

Roadmap to IDEA 2004: What You Need to Know About IEPs & IEP Meetings

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When Congress reauthorized IDEA 2004, they made significant changes to Individualized Education Programs (IEPs) in several areas, including:

- content of IEPs
- IEP meeting attendance
- IEPs by agreement
- review and revision of IEPs
- transition
- alternate means of participating in meetings

This article will provide you with a roadmap to changes in IEPs and IEP meetings under IDEA 2004.

Content of IEPs

Some requirements for the contents of IEPs changed. Others remained the same.

Present Levels of Performance. In IDEA 97, IEPs were required to include “a statement of the child’s present levels of educational performance...”

Under IDEA 2004, the child’s IEP must include “a statement of the child’s **present levels of academic achievement and functional performance ...**”

Present levels of academic achievement and functional performance are objective data from assessments.

Annual Goals. Under IDEA 97, IEPs were required to include a “statement of measurable annual goals, including benchmarks or short-term objectives.” IDEA 2004 eliminated the requirements for “benchmarks and short-term objectives” in IEPs - except that the IEPs of children who take alternate assessments must include “a description of benchmarks or short-term objectives.”

IDEA 2004 added new language about “**academic and functional goals.**” IEPs must now include “a statement of **measurable annual goals, including academic and functional goals ...**”

Educational Progress. IDEA 97 required IEPs to include a statement about how the child’s progress toward the annual goals would be measured, how the child’s parents would be regularly informed about “their child’s progress toward the annual goals,” and whether the child’s progress was sufficient.

In IDEA 2004, the child’s IEP must include “a description of how the child’s progress toward meeting the annual goals...will be measured and **when periodic reports on the progress the child is making toward meeting the annual goals** (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided.”

Special Education and Related Services. IDEA 2004 includes important new language about **research-based instruction.**

The child's IEP must include "a statement of the special education and related services and supplementary aids and services, based on **peer-reviewed research** to the extent practicable, to be provided to the child ... and a **statement of the program modifications or supports for school personnel** ..."

Accommodations and Alternate Assessments. IDEA 2004 contains new language about "**individual appropriate accommodations**" on state and district testing and new requirements for **alternate assessments**.

The child's IEP must include:

"...a statement of any **individual appropriate accommodations** that are necessary **to measure the academic achievement and functional performance** of the child on State and districtwide assessments..."

"...if the IEP Team determines that the child shall take an **alternate assessment** on a particular State or districtwide assessment of student achievement, a **statement of why**
(AA) the **child cannot participate** in the regular assessment; and
(BB) the particular **alternate assessment selected is appropriate** for the child..."

Transition. Congress made extensive changes to the legal requirements for transition. IDEA 97 required "a statement of transition services needs" (beginning at age 14) and "a statement of needed transition services for the child" (beginning at age 16). The statement of transition services needs at age 14 was eliminated.

Under IDEA 2004, the first IEP after the **child is 16** (and updated annually) must include:

"...**appropriate measurable postsecondary goals** based upon **age appropriate transition assessments related to training, education, employment, and**, where appropriate, **independent living skills** ... and the **transition services (including courses of study) needed** to assist the child in reaching these goals. (Section 1414(d)(1)(A))

When Members May Be Excused from IEP Meetings

A member of the IEP team may be **excused** from attending an IEP meeting if the member's area of curriculum or service will **not be discussed or modified** and **if the parent and school agree**.

A member of the IEP team may also be excused if the member's area of curriculum or service **will be discussed or modified**, **if the member submits a written report to the parent** and the IEP team **in advance**, and **if the parent provides written consent**. (Section 1414(d)(1)(C))

Developing the IEP

In developing the IEP, the IEP team **shall consider**:

- the child's **strengths**
- the **parent's concerns for enhancing the child's education**
- the **results of the initial evaluation or most recent evaluation**
- the **child's academic, developmental, and functional needs** (Section 1414(d)(3)(A))

The IEP team **shall consider special factors** for children:

- whose **behavior** impedes learning
- who have **limited English proficiency**
- who are **blind or visually impaired**
- who are **deaf or hard of hearing** (Section 1414(d)(3)(B))

Educational Placements

The law about educational placements is in Section 1414(e). Parents are members of the team that decides the child's placement. The **decision about placement cannot be made until after the IEP team, which includes the parent, reaches consensus about the child's needs, program, and goals.**

Although the law is clear on this issue, the child's "label" often drives decisions about services and placement, leading school personnel to determine the child's placement before the IEP meeting.

These unilateral actions prevent parents from "meaningful participation" in educational decision-making for their child. When Congress added this provision to the law in 1997, they sent a message to school officials that unilateral placement decisions are illegal.

Reviewing and Revising the IEP

The IEP must be reviewed **at least once a year** to determine if the child is achieving the annual goals. The IEP team **must revise the IEP** to address:

- any **lack of expected progress**
- results of **any reevaluation**
- **information provided by the parents**
- anticipated needs (Section 1414(d)(4)(A))

Revising IEP by Agreement, Without an IEP Meeting

IDEA 2004 changed the process by which IEPs can be amended or modified. If the parent and school **agree to amend or modify the IEP**, they may revise the IEP by agreement **without convening an IEP meeting.**

The team **must create a written document that describes the changes or modifications** in the IEP and note that, **by agreement of the parties, an IEP meeting was not held.** (Section 1414(d)(3)(D))

Alternative Ways to Participate in Meetings

School meetings do not have to be face-to-face. IEP and placement meetings, mediation meetings, and due process (IEP) resolution sessions may be convened by **conference calls or videoconferences.** (Section 1414(f))

In-State and Out-of State Transfers

If a child transfers to a district in the same state, the receiving school must provide comparable services to those in the sending district's IEP until they develop and implement a new IEP. If a child transfers to another state, the receiving district must provide comparable services to those in the sending district's IEP until they complete an evaluation and create a new IEP. (Section 1414(d)(2)(C))

Multi-Year IEPs

Fifteen states may request approval to implement optional "comprehensive, multi-year IEPs" for periods of no longer than three years. IEP review dates must be based on "natural transition points."

Parents have the right to opt-out of this program. The parent of a child served under a multi-year IEP can request a review of the IEP without waiting for the "natural transition point." (Section 1414 (d)(5))

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