



Q&A: Required Member Absences from Individualized Education Plan (IEP) Team Meetings

The Minnesota Department of Education (MDE) Division of Compliance and Assistance has developed this document to address questions raised by parents and school districts regarding absence of a required team member, such as a parent, from an IEP team meeting. The intention of this document is to provide helpful, general information to the public. It does not constitute legal advice nor is it a substitute for consulting with a licensed attorney. The information below should not be relied upon as a comprehensive or definitive response to your specific legal situation. This document may not include a complete rendition of applicable state and federal law.

Question 1: How do we document excused absences of required IEP team members when a parent does not attend the IEP meeting?

Answer 1: A required team member can be excused from an IEP team meeting in whole or in part if the parent and the district agree in writing. The parent and the district must agree that the team member's presence is unnecessary because that team member's curriculum area or related service is not being modified or discussed at the IEP meeting. Consent from a parent for excusal may be received at, or prior to, the IEP team meeting. If a required team member is excused in whole or in part from attending an IEP meeting and the team member's curriculum area or related service is being discussed or modified, the team member must submit input to the development of the IEP in writing to the parent and the IEP team prior to the meeting.

No required IEP team member may be excused from the team meeting when a parent is not present, assuming written consent was not previously received from the parent. Discretionary team members may be excused without parental consent. 34 C.F.R. § 300.321(e).

If a district representative is appropriately excused from attending an IEP team meeting, the district is still responsible for implementing the child's IEP and may not use the excuse as a reason for delaying the implementation of the child's IEP.

Authority: 34 C.F.R. § 300.321(e); U.S. Department of Education, Q&A on IEPs, Evaluations and Reevaluations, June 2010, C-2.

Question 2: How do we document parent absence from an IEP team meeting?

Answer 2: The district must make multiple attempts to arrange a meeting in which a parent is present. Documentation may include phone logs, letters, and a log of home visits.

Documentation of “attempts” must be kept, which implies that a minimum of two attempts by the district is required.

Federal regulation provides that “[a] meeting may be conducted without a parent in attendance if the public agency is unable to convince the parents that they should attend. In this case, the public agency must keep a record of its attempts to arrange a mutually agreed on time and place, such as—

- (1) Detailed records of telephone calls made or attempted and the results of those calls;
- (2) Copies of correspondence sent to the parents and any responses received; and
- (3) Detailed records of visits made to the parent's home or place of employment and the results of those visits.” 34 C.F.R. § 300.322(d).

Authority: 34 C.F.R § 300.321(e); Department of Education, Q&A on IEPs, Evaluations and Reevaluations, June 2010; and 34 C.F.R. § 300.322(d).