



FACILITATED INDIVIDUALIZED EDUCATION PROGRAM (FIEP) TEAM MEETING

*A Parent's guide for
understanding IEP Team
Meeting Facilitation in
Georgia*

*Alone we can do so little.
Together we can do so much.
Helen Keller*



What Is IEP Team Meeting Facilitation?

IEP Team Meeting Facilitation is an optional process, not required by the IDEA that state educational agencies (SEA) or school districts may provide to parents and schools. A facilitated IEP Team meeting is the same as any other IEP Team meeting, except that a facilitator joins the meeting.

The facilitator helps with communication among team members, and does not make decisions about the student's IEP. The goal of a facilitated IEP Team meeting is to develop an IEP that is supported by team members and benefits the student.

In a facilitated IEP Team meeting:

- ✓ Families and schools agree to have a facilitator join an IEP Team meeting.
- ✓ Facilitators maintain open communication and ensure that everyone at the IEP Team meeting can participate fully.
- ✓ If disagreements arise during the meeting, a facilitator can help the Team clarify and resolve them.
- ✓ The facilitator typically does not address issues that are not related to the student's IEP.

Benefits of IEP Team Meeting Facilitation

The facilitator models effective communication and listening, and works with the IEP Team to identify points on which they agree and disagree. In addition, IEP Team meeting facilitation can:

- ✓ *build and improve relationships* among IEP team members, especially when they are having difficulty working well together;
- ✓ encourage parents and professionals to *consider new options* to address unresolved problems;
- ✓ help *resolve disagreements* more quickly than other dispute resolution options; and
- ✓ keep *decision-making with team members* who know the student best.

The Facilitator...

- Works with the IEP Team to create an agenda, desired outcomes, and group norms for the meeting.
- Guides discussion by asking student-focused questions, such as:
 - ❖ How is the student doing?
 - ❖ What changes, if any, should be made to the student's goals?
 - ❖ In what ways can we help him or her to reach his/her goals and/or objectives?
- Keeps team members on task and the meeting within the scheduled time.
- Asks questions to clarify points of disagreement and helps identify workable solutions.
- Does not take sides, impose decisions on the Team, place blame, or determine whether decisions are right or wrong.

Facilitation vs. Mediation



How Does IEP Facilitation Compare to Mediation?

| | Facilitated IEP Team Meeting | Mediation |
|---------------------|--|--|
| OPTION | Is an option for using a third party (facilitator) to promote effective communication and assist the IEP Team in developing a mutually acceptable IEP. | Is an option for using a third party (mediator) to resolve disagreements regarding special education services, placement, and related services to children enrolled in Georgia public schools. |
| GOAL | The goal of using IEP Team meeting facilitation is to maintain collaborative efforts resulting in a mutually acceptable IEP. | The goal of using Mediation is to assist the parties in resolving existing disputes about special education placements or services resulting in a mutually acceptable mediation agreement. |
| FOCUS | Focuses on the needs of the child, the IEP process, and an agreed upon IEP document. | Focuses on the needs of the child, the relationship of the participants, and the resolution of the conflict. |
| COST | IEP Team meeting facilitation is provided at no cost to the parent or the district. | Mediation is provided at no cost to the parent or the district. |
| REQUEST | A parent or a district representative may request a Facilitated IEP Team meeting. | A parent or a district representative may request Mediation. |
| VOLUNTARY | Both parents and districts must agree to participate in IEP Team meeting facilitation. | Both parents and districts must agree to participate in Mediation. |
| CONFIDENTIAL | The parameters of confidentiality apply to all IEP Team meetings, including Facilitated IEP Team meetings. | All discussions that occur during the mediation process are confidential and may not be used as evidence in any subsequent due process hearing or civil proceedings. |

