

IEP Components Series

Scheduling the IEP Meeting and Notifying Parents

What are the particulars of what IDEA requires public agencies to do when scheduling any IEP meeting? IDEA's provisions involve both common sense and courtesy, and are intended to ensure that parents have every opportunity to attend the meeting and contribute. The provisions are not new to the 2004 Amendments to IDEA, so if you're familiar with the law already, this will no doubt be familiar, too. In a nutshell, the school and parents have to agree when and where they are going to meet. This issue of the **IEP Component series** addresses issue pertaining scheduling an IEP meeting and notifying parents

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IDEA's Exact Words

IDEA's provisions regarding parent participation state:

Each public agency must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP Team meeting or are afforded the opportunity to participate... [§300.322(a)]

This includes:

- (1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
- (2) Scheduling the meeting at a mutually agreed on time and place. [§300.322(a)(1) and (2)]

Notifying Parents of the Meeting

The public agency's notification to parents must tell parents:

- the purpose, time, and location of the meeting
- who will be at the meeting
- that parents and public agencies have the right to invite other people with knowledge or special expertise about the child, including related services personnel as appropriate, and that the party inviting the individual makes the determination that the invitee possesses the requisite knowledge or special expertise regarding the child
- that the parents may request that the Part C service coordinator or other representatives of the Part C system be invited to attend the initial IEP meeting for a child previously served under Part C of the Act in accordance with §300.321(f).

Knowing each of these elements in advance of the meeting gives parents the opportunity to prepare and more fully participate in meeting discussions and decisions. For example:

The purpose of an IEP meeting can vary—What is the purpose of this meeting? Is the team going to talk about transition services for a child approaching school exit? Or is the primary focus going to be services for next year, or the child’s progress or lack of progress this year? These purposes are quite different from one another, and so would be the discussions arising from them.

Who will attend the meeting can also vary. Although the LEA must ensure that specific types of individuals are represented on the IEP team—including not less than one special education teacher of the child (or where appropriate, not less than one special education provider of the child)—it is the public agency that determines who the actual individuals attending will be. Will it be Mrs. Brown or Mr. Smith? Perhaps the school is planning to invite a specialist to the meeting or someone that the school has the right to include with knowledge or special expertise about the child, such as a related services provider. All such information must be included in the parent notification.

The parent’s right to invite individuals with knowledge or special expertise regarding the child is another item that must be included in the notification the public agency sends to parents to let them know of an upcoming IEP meeting. As discussed in our article *The IEP Team*, parents may wish to invite someone who has special knowledge about the child or who has some expertise to contribute to shaping the IEP, and the IDEA provides them the right to do so, if they so choose. If parents do invite such a person, he or she needs to have “knowledge or special expertise” about the child, and the party inviting the person—in this case, the parents—decides whether the individual meets that criterion. IDEA does not require that parents let the school know who they might be inviting to join the IEP team, but it may be a matter of courtesy and good teamwork to do so.

The ***public agency also has the right to invite individuals with knowledge or special expertise*** regarding the child. If the agency does invite such an individual to join the IEP team, it is the agency who determines whether the individual has the requisite “knowledge or special expertise” about the child. The public agency must inform parents that this person will be attending the IEP meeting.

What if Parents Can’t Attend?

If parents cannot attend the IEP meeting, then the public agency is required to use “other methods to ensure parent participation, including individual or conference telephone calls” [§300.322(c)] and other alternative means such as video conferences (§300.328). IDEA permits such alternatives if parents and the public agency agree to use alternative methods of meeting participation (§300.328).

IDEA includes provisions that permit the public agency to hold an IEP meeting without the parents in attendance (either in person or via alternative methods), but this may only occur if the public agency has been unable to convince the parents to attend and has documented all such attempts to do so.

What Type of Documentation Is Needed?

Very detailed documentation! If the public agency has not been able to convince the parents to attend, then the agency must keep a record of its attempts to arrange a mutually agreed-on time and place, such as—

- Detailed records of telephone calls made or attempted and the results of those calls;
- Copies of correspondence sent to the parents and any responses received; and
- Detailed records of visits made to the parent's home or place of employment and the results of those visits. [§300.322(d)]

In other words, the public agency may conduct an IEP meeting without a parent in attendance if it makes attempts to secure participation and documents the attempts it has made to convince the parent to attend the meeting.