

A SURVEY OF FACILITATED IEPs IN 29 STATES

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Abstract

With a growing number of school officials and parents of children with disabilities not always agreeing with what is developmentally and educationally appropriate for the child, state education department officials need to better inform stakeholders about facilitation as a non-adversarial dispute resolution option. Utilizing an exploratory sequential mixed methods study that involved an analysis of the 29 state websites with existing facilitative plans, the researcher aimed to identify states with well-developed Facilitated Individual Education Plan (FIEP) processes with exemplary components.

Keywords: special education, individualized education plans, facilitation, dispute resolution

The Individuals with Disabilities Education Act (IDEA) offers many provisions to students and parents including the right to challenge decisions about the appropriateness of their child's educational program (Weber, 2008). Parents can challenge an educator's decisions through many different dispute processes, which include negotiation, mediation, and administrative hearings (Mueller & Carranza, 2011; Zirkel, 2008). While formal procedural due process hearings remain as a fundamental option to resolve conflict for parents under IDEA, this amended act offers other alternative dispute resolution strategies (Feinberg, Beyer, & Moses, 2002; Mueller, 2009a). State laws regarding education must include other effective conflict resolution mechanisms for resolving disputes (Mueller, 2009a).

A Facilitated Individualized Education Program (FIEP) is one form of alternative dispute resolution strategies described within the IDEA guidelines. Presently no mandated federal regulations require the use of facilitation, but when IEP team members agree to this procedure, they should follow IDEA regulations (Mueller, 2009b). This alternative strategy grants disputants equal opportunities to problem-solve by cultivating an attitude of conciliation and collaboration when misunderstandings arise (Muller, 2009a). Facilitation is cost-free and lawyers do not need to attend the meetings (Martin, 2010). A neutral third party, a facilitator, trained in dispute resolution techniques offers disputants a process by creating an agenda, ground rules, goals, and open communication to equalize discussion to reach an agreement (Lombardi & Ludlow, 2004; Mueller, 2009a). Through open dialogue, the disputants focus on the child's educational needs and develop an

educational program to address those needs (Martin, 2010; Mueller, 2009a). If disputants do not reach agreement through facilitation, other formal procedural safeguard routes are available to resolve issues.

State laws must provide alternatives to dispute resolution between schools and parents. Federal legislation requires ensuring certain procedures are established and implemented at the state level to permit parties to resolve conflicts through an appropriate compliant resolution procedure. Suchey and Huefner (1998) expressed a need to increase training and implementation of conflict resolution strategies with a desire to prevent a due process hearing. Established laws give little direction with respect to determining an appropriate dispute resolution model, selecting dispute resolution processes, or evaluating dispute resolution performance or program accomplishments (Markowitz, Ahearn, & Schrag, 2003).

According to Mueller and Carranza (2011), a need exists for deeper understanding in order to develop less adversarial resolution practices and evaluate dispute resolution processes. Because of conflicts expressed by parents of children with disabilities and school district employees, this is a national topic to address for educator preparation programs, current educators and researchers (Pudelski, 2013). Currently, special education conflict resolution practices need improvement (Lake & Billingsley, 2000; Zirkel, 2008).

According to Mueller and Carranza (2011), one form of alternative dispute resolution strategy used in many states is Facilitated Individualized Education Plan (FIEP) meetings. FIEP is a form of dispute resolution involving a neutral third party who assists disputants in negotiating a resolution. During the FIEP meeting, a trained facilitator helps with identifying the positions and interests of the parties (Martin, 2010). Facilitators use their skills to encourage the team in crafting an agreement that can lead to an effective Individual Education Plan (IEP) for students with disabilities (Martin, 2010; Mueller, 2009a).

FIEP meetings are an alternative dispute resolution strategy that can allow parents and educators to think creatively and problem-solve as a team. This method gives parents and educators the ability to resolve disputes before positions and emotions become rigid (Martin, 2010). Although infrequent, researchers indicate early conflict resolution activities such as FIEP can be successful for maintaining positive school relations and collaboration when disagreements arise (Mueller & Carranza, 2011). However, Consortium for Appropriate Dispute Resolution in Special Education (CADRE) (2016) researchers reported only 29 states offered FIEP statewide. According to Mueller and Piantoni (2013), additional research is needed to support the FIEP process. There is also a need to implement FIEP meeting procedures in more states as an effective resolution strategy.

