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Testimony on SB 1489
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The IDEA is based on the premise that parents and schools, when working together, are able to make the best decisions regarding the appropriate education of a student. The development of an Individualized Educational Program (IEP) is the central process for assuring the development of appropriate educational programs for children who qualify for IDEA services.

Because parents and school personnel may not share identical perceptions and because their roles are not the same, disputes are inevitable and normal. Sometimes the parties are unable to resolve these disputes, in these cases the IDEA provides a dispute resolution system, including a due process hearing, to resolve disagreements. Due process hearings are expensive and take a long amount of time to resolve. Moreover, due process hearings only occur after a dispute between parents and schools has materialized and often after communication and trust between the parties has broken down. The bottom line is that due process hearings create adversaries.

One way to avoid the need for an adversarial due process situation is for schools and parents to access less polarizing and more responsive alternative dispute resolution methods. IEP meeting facilitation is quickly becoming one of the most recognized strategies for improving the effectiveness and efficiency of IEP meetings. The purpose of the facilitation process is to develop and sustain collaborative relationships between team members and to preserve and maintain a productive relationship between families and schools. In a facilitated IEP meeting, trained facilitator assists members of the ARD develop or review a student's IEP and address differing opinions. The focus of a facilitated IEP meeting is on the needs of the student and allows team members to focus on the student's education in a collaborative and respectful manner. Providing IEP facilitation when a possible disagreement is contemplated, such as at the 10 day recess ARD, could help ensure the IDEA process is correctly followed, the focus of the meeting stays on the needs of the student and the lines of communication stay open.

SB 1489 would develop a pilot independent IEP facilitation process in the state of Texas as an alternative to more formal dispute resolution processes. This IEP facilitation would be part of a currently required ARD committee meeting. It is a voluntary process and the IEP facilitator would be independent and would not be a school district employee. The facilitator role is to provide the school and parent with a fair and equitable meeting process, encourage open and honest communication, focus on the needs of the student and set a positive tone for the meeting. IEP facilitation may also reduce the need for mediation or due process hearings and/or formal complaints.

Moreover, IEP facilitation occurs before a formal dispute arises.

Many parents do not have the means or desire to use formal dispute resolution processes and IEP facilitation would provide an alternative way for them to address concerns regarding the development of their child's special education program. IEP facilitation is a promising approach that is being used in over half of the states across the country.

When parents and school districts are facing a possible conflict, IEP facilitation can be used to avoid escalating into a more adversarial process. This process can help parents and schools to maintain a positive working relationship and ultimately help to ensure the student with disabilities receives an appropriate education.

Thank you for allowing me to testify.

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