

The Minnesota Department of Education (MDE) Division of Compliance and Assistance developed this document to assist school districts who have raised questions about making determinations regarding who should attend IEP meetings and when the district must obtain written agreement or consent to excuse a team member from an IEP 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: Who are necessary members of an IEP meeting?**

Answer: The required members of an IEP team include:

- a. Parents of the student;
- b. At least one regular education teacher of the student (if the student is, or may be, participating in the regular education environment);
- c. At least one special education teacher of the student or, where appropriate, not less than one special education services provider of the student;
- d. An administrative designee, also called a representative of the agency, who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities, is knowledgeable about the general curriculum, and is knowledgeable about the availability of resources of the district; and,
- e. An individual who can interpret the instructional implications of evaluation results, who may also be a member of the team as described above.

Authority: 34 C.F.R. § 300.321(a)(1)-(5) and Minn. R. 3525.2810, Subp. 1(B).

**Question 2: Who else may attend an IEP meeting?**

Answer: Additional members of an IEP team may include:

- a. At the discretion of the parent or the district, other individuals who have knowledge or special expertise regarding the student, including related services personnel, as appropriate;
- b. The student with a disability, whenever appropriate. The district must invite a student with a disability to attend the student's IEP team meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the student and the transition services needed to assist the student in reaching those goals

under 34 C.F.R. § 300.320(b). If the student does not attend the IEP team meeting, the school district must take other steps to ensure that the student's preferences and interests are considered; and,

- c. To the extent appropriate, with the consent of the parents or a student who has reached the age of majority in implementing the transition requirements, the school district must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services. If a participating agency, other than the local school district, fails to provide the transition services described in the IEP the school district shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in that program.

Authority: 34 C.F.R. § 300.321(a)(6)-(7), 34 C.F.R. § 300.321(b)(1)-(3), and Minn. R. 3525.2810, Subp. 1(B) and Subp. 4.

**Question 3: What happens if a required IEP team member, other than the parent, is unable to attend a scheduled IEP team meeting?**

Answer: The parent of the student and the district can agree in writing that it is not necessary for the IEP team member to attend if the member's area of the curriculum or related services is not being modified or discussed in the meeting.

A necessary member of the IEP team may be excused from attending an IEP team meeting, in whole or in part, if the parent and the district consent in writing to the excusal.

Authority: 34 C.F.R. § 300.321(e).

**Question 4: What happens if the IEP team notice includes a discretionary IEP team member who subsequently is unable to attend the IEP team meeting?**

Answer: It is not necessary for the school district to obtain written agreement or written consent from a parent when a discretionary member is unable to attend an IEP meeting because these members are not required members of the IEP team.

Authority: 34 C.F.R. § 300.321(e) cmts. at 71 F.R. 46675.

**Question 5: What process should a school district use to determine if an IEP meeting should proceed without the presence of a necessary IEP team member?**

Answer: Comments to the federal regulations provide that "an LEA may not routinely or unilaterally excuse IEP team members from attending IEP team meetings as parent agreement or consent is required in each instance. We encourage LEAs to carefully consider, based on the individual needs of the child and the issues that need to be

addressed at the IEP team meeting, whether or not it makes sense to offer to hold the IEP team meeting without a particular IEP team member in attendance or whether it would be better to reschedule the meeting so that a person could attend and participate in the discussion.” Thus, a school district that routinely excuses IEP team members from attending IEP team meetings would not be in compliance with the Individuals with Disabilities Education Act requirements and, therefore, would be subject to the state’s monitoring and enforcement provisions.

Authority: 34 CFR § 300.321(e), cmts. at 71 F.R. 46674.