Due Process Is a Procedural Safeguard Right

The *Notice of Procedural Safeguards: Rights of Parents of Students with Disabilities* is a written document given to parents by the school district that explains specific procedural rights for parents of children with disabilities (Weber, 2008; Wright & Wright, 2007). Under IDEA, all parents or guardians must receive a copy of this document, and IDEA gives specific regulations as to when the school district is required to distribute this document to parents or guardians (Weber, 2008; Wright & Wright, 2007). These safeguards attempt to level the playing field between parents and the school district (Rothstein & Johnson, 2010). School district personnel must provide these safeguards to parents because parents have a right to notice and consent (Weber, 2008). Parents also have the right to participate in the development of their child's IEP. Parents are provided with advanced notice prior to any significant actions carried out by the school district and, when feasible, given notice in the native language of the parents (Wright & Wright, 2007).

Procedural safeguards available to parents and students include matters relating to identification, evaluation, or placement in a special education program or an interim alternative educational setting (Weber, 2008; Wright & Wright, 2007). Procedures to protect the rights of children with disabilities also apply to provision of Free Appropriate Public Education (FAPE). Consent and notice must be given to parents when the school district is considering changes that may impact FAPE (Yell, 2006). The school district is required to provide written prior notice to parents or guardians when a copy is requested or whenever district personnel propose to initiate or change services related to identification, evaluation, or

educational placement of the student (Weber, 2008; Wright & Wright, 2007). Parents or guardians are also given notice when a due process complaint is filed (Rothstein & Johnson, 2010). Additionally, IDEA requirements include the right for parents to examine educational records, contribute in evaluation and placement meetings, request an independent educational evaluation at the cost of the school district, and present information about disagreements at an impartial due process hearing (Rothstein & Johnson, 2010).

Each procedural protection has been guaranteed for the intent of creating safeguards assuring that the rights authorized for children with disabilities in accordance with FAPE are truly provided to parents and children (Yell, 2006). These safeguards are included to inform parents completely about mandated rights available under IDEA, and the right to an education is protected by fair procedures under the law. Due process is to substantiate fairness in the identification, evaluation, service, and placement of a student with a disability (Wright & Wright, 2007). This process is to provide equal consideration of interest of all who are engaged in dispute issues related to the education of the student with a disability (Rothstein & Johnson, 2010; Zirkel & McGuire, 2010).

Due Process Hearing

Parents and school districts can challenge elements of an IEP through the mechanism of a due process (Weber, 2008; Yell, 2006). The due process hearing is a formal, quasi-judicial forum for both parties in the dispute to present evidence and arguments to an impartial hearing officer (Yell, 2006). The impartial officer hears both sides of an argument, analyzes the evidence and issues, and then renders a decision. Decisions made by the impartial hearing officer focus on federal and state laws (Wright & Wright, 2007; Yell, 2006). Often used as a guide for decision-making by the impartial hearing officer are previous precedents determined through other court decisions and due process hearings (Wright & Wright, 2007). Parties who disagree with decisions made by the hearing officer may seek redress in the appellate and federal courts (Wright & Wright, 2007; Yell, 2006). Though formal procedures result in a decision, these due process hearings take away the opportunity for parents and school districts to make decisions, and impose monetary costs, emotional stress, and create adversarial relationships (Mueller, 2009a; Mueller & Carranza, 2011).

Removal of Decision-Making Power

Due process proceedings take place in a court, and these proceedings require an impartial hearing officer to examine the evidence in the case of both the parents and the school district neutrally (Weber, 2008). This process removes participants as decision makers and relegates decision enforcement to an impartial hearing officer (Weber, 2008; Yell, 2006). Procedurally this is an adjudicated process compared to a consensual process. Adjudicated procedures limit the involvement of individuals and do not give parties the opportunity to have much input in their own decisions (Weber, 2008). An impartial hearing officer hears evidence and decides the outcome based on criteria predetermined by IDEA regulation or previous precedent cases (Weber, 2008; Yell, 2006).

Facilitation in Special Education

Limitations that are damaging to supportive, collaborative relationships exist when utilizing formal dispute resolution practices for parents and the school district. A more effective strategy for parents and school district personnel would be to make use of a proactive option of facilitation in lieu of formal due process procedures in settling disputes (Mueller & Carranza, 2011). Even though formal procedures remain in the regulations as a needed provision to safeguard individual rights, facilitation as an alternative dispute resolution method offers both parents and school districts personnel an opportunity to make decisions more collectively (Mueller, 2009a; Mueller & Carranza, 2011). Facilitation supports a less adversarial dispute resolution process with collaborative practices and effective support regarding student-centered educational service programming and planning (Lombardi & Ludlow, 2004; Mueller, 2009a; Zirkel, 2008).

