

IEP FACILITATION HANDBOOK
A GUIDE FOR PARENTS AND EDUCATORS



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INDIVIDUALIZED EDUCATION PROGRAM (IEP) FACILITATION

Parents and school district staff usually agree on issues regarding evaluation, eligibility, services, and placement of children with disabilities. However, there are times when disagreement occurs, and the IEP team process proves difficult or ineffective at developing an IEP acceptable to both the parents and school district.

IEP facilitation is an optional process for using a neutral third party (facilitator) to promote effective communication and assist the IEP team in developing a mutually acceptable IEP. The process is voluntary; both the parent and the district have to agree to participate in the facilitated IEP meeting. A facilitated IEP meeting is the same as any other IEP meeting, except that a facilitator joins the meeting. Facilitation cannot interfere with procedural safeguards, including a parent or district right to request a stand-alone mediation, state complaint investigation or due process hearing.

BENEFITS OF A FACILITATED IEP MEETING (FIEP)

A FIEP meeting:

- Can build and improve relationships among IEP team members.
- Maintains decision-making with team members who know the student.
- Keeps the meeting focused on the student.
- Encourages the IEP team to consider new options to address unresolved issues.
- Identifies agreements and seeks to clarify and resolve disagreements.
- Supports follow through and follow-up, as roles and responsibilities are discussed and planned.
- Unlike mediation, does not require a separate IEP meeting to formalize the agreements that are reached.

PARTICIPANTS OF A FIEP

All required IEP team members should be present to complete the FIEP process, including the parent, and when appropriate the student.

To prepare for the meeting participants should:

- Review relevant documents, papers, and reports prior to the meeting.
- Share relevant documents with other persons that will be involved in the meeting.
- Organize any information and materials that they bring to the meeting.
- Think of possible alternatives to the IEP that are in question.
- Put aside conflicts and focus on the student's best interest.
- Think about what you want the other party to consider and what you are willing to be flexible with.
- Be willing to listen and compromise in the student's best interest.

THE ROLE OF THE DEPARTMENT

The Department of Education will:

- Appoint a facilitator.
- Provide the contact information of the appointed facilitator to the parent and school district.
- Keep a record of the date, time, location of the meeting, feedback forms, and the result.
- Explain the benefits and procedures of the facilitation process and encourage parents and districts to use facilitation.

THE ROLE OF THE FACILITATOR

The facilitator is not an employee of the Department of Education. The facilitator is an independent contractor hired by the Department and must not have a personal or professional conflict of interest. The facilitator is a neutral party working to assist the IEP team in developing an IEP. The facilitator is not the decision-maker. In fulfilling this role, the facilitator will approach the meeting free of bias, treating both sides with respect. The facilitator will facilitate problem solving by the team. If disagreements arise, the facilitator will ensure that the right to respectfully disagree is protected while maintaining a civil and open dialogue.

The facilitator will:

Before the Meeting

- Contact all parties no less than five (5) days prior to the meeting to outline the facilitated IEP meeting process and obtain information on primary areas of concern.
- Draft group norms, meeting agendas, and meeting outcomes based on areas of concern and parties.
- Coordinate with the parties a meeting room location and room arrangement if needed.

During the Meeting

- Direct the meeting process acting as a neutral party maintaining the position throughout the meeting.
- Obtain agreement on the meeting agenda, outcomes, and group norms.
- Address areas of concern noted on the request form or all areas of concern agreed upon by the IEP team for the meeting.
- Promote open communication among team members.
- Guide team members toward consensus.

After the Meeting

- Distribute FIEP Team Meeting Feedback forms to the parties with instructions on how to submit them to the Department.
- Ensure that the Facilitator Report form is completed and submitted to the Department.

RIGHTS AND RESPONSIBILITIES

- IEP facilitation does not relieve the school district of the responsibility to meet regulatory obligations, including timelines, advanced written notice of the meeting and written notice following the meeting.
- The parameters of confidentiality apply to all IEP meetings, including facilitated IEP meetings.
- All parental rights, notifications and procedural safeguards are still applicable as with any other IEP meeting.
- The only record kept of the facilitated IEP meeting by the Department includes the date, time and location of the meeting, feedback forms, and the result. Neither the Department nor the facilitator will keep the IEP document(s).

FREQUENTLY ASKED QUESTIONS

Who can request IEP facilitation?

Parents or school district staff may request IEP facilitation, but both parties must agree on the use of a facilitator.

When should IEP facilitation be considered?

When the IEP team process proves difficult or ineffective at developing an acceptable IEP.

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

No. IEP facilitation is not required under the IDEA or Chapter 101 Maine Unified Special Education Regulation Birth to Twenty (MUSER).

How far in advance do I need to request a facilitator?

An important part of the IEP facilitation process is the preparation work done by the facilitator in conversations with parent and school personnel to develop a formal agenda. In general a request should be made at least 14 days in advance of a meeting.

What is the cost?

State sponsored facilitation is a free service provided by the Maine Department of Education Office of Special Services. The Department will not pay for any costs to the parties associated with the meeting (e.g. mileage, meals, wage loss, etc.).

Does the facilitator make decisions?

No. They support IEP teams to work together to develop effective IEP's for students.

Once a request for IEP facilitation is initiated, what happens?

Once the initial request is received, the Department contacts the other identified party to seek participation and asks them to complete the Request for Facilitation Form to document their concerns or issues. A facilitator is then appointed by the Department considering geographic location, scheduling, and current status of available facilitators. The request forms are forwarded to the facilitator who contacts both parties about scheduling the meeting and clarifying information provided in the forms.

How long does a FIEP meeting take?

The Department recommends a three-hour time limit and recognizes that for some meetings the time will vary.

What if the team is unable to come to agreement at a FIEP meeting?

A facilitated IEP meeting can always be reconvened if consensus is not reached at the meeting with approval of the parties and Department.

As with any IEP team meeting, if the parties at a FIEP 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, state complaint investigation or a due process hearing.

The SAU is responsible for the free appropriate public education (FAPE) of the student, and thus must make decisions when consensus is not possible. In such cases, the SAU must provide prior written notice of its decisions to the parent or adult student and provide notification of the right to request mediation, state complaint investigation or a due process hearing.

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