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| SCHEDULING | The school schedules the Facilitated IEP Team meeting for a mutually agreeable date, time, and location and sends out the notice to the parent. | The appointed mediator works with the parties to schedule the mediation for a mutually agreeable date, time, and location. |
| REGULATORY REQUIREMENTS | IEP Team meeting facilitation does not relieve the district of the responsibility to meet regulatory timelines. | Mediation cannot be used to delay or deny a due process hearing. |
| OUTCOME | If consensus is reached, the school district is required to complete the IEP document and provide a copy to the parent. If consensus is not reached, the parties may agree to have another IEP Team meeting with or without a facilitator or the district may decide to complete the IEP document and provide the parent with a copy of the IEP document and prior written notice. | If a resolution is reached in mediation, the parties must execute a legally binding mediation agreement. |
| AUTHORIZATION | An <u>initial</u> IEP cannot be implemented without the parent's written consent. Subsequent IEPs can be implemented unless the parent objects by requesting a due process hearing. | Both the parents and an authorized district representative must sign the mediation agreement. |

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| RECORDS | <p>The only record kept of the facilitated IEP Team meeting is the date, time, location of the meeting, and the result.</p> <p>GaDOE will not keep the IEP document.</p> | <p>The only record kept of the mediation session is the date(s), time(s) and location of the mediation session(s), the result of the mediation session(s).</p> <p>GaDOE does not keep the mediation agreement (if applicable).</p> |
| PRACITIONERS | <p>IEP Team Meeting Facilitators are:</p> <ul style="list-style-type: none"> • impartial • knowledgeable about special education rules and regulations • have no authority to enforce or override any action by either party; not a decision-maker • selected and trained by GaDOE <p>IEP Team Meeting Facilitators cannot be called to testify in any subsequent proceedings (parties must sign a waiver)</p> | <p>Mediators are:</p> <ul style="list-style-type: none"> • impartial • knowledgeable about special education rules and regulations • have no authority to enforce or override any action by either party; not a decision-maker • selected and trained by GaDOE <p>Mediators cannot be called to testify in any subsequent proceedings (parties must sign a waiver)</p> |
| PRACITIONERS' ROLE | <p>The IEP Team Meeting Facilitator keeps the focus on a productive child-centered IEP process conducted in a respectful and collaborative manner and on developing an acceptable IEP document in a timely manner</p> | <p>The Mediator helps the parties identify issues, see each other's perspectives, and consider options for the resolution of the disagreement.</p> |

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| PARTICIPANTS | <p>IEP Team meeting facilitation participants:</p> <ul style="list-style-type: none"> • must include the required IEP Team members to complete the IEP process, including the parent • when appropriate, would include the student • may also include attorneys, advocates, interpreters, and other relevant parties who have knowledge of the student. | <p>Mediation participants:</p> <ul style="list-style-type: none"> • must include persons who have legal authority to act on behalf of the student and local district respectively • may also include attorneys, advocates, interpreters, and other relevant parties who have knowledge of the student. |
| ATTORNEY | GaDOE requests that parties advise each other if an attorney will be present. | GaDOE requests that parties advise each other if an attorney will be present |
| ENFORCEMENT | The IEP is enforceable through the state complaint process or a due process hearing. | The written, signed mediation agreement is enforceable in any State court of competent jurisdiction or in a district court of the United States. [20 USC Sec 1415(e)(2)(F)] |
| ADMISSIBILITY | The IEP is admissible in subsequent proceedings. | The mediation agreement is not admissible in a due process hearing. |

Frequently Asked Questions

Can I make a request for a facilitated IEP Team meeting?

Only if your child is enrolled in one of the participating school districts. A list of school districts participating in the GaDOE's Facilitated IEP Team meeting program is located at <http://www.gadoe.org/Curriculum-Instruction-and-Assessment/Special-Education-Services/Pages/IEP-Facilitation.aspx>. You may also contact Jamila Pollard at (404) 657-7329 or jpollard@doe.k12.ga.us if you have questions or need additional information.

Who will choose the facilitator?

Facilitators are selected by GaDOE staff, based on a rotational system and availability.

Do I have the right to have a facilitator at an IEP Team meeting?

No. IEP Team meeting facilitation is not required under the IDEA. Both the parent and the school district must agree.

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

Yes, as with any IEP Team meeting, the notification procedures found in the IDEA apply. Districts must give parents proper notice including the place and time where the meeting will occur, potential attendees, and the purpose of the meeting.

Does the facilitator make decisions?

No. Facilitators are trained in effective communication and ways to address and resolve conflicts. They help IEP Teams work together to develop effective IEPs for students. Members of IEP Teams are the decision-makers.

