

Facilitated IEP/504 Program Procedures

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Introduction

An independent, trained facilitator may help guide the process of Individualized Education Program (IEP) or 504 Plan Team meetings when meetings are expected to be contentious, or teams reach an impasse. A facilitator supports team members to stay focused on the development of the IEP/504 and the needs of the student while addressing conflicts and disagreements that may have occurred or that may emerge during the meeting. Such assistance, coming from an individual who is not a member of the IEP/504 team, can encourage cooperation and enhance communication among team members. The facilitator may additionally assist in the IEP/504 development process by modeling strong facilitation and mediation skills for future meetings.

Facilitated IEP/504 Team Meetings

IEP/504 Team meeting facilitation is voluntary. Both parties must agree to invite an external, neutral facilitator to the IEP/504 Team meeting. Facilitation takes place in a regular IEP/504 meeting. The impartial facilitator keeps the focus of the meeting on the interests, strengths, and needs of the student. The facilitator is a skilled individual who has received specialized training in conflict prevention and resolution through the Facilitated IEP/504 meeting process. The facilitator's goal is to promote effective communication, guide shared discussion and help team members construct an IEP/504 in the best interest of the student. The facilitator is not a member of the IEP/504 Team and cannot provide legal advice to a Team member. The facilitator will help the IEP/504 Team to create an agenda, meeting guidelines, and desired outcomes.

**This is a general description of the Facilitated IEP/504 process. It is not intended to interpret, modify, or replace any formal requirements under federal law.*

The IEP/504 Team Meeting Facilitator

A trained facilitator:

- Assists members of the IEP/504 team in developing an agreeable IEP/504 plan.
- Helps the Team create an overall agenda, guidelines and expected outcomes.

- Guides the discussion by keeping the team’s energy centered on student-focused questions.
- Assists the team in resolving conflicts and disagreements that may arise during the meeting.
- Helps to maintain open communication among all members.
- Helps team members develop and ask clarifying questions.
- Helps to keep team members on task and within the time allotted for the meeting.
- Maintains impartiality and does not take sides, place blame, or determine if a particular decision is right or wrong.
- Does not impose a decision on the group.

The role of the IEP/504 Facilitator:

- To set a positive and welcoming tone for the IEP/504 Team meeting.
- To clarify the meeting's purpose, the guidelines/group norms, the desired outcomes, the process to be used, and each member's roles.
- To keep the discussion focused on the student.
- To draw out information and encourage full participation from all IEP/504 Team members.
- To monitor the pace of the meeting.
- To maintain neutrality by reflecting content and process back to the Team.

Requesting a Facilitated IEP/504 Team Meeting

Parties who may request a facilitated IEP/504 Team meeting are parents (including guardians and surrogate parents) of a child with an IEP/504, an adult student with an IEP/504 (18 years or older), and school personnel with the approval of the special education director or 504 Coordinator (or their designees).

Parties can complete and submit the electronic [Facilitated IEP/504 Request Form](#). Additionally, interested parties may contact the OSCAS (Office of Student, Community, and Academic Supports) Special Education Call Center at (401) 222-8999 for more information and to complete a request. Once the Request Form is completed and submitted, Facilitated IEP/504 Program staff will contact the non-requesting party to confirm agreement in utilizing a facilitator (within 3 business days). Both parties must agree to participate in facilitation, as this is a voluntary process. **Please note:** Requests for a Facilitated IEP/504 should be made as soon as possible to allow RIDE enough time to assign a facilitator, if available. Receipt of a completed request does not guarantee assignment of a facilitator. RIDE reserves the right to decline to provide a facilitator. This decision is final and is not subject to review or appeal.

Appropriate Times to Request Facilitation

In most cases, the IEP/504 Team can reach agreement regarding identification, evaluation, educational program, placement, or the provision of a free and appropriate public education (FAPE) for students with disabilities through discussions and consensus decision-making. However, a facilitator may be useful when:

- School personnel want to focus on the concerns and content discussed at the IEP/504 meeting without having to oversee the meeting process;
- The next IEP Team meeting is expected to be particularly complex or controversial;
- Communication between parents and school personnel is becoming tense; or
- Parents and school personnel are becoming apprehensive about the next IEP Team meeting.

How Does IEP/504 Facilitation Differ from Mediation?

In both IEP/504 Facilitation and mediation, a neutral third party is assigned to assist the parties with communicating and resolving disagreements. IEP facilitation, however, involves reconvening an IEP meeting to reach consensus about the required elements of a student's IEP. In contrast, mediation may not involve holding an IEP meeting and may be used to resolve any disagreement arising under the IDEA, including identification, evaluation, IEP, educational placement, and provisions of a Free Appropriate Public Education (FAPE). Please see the [Facilitated IEP/504 Plan Meetings and Mediation Resource Document](#) for more information on the differences between facilitation and mediation.

When RIDE Receives the Request Form

Once a Request Form is received by RIDE, the RIDE FIEP/504 staff will review the form to determine if it is a case accepted for facilitation. Facilitated IEP/504 staff will contact the non-requesting party to confirm agreement to a neutral, third party facilitating the next scheduled IEP/504 Team meeting. If both parties agree, they will be asked to complete the [Facilitated IEP/504 Agreement](#). Once appropriate documentation (e.g., Request Form and Agreement Form) is received, RIDE will create a new case and assign a facilitator. The district remains the party responsible for scheduling and conducting IEP/504 Team meetings.