The purpose of facilitation in special education is to resolve differences between parents and educators in an environment that provides a powerful and highly beneficial alternative compared to other existing adversarial methods

(Hogan, 2009). Facilitation is a voluntary process IEP team members can agree to use; the intention is to have a substantively neutral facilitator present to make communication and problem solving easier (CADRE, 2014). When contentious interactions and adversarial climates exist, an impartial facilitator helps IEP team members reach agreement on complex or controversial issues (Mueller & Carranza, 2011). Impartial facilitators assist the IEP team members to communicate more effectively, problem-solve, focus on student outcomes, and develop agreement to the mutual satisfaction of the participants (Martin, 2008). Facilitators do not impose or have authority over decisions made in the IEP meeting.

Facilitation gives parents and school districts an equal opportunity to solve disagreements by mutually crafting an agreed upon individualized educational program that exhibits appropriate educational or developmental needs of the student with a disability (Martin, 2010; Mueller, 2009a). Through facilitation, the discussion coordinator guides parties with an open dialogue and assists the team to resolve conflicts during the meeting. Navigated by the facilitator, the disputants focus their energy on the child's educational needs (Martin, 2010; Mueller, 2009a).

Some primary benefits identified with the use of a facilitation method for IEP team members is building stronger relationships, improving communication, and reducing the adversarial and costly nature of disputes (CADRE, 2014; Mueller, 2009a). This alternative dispute resolution strategy helps build and improve relationships between parents and school personnel. Fostering strong communication and problem-solving skills among parties is necessary to develop an appropriate IEP for the child (Egbert & Salsbury, 2009; N. Martin, 2010). Accordingly, this type of alternative dispute procedure can lead to solutions without causing adversarial emotional distress or financial burden (Mueller & Carranza, 2011). The facilitation process affords the opportunity to exercise safeguard rights without high financial and emotional costs (Martin, 2010).

Theoretical Framework

The theoretical framework was Rogers' facilitation theory (Hogan, 2009; Oxford Centre for Staff and Learning Development, 2002). The critical principle of this theory is the student will learn with the educator functioning as a facilitator (OCSLD, 2002). Effective facilitation requires understanding of individual's different perspectives, backgrounds, and priorities. These traits may lead to clashes, which stifle group progress and process (Hogan, 2009). Therefore, effective facilitators require strong public speaking skills, content neutrality, active listening, ability to protect the process, coaching, and providing feedback (Hogan, 2009; Rogers, 1983). Successful facilitation requires a leader in action to involve all parties and individual positions by means of an empowering process (Hogan, 2012).

Facilitation is a comparatively new practice in the special education alternative dispute resolution framework. Research on Facilitated IEP (FIEP) is in the early stages of development. Patterns and trends identified in this study will contribute a foundation for the initial research concerning the efficacy of this process in the special education alternative dispute resolution framework and help states provide a better quality of special education conflict resolution practices.

Methods

Exploratory sequential mixed methods design begins with qualitative exploration followed by a quantitative step of analysis to point out relationships derived in the qualitative data (Creswell, 2015). According to CADRE (2016), 29 states offer a Facilitated IEP (FIEP) process and each state department provides information related to FIEPs on a public website (Appendix A). The information on these websites was the data for this study. There is no requirement for uniform data; therefore, information varied from state to state.

Research Purpose and Questions

The purpose of this exploratory sequential mixed methods study was to examine the use and effectiveness of FIEPs in the 29 states with existing facilitative plans. Data analysis involved reviewing alternative dispute resolution options of

FIEPs through website data from 29 states in the United States. The following research questions guided the investigation of this study:

R1: To what extent did the FIEPs reflect effective oversight?

R2: To what extent did the FIEPs reflect effective professional standards?

R3: To what extent did the FIEPs reflect effective awareness and outreach?

R4: To what extent did the FIEPs reflect effective evaluation?

The exploratory sequential mixed method has two phases (Creswell, 2015).

Initially, Phase 1 involved the qualitative portion of this study, and this included a document analysis of written sources presented on the 29 state educational websites. Document analysis included data collected for review and evaluation both electronic and printed information from these websites (Martella et al., 2013). The first phase involved categorizing qualitative data according to components in the rubric. In Phase 2, data was evaluated by category.

