

I-2 Agreement on IEP Team Participant Attendance at IEP Meeting

Under certain conditions, and with the written agreement or consent of the parent and the LEA, IDEA permits a required IEP team participant to be excused from attending an IEP team meeting in whole or in part. The excusal provisions are intended to allow added flexibility for parents and LEAs in scheduling IEP team meetings to avoid delays when there is a scheduling conflict. Excusing required IEP team participants from attending meetings in whole or in part should be the exception. The summary of comments and changes to the IDEA regulations states, “An LEA that routinely excuses IEP Team members from attending IEP Team 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.” [Analysis of Comments and Changes, 34 CFR Parts 300 and 301, *Federal Register*, Vol. 71, No. 156, Monday, August 14, 2006/Rules and Regulations, p.46674]

Required IEP team participants include the following:

- The parents of the student.
- At least one regular education teacher of the student if the student is, or may be, participating in a regular educational environment.
- At least one special education teacher who has recent training or experience related to the student’s known or suspected area of special education needs or, where appropriate, at least one special education provider of the student.
- A representative of the local educational agency who is qualified to provide or supervise the provision of special education, is knowledgeable about the general curriculum and is knowledgeable about and authorized to commit the available resources of the local educational agency.
- An individual who can interpret the instructional implications of evaluation results, who may be another member of the IEP team other than the parents or the student.
- At the discretion of the parent or the LEA, other individuals who have knowledge or special expertise about the student, including related services personnel as appropriate.
- Whenever appropriate, the student. If a purpose of the meeting will be consideration of post-secondary goals and transition services, the LEA must invite the student.
- If a student is attending school through whole grade sharing, open enrollment or a tuition waiver, at least one person designated by the resident district who has knowledge or special expertise about the student.
- When a student is suspected or known to need occupational therapy, physical therapy, or speech and language therapy, a therapist in each respective area of service.
- When the purpose of the meeting is to conduct an evaluation to consider a suspected specific learning disability for the first time, and progress data from intensive intervention will be considered, a licensed person qualified to assess data on individual rate of progress using a psychometrically valid and reliable methodology, the licensed person who implemented the scientific, research-based or evidence-based, intensive intervention with the referred pupil, and a licensed person qualified to conduct individual diagnostic evaluations of children.

At least one individual serving in each required participant category must attend the IEP team meeting or must be excused. When a student has more
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than one regular education teacher and at least one of them will attend the IEP team meeting, an excusal is not required for the student's other regular education teachers. Similarly, when at least one of the student's special education teachers will attend the meeting, an excusal is not required for the other special education teachers who do not attend.

If a required participant's area of curriculum or related service will not be modified or discussed at the IEP team meeting, the participant may be excused from the meeting if the parent agrees in writing. When a required participant's area of curriculum or related service will be modified or discussed, the participant may be excused from the meeting if (1) prior to the meeting, the participant submits written input for IEP development to the parent and other IEP team participants and (2) the parent consents in writing to the excusal. At the time consent is obtained, the LEA must provide the parent with appropriate and sufficient information to ensure the parent fully understands the parent is consenting to excusing a required participant whose area of curriculum or related services will be changed or discussed. If the parent does not consent, the IEP team meeting must be held with that required participant.

Implementation Considerations:

LEAs should carefully consider, based on the needs of the student and the issues to be addressed, whether it makes sense to conduct the IEP team meeting without a particular member or whether it would be better to reschedule the meeting. The LEA should determine the individual(s) with authority to consent or agree with the parent to excuse an IEP team participant. The individual must have the authority to bind the LEA to the agreement.

The LEA should discuss an excusal with the parent before the IEP team meeting. Prior to agreeing in writing to an excusal, the parent may request to discuss the proposed excusal with the individual(s) who would be excused from the meeting. If the parent agrees to the excusal, the parent is requested to sign the form *Agreement on IEP Team Participant Attendance at IEP Meeting* (form I-2). The reason for the excusal is documented along with any other options considered and relevant factors.

While the IDEA and state special education law permit the excusal of an LEA representative from an IEP team meeting, it may not be reasonable for an LEA to agree to the excusal of the LEA representative if that individual is needed to ensure decisions can be made at the meeting about the commitment of agency resources to implement the student's IEP.

When a participant is excused from the entire meeting, the excused individual's name does not appear on the *IEP Team Meeting Cover Page* (form I-3) as attending or participating in the meeting. Instead, the individual's name appears in the appropriate section on a signed form I-2. If it is agreed that a required IEP team participant will be excused from attending a portion of the IEP meeting, the excused individual's name appears on the form I-3 as attending the meeting and also appears in the appropriate section on a signed form I-2.