



Facilitated Individualized Education Program (FIEP) Procedures

A Guide for Families and Districts

Office of Special Education
West Virginia Department of Education
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Office of Special Education (OSE) Facilitated Individualized Education Program (FIEP) Procedures

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What is a Facilitated IEP?

A Facilitated Individualized Education Program (FIEP) Team meeting is a student focused process designed to help the IEP Team overcome the pressures and challenges of a potentially contentious meeting. The facilitator makes no educational decisions regarding the student or the IEP. The facilitator's primary goal is to assist team members in the thoughtful, productive construction of a quality IEP. The facilitator's role is to:

1. Keep the meeting focused on the student.
2. Ensure everyone at the table has a voice.
3. Encourage active listening by all participants.
4. Keep the group from getting stuck on just one aspect of the IEP.

A Facilitated IEP Team meeting provides an opportunity for early conflict prevention and resolution and is available to school districts, parents of children with disabilities and adult students with disabilities. The district, the parent or the adult student may request a trained, impartial professional facilitator to attend the IEP meeting to help members of the IEP Team remain focused on student issues and goals while addressing conflicts and disagreements that may arise during the meeting.

The process may be used for any IEP Team meeting including an initial eligibility, the annual IEP, a reevaluation and other meetings to review and revise the IEP. IEP facilitation is free to all participants. OSE will provide an independent facilitator for a maximum of five hours, including time spent before and after the IEP meeting.

What are the benefits of a Facilitated IEP?

A Facilitated IEP Team meeting:

- Builds and improves relationships among the IEP Team members.
- Ensures that the meeting is student-focused.
- Improves communication among IEP Team members by modeling effective communication and listening skills.
- Clarifies points of agreement and disagreement.
- Provides opportunities for team members to resolve conflicts.
- Encourages parents and professionals to identify new options to address unresolved problems.
- Reduces cost to the parent and district, and cuts costs of more formal dispute resolution proceedings such as mediation, complaint and due process.
- Creates a less stressful environment than formal complaint proceedings.
- Supports improved IEP implementation by establishing roles and responsibilities for follow-up action. IEP Team can discuss and plan roles and responsibilities.
- Takes place during the IEP meeting and does not require a separate meeting to formalize agreements.
- Supports full engagement and participation by all parties.

When should a Facilitated IEP Team meeting be requested?

It is advisable to request a Facilitated IEP Team meeting early in the IEP process. When you believe it will be difficult for the IEP Team to reach consensus and there are potential problems due to earlier conflicts (e.g. a lack of trust between team members, and/or a breakdown in communications between the team), a Facilitated IEP Team meeting may be the answer. A Facilitated IEP Team meeting encourages early dispute resolution as team member concerns are discussed and conflicts don't have time to develop into more serious disputes. In some cases, when parties have become entrenched in their position on a certain issue, IEP facilitation may not provide the level of support needed to remedy the situation and mediation should be sought. IDEA mediation is available at no cost to parents and school districts as a dispute resolution option.

How is a Facilitated IEP Team meeting requested?

Parents or school staff may contact their district's special education director or complete a Request for a Facilitated IEP Team meeting form on the WVDE, OSE website at <http://wvde.state.wv.us/osp/compliance/> to formally request a Facilitated IEP Team meeting. IEP facilitation is not a required dispute resolution option under the IDEA. No less than two weeks notice should be provided when making a request for facilitation. Facilitators will be selected by the OSE on a rotating basis and on the facilitator's relationship to the district. In addition, the OSE will consider the goals of the meeting and the time required to become familiar with the IEP.

Who arranges a Facilitated IEP?

When the WVDE, OSE receives the request for a Facilitated IEP, a representative from OSE will contact the school district or the parent to confirm agreement of both parties. The Facilitator, the district special education director, the IEP case manager and the parents will arrange a mutually agreed upon date and time for the meeting. This date must be within 365 days of the previous IEP review/revision; a Facilitated IEP does not extend the deadline for completion of the annual IEP.

