



Utah State Board of Education

**FACILITATED
INDIVIDUALIZED EDUCATION
PROGRAM (IEP) GUIDE**

A UTAH STATE BOARD OF EDUCATION (USBE) TECHNICAL
ASSISTANCE DOCUMENT

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TABLE OF CONTENTS

Introduction	3
IEP facilitation	3
Who Can File a Request for IEP Facilitation?.....	4
When Should a Request for IEP Facilitation be Filed?	4
How to File a Request for IEP Facilitation?	4
What Happens After a Request for IEP Facilitation is Filed?.....	5
What Happens After the USBE Assigns a Facilitator?	6
Frequently Asked Questions About IEP Facilitation	6
Will the Facilitator be Neutral?.....	6
Who Will be Present at the Facilitated IEP Meeting?	6
What is the USBE’s Role in IEP Facilitation?.....	7
What Should the LEA do if they Receive a Request for IEP Facilitation?	7
What Should a Parent do if they Receive a Request From the Lea for a Facilitated IEP meeting?.....	7
What Happens if the Parties Cannot Agree in IEP Facilitation?	7
What are the Benefits of Engaging in IEP Facilitation?	7
Additional Resources.....	8

INTRODUCTION

The purpose of this document is to provide guidance for parents, adult students, local education agencies (LEAs), and stakeholders outlining the steps in the Facilitated Individualized Education Program (IEP) meeting process.

It is important to note disagreements do happen and can be an opportunity for making improvements for parents, students with disabilities, educators, and LEAs. Disagreements are inevitable; however, they need not produce negative results.

NOTE: This technical assistance document is not intended to provide any legal advice. Please consult with legal counsel about how to proceed in any legal situation.

Although it is not required under the Individuals with Disabilities Education Act (IDEA), the Utah State Board of Education (USBE) offers LEAs and parents IEP Facilitation as an early dispute resolution option.

IEP FACILITATION

IEP Facilitation is a voluntary process that can be used when both parties agree that the presence of a neutral third party would be helpful in the process of developing an appropriate IEP for a student with a disability.

A facilitated IEP meeting is the same as any other IEP meeting, with the exception that a facilitator joins the meeting.

IEP facilitators, who are not part of the IEP team, can assist in instances when an IEP meeting is likely to cover unresolved or adversarial issues between schools and families. Sometimes IEP teams reach an impasse, or meetings are expected to be contentious. In such cases, an independent, trained facilitator may help guide the process.

IEP facilitators can create an agenda and share meeting norms to guide team discussions using student-focused questions and assist the team in resolving conflicts that may arise during the meeting. Throughout the meeting, an IEP facilitator can model effective communication and listening skills and help to clarify points of agreement and disagreement. IEP facilitators are not advocates for any

member of the IEP team nor are they decision makers. This method of dispute resolution is collaborative, relationship focused, and typically time efficient. The goal of a facilitated IEP meeting is for an IEP to be developed that meets the needs of the student.

Please note that the USBE does not offer facilitation for other formal meetings under the IDEA such as eligibility determination meetings or manifestation determination reviews. Typically, the IEP facilitator does not address issues that are not related to the student's IEP.

WHO CAN FILE A REQUEST FOR IEP FACILITATION?

Parents or LEAs may request a facilitated IEP meeting.

WHEN SHOULD A REQUEST FOR IEP FACILITATION BE FILED?

A request for IEP Facilitation may be filed when the parties cannot resolve their disputes over a student's IEP without outside assistance. A facilitator may be helpful when communication between parents and LEA personnel has become contentious, or if parents or LEA staff have concerns about an upcoming IEP meeting.

IEP Facilitation is an early dispute resolution option to address concerns before they rise to the level of a State complaint or due process hearing request. IEP Facilitation is an opportunity to share perspectives and brainstorm self-determined, mutually agreeable solutions regarding issues of concern, with the focus on the student and developing an appropriate IEP for that student.

IEP Facilitation can be requested anytime, even if you have already filed a written State complaint, mediation request, or due process hearing request.

HOW TO FILE A REQUEST FOR IEP FACILITATION?

IEP Facilitation can be requested free of charge by submitting the appropriate form to the USBE. The USBE has a Request for IEP Facilitation form linked here:

[Formstack.com IEP Facilitation Request](https://formstack.com/iep-facilitation-request)

Parties may also use one of the following methods to submit a Request for IEP Facilitation.

1. Fax to (801) 538-7991
2. In-person during regular business hours of Monday through Friday from 8 a.m. to 5 p.m.
 - a. Utah State Board of Education
250 East 500 South
Salt Lake City, Utah, 84111-3204
3. Mail via United States Postal Service (USPS)
 - a. Utah State Board of Education
Attention State Director of Special Education
PO Box 144200
Salt Lake City, Utah 84114-4200

WHAT HAPPENS AFTER A REQUEST FOR IEP FACILITATION IS FILED?

