

4.3 The IEP Meeting

I. Participants in Meetings (34CFR 300.321)

A. Required Members

1. The *parents* of the child;
2. Not less than one *regular education teacher of the child* (if the child is, or may be, participating in the regular education environment);
3. Not less than one *special education teacher of the child*, or where appropriate, at least one special education provider of the child;
4. A *representative of the public agency* who is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities; is knowledgeable about the general education curriculum; and is knowledgeable about the availability of resources of the public agency. In the Gadsden Independent School District, a representative of the public agency, or a designee of the representative, must be a current administrator at the school site. A teacher, or any other employee with an administrator license, *but not currently employed as an administrator*, may not represent the public agency at the IEP meeting.
5. An individual who can *interpret the instructional implications* of evaluation results, who may be a member of the team described in paragraphs A (2 through 4) above, or B (1) below.

B. Discretionary and Special Circumstance Members

1. At the *discretion* of the parent or the district, *other individuals who have knowledge or special expertise* regarding the child, including related services personnel as appropriate; and
2. Whenever appropriate, *the child* with a disability.
3. IF a purpose of the meeting is the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals, for a student, the district **MUST** invite:
 - the *child with a disability* (if the child does not attend the IEP team meeting, the public agency must take other steps to ensure that the child's preferences and interests are considered); and
 - to the extent appropriate, with the consent of the parents or a child who has reached the age of majority, the agency must invite a *representative of any participating agency* that is likely to be responsible for providing or paying for transition services.

According to 34 CFR Part 300, Appendix A, Question 24, the regular education teacher does not have to be present for the entire IEP meeting. It is expected, however, that the regular education teacher be in attendance for those parts of the IEP meeting that require,

or would benefit from, input from the regular education teacher. The same standard applies to related services personnel who attend IEP meetings. **It does not, however, apply to administrators or their designees who are required to be present for the entire meeting.**

II. Conducting The IEP Meeting

The chairperson of the IEP meeting is the campus administrator or designee. The district must schedule sufficient meeting time to allow the parents to “meaningfully participate”, but the district also has the right to adjourn the meeting after a reasonable time, even if the parent(s) object. A school district must always make accommodations necessary to enable a parent with a disability to “meaningfully participate” in an IEP meeting.

In order to ensure that the IEP meeting is effective, focused, and conducted in as efficient manner as possible, the following agenda is recommended:

Sample IEP Meeting Agenda

- **Opening Activities**
 - Introductions of all Attendees
 - Explain Purpose of The Meeting
 - Explain Any Time Limits
 - Provide *Copy* of Parent Rights
- **Parent/student Input**
 - ALWAYS Ask Parent/Student of Any Special Issues or Concerns FIRST
- **Review of Progress on Previous IEP and Development of New IEP**
 - Review Progress on Goals and Objectives on Previous IEP
 - Review New Evaluations and Related Services Reports
 - Determine Eligibility (as appropriate)
 - For Students Age 14 And Above: Transition Services and Post-secondary Goals/Outcomes
 - Review/Identify Present Levels of Academic Achievement and Functional Performance
 - Develop New Annual Goals
 - Determine Type and Amount of Instructional and Related Services
- **Determination of Placement**
 - Address Least Restrictive Environment Requirements
 - Determine Placement
 - Determine Modifications to be Implemented in General Education, as appropriate
- **Closure Activities**
 - Finalize the Written Notice of Proposed Actions
 - Review All Paperwork for Completeness and Accuracy**
 - Obtain All Required Signatures
 - Finalize the IEP**
 - Distribute Copies (Make sure all of the students’ general education teachers receive copies of modifications for general education classrooms)
 - Adjourn Meeting

III. Non-Attorney Advocates and Attorneys at IEP Meetings

The parent may bring whomever they wish to an IEP team meeting including a non-attorney advocate. However, the Supplemental Regulations to the IDEA, December 1, 2008, state that while the IEP team may include, at the discretion of the parent or public agency, individuals who have knowledge or special expertise regarding the child, including non-attorney advocates, their “role is not to ‘represent’ or speak for the parents.”

The presence of attorneys at IEP meetings is discouraged by the U.S. Department of Education’s Office of Special Education Programs (OSEP). They contend that an attorney’s presence has the potential for creating an adversarial atmosphere that might not be in the best interests of the child. However, if a parent brings an attorney to an IEP team meeting *without having given prior notice to the district* so that the district could also be represented by counsel, the district has the option of adjourning the meeting in order to have attorney representation at a future date.

IV. Use of Tape/Videotape Recorders at IEP Meetings

The use of tape recorders at IEP meetings is neither required nor prohibited by the IDEA. It is generally agreed that parents may tape-record, or otherwise commission the recording of, IEP meetings. OSEP has opined that the use of tape recorders encompasses the use of videotape recorders; therefore the same considerations apply to videotaping IEP meetings. The district should always simultaneously tape/videotape any meeting that is being taped/ videotaped by a parent or parent representative. However, any tape/videotape recording that the district makes is considered an *education record*, subject to access by the parents as a right

V. When an IEP Must Be in Effect

There is no specific time line established for the time between finalization of the IEP document and implementation. However, the IDEA does direct that implementation occur as soon as possible following the IEP meeting. OSEP has generally taken the position that no delay is permissible in implementing the IEP, and it is expected that the district will provide the special education and related services written in the IEP immediately after the IEP is finalized. Only two exceptions have been recognized by OSEP: when the meetings take place during the summer vacation period, and when a short delay is needed to complete arrangements. While circumstances beyond the school district’s control, such as those which might be considered “acts of God,” would likely justify a short delay, a school district’s lack of resources, such as budgetary or personnel constraints, are not valid grounds for delay. Once a child with a disability has been identified as IDEA-eligible, there must be an IEP in effect for that child at the beginning of each school year. The failure to do so may constitute a denial of FAPE.

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