



NEBRASKA

DEPARTMENT OF EDUCATION

The Individuals with Disabilities Education Act (IDEA) 92 NAC 51 (Rule 51)

Nebraska IEP Facilitation Guide August 2020



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Nebraska IEP Facilitation Guide

What is IEP Facilitation?

Individualized Education Program (IEP) Facilitation is an option available to parents and school staff when they both agree that it would be valuable to have a neutral person-the IEP Facilitator-present at an IEP meeting to assist them in discussing issues regarding the IEP. The facilitator promotes effective communication and assists in developing an IEP based on the student's needs. The facilitated IEP meeting includes all of the required team members.

IEP Facilitation is:

- Focused on the needs of the student
- Ensures everyone at the table has a voice
- Active listening by all the participants
- Keeps the group from getting stuck on just one goal (or one part) of the IEP
- Helps team members stay on task and on time
- Helps teams develop mutually acceptable IEPs
- Creates an overall agenda and assists in generating ground rules for the meeting
- A guide to maintaining open communication among all IEP team members
- Clarification of points of agreement and disagreement
- Used for any IEP team meeting including initial, annual, re-evaluation, review, and revision
- A promising best practice for alternative dispute prevention.

IEP Facilitation is not required under IDEA and is not one of the dispute resolution options described in the federal law's procedural safeguard. However, 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.

When is IEP Facilitation appropriate?

Typically IEP teams work together to reach agreement on student needs, verification, placement, and service delivery. However, there are times when there may be conflict and difficulty reaching an agreement. Facilitation can establish a meeting framework to guide constructive communication between all parties. IEP Facilitation may prevent conflict from becoming a more serious dispute. IEP facilitation may be considered:

- When there are concerns about communication and trust among IEP team members but the parties still want to continue working toward solutions.
- If there are difficulties reaching a consensus on important parts of an IEP,
- When there is a feeling from any of the participants that issues discussed at the IEP meeting are creating a hostile environment.

Benefits of IEP Facilitation?

Facilitation is a valuable resource to improve the understanding of the viewpoints of others. The goal of facilitation is to solve problems and keep the meeting focused on the needs of the student and the development of a plan for the future. Benefits include:

- It provides a neutral party with the goal of improving communication and outcomes of the IEP team.
- Promotes positive working relationships between parents and school personnel.
- Encourages mutual problem-solving.
- Keeps the meeting focused on the needs of the student.
- Ensures that all members of the team are heard and able to contribute.
- It provides for a less formal, positive, and proactive option prior to mediation.
- Prevents disputes that can become damaging to school/family relationships.
- Models effective communication and listening skills.
- Supports better follow through and follow up, as roles and responsibilities are discussed and planned.
- Clarifies points of agreement and disagreement.



Who are the Nebraska IEP Facilitators?

The Nebraska Department of Education, Office of Special Education keeps a list of persons trained and experienced in IEP facilitation and conflict resolution. The Facilitators are impartial, not representing either the parents or the school district. The trained individuals include school administrators, general and special education teachers, Speech-Language Pathologists, School Psychologists, Teacher of the Deaf/Hard of Hearing, college professors, Special Education Coordinators, representatives from the Nebraska Parent Information (PTI) professionals, and other Nebraska leaders.

What is the Facilitator's role?

- Contacts the parties to gather necessary information, and explain the IEP facilitation process
- Creates a shared agenda and ground rules
- Guides the IEP process and keeps the team members on task
- Keeps the meeting focused on the student.
- Encourages participation - make sure everyone's voice is heard
- Checks for understanding
- Poses questions to clarify points of disagreement and help identify workable solutions
- Keeps focus on student strengths and needs
- Supports the attainment of consensus
- Provides notes for everyone to see
- Repairs relationships (if needed)
- It helps ensure that the language in the IEP reflects decisions made during the meeting.
- Keeps the group from getting stuck on just one goal (or one part) of the IEP
- Encourages the team to be decision-makers. The facilitator is a neutral party.
- It does not impose decisions, place blame, or determine whether decisions are right or wrong.
- Models effective communication and listening.

*Selected and trained facilitators cannot be called to testify in any subsequent proceedings (parties must sign a waiver)

Who schedules a Facilitated IEP meeting?

Parent/Guardian(s) or schools can request a facilitated team meeting. However, both parties must agree to use this voluntary process.

