

# When the IEP Team Meets

## **Alert! Alert!**

NICHCY's website will only remain online until September 30, 2014. Most of its rich content has moved to a new home, the **Center for Parent Information and Resources (CPIR)**, where it can be kept up to date. The new address of *When the IEP Team Meets*, now at the CPIR, is:

<http://www.parentcenterhub.org/repository/meetings/>

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[This info in Spanish | Esta información en español](#)

IEP teams are made up of individuals who bring different perspectives and expertise to the table. Pooling their knowledge, team members set out to craft an individualized response to a specific child's needs, taking into account that same child's strengths and talents. The end product is the child's individualized education program.

There's a lot of information shared at IEP meetings, and a lot of discussion. **This article describes how the meeting is scheduled, who comes, and the factors team members must consider when writing an IEP.**

First, we'll start with an overview of key points about IEP meetings. Then, we'll take a longer look at specific aspects of these meetings that will help you be an active partner in this critical activity.

## **Table of Contents**

### *Overview of First IEP Meeting*

- [Who develops the IEP?](#)
- [What's in an IEP?](#)
- [What happens at an IEP meeting?](#)
- [May a member be excused?](#)
- [What happens if the member's absence inhibits development of the IEP?](#)
- [Putting it all together](#)
- [Deciding placement](#)

### *After the IEP Meeting*

- [Implementing the IEP](#)
- [When IEPs must be in effect](#)
- [Reviewing and revising the IEP](#)
- [Meeting without a meeting](#)



During the IEP meeting, the different members of the IEP team share their thoughts and suggestions.

## Overview of the First IEP Meeting

After a child is found eligible for special education and related services, a meeting must be held within 30 days to develop to the IEP. The school system must notify the child's parents of when and where the meeting will take place, so they have the opportunity to attend and participate.

[Back to top](#)

## Who Develops the Child's IEP?

Many people come together to develop a child's IEP. This group is called the IEP team and includes most of the same types of individuals who were involved in the child's initial evaluation. Team members will include:

- the child's parents;
- at least one regular education teacher, if the child is (or may be) participating in the regular education environment;
- at least one of the child's special education teachers or special education providers;
- a representative of the public agency (school system) who (a) is qualified to provide or supervise the provision of special education, (b) knows about the general curriculum; and (c) knows about the resources the school system has available;
- an individual who can interpret the evaluation results and talk about what instruction may be necessary for the child;
- the child, when appropriate;
- representatives from any other agencies that may be responsible for paying for or providing transition services (if the child is 16 years or, if appropriate, younger); and
- other individuals (invited by parents or the school) who have knowledge or special expertise about the child. For example, a relative who is close to the child, a child care provider, or related services personnel.

**Together, these people will work as a team to develop the child's IEP.** If you'd like more information about what each of them might contribute at the meeting, please have a look at our page called [The IEP Team](#).

[Back to top](#)

## What's in an IEP?

Let's take a quick look at what type of information an IEP must contain. This will show the scope of what the IEP team must discuss as part of developing a child's IEP. It's also the meeting's intended outcome—what the team wants to accomplish. It may take more than one meeting to write the IEP, especially when you consider the breadth and depth of the information the IEP must include:

\_\_the child's **present levels** of academic achievement and functional performance, describing how the child is currently doing in school and how the child's disability affects his or her involvement and progress in the general curriculum

\_\_annual **goals** for the child, meaning what parents and the school team think he or she can reasonably accomplish in a year

\_\_the **special education** and **related services** to be provided to the child, including **supplementary aids and services** (such as a communication device) and changes to the program or **supports for school personnel**

\_\_\_how much of the school day the child will be educated separately from nondisabled children or not participate in extracurricular or other nonacademic activities such as lunch or clubs (called **extent of nonparticipation**)

\_\_\_how (and if) the child is to participate in **state and district-wide assessments**, including what modifications to tests the child needs

\_\_\_**service delivery** details, such as when services and modifications will begin, how often they will be provided, where they will be provided, and how long they will last

\_\_\_how school personnel will measure the child's **progress** toward the annual goals.

