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SPECIAL EDUCATION FIELD ADVISORY

To: Parents and Educators from Long Island and New York City

From: James P. DeLorenzo 

Subject: **Individualized Education Program (IEP) Facilitation Pilot Program**

The New York State Education Department (NYSED), Office of Special Education, is pleased to announce that it has initiated a three-year pilot program of the early dispute resolution option of Individualized Education Program (IEP) Facilitation. Effective immediately, the option of IEP Facilitation is available to schools and parents in school districts in Long Island and in New York City's District 10 in the Bronx and District 24 in Queens.

What is IEP Facilitation?

IEP Facilitation is a voluntary early dispute resolution option that is available when parents and districts both agree that the presence of a neutral third party would assist with communication and problem solving during a committee on special education (CSE) or committee on preschool special education (CPSE) meeting. The purpose of IEP Facilitation is to develop and sustain collaborative, productive relationships between CSE/CPSE members, keep meetings student-focused and reduce adversarial disputes during the IEP development process. IEP Facilitation is currently being used in several states with reported positive results.

A facilitated IEP meeting is the same as any other IEP meeting except that a neutral, trained facilitator joins the meeting. IEP Facilitators, selected by NYSED, have been trained in IEP Facilitation by nationally-recognized trainers; and in federal and State special education requirements relating to IEP development by NYSED staff. The IEP facilitator is not a decision-maker, is impartial and does not represent the parent, school district or State. An IEP Facilitator may be used for any CSE/CPSE meeting including for initial development of an IEP and annual review meetings. The IEP Facilitator's primary goal is to assist committee members in collaborative and productive construction or revision of a quality IEP for a student with a disability. This is accomplished by guiding the

meeting process, encouraging participation from parents and other committee members and keeping the meeting focused on the needs of the student.

During the pilot project of IEP facilitation, NYSED will pay for the cost of the IEP facilitator. Therefore, use of an IEP Facilitator will be at no cost to the parent or district.

Benefits of IEP Facilitation

The use of IEP Facilitation can improve relationships among the CSE/CPSE members and between parents and schools; it can provide opportunities for CSE/CPSE members to resolve conflicts if they arise; it encourages parents and professionals to identify new options to address unresolved problems; it serves as a more cost-effective, efficient and less stressful mechanism for resolving disputes than more formal proceedings such as due process hearings; and it supports all members to fully participate in meetings.

Requesting IEP Facilitation

IEP Facilitation should be used when communication is breaking down and there are signs that an agreement is not likely to be reached on a student's IEP; when due process is likely; and/or when there is a feeling from any of the participants that the issues at the meeting are creating difficult or angry feelings.

Either a parent or a school district may suggest use of IEP Facilitation, but both the parent and school district must agree and jointly sign the request form for IEP Facilitation. The district then submits the request form to NYSED. NYSED will timely provide a list of IEP Facilitators to the school district. The school district then contacts the IEP facilitator, mutually agreed to with the parent, who can timely participate in the student's scheduled IEP meeting. The parent, district and IEP Facilitator sign an agreement form and the facilitated IEP meeting occurs.

Resources

The following informational materials and forms are available on the Department's website:

- *Role of the IEP Facilitator*
<http://p1232.nysed.gov/specialed/dueprocess/documents/RoleofIEPfacilitator.pdf>
- *The IEP Facilitation Process*
<http://p1232.nysed.gov/specialed/dueprocess/documents/Process.pdf>
- *IEP Facilitation Request*
<http://p1232.nysed.gov/specialed/dueprocess/documents/RequestForm.pdf>
- *Agreement to Participate in IEP Facilitation*
<http://p1232.nysed.gov/specialed/dueprocess/documents/AgreementForm.pdf>

- *Evaluation Form*
<http://p1232.nysed.gov/specialed/dueprocess/documents/EvaluationForm.pdf>
- *New York State IEP Facilitator Invoice*
<http://p1232.nysed.gov/specialed/dueprocess/documents/Invoice.pdf>

For additional information on IEP Facilitation, please contact NYSED's Office of Special Education Due Process Unit at (518) 473-0170 or see <http://www.p12.nysed.gov/specialed/dueprocess/iep-facilitation/IEPFacilitation.html>.