- School Districts could see if anyone within the district is trained to facilitate a meeting, reach out to the ESU or contact NDE for a list of facilitators.
- Facilitation can be accessed through PTI NE, NE Department of Ed, or Disability Rights of NE - if not directly through the district.
- Scheduled at the convenience of the parent, district, and facilitator. Primarily the district representative would coordinate scheduling after initial connections of all parties.

Considerations for scheduling:

The members of the IEP team should take the time to consider and be prepared to discuss the following:

- Date, time, and location of the meeting.
- Amount of time to reserve (a half-day recommended)
- Who will participate in the IEP meeting?
- What is the expected role of the facilitator for this meeting?
- Specific objectives for the meeting.

Please be sure that when you finalize your IEP meeting date, all school district IEP team members will be attending the meeting. Per Rule 51 procedures, if they are not attending the meeting, follow the appropriate procedures for excusing team members. The school district will schedule a meeting with parents according to an agreed-upon time and place.

Who attends a Facilitated IEP meeting?

Attendance at a facilitated IEP meeting is the same as any other IEP meeting, per Rule 51. 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 the knowledge or special expertise regarding the student.

What is the cost?

- As with any IEP Team meeting, a facilitated IEP Team meeting is provided at no cost to parents
- The cost of IEP facilitation is the responsibility of the office or district requesting the facilitation.

Frequently Asked Questions

What is facilitation?

IEP Meeting Facilitation is available to assist teams in the effective development of an Individualized Education Plan. IEP Meeting Facilitation is available upon a request from a parent or district representative.

How is Facilitation different from mediation?

The role of an IEP meeting facilitator is different from that of a mediator and he or she is not a member of the IEP team. Both the parent(s) and the district must agree to the use of an IEP team meeting facilitator.

In a Facilitated Team meeting, you can expect:

1. A meeting agenda that is developed collaboratively and inclusive of all concerns.
2. Ground rules that provide structure and focus for the meeting.
3. A facilitator who treats all parties fairly and with respect.
4. A focus on listening for the purpose of understanding. (Alabama Flyer)

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. (SC)

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

Yes, as with any IEP Team meeting, IDEA procedures apply. Proper notification including the place, time, where the meeting will occur, potential attendees, and the purpose of the meeting.

What is the next step if facilitation is not effective?

Disputes regarding the IEP or the provision of services may be resolved through mediation, due process hearing, or the state complaint process.

When should I request a facilitator?

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 IEP Team process is ineffective at developing an IEP acceptable to the parents and school district, either party may request a facilitator, but both parties must agree upon the use of a facilitator.

Does the facilitator make the decisions about the outcome?

No. The facilitator is not an IEP team member and his or her only focus is on the needs of the student, the IEP process and developing a mutually agreed upon IEP,

How soon can a facilitated IEP meeting be scheduled?

The school schedules the IEP meeting and sends out the notice to the parents. If the district and/or parent is interested in IEP facilitation, the request for a facilitator should be made as soon as possible to allow enough time for notification to reach both parties and assign a facilitator if one is available in the appropriate time frame.

How long are Facilitated IEP meetings?

Typically, a facilitated IEP meeting is no longer than three hours. If it continues longer, the team should consider rescheduling the meeting for another time.

What is the cost?

IEP facilitation is provided at no cost to parents. The cost of the facilitator is most often born by the office or agency providing the resource.

What if I need an interpreter?

It is important that you are able to participate in the IEP process. Notify the school district in advance of the IEP Team meeting so they can arrange an interpreter to assist you during the meeting.

How can participants prepare for a Facilitated IEP Team meeting?

- Think about what is most important to you for this child's IEP and make a note of these items.
- Prepare a written list of concerns you want to discuss and questions you want to ask.
- Ask yourself three important questions:
 - Where is the student now in his or her educational progress?
 - Where do I want the student to be a year from now and how can those expectations be measured?
 - In what ways can the IEP team help the student meet 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 meeting, so you have time to get ready to participate.
- Parents/Guardians may: 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 meeting with you.

Sources of Information:

Nebraska Department of Education, Office of Special Education,
Website: <https://www.education.ne.gov/sped/>

The Center for Appropriate Dispute Resolution in Special Education CADRE
Website: <https://www.cadeworks.org/>

Sound Options Group, LLC, Greg Abell, 800-692-2540
Website: <http://somtq.com/>

Prepared by the Nebraska IEP Facilitation Cadre, July 2020. Nebraska Department of Education, Office of Special Education.