Research Instruments

CADRE and Project Forum reports contain recommendations related to FIEPs for states to develop, implement, and improve alternative dispute resolution systems and processes (Henderson, 2008; Henderson & Moses, 2008). These recommendations are the components of the rubric to evaluate the data in this study. There are 13 components in the rubric (Appendix B). Four over-arching categories contribute to improving effective practices: a) oversight, b) professional standards, c) awareness and outreach, and d) evaluation. Four options for ranking were exemplary, proficient, developing, and emerging. Three knowledgeable individuals reviewed the rubric to determine the validity of the components. Two retired special education directors and one special education administrator helped decide if the design of the questions supported the overarching research question and sub-question.

Data Collection and Analysis

Posted documents were collected for further investigation through the review of online pages for each state's department of education FIEP meeting practices. Both electronic and printed information from these websites were collected for document analysis (Martella et al., 2013). The researchers analyzed each document from the websites of the 29 states with existing FIEPs using the rubric to decide which of the 13 components outlined by CADRE and Project Forum (Henderson, 2008; Henderson & Moses, 2008).

During the first phase, the researcher and co-rater investigated the qualitative information to verify if the 13 competencies in the rubric were present. The researcher and a qualified co-rater read the website postings independently. CADRE and Project Forum reports outlined criteria that served as a framework for qualitative analysis categorizing information according to existing themes (Henderson, 2008; Henderson & Moses, 2008). Themes shift from general to very specific when using deductive coding (Martella et al., 2013). Together, the researcher and co-rater collaborated on the results of the coded data. The researcher and co-rater then categorized each state's website on a proficiency scale.

In the second phase, the researcher used quantitative research to analyze content of each website according to each component of the rubric. The web content for each state was evaluated for the level of development according to the rubric. In order to answer each research question, the researcher tallied the number of states at each level and used frequencies to show how many state educational department websites were at each level of proficiency.

Findings

Research Question 1: To what extent did the FIEPs reflect effective oversight?

The oversight category included five components (Table 1). System design, the first component, relates to the materials provided by the state educational agency on the process and practice of FIEP. Although 14 states were exemplary,

Wisconsin had the strongest plan with exceptionally clear documentation about the development of the FIEP process and in-depth information on the FIEP practices within the state.

Table 1

Oversight of FIEPs

Oversight	Emerging	Developing	Proficient	Exemplary
System Design		NM, MT, AK, CT	DE, SD, SC, LA, NH, MS, OH, MA, DC, OK, AR	WI, PA, IA, TX, UT, MD, WA, ND, ID, MI, MN, NC, IN, FL
Law/Regulations/ Policy/Procedure/ Guidance		OK	PA, WA, SD, LA, NH, NM, DC, MT, AK, AR, CT	WI, IA, TX, UT, DE, MD, SC, ND, ID, MS, OH, MI, MN, MA, NC, IN, FL
Stakeholder Involvement in Advisory Role/Review	AK, CT	LA, NH, MA, NM	UT, DE, MD, WA, SD, SC, ND, MS, OH, DC, IN, MT, OK, AR	WI, PA, IA, TX, ID, MI, MN, NC, FL
Data Tracking/Forms	DE, MD, WA, ID, MA, MT, AK, AR, FL, CT	PA, IA, TX, UT, ND, LA, NH, OH, MI, NM, OK	SD, SC, MS, MN, DC, IN	WI, NC
Letter Templates/ Communications	DE, MD, WA, NH, MS, MA, MT, AK, CT	SD, OH, MI, NM, OK, FL	PA, TX, UT, SC, ND, LA, ID, MN, DC, IN, AR	WI, IA, NC

Eleven states were proficient with consistent documentation provided by the state educational agency about the process and practice. These states lacked the detail of system design. For example, Mississippi put FIEP information into a one-page document with a brief overview of system design. The four states with developing system design provided limited information related to the process and practice of FIEP. When considering the four states with developing system design, information was very difficult to find or superficial.

Law, regulations, policy, procedure, and guidance were the second component of oversight. Of the 39 states, 17 were exemplary. Iowa supplied a comprehensive document related to laws and guidelines of IDEA.

The third component for oversight was stakeholder involvement in an advisory role and review. Involvement included how stakeholders design, implement, evaluate, and improve the FIEP process. Of these nine states, Wisconsin was outstanding with obvious icons for stakeholders to access and understand their role in the FIEP process. However, many of these states, such as Washington, used only short statements to explain stakeholders' involvement in the FIEP process and lacked an explanation of the role of these stakeholders. Four states were identified as developing with inconsistent evidence of full information for stakeholders, while two states were emerging with no evidence of comprehensive information for stakeholders.

