Individualized Education Program Facilitation

Individualized education program (IEP) facilitation is a method of alternative dispute resolution that involves the use of a trained facilitator to assist an admission, review, and dismissal (ARD) committee in developing an IEP for a student with a disability. The facilitator uses facilitation techniques to help the committee members communicate and collaborate effectively. A student’s school or the state may provide a facilitator for an ARD committee meeting. While schools are not required to offer IEP facilitation as an alternative dispute resolution method, the Texas Education Agency (TEA) encourages the use of IEP facilitation. Facilitation must be voluntary on the part of the participants and must be provided at no cost to the parents. Additionally, no one may use facilitation to deny or delay the right to pursue a special education complaint, mediation, or due process hearing in accordance with federal law.

A facilitator is not a member of the ARD committee and has no decision making authority over the ARD committee meeting. The facilitator must be impartial and cannot provide input or an opinion into the development of a student's IEP.

A facilitator assists with the overall organization and conduct of the ARD committee meeting by:

- assisting the committee in establishing an agenda and setting the time allotted for the meeting;
- assisting the committee in establishing a set of guidelines for the meeting;
- guiding the discussion and keeping the focus on developing a mutually-agreed-upon IEP for the student;
- ensuring that each committee member has an opportunity to participate;
- helping to resolve disagreements that arise; and
- helping to keep the ARD committee on task and within the time allotted for the meeting.

Local Facilitation

Schools that choose to offer IEP facilitation in accordance with Texas Education Code § 29.019 must provide information to parents regarding facilitation, including a description of any applicable procedures for requesting facilitation. The information provided to parents must be included with other information provided to the parent of a student with a disability, although it may be provided as a separate document and may be provided in a written or electronic format.

The school may choose to use independent contractors, employees, or other qualified individuals as facilitators.

A parent who is interested in local facilitation should contact his or her student’s school and follow local procedures in order to request that a facilitator be present at the student’s ARD committee meeting.

State Facilitation

In accordance with Texas Education Code §29.020, TEA has established a program that provides independent IEP facilitators. State IEP facilitation has the same general meaning described above except that state IEP facilitation is used when the ARD committee is in dispute about decisions relating to the provision of a free and appropriate public education to a student with a disability and the facilitator is an independent facilitator provided by the TEA.

Source: http://www.tea.state.tx.us/index2.aspx?id=25769817763
Individualized Education Program Facilitation

If a parent and a school want to request an independent facilitator, the parent and the school must complete a form developed by TEA. The form may be found HERE. Additionally, an interested party may contact TEA’s Division of Federal and State Education Policy at 512-463-9414 and request a copy of the form. Upon completion, the form must be filed with the TEA by the parent or by the school through mail, hand-delivery, or facsimile. The form may be mailed, hand-delivered, or faxed to:

Texas Education Agency
Division of Federal and State Education Policy
William B. Travis Building
1701 N. Congress Avenue
Austin TX 78701-1494

Fax: (512) 463-9560

In order for TEA to provide an independent facilitator, the following conditions must be met.

- The parent and the school must complete and sign the required form.
- The dispute must relate to an ARD committee meeting in which the committee did not reach mutual agreement about the required elements of the IEP and in which the ARD committee has agreed to recess and reconvene the meeting in accordance with 19 Texas Administrative Code (TAC) §89.1050.
- The parent and the school must file the request for an IEP facilitation within five calendar days of the ARD committee meeting that ended in disagreement, and a facilitator must be available on the date set for reconvening the meeting.
- The dispute must not relate to a manifestation determination or determination of interim alternative educational setting.
- The same parties must not be concurrently involved in special education mediation.
- The issues in dispute must not be the subject of a special education complaint or of a special education due process hearing.
- The parent and the school must not have participated in IEP facilitation concerning the same student within the same school year of the filing of the current request for IEP facilitation.

Within five business days of receipt of a request for an IEP facilitation under this section, TEA will determine whether the required conditions have been met and will notify the parent and the school of its determination and the assignment of the independent facilitator, if applicable.

TEA may make the independent facilitator assignment based on a combination of factors, including, but not limited to, geographic location and availability. If assigned, the independent facilitator will promptly contact the parties to clarify the issues, gather necessary information, and explain the IEP facilitation process.

If TEA decides not to provide an independent facilitator, TEA will notify the parent and the school of the decision. TEA’s decision is final and is not subject to review or appeal.

You may address questions related to the state IEP facilitation program to the Division of Federal and State Education Policy at 512-463-9414.

Source: http://www.tea.state.tx.us/index2.aspx?id=25769817763