

Tips from the Special Education Division: Parent Participation

Question: How can school districts ensure parent participation at the annual IEP meeting?

Answer:

Scheduling Annual IEP Meetings

OSPI Special Education often receives questions at the beginning of a school year that involve scheduling annual IEP meetings. The following are some of the more common questions received, with guidance to assist school districts in planning for annual IEP meetings.

1. What is the requirement for annual IEPs? Is it the meeting date or the effective date?

The rule under WAC [Section 392-172A-03110](#)(3) states that each school district must ensure that the IEP team:

- a. Reviews the student's IEP periodically, but not less than annually, to determine whether the annual goals for the student are being achieved; and
- b. Revises the IEP, as appropriate, to address:
 - i. Any lack of expected progress toward the annual goals described in WAC 392-172A-03090(1)(b) and in the general education curriculum, if appropriate;
 - ii. The results of any reevaluations;
 - iii. Information about the student provided to, or by, the parents, as described under WAC 392-172A-03025;
 - iv. The student's anticipated needs; or
 - v. Other matters.

IEPs must be reviewed and revised annually (or sooner) through an IEP meeting. Districts should also remember the need to provide prior written notice to parents addressing the decisions made at the IEP meeting a reasonable time before implementation (in order to preserve a parent's right to claim "stay put" in a due process proceeding).

OSPI believes best practice would be to schedule the annual IEP meeting with enough time prior to the expiration of the IEP and on or before the anniversary of the previous annual IEP meeting in order to ensure that the IEP team has enough time to review and revise the IEP.



2. Does the annual IEP date change if the IEP is amended earlier than the IEP expiration date?

No, amending an IEP prior to the annual expiration date does not extend the annual due date of the IEP. The IEP team may determine a need to amend the IEP sooner than one year from the last annual IEP meeting, but an IEP amendment cannot extend the annual IEP meeting beyond one year from the last annual IEP meeting.

3. What does the district need to do to ensure parent participation at the annual IEP meeting?

A school district must ensure that one or both parents of a student eligible for special education services are present at each annual IEP meeting or are afforded the opportunity to participate, including: (1) notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and (2) scheduling the meeting at a mutually agreed on time and place.

The notification to parents must: (a) indicate the purpose, time, and location of the meeting and who will be in attendance; and (b) inform the parents about the provisions relating to the participation of other individuals on the IEP team who have knowledge or special expertise about the student.

School districts must also take whatever action is necessary to ensure that the parent understands the notification of the meeting being provided. Such actions include, but are not limited to, providing the notification in writing in a parent's native language when necessary for the parent's understanding and arranging for an interpreter for parents who are deaf or hard of hearing or whose native language is other than English.

Remember: If neither parent can attend an annual IEP meeting in person, the school district must still attempt to use other methods to ensure parent participation including, but not limited to, video conferencing platforms (e.g., Zoom, Teams, etc.) or telephone conference calls.

The full rule regarding parent participation is found under WAC [Section 392-172A-03100](#).

4. What if the parent refuses to attend and the district is unable to convince the parent to attend the annual IEP meeting?

If the school district is unable to convince a parent to attend the annual IEP meeting or if the parent(s) refuse and/or clearly indicate that they will not attend the annual IEP meeting, then a meeting may be conducted without a parent in attendance.

The school district, however, must keep a record of the attempts it made to arrange a mutually agreed upon time and place and convince the parent to attend. Examples of such documentation may include, but are not limited to, (a) detailed records of

telephone calls made or attempted and the results of those calls; (b) copies of correspondence sent to the parents and any responses received; and (c) detailed records of visits made to the parent's home or place of employment and the results of those visits.

Whether a district has met their obligation to schedule a meeting with a parent at a mutually agreeable time and place would be dependent upon the specific facts and districts should consider consulting with their legal counsel if questions of this nature arise.

5. What if the parent needs to cancel and/or the annual IEP meeting date cannot be scheduled at a mutually agreeable time and place prior to the IEP expiration date?

The rule under WAC [Section 392-172A-03100](#) requires school districts to schedule IEP meetings at a mutually agreeable time for the parent and the district.

School districts, in general, often schedule meetings before or after school to ensure that all team members can be present. The US Department of Education's Office of Special Education Programs (OSEP) has stated that it is not unreasonable for a district to schedule meetings during their regular hours and times before and after school. OSEP, however, has also stated that if a parent is unable to participate during those times, districts should be flexible in scheduling the meeting, or make arrangements for other ways for the parent or parents to participate. ([Letter to Thomas, June 3, 2008, Office of Special Education Programs](#)).

If a parent cannot attend, needs to cancel an annual IEP meeting, and/or a mutually agreeable time and place cannot otherwise be found prior to the IEP expiration date, then priority, in most instances, will likely be given to the parent's schedule. The US 9th Circuit Court of Appeals has previously affirmed the importance of parent participation in the process of creating an annual IEP. See, [Doug C. ex rel. Spencer C. v. State of Hawaii Dep't of Educ., 720 F.3d 1038 \(9th Cir. 2013\)](#).

When faced with a decision between parent participation and compliance with a procedural deadline for the annual IEP meeting, OSPI believes best practice is for school districts to prioritize parent participation in the process over the annual IEP meeting deadline. And remember, even though a student's IEP may become expired or outdated, services for the student should still continue uninterrupted until the IEP team can meet, and the IEP can be reviewed and revised accordingly. A student with an expired IEP, however, cannot be included on the P223H reporting for a monthly count day. OSPI thus recommends scheduling the annual IEP meeting with enough time prior to the expiration of the IEP and on or before the anniversary of the previous annual IEP meeting in order to ensure that the IEP team has enough time to develop the annual IEP.

6. Are school districts required to hold an IEP meeting if a parent requests a meeting prior to the annual IEP meeting?

It depends. When a parent believes that a required component of a student's IEP should be changed and requests an IEP meeting, the district should agree to hold an IEP meeting if it believes that the change may be necessary to ensure the provision of free appropriate public education (FAPE). If, on the other hand, a parent requests an IEP meeting because the parent believes that a change is needed in the provision of FAPE and/or the educational placement of the student, and the school district believes that no change is necessary for the provision of FAPE and declines to convene an IEP meeting, the district must then provide prior written notice to the parents of the refusal, including an explanation of why the district has determined that conducting the meeting is not necessary to ensure the provision of FAPE to the student. Individuals with Disabilities Education Act (IDEA), 64 Fed. Reg. 12,475, 12,476 (March 12, 1999) (Appendix A to 34 CFR Part 300, Question 20).