Data tracking correlates with data collection and methods used to track implementation practices at the state level. This component also refers to forms related to decision outcomes and checklists for tracking completed steps in FIEP disputes. Wisconsin and North Carolina both have comprehensive data tracking processes and forms for all stakeholders to submit. Many states have a form, but limited information is collected from parents or school districts. For example, Louisiana has a form, but the form has only basic contact information and lacks the opportunity to explain why an FIEP meeting is being requested.

The last component was letter templates and communication. Most websites displayed sample letter templates and forms for communication with parents, families, schools, and facilitators. North Carolina has substantive means for communicating with stakeholders and provides letter templates to communicate information specifically to parents and/or school districts. Of the 11 states proficient states, the majority only communicated FIEP information with the use of a brochure without templates for letters for communicating with stakeholders.

Of the five components in the oversight category, system design and law were the best developed. Many states had clear evidence of exemplary practices in these two areas. However, data tracking and forms have little to no information related to procedures for tracking data collection. Letter templates and forms of communication were more scattered across the proficiency scale for all of these states compared to the other four components.

Research Question 2: To what extent did the FIEPs reflect effective professional standards?

Two components comprised the professional standards category (Table 2). The personal and human resource component included training and technical assistance for facilitators. This component encompassed compensation, a method of assigned cases, and caseload management for a facilitator. In Maryland, documents contained specific information related to training course hours, number of days for training, and content taught within the training. Training and technical assistance for professional development, the second component, included training manuals, training descriptors, and professional development provided to stakeholders or facilitators.

Table 2
Professional Standards of FIEPs

Professional Standards	Emerging	Developing	Proficient	Exemplary
Personnel/Human Resources	LA, AR, CT	NH, MS, OH, MA, NM, MT, AK	PA, UT, WA, SD, SC, ND, ID, MI, MN, NC, DC, IN, FL	WI, IA, TX, DE, MD, OK
Professional Development	LA, AR, CT	ND, NH, MS, OH, MN, MA, NM, DC, IN, MT, AK	PA, UT, MD, WA, SD, SC, ID, MI, NC, FL	WI, IA, TX, DE, OK

Overall, personnel and human resources provided consistent information related to training and technical assistance for facilitators. However, very few states had specific information related to FIEP training and technical assistance for professional development. Most states (n=14) had limited to no information related to FIEP professional development.

Research Question 3: To what extent did the FIEPs reflect effective awareness and outreach?

As reported in Table 3, the awareness and outreach category included four components. The first component was brochures and posters comprised of educational or promotional printed materials related to FIEP. All 11 exemplary states gave distinct information about FIEP in both English and Spanish. Parents and school districts can also access this information very easily. Although seven states were proficient, this information also encompassed other component areas of the awareness and outreach category. For example, the awareness and outreach category contained some of the information related to brochures, but was not easily located.

Table 3
Awareness and Outreach of FIEPs

Awareness and Outreach	Emerging	Developing	Proficient	Exemplary
Brochures/Posters	NH, MS, MA, CT	TX, LA, DC, MT, AK, OK, AR	UT, MD, SC, OH, NC, NM, FL	WI, PA, IA, DE, WA, SD, ND, ID, MI, MN, IN
Website and Online-only Material	MA, AK, AR, CT	MD, LA, NH, MS, NM, MT	TX, UT, SD, SC, ND, ID, OH, MN, DC	WI, PA, IA, DE, WA, MI, NC, IN, OK, FL
Fact Sheets/FAQs	LA, NH, MS, MA, AR, CT	MT, AK	DE, MD, WA, SD, OH, MI, NC, NM, DC, OK, FL	WI, PA, IA, TX, UT, SC, ND, ID, MN, IN
Guidelines/Manuals for parents/LEA Staff	LA, NH, MS, AK, AR, CT	MA, NM, MT	PA, UT, MD, WA, SD, SC, ND, OH, MI, MN, NC, IN, OK, FL	WI, IA, TX, DE, ID, DC

The second component in awareness and outreach was website and online-only material. These were relevant to educational or promotional material about the FIEP including videos and other forms of media. Florida had distinguishable videos for parents and school districts to support understanding FIEP educational and promotional material. For example, the video featured the FIEP process with a parent interview and a mock FIEP meeting. These six developing states had limited information have website links to CADRE, which only provided general information to parents and school district staff. For example, Montana has a special education link for CADRE, but stakeholders are unable to obtain state-specific information related to website and online-only materials.

