

***IDEA* Regulations**

Individualized Education Program (IEP) Team Meetings and Changes to the IEP

(See also Individualized Education Program (IEP) and Secondary Transition)

The reauthorized *Individuals with Disabilities Education Act (IDEA)* was signed into law on Dec. 3, 2004, by President George W. Bush. The provisions of the act became effective on July 1, 2005, with the exception of some of the elements pertaining to the definition of a “highly qualified teacher” that took effect upon the signing of the act. The final regulations were published on Aug. 14, 2006. This is one in a series of documents, prepared by the Office of Special Education and Rehabilitative Services (OSERS) in the U.S. Department of Education that covers a variety of high-interest topics and brings together the regulatory requirements related to those topics to support constituents in preparing to implement the new regulations.¹ This document addresses significant changes in final regulatory requirements from preexisting regulations regarding IEP Team meetings and changes to the IEP.

***IDEA* Regulations**

1. Identify the members of the IEP Team.

The public agency must ensure that the IEP Team for each child with a disability includes:

- The parents of the child;
- Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);
- Not less than one special education teacher of the child, or where appropriate, not less than one special education provider of the child;
- A representative of the public agency (who has certain specific knowledge and qualifications);
- An individual who can interpret the instructional implications of evaluation results and who may also be one of the other listed members;

¹ Topics in this series include: Alignment With the No Child Left Behind (NCLB) Act; Changes in Initial Evaluation and Reevaluation; Children Enrolled by Their Parents in Private Schools; Discipline; Disproportionality and Overidentification; Early Intervening Services; Highly Qualified Teachers; Identification of Specific Learning Disabilities; Individualized Education Program (IEP) Team Meetings and Changes to the IEP; Individualized Education Program (IEP); Local Funding; Monitoring, Technical Assistance and Enforcement; National Instructional Materials Accessibility Standard (NIMAS); Part C Amendments in IDEA 2004; Part C Option: Age 3 to Kindergarten Age; Procedural Safeguards: Surrogates, Notice and Consent; Procedural Safeguards: Mediation; Procedural Safeguards: Resolution Meetings and Due Process Hearings; Secondary Transition; State Complaint Procedures; State Funding; and Statewide and Districtwide Assessments. Documents are available on the IDEA Web site at: <http://IDEA.ed.gov>.

- At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
- Whenever appropriate, the child with a disability.

In accordance with 34 CFR 300.321(a)(7), the public agency must invite a child with a disability to attend the child's IEP Team meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals under 34 CFR 300.320(b).

[34 CFR 300.321(a) and (b)(1)] [20 U.S.C. 1414(d)(1)(B)]

2. Identify instances when an IEP Team member may not need to attend.

A member of the IEP Team described in 34 CFR 300.321(a)(2) through (a)(5) is not required to attend an IEP Team meeting, in whole or in part, if the parent of a child with a disability and the public agency agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting.

A member of the IEP Team described in 34 CFR 300.321(a)(2) through (a)(5) may be excused from attending an IEP Team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if:

- The parent, in writing, and the public agency consent to the excusal; and
- The member submits, in writing to the parent and the IEP Team, input into the development of the IEP prior to the meeting.

[34 CFR 300.321(e)] [20 U.S.C. 1414(d)(1)(C)]

3. Provide for inviting representatives from the Part C system.

In the case of a child who was previously served under Part C of the *IDEA*, an invitation to the initial IEP Team meeting must, at the request of the parent, be sent to the Part C service coordinator or other representatives of the Part C system to assist with the smooth transition of services.

[34 CFR 300.321(f)] [20 U.S.C. 1414(d)(1)(D)]

4. Require that the notice inform parents of other IEP Team participants.

The notice required under 34 CFR 300.322(a)(1) (regarding an IEP meeting), among other things, must inform the parents of the provisions in 34 CFR 300.321(a)(6) and (c) (relating to the participation of other individuals on the IEP Team who have knowledge or special expertise about the child), and 34 CFR 300.321(f) (relating to the participation of the Part C service coordinator or other representatives of the Part C system at the initial IEP Team meeting for a child previously served under Part C of the *IDEA*).

[34 CFR 300.322(b)(1)]

5. Revise requirements for when transition content must be included in an IEP meeting notice.

For a child with a disability beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP Team, the notice required under 34 CFR 300.322(a)(1) (regarding an IEP meeting), among other things, must:

- Indicate that a purpose of the meeting will be the consideration of the postsecondary goals and transition services for the child, in accordance with 34 CFR 300.320(b) and that the agency will invite the student; and
- Identify any other agency that will be invited to send a representative.

[34 CFR 300.322(b)(2)]

6. Set forth provisions regarding consideration of Individualized Family Services Plans (IFSPs) for children aged three through five.

In the case of a child with a disability aged three through five (or, at the discretion of the State educational agency (SEA), a two-year-old child with a disability who will turn age three during the school year), the IEP Team must consider an IFSP that contains the IFSP content (including the natural environments statement) described in section 636(d) of the *IDEA* and its implementing regulations (including an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills for children with IFSPs under 34 CFR 300.323 who are at least three years of age), and that is developed in accordance with the IEP procedures under Part B.

