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Q & A: Conducting IEP Meetings over the Telephone for Children in Care and Treatment Facilities.

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 conducting Individualized Education Program (IEP) meetings over the telephone for children in care and treatment facilities.

Question 1: Is it possible for a school district to conduct an IEP meeting for children in care and treatment facilities over the telephone?

Answer: Regardless of whether the child is in a care and treatment facility, when neither parent can physically attend an IEP meeting, the school district is required to use other methods to ensure parent participation, including individual or conference telephone calls and video conferences. See 34 C.F.R. §§ 300.322(c); 300.328. Please refer to Question 4 below for related requirements that apply only in the care and treatment context.

Question 2: If an IEP meeting is conducted over the telephone, must all IEP team members participate in the call at the same time?

Answer: Federal law specifically states that “individual or conference telephone calls” are acceptable alternatives to an in-person meeting, 34 C.F.R. § 300.322(c). Although individual calls from team members to parents are acceptable, school districts are encouraged to conduct IEP meetings, including telephone meetings, with as many team members present as possible. If a team member cannot attend the meeting; whether in person, through a conference call, or through an individual call, the proper excusal process must be followed. Please refer to MDE Division of Compliance and Assistance’s IEP Team Attendance guidance for information on excusals.

Question 3: In recording team member attendance for IEP meetings that are conducted over the telephone, is there a specific process that a school district should follow?

Answer: There is no specific process that school districts must follow when recording team member attendance for IEP meetings that are conducted over the telephone; however, a district’s telephone log of the IEP meeting should contain attendance information and districts may wish to further memorialize attendance on a copy of the meeting notice or, once developed, the IEP.

Question 4: Are there specific requirements with respect to telephone calls related to a child's IEP when that child is in a care and treatment facility?

Answer: Minnesota law contains specific requirements with respect to telephone calls related to a student's IEP when that student is in a care and treatment facility.

When a student with a disability who has an IEP in the resident district is placed in a care and treatment facility, the providing agency must conduct an IEP meeting to agree on continuing or modifying services in accordance with the goals and objectives in the IEP and to determine if additional evaluations are necessary. At least the following people must receive written notice or a documented telephone call to be followed by a written notice, to attend the IEP meeting: (1) the person or agency placing the student; (2) the resident district; (3) the appropriate teachers and related services staff from the providing district; (4) appropriate staff from the residential facility; (5) the parents or legal guardians of the student; and (6) when appropriate, the student. See Minn. Stat. § 125A.515, Subd. 5(b).

If a regular education student is placed in a short-term program for care and treatment (anticipated duration of less than 31 school days) and enrolled in the educational program there without an educational record or IEP, the providing district must immediately telephone the student's home school to see if the regular education student has been identified as having a disability. If the student has been identified as having a disability and has a current IEP, then initial due process procedures may be conducted over the telephone and any required documentation must follow immediately. Further, if the student has a current IEP from his or her home school, the home school must give the providing agency an oral review of the IEP goals, objectives, and service provided. The providing agency must then contact the student's parents and, together, an agreement must be reached about continuing or modifying services. Contact may be by telephone; however, if agreement cannot be reached over the telephone, the district must hold a team meeting as soon as possible. The team members listed above must receive written notice of the meeting. See Minn. R. 3525.2325, subp. 2(A).

If a student placed in a long-term program for care and treatment (anticipated duration greater than 30 school days) has been identified as disabled, has a current IEP, and the providing district's education staff decide that IEP can be implemented while the student is placed for care and treatment, the staff must contact the student's parents to obtain agreement to continue services pursuant to the IEP. Contact may be by telephone. If the parents do not agree with the providing district's proposal, the providing district must hold a team meeting as soon as possible. See Minn. R. 3525.2325, subp. 3.

If a student placed in a long-term program for care and treatment has been identified as disabled and the education staff at the providing district needs additional evaluation information or the current IEP cannot be fully implemented

while the student is placed for care and treatment, the education staff must either contact the parents to secure an agreement to provide special education on an interim basis while an evaluation is completed or call a team meeting to revise the current IEP or develop an interim IEP while the student undergoes evaluation. Contact may be by telephone. See Minn. R. 3525.2325, subp. 3(A).

Authority: 34 C.F.R. §§ 300.322(c); 300.328; Minn. Stat. § 125A.515, Subd. 5(b); Minn. R. 3525.2325, subp. 2(A); Minn. R. 3525.2325, subp. 3.