

FUNDAMENTALS OF IEP NOTE TAKING: IEP PLANNING AND NOTE TAKING STRATEGIES



Writing appropriate notes at an Individualized Education Program (“IEP”) meeting is vital to the success of the IEP process and critical to documentation of the IEP team’s discussion. IEP notes are essential because IEP notes provide a written record as to what transpired at the IEP meeting. Below, we provide a list of essential note taking strategies to consider regarding each IEP meeting.

1 DOCUMENT IEP MEETING PARTICIPANTS.

By documenting the attending IEP meeting members, by name and title, the District can establish proof it satisfied its obligation under the IDEA regarding participation of all necessary IEP members. Additionally, the IEP notes should reflect proper excusal of IEP team members (attaching the IEP member excusal form) and the absence of invited IEP team members as applicable.

2 DOCUMENT PARENTS’ PARTICIPATION AT THE IEP MEETING.

Parent participation is an essential factor, and a legal requirement, in the development of the IEP. Documenting parents’ questions, concerns and/or other input is therefore an essential way to demonstrate that the requirement for parental participation is satisfied. The IEP notes should reflect, where appropriate, parents’ areas of agreement, disagreement, requests, and/or additional comments.

3 DOCUMENT DISTRICT’S RESPONSE TO PARENT REQUESTS:

The District should also record its response to each of the parents’ requests/concerns. Where the District agrees, the District should document that it agrees with parents’ request, and how it will implement this request. Where the District disagrees, the District should write that it disagrees and that it will follow-up with the parents regarding its decision through a prior written notice.

4 DOCUMENT CONSIDERATION OF ALL LEGAL REQUIREMENTS OF THE IEP:

The IEP notes should reflect, where appropriate, each topic of discussion, as legally required. For example, the notes may document discussion of the following, as applicable, with the use of sub-headings in the notes:

- > Introduction as to purpose of the IEP meeting
- > List of IEP team participants
- > List of documents provided in advance to participants (agendas, draft goals, etc.)
- > Parental rights and whether the meeting was recorded
- > Areas of need
- > Assessments/Reports reviewed
- > Present levels of performance
- > Progress on prior goals
- > Newly proposed goals
- > Supplementary aids/accommodations
- > Continuum of program, placement and service options considered
- > Offer of FAPE

As appropriate, it is also important to document that the IEP team considered private assessment reports, if any, student's eligibility (and any discussion regarding categories of eligibility considered), and any newly proposed assessment(s). Specific to the least restrictive environment, and especially where there is a concern about a student's behavior, the District should demonstrate it considered the following factors: (1) the academic benefits of inclusion, (2) the non-academic benefits of inclusion, (3) the effect on teachers and classmates in the regular classroom.

5 DOCUMENT THE DISTRICT'S OFFER OF FAPE:

While the offer of a FAPE should be clearly documented in the "services box" on the IEP, summarizing the offer of a FAPE in the IEP notes can clarify what the IEP team agreed upon at the meeting. This can be particularly helpful where there are multiple IEP meetings to discuss student's offer of a FAPE.

6 AVOID IEP NOTE PITFALLS:

The District should attempt to avoid the use of the following in the IEP:

- > Boiler plate language
- > Terms of "art"
- > Inconsistencies within the IEP
- > Use of accusatory language

DISCLAIMER: As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this document does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.

Copyright © 2019 Lozano Smith - All rights reserved. No portion of this work may be copied, or sold or used for any commercial advantage or private gain, nor any derivative work prepared there from, without the express prior written permission of Lozano Smith through its Managing Partner. The Managing Partner of Lozano Smith hereby grants permission to any client of Lozano Smith to whom Lozano Smith provides a copy to use such copy intact and solely for the internal purposes of such client. - Rev. August 11, 2017