The IFSP may serve as the IEP of the child, if using the IFSP as the IEP is consistent with State policy and agreed to by the agency and the child's parents.

In implementing these IFSP provisions, the public agency must provide to the child's parents, a detailed explanation of the differences between an IFSP and an IEP. If the parents choose an IFSP, the public agency must obtain written informed consent from the parents.

[34 CFR 300.323(b)] [20 U.S.C. 1414(d)(2)(B)]

7. Require that the IEP be accessible to teachers and others responsible for its implementation.

Each public agency must ensure that:

- The child's IEP is accessible to each regular education teacher, special education teacher, related services provider, and any other service provider who is responsible for its implementation; and
- Each teacher and provider described in this provision, is informed of his or her specific responsibilities related to implementing the child's IEP and the specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.

[34 CFR 300.323(d)]

8. Address the IEP for a student who transfers to a different school district in the state.

If a child with a disability (who had an IEP that was in effect in a previous public agency in the same State) transfers to a new public agency in the same State, and enrolls in a new school within the same school year, the new public agency (in consultation with the parents) must provide a free appropriate public education (FAPE) to the child (including services comparable to those described in the child's IEP from the previous public agency), until the new public agency either adopts the child's IEP from the previous public agency, or develops, adopts, and implements a new IEP that meets the applicable requirements in 34 CFR 300.320 through 300.324.

[34 CFR 300.323(e)] [20 U.S.C. 1414(d)(2)(C)(i)(I)]

9. Address the IEP for a student who transfers from another state.

If a child with a disability (who had an IEP that was in effect in a previous public agency in another State) transfers to a public agency in a new State, and enrolls in a new school within the same school year, the new public agency (in consultation with the parents) must provide the child with FAPE (including services comparable to those described in the child's IEP from the previous public agency), until the new public agency conducts an evaluation pursuant to 34 CFR 300.304 through 300.306 (if determined to be necessary by the new public agency) and develops, adopts, and implements a new IEP, if appropriate, that meets the applicable requirements in 34 CFR 300.320 through 300.324.

[34 CFR 300.323(f)] [20 U.S.C. 1414(d)(2)(C)(i)(II)]

10. Address transmittal of records for students who transfer.

To facilitate the transition for a child described in 34 CFR 300.323(e) and (f) (who transfers within the State or from another State), the new public agency in which the child enrolls must take reasonable steps to promptly obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child, from the previous public agency in which the child was enrolled, pursuant to 34 CFR 99.31(a)(2) (Family Education Rights and Privacy Act (FERPA)) and the previous public agency in which the child was enrolled must take reasonable steps to promptly respond to the request from the new public agency.

[34 CFR 300.323(g)] [20 U.S.C. 1414(d)(2)(C)(ii)]

11. Add a new provision for amending the IEP without another meeting.

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.

If changes are made to the child's IEP in accordance with 34 CFR 300.324(a)(4)(i), the public agency must ensure that the child's IEP Team is informed of those changes.

[34 CFR 300.324(a)(4)] [20 U.S.C. 1414(d)(3)(D)]

Changes to the IEP may be made either by the entire IEP Team at an IEP Team meeting, or as provided in 34 CFR 300.324(a)(4), 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.

[34 CFR 300.324(a)(6)] [20 U.S.C. 1414(d)(3)(F)]

12. Encourage consolidation of IEP 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.

[34 CFR 300.324(a)(5)] [20 U.S.C. 1414(d)(3)(E)]

13. Provide for the review and, as appropriate, revision of the IEP.

Each public agency must ensure that, the IEP Team reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved and revises the IEP, as appropriate, to address:

- Any lack of expected progress toward the annual goals and in the general education curriculum, if appropriate;
- The results of any reevaluation;
- Information about the child provided to, or by, the parents, as described under 34 CFR 300.305(a)(2) (related to evaluations and reevaluations);
- The child's anticipated needs; or
- Other matters.

In conducting a review of the child's IEP, the IEP Team must consider the special factors described in 34 CFR 300.324(a)(2) (development of the IEP).

A regular education teacher of the child, as a member of the IEP Team, must, consistent with 34 CFR 300.324(a)(3) (participation of regular teacher in development of the IEP), participate in the review and revision of the IEP of the child.

[34 CFR 300.324(b)] [20 U.S.C. 1414(d)(4)]

14. Authorize alternative means of meeting participation.

When conducting IEP Team meetings and placement meetings pursuant to subparts D and E of Part 300, and carrying out administrative matters under section 615 of the *IDEA* (such as scheduling, exchange of witness lists, and status conferences), the parent of a child with a disability and a public agency may agree to use alternative means of meeting participation, such as video conferences and conference calls.

[34 CFR 300.328] [20 U.S.C. 1414(f)]