The third component in awareness and outreach was fact sheets and frequently asked questions (FAQs). The 10 exemplary states had clearly labeled icons leading to fact sheets and/or FAQs. Two states, Montana and Alaska, were recognized as developing with minimal evidence of factual information identified with FIEP due to limited information about educational and promotional materials related to FIEP.

The fourth component in awareness and outreach was guidelines and manuals for parents and LEA staff. This included guidance documents for educational or promotional information about FIEP in formal procedural safeguards,

notices, guidebooks, and training materials. The exemplary states had detailed guidance documents. Wisconsin had the greatest detail in the plans with outstanding guidelines and manuals for parents and school districts and also a multitude of publications for stakeholders. Many states (14) were proficient with consistent evidence of guidance documents.

Of the four components in the awareness and outreach category, brochures, posters, website, and online-only material represented a substantial amount of clear promotional material about FIEP. Additionally, the majority of states that were clear in these areas also had consistent or distinct fact sheets and FAQs, and guidelines for parents and LEA staff. Alternatively, states with limited to no evidence of this information typically were either developing or emerging within all four components of awareness and outreach category.

Research Question 4: To what extent did the FIEPs reflect effective evaluation?

Two components comprised the evaluation category (Table 4). The first component included materials and instruments related to evaluating FIEP processes and facilitators. North Carolina had the strongest plans with comprehensive measures for using evaluation instruments to evaluate FIEP processes and training. The majority of states (20) were emerging with no evidence of evaluation instruments used to assess FIEP processes and FIEP training programs. These states lacked evaluation instruments for improving the FIEP process and supporting FIEP training.

Reports, summaries, or analyses related to evaluation activity of FIEP program. This component pertained to analyzing patterns and trends with recommendations to improve facilitator effectiveness and the facilitation process. North Carolina was the one state with exemplary practices and evidence of evaluation data that was recognizably unique compared to other states in order to improve the facilitation process.

Table 4
Evaluation of FIEPs

Evaluation	Emerging	Developing	Proficient	Exemplary
Materials/Instruments related to evaluating FIEP Processes and Facilitator	TX, DE, MD, WA, SD, ND, LA, ID, NH, MS, OH, MI, MA, NM, IN, MT, AK, AR, FL, CT	IA, UT, OK	PA, SC, DC	WI, MN, NC
Reports, Summaries or Analysis Related to Evaluation Activity of FIEP	IA, TX, DE, MD, WA, SD, ND, LA, ID, NH, MS, OH, MI, MN, MA, NM, IN, MT, AK, AR, FL, CT	WI, UT, SC, DC, OK	PA	NC

Neither component in the evaluation category was well developed; both lacked evidence of an evaluation instrument or process to collect evaluation data for analyzing the FIEP process. Only one state, North Carolina, had clear evidence of an evaluation instrument and distinct collection of evaluation data to analyze the FIEP process. Essentially these two components of the evaluation category lacked significant educational information compared to the other three overarching categories.

Recommendations

Rogers' facilitation theory has one main principle: learning transpires by the educator serving as a facilitator (Hogan, 2009; OCSLD, 2002). The theoretical framework was evident in the four categories, particularly in oversight, professional standards, awareness and outreach, and evaluation. The most distinguishable category in the instrument pertaining to facilitation theory was a professional standard.

Professional standards involved the training and professional development of the facilitator. Therefore, the critical belief of this theory is learning occurs with a well-trained educator functioning as a facilitator (OCSLD, 2002). Professional development improved the facilitator's understanding of different perspectives, backgrounds, and priorities of the other individuals involved. The outcomes of assessing the proficiency of the 29 states involved within the professional standards category indicated a continued need for training and professional development for personnel. Without proper training, ineffective practices can lead to unnecessary clashes that stifle the group progress and process (Hogan, 2009).

Finally, facilitators with effective traits and practices have strong public speaking skills, maintain content neutrality, listen actively, protect the process, and provide strong feedback (Hogan, 2009). Successful facilitators involve all parties and individual positions through an empowering process (Hogan, 2012). The three categories from the research instrument—oversight, awareness and outreach, and evaluation—involved all of these practices. Those categories were a framework for communicating purposeful intent for the FIEP process, improving the process through a survey from all stakeholders at the end of an FIEP meeting, and enabling FIEP members to communicate and maintain trusting relationships.

