

New Jersey Department of Education, Office of Special Education Programs

FACILITATED IEP MEETINGS: FREQUENTLY ASKED QUESTIONS

Question: What is IEP Facilitation?

Answer: IEP Facilitation is a free and voluntary service that the New Jersey Department of Education's Office of Special Education Programs (OSEP) offers to individualized education program (IEP) teams to promote effective communication and assist the team in developing a mutually acceptable IEP.

Question: Who can request IEP Facilitation?

Answer: Either the parent or the school district can request IEP Facilitation. As the process is voluntary, both parties must agree in order for facilitation to occur.

Question: Do all requests result in Facilitated IEP meetings?

Answer: OSEP attempts to accommodate all requests for IEP Facilitation. However, certain circumstances can prevent the assignment of a facilitator. These include:

- Both parties do not agree to facilitation.
- The request is not received with sufficient time to assign a facilitator (timeline requirements).
- Demand for IEP Facilitation exceeds the number of available facilitators.

Question: Who facilitates the IEP meeting?

Answer: The IEP meetings are facilitated by impartial individuals assigned by OSEP who have both knowledge and training on the process.

Question: How is IEP Facilitation different from special education mediation?

Answer: IEP Facilitation is specific to IEP development. The facilitation takes place during an IEP meeting with all required participants engaging in respectful collaboration to achieve the goal of developing a mutually agreed upon IEP.

Mediation is a dispute resolution option that occurs outside of an IEP meeting. Mediation is available for students age three through 21 years when there is a disagreement regarding identification, evaluation, classification, educational placement or the provision of a free, appropriate public education, or disciplinary action.

Question: Is IEP Facilitation an option if a due process hearing or active complaint is on record?

Answer: No. If a due process hearing or a complaint is current and active, OSEP will not accept a request for facilitation

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Question: Does IEP Facilitation alter the roles and responsibilities of the IEP team?

Answer: No. The IEP team is still required to follow all state and federal regulations in completing the IEP. The facilitator is available to assist the team in developing an IEP in a respectful and productive manner, but he or she is not an IEP team member. As with any IEP, the district is responsible for providing notification, meeting timelines, and ensuring the attendance of required participants, as well as developing and implementing the IEP for an eligible student.

Question: How long does a FIEP meeting usually last?

Answer: In an effort to maintain a productive exchange of ideas and achieve the goal of developing a mutually agreed upon IEP, the OSEP recommends that the FIEP meeting be completed within a three (3) hour time frame.

Question: Can either party bring an attorney or advocate to a Facilitated IEP meeting?

Answer: Yes, at the discretion of the parent or district, individuals who have knowledge or special expertise regarding the student with a disability may attend the IEP meeting.

Question: What happens if the Facilitated IEP meeting is not working?

Answer: If a Facilitated IEP meeting is not progressing toward the development of a mutually agreed upon IEP within a minimum of three (3) hours, the facilitator can remove herself/himself and end the facilitation of the IEP. The IEP team can continue the IEP meeting without the facilitator or reconvene for another day. The IEP Facilitation process cannot be used to extend IEP timelines; the district is still required to meet all state and federal regulatory requirements for IEP development.

Question: What happens if the district or parent changes their mind and no longer wants a Facilitated IEP meeting?

Answer: The parents or district can rescind the request for the FIEP. As a courtesy to the other party and the IEP Facilitator, the OSEP should be notified as soon as possible. Prior to beginning the meeting, the facilitator will also confirm that both parties still agree to participate in the FIEP.

Question: Is there a limit on the number of IEP Facilitations that the parents and districts can request?

Answer: OSEP has not set a limit on the number of IEP Facilitations that parents and districts can request. However, as indicated above, a request does not automatically guarantee the assignment of an IEP Facilitator.