

How Does IEP Facilitation Compare to Mediation?

	Facilitated IEP Meeting	Mediation Meeting
OPTION	Is an option for using a third party (facilitator) to promote effective communication and assist the IEP team in developing a mutually acceptable IEP document.	Is an option for using a third party (mediator) to resolve disagreements regarding special education services, placement, and related services to children enrolled in Illinois public schools.
GOAL	The goal of using IEP facilitation is to maintain collaborative efforts resulting in a mutually acceptable IEP.	The goal of using Mediation is to assist the parties in resolving existing disputes about special education placements or services resulting in a mutually acceptable mediation agreement.
FOCUS	Focuses on the needs of the child, the IEP process and an agreed upon IEP document.	Focuses on the needs of the child, the relationship of the participants and the resolution of the conflict.
COST	IEP facilitation is provided at no cost to the parent or the district.	Mediation is provided at no cost to the parent or the district.
REQUEST	A parent or a district representative may request a facilitated IEP meeting. ISBE will contact the other party to inquire if they agree to participate in the process.	A parent or a district representative may request Mediation. ISBE will contact the other party to inquire if they agree to participate in the process.
VOLUNTARY	Both parents and districts must agree to participate in IEP facilitation.	Both parents and districts must agree to participate in Mediation.
CONFIDENTIAL	The parameters of confidentiality apply to all IEP meetings, including facilitated IEP meetings.	All discussions that occur during the mediation process are confidential and may not be used as evidence in any subsequent due process hearing or civil proceedings.
LENGTH	ISBE recommends a three (3) hour time limit for a facilitated IEP meeting, but recognizes that some cases may take longer.	Mediation sessions average 3 hours, however, the parties may choose to use additional time to resolve the conflict.

SCHEDULING	The school schedules the facilitated IEP meeting for a mutually agreeable date, time and location and sends out the notice to the parent.	The appointed mediator works with the parties to schedule the mediation for a mutually agreeable date, time and location and ISBE sends confirmation to the parties.
REGULATORY REQUIREMENTS	IEP facilitation does not relieve the district of the responsibility to meet regulatory timelines.	Mediation cannot be used to delay or deny a due process hearing.
OUTCOME	The school district is required to complete the IEP document and provide a copy to the parent; as well as send notice to the parent regarding the provision of services.	If a resolution is reached in mediation, the parties must execute a legally binding mediation agreement.
AUTHORIZATION	<p>An <u>initial</u> IEP cannot be implemented without the parent's written consent.</p> <p>Subsequent IEPs can be implemented unless the parent objects by requesting a due process hearing within ten (10) calendar days after receiving the notification of services.</p>	Both the parents and an authorized district representative must sign the mediation agreement.
RECORDS	<p>The only record kept of the facilitated IEP session is the date(s), time(s), location of the session(s), and the result.</p> <p>ISBE will not keep the IEP document.</p>	The only record kept of the mediation session is the date(s), time(s) and location of the mediation session(s), the result of the mediation session(s), the written agreement (if applicable), and the signatures of each participant.
PRACTITIONERS	<p>IEP facilitators are:</p> <ul style="list-style-type: none"> • impartial • knowledgeable about IEP facilitation • not decision-makers; have no authority to enforce or override any action by either party • selected and trained by ISBE <p>IEP facilitators cannot be called to testify in any subsequent proceedings (parties must sign a waiver)</p>	<p>Mediators are:</p> <ul style="list-style-type: none"> • impartial • knowledgeable about special education regulations • not decision-makers; have no authority to enforce or override any action by either party • selected and trained by ISBE <p>Mediators cannot be called to testify in any subsequent proceedings (parties must sign a waiver)</p>

<p>PRACTITIONERS' ROLE</p>	<p>The IEP facilitator keeps the focus on a productive child-centered IEP process conducted in a respectful and collaborative manner and on developing an acceptable IEP document in a timely manner.</p>	<p>The Mediator helps the parties identify issues, see each other's perspectives and consider options for the resolution of the disagreement.</p>
<p>PARTICIPANTS</p>	<p>IEP facilitation participants:</p> <ul style="list-style-type: none"> • must include the required IEP team members to complete the IEP process. including the parent • when appropriate, the required IEP team members would include the student • may also include attorneys, advocates, interpreters, and other relevant parties who have knowledge of the student. 	<p>Mediation participants:</p> <ul style="list-style-type: none"> • must include persons who have legal authority to act on behalf of the student and local district respectively • the number of participants shall generally be limited to three persons per party. • may also include attorneys, advocates, interpreters, and other relevant parties who have knowledge of the student.
<p>ATTORNEY</p>	<p>Parties generally advise each other if an attorney will be present.</p>	<p>ISBE requests that parties advise each other if an attorney will be present.</p>
<p>ENFORCEMENT</p>	<p>The IEP is enforceable through the state complaint process or a due process hearing.</p>	<p>The written, signed mediation agreement is enforceable in any State court of competent jurisdiction or in a district court of the United States. [20 USC Sec 1415(e)(2)(F)]</p>
<p>ADMISSIBILITY</p>	<p>The IEP is admissible in subsequent proceedings.</p>	<p>The mediation agreement is not admissible in a due process hearing.</p>