Upon receipt of a request for IEP facilitation, a USBE Dispute Resolution Specialist will begin outreach efforts to notify the non-submitting party of the request.

If both parties consent to IEP facilitation, the USBE's Dispute Resolution Specialists will assign a facilitator.

The USBE assigns an independent facilitator to assist the parties in the facilitated IEP process. IEP Facilitation is conducted by qualified and neutral facilitators trained in effective conflict resolution techniques and knowledgeable about special education, the IDEA, and the USBE Special Education rules. IEP facilitators are assigned on a random, rotational, or other neutral basis.

Prior to the IEP meeting, the parties will be asked to sign an Agreement to Participate in a Facilitated IEP Meeting. The parent(s) or adult student will also be asked to sign an Authorization to Release Private Records and Information for IEP Facilitation. IEP Facilitation may be held virtually or in person at the option of the parties.

WHAT HAPPENS AFTER THE USBE ASSIGNS A FACILITATOR?

Once the USBE assigns an IEP facilitator, the facilitator will be the parties' contact for all things relating to the facilitation.

FREQUENTLY ASKED QUESTIONS ABOUT IEP FACILITATION

WILL THE FACILITATOR BE NEUTRAL?

IEP Facilitation utilizes an independent, neutral facilitator to guide the meeting process and assist IEP team members in communicating effectively. With the assistance of the facilitator, the parties collaborate to reach an agreement on the student's IEP. A facilitator does not take sides or make decisions for the IEP team.

The IEP facilitator maintains open communication and helps to ensure the parties can participate fully. The facilitator guides discussions and works to keep the IEP team focused on the development of a student's IEP. This neutral third-party assistance can result in more cooperation among IEP team members and help the IEP development process be more successful.

IEP Facilitation is a collaborative process that emphasizes shared responsibility for the development of the most appropriate IEP for the student.

WHO WILL BE PRESENT AT THE FACILITATED IEP MEETING?

Members of the student's IEP Team attend a facilitated IEP meeting, including the student's parent(s), a general education teacher, a special education teacher, an LEA representative, and someone who can explain how evaluation results might be reflected in the student's IEP. While only one regular education teacher is required, other teachers may have valuable information to provide to the IEP Team.

Just like any other IEP meeting, parents or the LEA may bring other people who have knowledge or special expertise regarding the student, such as a parent advocate. Depending on the student's age and level of maturity, the student may be a valuable member of the IEP Team.

WHAT IS THE USBE'S ROLE IN IEP FACILITATION?

The USBE bears the cost of the IEP Facilitation process. The USBE Dispute Resolution Specialists oversee requests for IEP Facilitation and follow them to completion. First and foremost, when the USBE receives a request for IEP Facilitation, the USBE's responsibility is to ensure that both parties agree to facilitation.

WHAT SHOULD THE LEA DO IF THEY RECEIVE A REQUEST FOR IEP FACILITATION?

If the online submission form is used, the USBE will notify the parties. If the IEP Facilitation request was sent to an LEA but not to the USBE, the LEA should contact the USBE's Dispute Resolution Specialists and upload a copy to the UPIPS online program, or fax it to the USBE. Next, the LEA should decide if the LEA is amenable to facilitation. Once a decision is made, the LEA must reach out to the USBE's Dispute Resolution Specialists advising them whether they agree to IEP Facilitation.

WHAT SHOULD A PARENT DO IF THEY RECEIVE A REQUEST FROM THE LEA FOR A FACILITATED IEP MEETING?

Parents should make a decision as to whether or not they would like to participate in a facilitated IEP meeting and contact the USBE's Dispute Resolution Specialists advising them of their decision.

WHAT HAPPENS IF THE PARTIES CANNOT AGREE IN IEP FACILITATION?

The facilitator may request that the parties engage in more than one facilitation session, or the parties may not agree. If concerns are not resolved through the IEP Facilitation process, parents retain their procedural safeguards and may want to consider other forms of dispute resolution.

WHAT ARE THE BENEFITS OF ENGAGING IN IEP FACILITATION?

Some of the benefits of the IEP Facilitation process may include:

- A student's IEP developed as a result of a collaborative process

- Improved relationships between LEAs and families
- Consideration of new ideas and ways of addressing unresolved concerns
- Potential for resolving disagreements more quickly than other dispute resolution options
- IEP team members may come away with improved communication and problem-solving skills
- IEP team members who know the student make decisions
- Personal empowerment for students with disabilities
- A decrease in more formal dispute resolution procedures

If you have any additional questions about IEP Facilitation, please reach out to the USBE's Special Education Dispute Resolution team.

ADDITIONAL RESOURCES

[The USBE's Dispute Resolution Video](#)

[IEP Facilitation Online Request Form](#)

[Utah Parent Center](#)

[CADRE- About IEP Facilitation](#)

[Considering IEP Facilitation: A School Administrator's Perspective](#)