

Examples of Informal Approaches

- IEP Review



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Let's start by examining less formal ways in which parents and school staff might attempt to work out disagreements regarding a child's special education program. The first of these is to *review the child's IEP*.

Under IDEA, the public agency is responsible for determining when it is necessary to conduct an IEP meeting, and the child's IEP Team is responsible for reviewing the child's IEP periodically, but not less than annually, and revising the child's IEP, if appropriate [§300.324(b)(1)]. In addition, the parents of a child with a disability have the right to request an IEP meeting at any time.

There is a new provision in the 2004 Amendments to IDEA that allows changes to be made to the child's IEP, following the annual IEP Team review, without convening the full IEP Team. You'll find this provision at §300.324(a)(4).



Simply stated, the parent and the public agency may agree *not* to convene an IEP Team meeting for the purpose of making changes to the child's IEP. More detailed information about this new provision is addressed in Module 14, *Meetings of the IEP Team*.

We bring this up because, in some cases, the parties may be able to resolve a disagreement about the child's program by conducting a review of the child's IEP, and amending it as

appropriate, without convening the entire IEP Team.

What kinds of disputes might be resolved through an IEP review meeting?

After the annual IEP review has taken place, if a parent has concerns about his or her child's rate of progress, the appropriateness of the services provided to the child, or the child's educational placement, it would be appropriate for the parents to request that the IEP Team reconvene. At that meeting, the parent and public agency can discuss the parent's concerns and, hopefully, as collaborative members of the IEP Team, work toward a solution that is agreeable to all. The solution doesn't have to be permanent. It's not uncommon for IEP Teams to

agree on a temporary compromise—for example, to try out a particular plan of instruction or classroom placement for a certain period of time that the child’s IEP is in effect. During (or at the end of) that period, the school can check the child’s progress. Team members can then meet again and discuss how the child is doing, how well the temporary compromise addressed the original concern, and what to do next. The trial period may help parents and the school come to a comfortable agreement on how to help the child.

Because parents and the public agency are partners in ensuring the child is provided an appropriate education, and sometimes will be working together for many years—in some cases, the child’s entire school career—it is in everyone’s best interest, especially the child’s, that the IEP Team members communicate with one another, respectfully and honestly.

Space for Notes

Examples of Informal Approaches

- IEP Facilitation



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This slide addresses another informal approach to dispute resolution that is not specifically required or addressed in IDEA: IEP facilitation.¹

We are mentioning IEP facilitation because it is being used to help IEP Teams reach agreements in the special education decision-making process. There may also be other dispute resolution mechanisms not required or addressed in IDEA that have been successful.

Some SEAs provide parents and school districts with the option of facilitated IEP meetings. When relationships between parents and schools are strained, facilitated meetings may be beneficial. It's important to remember, though, that this approach is not required or addressed under IDEA and may

not be available in your school district.

What is a facilitated IEP Team meeting?

A facilitated IEP Team meeting is one that includes an impartial facilitator. The facilitator is not a member of the IEP Team but, rather, is there to keep the IEP Team focused on developing the child's program while addressing conflicts as they arise. The facilitator can help promote communication among IEP Team members and work toward resolving differences of opinion that may occur concerning the provision of FAPE to a child. The facilitator helps keep the IEP Team on task so that the meeting purposes can be accomplished within the time allotted for the meeting.

What are the benefits of having a facilitator for an IEP Team meeting?

The IEP facilitator can help support the full participation of all parties. The facilitator does not impose a decision on the group; the facilitator clarifies points of agreement and disagreement and can model effective communication and listening for the IEP Team members. When disagreements arise, the facilitator can help encourage the members to identify new options. Most importantly, the impartial facilitator ensures that the meeting remains *focused on the child*.

Do all school districts have to offer facilitated IEP Team meetings?

No. IDEA does not address IEP facilitation. This means that there is no requirement in IDEA for public agencies to provide an impartial facilitator for IEP Team meetings. While the use of IEP facilitation has become more prevalent, facilitators may not be available in all school districts and are not required.

For More Information: CADRE

For more information about IEP facilitation, take a trip on the Web to CADRE, the Consortium for Appropriate Dispute Resolution in Special Education.

www.directionservice.org/cadre



p.s.

This won't be the only time we mention CADRE,
so remember that address...



¹ Consortium for Appropriate Dispute Resolution in Special Education (CADRE) and the Technical Assistance ALLIANCE for Parent Centers. (2004, November). *Facilitated IEP meetings: An emerging practice*. Retrieved June 6, 2007, from <http://www.directionservice.org/cadre/facilitatediep.cfm>