

IDEA–Reauthorized Statute

**INDIVIDUALIZED EDUCATION PROGRAM (IEP) TEAM
MEETINGS AND CHANGES TO THE IEP**

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. 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 statutory language related to those topics to support constituents in preparing to implement the new requirements.¹ This document addresses only the changes to the provisions of IDEA regarding individualized education program (IEP) team meetings and changes to the IEP that took effect on July 1, 2005. It does not address any changes that may be made by the final regulations.

IDEA 2004:

1. Revises language regarding members of the IEP team.

The term “IEP team” means a group of individuals composed of:

- The parents of a child with a disability;
- Not less than one regular education teacher of such child (if the child is, or may be, participating in the regular education environment);
- Not less than one special education teacher, or where appropriate, not less than one special education provider of such child;
- A representative of the local education agency (LEA) who is: qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities; knowledgeable about the general education curriculum; and knowledgeable about the availability of resources of the LEA;
- An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described above;
- 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.

[614(d)(1)(B)]

¹ Topics in this series include: Alignment With the *No Child Left Behind 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; Individualized Education Program (IEP) Team Meetings and Changes to the IEP; Individualized Education Program (IEP); Local Funding; 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 and Resolution Sessions; Procedural Safeguards: Due Process Hearings; Secondary Transition; State Funding; and Statewide and Districtwide Assessments. Documents are available on the OSERS Web site at: www.ed.gov/about/offices/list/osers/index.html.

2. Identifies when IEP team meeting attendance is not necessary.

A member of the IEP team shall not be required to attend an IEP meeting, in whole or in part, if the parent of a child with a disability and the LEA agree that the attendance of such 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 parent's agreement shall be in writing. [614(d)(1)(C)(i), (iii)]

3. Authorizes excusals from IEP meetings.

A member of the IEP team may be excused from attending an IEP 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 and the LEA consent to the excusal; and
- The member submits, in writing to the parent and the team, input into the development of the IEP prior to the meeting.

The parent's consent shall be in writing. [614(d)(1)(C)(ii), (iii)]

4. Adds new provisions for making changes to the IEP.

In making changes to a child's IEP after the annual IEP meeting for a school year, the parent of a child with a disability and the LEA may agree not to convene an IEP meeting for the purposes of making such changes and, instead, may develop a written document to amend or modify the child's current IEP. [614(d)(3)(D)]

Changes to the IEP may be made either by the entire IEP team or, as provided in Section 614(d)(3)(D), by amending the IEP rather than by redrafting the entire IEP. Upon request, a parent shall be provided with a revised copy of the IEP with the amendments incorporated. [614(d)(3)(F)]

5. Encourages consolidation of IEP meetings.

To the extent possible, the LEA shall encourage the consolidation of reevaluation meetings and other IEP team meetings for the child. [614(d)(3)(E)]

6. Authorizes alternative means of meeting participation.

When conducting IEP team meetings and placement meetings pursuant to Sections 614, 615(e), and 615(f)(1)(B), and carrying out administrative matters under Section 615 (such as scheduling, exchange of witness lists and status conferences), the parent of a child with a disability and an LEA may agree to use alternative means of meeting participation, such as video conferences and conference calls. [614(f)]