You'll notice that we've linked each of these components to a page where you can find a full explanation of what IDEA requires and what the IEP team will discuss. These are all part of NICHCY's **IEP Contents** page, so we won't repeat that information here. Rather, we're going to focus the discussion on key additional issues team members will need to consider as they write the child's IEP.

[Back to top](#)

## What Happens at an IEP Meeting?

During the IEP meeting, the different members of the IEP team share their thoughts and suggestions. If this is the first IEP meeting after the child's evaluation, the team may go over the evaluation results, so the child's strengths and needs will be clear. These results will help the team decide what special help the child needs in school.

After the various team members (including the parent) have shared their thoughts and concerns about the child, the group will have a better idea of that child's strengths and needs. This will allow the team to discuss and decide on the statements associated with each IEP's component listed above, especially:

- the "present levels" statement;
- the educational and other goals that are appropriate for the child; and
- the type of special education services the child needs; and
- what related services are necessary to help the child benefit from his or her special education.

**The team must also make decisions about whether or not any of the "special factors" identified in IDEA need to be considered**, including the child's needs for **assistive technology**.

Goals, special education services, and related services are all discussed as part of NICHCY's **IEP Contents** page. We would refer you there to learn much more about each of these IEP components and the discussions that the IEP team will have as part of specifying each in the IEP. These are critical parts of an IEP, so the IEP team will probably spend a lot of time focused on how the child's needs can be addressed through the goals that are written and the special education and related services that are appropriate for the child.

What is not discussed in the *IEP Contents* page are the "**special factors**" that the IEP team must also consider. So let's have a look at what these are.

### ***Special Factors to Consider***

Depending on the needs of the child, the IEP team may also discuss the special factors listed below:

**If the child's behavior's interferes with his or her learning or the learning of others:** The IEP team will talk about strategies and supports to address the child's behavior.

**If the child has limited proficiency in English:** The IEP team will talk about the child's language needs as these needs relate to his or her IEP.

**If the child is blind or visually impaired:** The IEP team must provide for instruction in Braille or the use of

Braille, unless it determines after an appropriate evaluation that the child does not need this instruction.

**If the child has communication needs:** The IEP team must consider those needs.

**If the child is deaf or hard of hearing:** The IEP team will consider the child's language and communication needs. This includes opportunities to communicate directly with classmates and school staff in his or her usual method of communication (for example, sign language).

**If the child needs assistive technology devices and services.**

There's a lot that can be said about each of these special factors. To find out more about special factors of interest to you and the child on whose behalf you are working, read the more in-depth discussion found in [Special Factors in IEP Development](#), which will also connect you with helpful resources.

[Back to top](#)

## May a Member of the Team Be Excused from a Meeting?

**Yes**, certain members of the IEP team may be excused from an IEP meeting **under specific conditions**. These conditions will vary depending on whether or the the team member's area of expertise is going to be discussed or modified in the meeting.

**When the member's area of expertise is not going to be discussed or modified.** The chief condition for excusing a member of the team whose area of expertise is not going to be discussed or modified at the meeting is this: **The parent and the school system must both agree in writing that the member's attendance is not necessary.**

This is a new provision in IDEA. It was added during the 2004 reauthorization.

Interestingly, the provision only applies to certain members of the team—the ones who are *required* IEP team members:

- the child's regular education teacher (if the child is, or may be participating in the regular education environment);
- the child's special education teacher, or where appropriate, the child's special education provider;
- a representative of the public agency, who is qualified to provide, or supervise the provision of, specially designed instruction; and
- an individual who can interpret the instructional implications of evaluation results.

A written agreement between the parent and school is not required to excuse an IEP team member who has knowledge or special expertise regarding the child, such as a related service provider. This is because that individual attends the meeting at the discretion of the parents or the public agency and is not a required team member.

