

## Common Questions Regarding the IEP Process

This document has been co-authored by the Exceptional Education Department of Metro Nashville Public Schools and the Exceptional Education Family Advisory Council. Direct questions to the EE Dept. at [EEQUESTIONS@mnps.org](mailto:EEQUESTIONS@mnps.org).

An IEP is a written document for a student with one or more disabilities, which is developed, reviewed, and revised at least annually by the IEP team. Federal and state laws and regulations specify the information that must be documented in each student's IEP and require that an IEP be in place by the beginning of the school year. This document addresses some of the most common errors made in the IEP process in order to empower parents to know their rights.

1. How often can I request an IEP meeting?
  - A parent or any IEP team member can request an IEP meeting at any time
2. Does the meeting have to be at a certain day or time?
  - An agreed upon time and location should be set up. A parent should be offered day/time options and not be limited to one option if it is not convenient for the parent. Ten days' notice is required.
3. Who should attend the IEP meeting?
  - Members of the IEP team must consist of the Special Education Teacher, the General Education Teacher, a School Administrator, the Parent(s) and the Student, if age 14 or if appropriate
  - The team could also include a Psychologist if required by testing results and/or Related Service Provider(s) (SLP, OT, PT, Vision, Hearing etc.) if the student receives their services.
4. Who can I bring to my child's IEP meeting?
  - Parents can bring or invite anyone that they want to attend their child's IEP meeting.
  - It is the parent's responsibility to notify any invitees of the date and time of the meeting.
5. How much time should be allocated for IEP meetings?
  - The amount of time needed to develop an instructionally appropriate IEP varies based on the unique needs of the student and should allow the parent to have meaningful participation in the development of the IEP.
  - At the beginning of the meeting, teams should indicate the time frame of the meeting; as schools must ensure that all students are receiving their instruction, supports and services. If more time is needed by any team member, the meeting will be reconvened at a rescheduled time pursuant to Item 2 above.
6. Should I be provided a draft copy prior to the IEP meeting?
  - Best practice is to provide parents a draft copy of the proposed IEP. State law is being developed to require a draft. A draft is developed to allow the parent to review the proposed Present Levels of Educational Performance, Measurable Annual Goals, and Accommodations and/or Modifications.
7. Can I audio record the meeting?
  - Yes, but the parent must notify at least one party/IEP team member that the meeting will be recorded, Tenn. Code Ann. § 39-13-601.
8. Can key IEP participants leave the meeting?
  - The parent's written agreement is required for a team member **not** to attend the meeting or to be excused early from the meeting. There are certain conditions to be met before the parent can be asked to consent to the excusal or dismissal. If the parent does not agree to the excusal, a new date shall be determined pursuant to the manner in Item 2 above; and if the parent does not agree to the early dismissal, the IEP meeting will end and a reconvene date will be determined pursuant to the manner in Item 2

9. How often should my child be evaluated?
  - Students who are eligible for special education services must be re-evaluated at a minimum every 3 years, and the IEP Team completes a Reevaluation Summary to determine what type of reevaluation is necessary.
  - Reevaluations can also occur prior to 3 years to determine the presence of a secondary disability, to determine another primary disability, to provide information for program planning, or to de-certify the students from services if significant progress has been made.
  
10. What if I disagree with the current evaluation?
  - You have the right to obtain an Independent Educational Evaluation (IEE) at the school's expense if you disagree with the evaluation of your child that was obtained by the school 34CFR§300.502.
  
11. What if I disagree with the services on the IEP or my child is not receiving services?
  - If you are in a meeting to create a new IEP and the parties cannot agree on services, you may adjourn the meeting and explore your options as provided below. If an IEP is already in place, you may request an IEP meeting and share your concerns at any time. If no resolution, follow the guidelines for addressing disputes as outlined below and in your procedural safeguards.
  - If your child is not receiving services, this must be addressed during the IEP meeting.
  - Staffing and Resource shortages are not the problem of the parent.
  
12. Can I request to see data supporting progress towards academic goals?
  - Parents can request and review progress monitoring data or other assessments that are used to develop Present Levels of Educational Performance/Goals in the IEP.
  
13. Can I adjourn an IEP Meeting for any reason and reschedule it at a later date?
  - Parents can adjourn an IEP Meeting for any reason.
  
14. Do I have to sign the IEP at the meeting?
  - No. At the end of the meeting, everyone that attended and participated in the meeting will be asked to sign their name and date on the IEP Participation Page. If parents are not comfortable with signing the remaining Informed Consent Page at that time, parents may leave the meeting without signing that page.
  - If an agreement was not reached, no changes will be made (and no new services will be provided) for 14 days to afford parents the right to file a due process. On the 15th day the school will implement the IEP as proposed. Tennessee Rules and Regulations §0520-01-09-13.
  
15. What is the time frame for a Due Process?
  - Due process starts when you file a written complaint against the school.
  - A resolution meeting must be held within 15 calendar days of receiving notice of a due process complaint, unless the parent and school district agree in writing to waive the meeting or agree to use the mediation process.
  - If no agreement is reached, there is a due process hearing.
  - A copy of the hearing officer's decision must be mailed to each of the parties within the 45-day timeline.
  - The time frame for the entire process varies depending on the length of the hearing.

Nothing contained herein is intended to replace the Notice of Procedural Safeguards parents receive annually, a copy of which can be found at [https://www.tn.gov/content/dam/tn/education/reports/331816\\_notice\\_proc\\_safeguards.pdf](https://www.tn.gov/content/dam/tn/education/reports/331816_notice_proc_safeguards.pdf)

For additional information go to:

[https://www.tn.gov/content/dam/tn/education/special-education/sped\\_framework.pdf](https://www.tn.gov/content/dam/tn/education/special-education/sped_framework.pdf)