Educators in developing or emerging states regarding oversight should establish clear documentation about the development of the FIEP process and in-depth information of FIEP practices. Wisconsin and Iowa are excellent examples in terms of strong documentation related to process and practice of FIEP. Iowa also provided comprehensive documentation related to laws and guidelines of IDEA. Additionally, other states could make use of the model Wisconsin has established with easily identifiable website icons for stakeholders to access clear information in understanding their role in the FIEP process.

Wisconsin and North Carolina have established comprehensive data tracking processes and forms that are very clear for all stakeholders. Implementing data tracking processes and forms need to improve for more than half of the 29 states in the study. Wisconsin and North Carolina are also good examples for providing letter templates to communicate information to parents and/or school districts.

Professional standards involved standards and professional development. Employing practices from states such as Wisconsin and Texas could help establish specific FIEP training and technical assistance for professional development and educator preparation. Only Texas has enacted state regulations for providing facilitation and expectations for facilitators to assist FIEP members. Other states might benefit from implementing similar state regulations in order to help stakeholders better understand facilitation as an option for alternative dispute resolution.

A few states in the emerging range for all four components of awareness and outreach category. States such as Wisconsin or Pennsylvania could be models for emerging or developing states to improve brochures and posters to provide clear educational or promotional printed materials related to FIEP. Additionally, providing brochures and posters in other languages besides English would be beneficial for non-English speakers. This information may help stakeholders better understand facilitation processes and practices.

The second component in the awareness and outreach category was website and online-only material. Florida provided informative videos to help parents and school district personnel understand FIEP process by providing educational and promotional material. Additionally, other states could make use of the model North Carolina has established with easily accessible website icons for stakeholders. Additional data related to FIEP may not have been linked to the state websites. For example, Texas has information related to FIEP, but the state educational agency contracts a regional service center to

provide educational and promotional online material. However, the website for Texas does not provide a link to this additional information. State educational agencies could create a website icon to link this supplemental data for stakeholders.

Wisconsin and South Carolina were exemplary for outreach and awareness with comprehensive fact sheets and FAQs. Implementing fact sheets and FAQs could greatly improve knowledge of the FIEP process for stakeholders.

Evaluation was the most deficient category as the majority of states were emerging on the proficiency scale for both of these components. North Carolina included surveys for stakeholders to complete, and used the survey data to improve FIEP processes and training. Applying the North Carolina plans for materials and instruments could support improvement practices related to evaluating FIEP processes and training. The other component for evaluation is reports, summaries, or analysis related to evaluation activity of FIEP. One recommendation is to consider North Carolina as a model for collection of longitudinal data to help improve facilitation processes.

Conclusions

The results of this research can inform parents and educators concerning the effectiveness of this process in the special education alternative dispute resolution framework. A positive outcome would be to establish a better quality of special education conflict resolution practices. Moreover, the data collected and analyzed in this study may provide the field of special education with many ideas for further inquiry.

Further studies should also follow FIEP meeting outcomes to determine the frequency of decisions concluding in agreement between parents and school district personnel. There is a need for a longitudinal study to monitor states' success utilizing FIEP meetings. Investigating state agency practices over a period of time could provide evidence on how oversight, professional standards, awareness and outreach, and evaluation have changed after the implementation of FIEP meetings. Detailed information could further clarify others challenges, which may assist with improving existing FIEP plans or help educators in states without an FIEP process as an alternative dispute resolution strategy. Data collected may reveal additional needs for professional development and help improve FIEP programming.

Disparity of knowledge exists in special education. Schools understand procedural safeguards and parents know about their child. This creates a disparity of power in the IEP decision-making process. There is a need to level out the playing field especially related to the disparity of knowledge. We need to educate our parents and schools to this disparity of knowledge. (Turnbull & Turnbull, 2017)

Parents of children with disabilities want a fair education for their child. When school districts provide fairness in decision-making about services and programming for students with disabilities, then parents are more likely to believe they have reasonable due process. Additionally, states with well-developed FIEP processes can provide clear information to parents, school districts, and other stakeholders, which will decrease the disparity of knowledge and result in a better quality of special education conflict resolution practices. These same states can serve as a model for other states that want to develop their own FIEP process. The outcomes of this study suggest states with existing FIEP plans should take necessary measures to ensure website data is clear and provides knowledge for all IEP decision makers.