**When the member's area of expertise is going to be discussed or modified.** Even though a member's area of expertise is going to be discussed at the meeting, it may still be possible for that member to be excused from attending. But certain conditions must be met—specifically:

- The parent, in writing, and the public agency consent to the excusal; and
- The member submits input into the development of the IEP prior to the meeting. This input must be in writing and is submitted to the parent and the IEP team [§300.321(e)(2)]

Note that, here, IDEA requires **consent**—not merely agreement. There's a critical difference between the two terms. "Consent" in IDEA refers to "written informed consent"—which has a precise meaning under the law. IDEA defines *consent* as follows:

## §300.9 Consent.

**Consent** means that—

- (a) The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication;
- (b) The parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and
- (c)(1) The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at anytime.
- (2) If a parent revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked).

This level of consent for excusal is only required when a member's area of expertise is going to be discussed or modified at the meeting. If it's not, then only written agreement is required.

Agreement is less formalized than consent in that it does not trigger IDEA's procedural safeguards and the requirements that must be met as part of requesting consent.

[Back to top](#)

## What Happens if the Member's Absence Inhibits Development of the IEP?

The Department of Education (2006) offers an instructive perspective on how excusal is intended to work, including how to avoid having a member's absence slow down or inhibit IEP development.

**The IEP Team is expected to act in the best interest of the child.** As with any IEP Team meeting, if additional information is needed to finalize an appropriate IEP, there is nothing in the Act that prevents an IEP Team from reconvening after the needed information is obtained, as long as the IEP is developed in a timely manner...

The parent can request an additional IEP Team meeting at any time and does not have to agree to excuse an IEP Team member. Likewise, if a parent learns at the IEP Team meeting that a required participant will not be at the meeting, the parent can agree to continue with the meeting and request an additional meeting if more information is needed, or request that the meeting be rescheduled. (71 Fed. Reg. at 46676)

Additionally, as the Department points out:

Parents who want to confer with an excused team member may ask to do so before agreeing or consenting to excuse the member from attending the meeting. (71 Fed. Reg. at 46674)

School systems may not routinely or unilaterally excuse IEP team members from meetings as parent agreement or consent is required in each instance.

Schools systems need to carefully consider whether it makes sense to offer to hold the IEP team meeting when a particular member isn't attending or whether it would be better to reschedule the meeting so that person could attend and participate in the discussion. (*Id.*)

An LEA that routinely excuses team members from attending IEP meetings would not be in compliance with the requirements of the Act, and, therefore, would be subject to the state's monitoring and enforcement provisions. (*Id.*)

It is up to each public agency to determine the individual in the LEA with the authority to make the agreement (or provide consent) with the parent to excuse a team member for the meeting. The designated individual must have the authority to bind the LEA to the agreement with the parent or provide consent on behalf of the LEA. (71 Fed.

[Back to top](#)

## Putting It All Together—and in Writing

As you can see, there are a lot of important matters to talk about in an IEP meeting! Based on those discussions, the IEP team will then write the child's IEP, bearing in mind that it must include specific types of information, including a statement of the child's present level of academic achievement and functional performance, annual goals, the special education services that will be provided, and much more. (For a detailed description of required IEP components, visit our page [Contents of the IEP](#).)

The resultant IEP will then guide how services are provided to the child in the coming year. Before the school system can provide the child with special education *for the first time*, parents must give written consent.

**Parents are entitled to a copy of their child's IEP at no charge**, and all school personnel responsible in some way for implementing the IEP must know what their roles and obligations are and be given access to the child's IEP.

[Back to top](#)

## Deciding Placement

Placement—where the child receives his or her special education and related services—is a complicated issue and is the subject of a section of NICHCY's website called [Placement Issues](#). It's also the subject of an entire module in the *Building the Legacy* training curriculum ([Module 15](#), LRE Decision Making). While we refer you to both of these sources of detailed information, this summary remark puts placement within its proper context:

***Placement is directly connected to the child's IEP, is based on the child's IEP, must be decided by a knowledgeable group of persons, including the child's parents, but is not necessarily decided by the IEP team.***

**Who decides placement, based on what?** The IEP forms the basis for the placement decision, which is made by a group of persons, including the child's parents, and other persons knowledgeable about the child, the meaning of evaluation data, and placement options.