Once a facilitator has been assigned, RIDE staff will notify both parties via email and/or phone of the facilitator's name. The facilitator will contact both parties to discuss the issues/concerns,

determine desired outcomes, and assist with developing the IEP/504 Meeting Agenda based on the input from both parties.

What Happens if Facilitation Does Not Move Forward?

IEP/504 Facilitation is voluntary on the part of the participants. Therefore, both parties must agree to the use of a facilitator. It is recommended that both parties seriously consider IEP/504 Facilitation as research shows facilitation is a proven conflict prevention tool that reduces costly disputes and improves ongoing team member relationships ([CADRE | The Center for Appropriate Dispute Resolution in Special Education \(cadeworks.org\)](https://www.cadeworks.org/)).

IEP/504 Facilitation process does not prevent a parent or district from exercising the right to resolve disagreements through additional meetings or formal dispute resolution processes. The formal options for dispute resolution are outlined on the [RIDE Dispute Resolution](#) webpage. The school district continues to be responsible for meeting their IDEA duties, including timelines. A pending request for a Facilitated IEP/504 cannot cause a delay of the IEP/504 meeting. If a facilitator is not available on the date or time of the scheduled IEP meeting, the team can elect to reschedule the meeting or proceed without a Facilitator.

RIDE reserves the right to decline to provide a facilitator. RIDE may decline for the following reasons but that does not stop parties from pursuing other options. Reasons a case may not be accepted include refusal by one party to participate; one or more parties have retained legal counsel; relationships have deteriorated to the point that one or more parties are unwilling to work together; etc. The parties must not be involved in special education mediation at the same time as facilitation. The issues in dispute must not be the subject of a special education state complaint or due process hearing with the same school. Cases not accepted for facilitation will be referred to the OSCAS Special Education Call Center for parties to discuss other dispute resolution options.

Scheduling a Facilitated IEP/504 Team Meeting

- Reasonable notice must be provided of the scheduled IEP/504 Team meeting. The request should be made at least two weeks before the scheduled meeting.
- A facilitator's availability is not guaranteed and depends on variables such as schedules and capacity.
- If a facilitator is not available for the scheduled IEP/504 Team Meeting, the meeting may be rescheduled or can proceed as a regular IEP/504 Meeting, with agreement of the LEA (Local Education Agency) and parent/guardian.
- There may be cases when a second Facilitated session is necessary. The availability of a facilitator is not guaranteed and must be approved by the Facilitated IEP/504 Program

Coordinator. **Please note: If the parties did not schedule ample time (90 minutes to two hours) for the IEP/504 Team Meeting, a second session may not be approved.**

Attendance at a Facilitated IEP/504 Team Meeting

The required members of the IEP/504 Team must attend the meeting unless the LEA and parent have agreed in writing to excuse one or more members. The LEA must follow the federal regulations and state rules regarding excusals. It is recommended that all the required members attend a facilitated IEP/504 Team meeting in its entirety to resolve the concerns and/or issues of the Team.

Both parties have the right to invite others to the facilitated IEP Team meeting who have special expertise and/or knowledge about the child. The child (age 14 and over) must be invited when transition is discussed. The child is strongly encouraged to attend as appropriate.

Preparation for a Facilitated IEP/504 Team Meeting

The appointed facilitator will call both parties to gather information, including the issues/concerns and desired outcomes of each party. The same procedural notice found in the Individuals with Disabilities Education Act (IDEA) applies in Facilitated IEP/504 Planning Meetings. Districts must give parents/guardians proper notice including date, place, time, attendees, and the purpose of the meeting.

Both parties should gather all documentation needed for the IEP/504 Team meeting and bring all relevant information to the meeting. School staff should bring all the forms that will or may be needed to support outcomes and next steps. Preparation will help expedite the meeting process. For more information about how schools and families can prepare for a Facilitated IEP/504 Meeting please [click here](#).

As with all IEP/504 Team meetings, the location should provide ample space for the number of attending adults. IEP/504 Facilitators use charts during the meeting and wall space will be needed.

When the IEP/504 Team Cannot Reach Consensus

IEP/504 Facilitation does not prevent a parent or district from exercising the right to resolve disagreements through additional meetings or formal dispute resolution processes. Facilitators cannot be called as a witness in any subsequent due process hearings. More information about

the formal options for dispute resolution are found at [When Schools and Families Do Not Agree | RI Department of Education](#) or by calling the Special Education Call Center at (401) 222-8999.

Documentation of the Facilitated IEP/504 Team Meeting

At the conclusion of the Facilitated IEP/504 Team meeting, the facilitator will retain all chart paper and shred each sheet. The IEP/504 parameters of confidentiality apply to all IEP/504 meetings, including Facilitated IEPs/504s. The only record kept of the facilitated session will include the date, time, session location, completed agreement to participate, surveys, and the outcome(s). Neither RIDE nor the facilitator will keep the IEP/504 document. The district will ensure that all required information is contained in the student's IEP/504 and that the parent receives a copy of the finalized IEP/504.

After the Facilitated IEP/504 Team Meeting

Survey Forms are provided for the IEP/504 Team members to complete and return to RIDE. Team members will be given a link to an online survey that can be completed immediately or at a later time. Paper copies of the survey will be provided upon request. The survey forms are used for professional development and to improve the Facilitated IEP/504 Program. Each participant's time and honest feedback is appreciated.

After the meeting, the facilitator will document the outcome of the meeting, including the primary issues that were resolved or discussed; whether consensus was reached on all, some, or none of the primary issues; the role of the meeting attendees; the duration of the meeting; and any other pertinent details.