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Appendix A
29 States

Alaska
Arkansas
Connecticut
District of Columbia
Delaware
Florida
Iowa
Idaho
Indiana
Louisiana
Massachusetts
Maryland
Michigan
Minnesota
Mississippi
Montana
New Hampshire
New Mexico
North Carolina
North Dakota
Ohio
Oklahoma
Pennsylvania
South Carolina
South Dakota
Texas
Utah
Washington
Wisconsin

Appendix B
Rubric

Oversight	Emerging	Developing	Proficient	Exemplary
System Design	Documentation on how the process and practice is provided by the state educational agency is not evident.	Documentation on how the process and practice is provided by the state educational agency is somewhat evident.	Documentation on how the process and practice is provided by the state educational agency is consistently evident.	Documentation on how the process and practice is provided by the state educational agency is clearly evident.
Law/Regulations/Policy/Procedure/Guidance	No evidence of laws and guidelines related to materials of IDEA.	Inconsistent evidence of laws and guidelines related to materials of IDEA.	Consistent evidence of laws and guidelines related to materials of IDEA.	Clearly defined evidence of laws and guidelines related to materials of IDEA.
Stakeholder Involvement in Advisory Role/Review	No evidence of comprehensive information for stakeholders.	Inconsistent evidence of comprehensive information for stakeholders.	Consistent evidence of comprehensive information for stakeholders.	Clearly defined evidence of comprehensive information for stakeholders.
Data Tracking/Forms	Procedures for tracking data collection are not evident.	Procedures for tracking data collection are somewhat evident.	Procedures for tracking data collection are consistently evident.	Procedures for tracking data collection are distinctly evident.
Letter Templates/Communications	No evidence of letters and forms to communicate with stakeholders.	Inconsistent evidence of letters and forms to communicate with stakeholders.	Consistent evidence of letters and forms to communicate with stakeholders.	Clearly defined evidence of letters and forms to communicate with stakeholders.

Appendix B, Cont'd.

Professional Standards	Emerging	Developing	Proficient	Exemplary
Personnel/Human Resources	No evidence of information is provided related to training and technical assistance for facilitators.	Limited information is provided related to training and technical assistance for facilitators.	Consistent information is provided related to training and technical assistance for facilitators.	Distinct information is provided related to training and technical assistance for facilitators.
Professional Development	No evidence of information is provided related to FIEP training and technical assistance of professional development.	Limited information is provided related to FIEP training and technical assistance of professional development.	Consistent information is provided related to FIEP training and technical assistance of professional development.	Distinct information is provided related to FIEP training and technical assistance of professional development.
Awareness and Outreach	Emerging	Developing	Proficient	Exemplary
Brochures/Posters	No evidence of educational or promotional printed materials related to FIEP.	Minimal evidence of educational or promotional printed materials related to FIEP.	Consistent evidence of educational or promotional printed materials related to FIEP.	Clear evidence of educational or promotional printed materials related to FIEP.
Website and Online only Material	No evidence of website links related to educational or promotional material about FIEP.	Minimal evidence of website links related to educational or promotional material about FIEP.	Consistent evidence of website links related to educational or promotional material about FIEP.	Clear evidence of website links related to educational or promotional material about FIEP.
Fact Sheets/FAQs	No evidence of factual educational or promotional materials about FIEP.	Minimal evidence of factual educational or promotional materials about FIEP.	Consistent evidence of factual educational or promotional materials about FIEP.	Clear evidence of factual educational or promotional materials about FIEP.
Guidelines/Manuals for parents/LEA Staff	No evidence of guidance documents.	Minimal evidence of guidance documents.	Consistent evidence of guidance documents.	Clear evidence of guidance documents.

Appendix B, Cont'd.

Evaluation	Emerging	Developing	Proficient	Exemplary
Materials/Instruments related to evaluating FIEP Processes and Facilitator	No evidence of evaluation instruments used to evaluate FIEP processes and FIEP training programs.	Minimal use of evaluation instruments to evaluate FIEP processes and FIEP training programs.	Consistent use of evaluation instruments to evaluate FIEP processes and FIEP training programs.	Clearly evident use of evaluation instruments to evaluate FIEP processes and FIEP training programs.
Reports, Summaries or Analysis Related to Evaluation Activity of FIEP	No evidence of evaluation data used to analyze FIEP activity to improve facilitation process.	Minimal use of evaluation data to analyze FIEP activity to improve facilitation process.	Consistent use of evaluation data to analyze FIEP activity to improve facilitation process.	Clearly evident use of evaluation data to analyze FIEP activity to improve facilitation process.