As the summary remark above indicates, the placement group may or may not be the IEP team, but in all cases, the parents are members of that group and participate in making the determination of placement for their child. (§300.327)

Placement can be in a range of settings (see §§300.114 through 300.120)—in the regular classroom, a special education class, a pull-out program, or a separate school.

[Back to top](#)

## After the IEP Meeting

### Implementing the IEP

Once the IEP is written, it is time to carry it out—in other words, to provide the child with the special education and related services as listed in the IEP. This includes all supplementary aids and services and program modifications

that the IEP team identified as necessary. Unfortunately, it is beyond the scope of this article to discuss in detail the many issues involved in implementing a child's IEP, but several points are worth noting. These are:

**Point 1:** IDEA states that, **as soon as possible following development of the IEP**, special education and related services are made available to the child in accordance with the child's IEP. [§300.323(c)(2)]

**Point 2:** IDEA also requires that the school system ensure that "each regular education teacher, special education teacher, related services provider, and any other service provider who is responsible" for the IEP's implementation

- have access to the IEP;
- are informed of their specific responsibilities; and
- are informed of specific accommodations, modifications, and supports to be provided to the child, in accordance with the IEP. [§300.323(d)]

**Beginning services.** IDEA does not give a specific amount of time between finishing development of the IEP and beginning the services described in the IEP. The regulations do require that the IEP be implemented "as soon as possible following development of the IEP. ..." [§300.323(c)].

Generally, the Office of Special Education Programs (OSEP) at the U.S. Department of Education has said that each child's IEP must be implemented without undue delay.

**Accessibility of the IEP to those implementing it.** It certainly makes sense that all service providers responsible for implementing the child's IEP have access to that IEP and are informed of their specific responsibilities. This includes being informed of the "specific accommodations, modifications, and supports that must be provided for the child" as determined by the IEP team and as specified within the IEP. The Department of Education's *Analysis of Comments and Changes* published with the final Part B regulations contained the following explanation of this provision:

The purpose of this requirement is to ensure that teachers and providers understand their specific responsibilities for implementing an IEP, including any accommodations or supports that may be needed... However, the mechanism that the public agency uses to inform each teacher or provider of his or her responsibilities is best left to the discretion of the public agency. (71 Fed. Reg. at 46681)

Thus, the school system has an affirmative obligation to inform teachers and providers of their responsibilities to implement the IEP, but how it does so is a matter left up to the discretion of the state and the school system.

[Back to top](#)

## When IEPs Must Be in Effect

IDEA is very clear with respect to when IEPs must be in effect, as can be seen in the regulation below.

### §300.323 When IEPs must be in effect.

(a) **General.** At the beginning of each school year, each public agency must have in effect, for each child with a disability within its jurisdiction, an IEP, as defined in §300.320.

[Back to top](#)

## Reviewing and Revising the IEP

**At least once a year a meeting must be scheduled with IEP team members to review the child's progress and develop next year's IEP.** The meeting will be similar to the IEP meeting described above. The team will talk about:

- the child's progress toward the goals in the current IEP,
- what new goals should be added, and
- whether any changes need to be made to the special education and related services the child receives.

**The IEP team may also meet periodically throughout the course of the school year, if circumstances warrant it.** For example, parents may feel that their child is not making good progress toward his or her annual goals. Or—on the positive side—the special educator on the team may want to write new goals, because the student has made such great progress! If this isn't the annual meeting to review the IEP that IDEA requires, it's possible that the IEP can be modified without actually physically meeting. That's a new provision within IDEA that we'll talk about later in this article.

**Parents must be notified of each meeting in plenty of time to arrange their participation.** If a parent needs an interpreter at the meeting to ensure full involvement and understanding, he or she should inform the school system ahead of time, so that arrangements can be made to have an interpreter present. This includes sign language interpreters.

[Back to top](#)

## Meeting without a Meeting

If parents or the LEA want to amend or modify the IEP, **does the team have to actually, physically, meet?** No, not necessarily, subject to certain conditions.