Who participates in a Facilitated IEP?

The entire IEP Team will participate in the Facilitated IEP Team meeting.

The IEP Team consists of:

1. One or both of the child's parents;
2. When appropriate, the child with the exceptionality;
3. Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);
4. Not less than one special education teacher of the child, or where appropriate, not less than one special education provider of the child;

5. A representative of the public agency who is:
 - a. Qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with exceptionalities;
 - b. Knowledgeable about the general education curriculum;
 - c. Knowledgeable about the availability of resources of the public agency; and
 - d. Authorized to commit agency resources and ensure that services set out in the IEP will be provided.
6. An individual who can interpret the instructional implications of evaluation results, who may be a member of the team serving in another capacity; and
7. At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate.

How can families prepare for a Facilitated IEP Team meeting?

Parents and families may review the following points when preparing for a Facilitated IEP Team meeting:

- Carefully consider the following three questions:
 - » Where is my child now in his/her educational performance?
 - » Where do I want my child to be a year from now and how can those expectations be measured?
 - » In what ways can the team help him/her to meet those expectations?
- Develop a list of the child's strengths and needs;
- List any major concerns about his/her education;
- Prepare a written list of issues to discuss and questions to ask the team;
- Consider how the child's disability affects his/her progress and education;
- Review the child's most recent IEP and make a list of what has worked and what did not work; and
- Think about whether the child has been making progress with his/her current program.

It is also essential that all participants be willing to listen carefully and be open to consideration of options and possible solutions.

Who are the Facilitators?

Facilitators are individuals with knowledge and expertise in the special education process, WV Policy 2419 and the IDEA 2004. They have been trained in IEP Facilitation and IEP procedures, and are assigned by the OSE.

What is the role of the Facilitator?

It is important to note that the facilitator is NOT a member of the IEP Team.

- The Facilitator will open the IEP Team meeting with a brief statement identifying his/her role in the process. The Facilitator does not make any decisions for the Team or advise the Team on IEP regulations or policy.
- The Facilitator keeps the team focused on the task of developing a comprehensive and mutually agreed upon IEP that provides an educational benefit to the child.
- The Facilitator models and helps maintain open and respectful communication by establishing a set of guidelines and group agreements that will be upheld during the meeting. The Facilitator will assist in resolving minor conflicts that may arise during the course of the meeting as an impartial third party.

What are the similarities between Mediators and IEP Facilitators?

Both a Mediator and a Facilitator will:

- Model appropriate communication skills for all parties;
- Ensure that active listening is taking place;
- Assist the parties in looking at common goals;
- Keep the process moving forward in a timely manner;
- Keep the process focused on the student;
- Help all parties avoid blaming, shaming, and attacks; and
- Manage group dynamics.

What is the difference between a Facilitated IEP and Mediation?

FACILITATION

The Facilitator helps with the meeting process and resolving conflict.

The facilitator usually works with the parties **before** the dispute reaches an impasse when the discussion is difficult and complex.

The facilitator assists with communication in developing the IEP.

The IEP process determines the meeting agenda.

The outcome is the IEP, which is either revised or completed.

In facilitation, the IEP created is confidential.

In facilitation, the entire team works together.

MEDIATION

The mediator helps parties work on resolving specific disputes.

The mediator works with the parties **after** they have reached an impasse and feel they can go no further.

The mediator assists in trying to resolve underlying issues and emotions.

The mediator helps the parties create an agenda.

If an agreement is reached, the outcome will be a written agreement that resolves the dispute. It is a legally binding contract in state and federal court.

In mediation, the agreement is binding and has a confidentiality law that has been tested and upheld by the courts.

In mediation, the entire group works together, but the mediator may also work separately with specific parties (caucus) at times during the process.

Where can I get more information?

Please visit the WVDE, OSE website: wvde.state.wv.us/osp/

Contact the WVDE, OSE office at 304.558.2696 or 1.800.642.8541.

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