

The Special Education Leadership Council Presents: Parent Advocacy Tools for IEP Success

Excusal of IEP Team Members: When Congress reauthorized IDEA in 2004, they made important changes to the law. The NJ Department of Education adopted some of these changes when the Department updated the New Jersey State administrative regulations governing special education. One of these important changes in federal and State practices now permits school districts to excuse key members of your child's IEP Team from participating in IEP meetings, **but only if you provide your written consent to the team member's absence.** All school district requests for excusals must be in writing and must be included with the meeting notice that is mailed to you prior to the IEP meeting. This is to ensure that you have sufficient time to "review and consider" the request. If the excused Team member's (or service provider's) area of the curriculum is being discussed and/or modified during the IEP meeting, the excused IEP Team member's written input must also be included with the meeting notice and received by the parent prior to the IEP meeting.

Ensuring the Participation of Critical IEP Team Members: To avoid disputes about Team member excusals, we suggest that parents send a letter in advance of an IEP meeting requesting that important members of the IEP Team be in attendance. The Team members requested may change with each IEP meeting depending upon the concerns and issues at the time. For your convenience, we have provided a sample letter below. Please note that parents have a right to have the following individuals attend IEP meetings: a district representative (usually case manager) who has the authority to commit district resources, general educator, special educator, and a person who can interpret evaluation results (which could be case manager or other professionals depending upon the types of evaluations conducted). Parents may also request that other professionals be in attendance if their expertise will assist the Team in developing an appropriate IEP.

Sample Letter:

September 15, 2006
VIA HAND DELIVERY

Ms. Sally Goode, Case Manager

Department of Special Services
Sunset Public School District
100 Sunset Parkway
Sunset, New Jersey 01234

Re: IEP Meeting for Johnny Student on 10/22/06

Dear Ms. Goode,

I am looking forward to participating in Johnny's IEP meeting on October 22, 2006 at 10:30 a.m. at the Sunset Middle School. In order to create an appropriate IEP for Johnny and to enable me to participate as an equal member of Johnny's IEP Team, I must be able to engage in discussions during the IEP meeting with the following professionals who are required members of the team:

Ms. Samantha Jones, General Education Teacher
Mr. James Smith, Special Education Teacher

In addition, based on my child's current situation, I am requesting that the following professionals also attend the meeting:

Ms. Sarah White, Behavioral Consultant
Mr. John Hall, Guidance Counselor
Ms. Victoria Lane, Speech/Language Pathologist

Your assistance with this important matter would be appreciated. Please provide written confirmation that the aforementioned professionals, as well as a representative from the district who is knowledgeable about the district's programs and has the authority to make commitments on behalf of the district, will be in attendance and are scheduled to be present during the entire meeting.

Sincerely,

Karen Student

Joseph Student