

IEP Meetings Under the Final Regulations

The final IDEA regulations, which are scheduled to take effect on October 13, 2006, include provisions intended to help ease difficulties in scheduling IEP meetings and to ensure parental participation in those meetings. Following are the key changes to the regulations addressing IEP meetings.

Section 300.321 of the final regulations allows school districts and parents to agree to excuse certain IEP team members from part or all of an IEP meeting. Specifically, this section applies to IEP team members who are typically required to attend IEP meetings: the regular education teacher, the special education teacher or provider, a representative of the public agency, and an individual who can interpret the instructional implications of evaluation results. Non-required IEP team members do not need to be formally excused from IEP meeting attendance.

The process for excusing a required IEP team member will differ depending on whether the meeting will involve modification to or discussion of the member's area of the curriculum or related services. If the member's area is to be discussed or modified, the parent must consent to the excusal in writing and the team member must submit written input to the parent and the IEP team prior to the IEP meeting. If the member's area is not to be discussed or modified at the meeting, the parent still must consent in writing to the team member's excusal, but no written input need be provided. According to the IDEA and the regulations, this process of excusal applies even when the team member is being excused for only part of the IEP meeting.

The IDEA regulations also permit changes to a child's IEP without an IEP meeting. Section 300.324 (4) provides: "In making changes to a child's IEP after the annual IEP Team meeting for a school year, the parent of a child with a disability and the public agency may agree not to convene an IEP meeting for the purposes of making those changes, and instead may develop a written document to amend or modify the child's current IEP." The regulations further provide that if changes are made to a child's IEP without an IEP meeting, the district must ensure that the child's IEP team is informed of the changes.

Although both of these provisions provide districts with greater flexibility in scheduling meetings, districts should use these processes judiciously. For example, when considering the excusal of IEP team members, districts should keep in mind that it is often difficult to foresee what issues may arise at a meeting which may require the input of certain team members. Likewise, the process of revising an IEP without a meeting should not be used for significant IEP changes.

Parental participation in IEP meetings is also addressed in the final regulations. According to the regulations, districts must use methods such as individual or conference telephone calls to ensure parent participation in IEP meetings if the parent cannot attend in person. If the District cannot convince the parents to attend an IEP meeting, the district must keep a record of its attempts to arrange a mutually agreed upon meeting date. Such records include records of phone calls made or attempted and the outcome of those calls, copies of 2 correspondence sent to the parents and any responses received, and detailed records of visits made to the parents' home or place of employment and the results of those visits.

Moreover, under the final regulations, districts now are required to “take whatever action is necessary to ensure that the parent understands the proceedings of the IEP team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.”

Clients who have questions regarding issues discussed in this article, or any education law matter, should feel free to call us at 215-345-9111.