This possibility of "meeting without a meeting" is new; it was added in the 2004 reauthorization of IDEA. Now, IEP teams have the option of drafting a written amendment to the IEP, agreeing to the amendment, and incorporating this modification into the IEP. However, before the IEP team can use this new alternative to gathering in person, specific conditions must be met. Let's have a look at what those conditions are, beginning with IDEA's verbatim language.

### ***New Provisions in IDEA 2004: Amending the IEP Without Meeting***

*(4) **Agreement.** (i) 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 Team meeting for the purposes of making those changes, and instead may develop a written document to amend or modify the child's current IEP.*

*(ii) If changes are made to the child's IEP in accordance with paragraph (a)(4)(i) of this section, the public agency must ensure that the child's IEP Team is informed of those changes.*

*(5) **Consolidation of IEP Team meetings.** To the extent possible, the public agency must encourage the consolidation of reevaluation meetings for the child and other IEP Team meetings for the child.*

*(6) **Amendments.** Changes to the IEP may be made either by the entire IEP Team at an IEP Team meeting, or as provided in paragraph (a)(4) of this section, by amending the IEP rather than by redrafting the entire IEP. Upon request, a parent must be provided with a revised copy of the IEP with the amendments incorporated. [§300.324(a)(4)-(6)]*

And now, in plain English...

**Main conditions.** As the provision above shows, three primary conditions must be met in order for the IEP team to not have to actually, physically, meet to make changes to the IEP. These are:

- This option cannot be used with the IEP meeting that is required at least annually to review and revise the IEP. This option applies only to modifications the team might want to make after the annual IEP meeting has been held in person.
- Parents and LEA must agree to not meet but to take this approach instead.
- The amendment or modification to the IEP must be in writing.

And as the provision above indicates, if this option is used, the public agency must ensure that the child's IEP team is informed of those changes.

### Discussion of these conditions—

**Parent and LEA agreement.** A number of aspects are worth noting about this new option within IDEA.

- IDEA does not place any restrictions on the types of changes that may be made to the IEP, so long as the parent and public agency agree to using the option of not physically meeting.
- IDEA's protections are still in effect. This means that a child's IEP cannot be changed without prior notice by the school system and an opportunity for parents to discuss any changes with the school system.
- Agreement between the parent and the school system to use this new option does not have to be in writing.
- The parent is not required to provide consent (as defined in §300.9) to amend the IEP without an IEP meeting.
- The parent does not have to agree to the school system's request to amend the IEP without an IEP team meeting.(71 Fed. Reg. at 46685)

With respect to the agreement between parents and school system to amend the IEP without meeting, the Department of Education observed that “. . . it would be prudent for the public agency to document the terms of the agreement in writing, in the event that questions arise at a later time. Of course, changes to the child's IEP would have to be in writing” (Id.).

**Informing the IEP team.** In keeping with IDEA's requirements that all service providers of the child must have access to the child's IEP and must be informed of their responsibilities for implementing it, the school system must ensure that the child's IEP team is informed of any changes made to the child's IEP. The team must also be informed when and how the IEP has been changed. Modifications to the document, especially to the services or supports enumerated there, may directly affect their involvement and responsibilities.

[Back to top](#)

## Concluding Words

This overview of the IEP team meeting is done. We are pleased, however, to offer more detailed information about this crucial subject through a series of shorter articles that are narrowly focused on specific meeting issues. If you'd like to know more, including what IDEA says, please select from the options below.

[Back to top](#)

## Connect with the Details!

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### [Scheduling the IEP Meeting and Notifying Parents](#)

IDEA includes clear and detailed provisions that guide how schools schedule IEP meetings so that parents have the opportunity to be involved and participate.

### [Is an Interpreter Needed?](#)

School systems must 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.

### **Special Factors in IEP Development**

IDEA lists five special factors that the IEP team must consider in the development, review, and revision of each child's IEP: behavior, limited English proficiency, Braille and children with blindness or visual impairment, communication needs (especially important for children who are deaf or hard of hearing), and assistive technology. Find out more here!

[Back to top](#)