Who attends a facilitated IEP Team meeting?

Members of the IEP Team attend, including the student's parents, regular and special education teachers, a school district representative, and someone who can explain how evaluation results may be reflected in the student's IEP. The IDEA also provides that parents or the school district may bring other people who have knowledge or special expertise regarding the student.

May the student attend the facilitated IEP Team meeting?

A parent may choose to have the student attend the facilitated IEP Team meeting, as appropriate. Participating in a facilitated IEP Team meeting may provide a positive opportunity for the student to learn about self-advocacy. If the student is 14 or older, or if transition issues will be discussed, encouraging the student to be involved in the development of his or her IEP could lead to more successful outcomes.

Where and when is a facilitated IEP Team meeting held?

The facilitated IEP Team meeting is scheduled by the school district, in cooperation with the parent, and held at a time and place that is mutually agreed upon.

Do I have to pay for the facilitated IEP Team meeting?

As with any IEP Team meeting, a facilitated IEP Team meeting is provided at no cost to parents.

What if the Team is unable to agree on an IEP at the facilitated meeting?

If issues, disagreements, or problems are not resolved at the facilitated IEP Team meeting, you may want to consider another form of dispute resolution. All dispute resolution information can be found at <http://www.gadoe.org/Curriculum-Instruction-and-Assessment/Special-Education-Services/Pages/Dispute-Resolution.aspx>. Your participation in the facilitated IEP Team meeting does not affect your parental rights.

What if I need an interpreter?

It is important that you understand the IEP Team meeting process and are able to participate. Let the school district know in advance of the IEP Team meeting that you will need an interpreter, so they can arrange for one to assist you during the meeting. Contact your school district or the GaDOE for more information.

Overview of Procedures

- ✓ The parent or the school district may initiate the request for a Facilitated IEP Team meeting
- ✓ Access the FIEP Team meeting request form on a participating school district's website. A list of participating school districts is located at <http://www.gadoe.org/Curriculum-Instruction-and-Assessment/Special-Education-Services/Pages/IEP-Facilitation.aspx>
- ✓ Complete and submit the FIEP Team meeting request form to the special education director in your district
- ✓ Since both parties must agree, a parent and the special education director's signature must be on the FIEP Team meeting request form prior to submission to the GaDOE
- ✓ The district will submit the signed FIEP Team meeting request form and a copy of a fully executed IEP Team meeting notice to the GaDOE
- ✓ You will be notified of the GaDOE's approval or denial of the request

Ways You Might Prepare For an IEP Team Meeting

- Prepare a written list of issues you want to discuss and questions you want to ask.
- Think about what is most important to you for your child's IEP and make a note of these items.
- Ask yourself three important questions:
 1. Where is my son or daughter now in his or her educational progress?
 2. Where do I want my son or daughter to be a year from now and how can those expectations be measured?
 3. In what ways can the IEP Team help him or her to meet those expectations?
- Organize your documents. Record dates and notes on them. You may want to make copies of some of the information to share with the Team.
- Be willing to listen and carefully consider ideas that others may suggest.
- Arrive a little before the IEP Team meeting, so you have time to get ready to participate.
- Call your parent training and information center or community parent resource center. A staff member can answer your questions and help you prepare for the meeting. In some cases, a parent center staff member may attend the IEP Team meeting with you.
- Attend a workshop or training conducted by a parent center to learn about your role and responsibilities as a member of the IEP Team.

Sources of Important Information

Georgia Department of Education Dispute Resolution Options

Website:

<http://www.gadoe.org/Curriculum-Instruction-and-Assessment/Special-Education-Services/Pages/Dispute-Resolution.aspx>

Region 3 Parent TA Center Parent to Parent of Georgia

3070 Presidential Pkwy, Suite 130

Atlanta, GA 30340

Tel: (800) 229-2038 Fax: (770) 458-4091

Website: p2pga.org

Information on the Individuals with Disabilities Education Act

(IDEA) is available online: idea.ed.gov/

The National Center on Dispute Resolution in Special Education CADRE

Website:

<http://www.directionservice.org/cadre/>