completing all the required information, sign the form, and mail or fax it to the following address:

Cheryl Fitts, Ombudsman  
Office of Special Education Services  
South Carolina Department of Education  
Room 808  
1429 Senate Street  
Columbia, SC 29201  
FAX: 803-734-5021

**How will I be notified about the IEP facilitated meeting?**

The school district/agency is required to provide proper notice of the facilitated IEP meeting, as with any other IEP meeting, to the parent or adult student, including the purpose, date, time, location, and list of who has been invited.

**How can I prepare for IEP facilitation?**

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 and desired outcomes. Both parties should gather all documentation needed for the meeting and bring it 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 parties are free to pursue other dispute resolution options such as mediation or a due process hearing. The school district/agency is responsible for the education of the student and thus must make decisions when consensus is not possible. In such cases, the school district/agency must provide prior written notice of its decisions to the parent or adult student and provide notification of the right to request mediation or a due process hearing.

**How can I obtain more information about IEP facilitation?**

For more information about facilitated IEP meetings, contact:

Cheryl Fitts, Ombudsman  
Office of Special Education Services  
South Carolina Department of Education  
1429 Senate Street  
Columbia, SC 29201  
Telephone: 803-734-2833  
Toll Free: 1-866-628-0910

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