



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

JAN 23 1998

John B. Heskett
Assistant Commissioner
Division of Special Education
Department of Elementary and
Secondary Education
P.O. Box 480
Jefferson City, Missouri 65102-0480

Dear Mr. Heskett:

This is in response to your letter regarding remarks made during my visit to Missouri last January when I met with the RESPECT group. You wrote because you wanted written clarification regarding a question raised by members of the RESPECT group as to whether an inclusion facilitator could be required to attend a disabled student's individualized education program (IEP) meeting at a parent's request. Please excuse the delay in issuing our response.

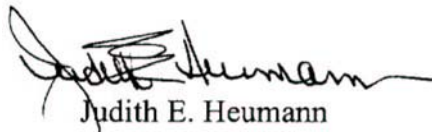
The current regulation governing IEP meeting participants sets forth those individuals who must attend IEP meetings, as well as provides that the parent(s) and public agency may invite other individuals at their discretion. 34 CFR §300.344(a). Since inclusion facilitators are not specified as required participants at IEP meetings, their attendance at an IEP meeting, is at the discretion of the parent or the public agency. A parent may decide to invite an inclusion facilitator to attend his or her child's IEP meeting, but the school district is not compelled to require such attendance. However, in situations where a child is being placed in an inclusive setting, we believe that the participation of an inclusion facilitator on an IEP team would likely be beneficial for the parents, the student, and the public agency. This is consistent with our view that IEP meetings should serve as a vehicle for constructive dialogue between parents and public agency officials, and should be conducted in as amicably and as non-adversarial a manner as possible. In addition, if the school district determines that involvement of an inclusion facilitator is necessary for the development of a child's IEP, the district must ensure the inclusion facilitator's participation in this process. This could be accomplished through attendance at the IEP meeting, through written recommendations, or through other appropriate means.

The Individuals with Disabilities Education Act Amendments of 1997 (IDEA '97), Pub. L. 105-17, would also support this interpretation. These amendments revised the statutory provision governing the composition of the IEP team. One such revision is a modification of the right of parents and public agencies to bring other individuals to IEP meetings at their discretion.

Under the new requirement, the invited individuals must "have knowledge or special expertise regarding the child, . . ." and this requirement also applies to invited related services personnel. Pub. L. 105-17, §614(d)(1)(B)(vi). This, along with the other IEP provisions, will take effect beginning July 1, 1998. See Section 201(a)(2)(A) & (C) of Pub. L. 105-17. However, the modification of the discretion of parents and public agencies regarding individuals they may invite to an IEP meeting does not change the answer to your question prior to or following July 1, 1998.

We hope that you find this explanation helpful. If we can be of further assistance, please let me know.

Sincerely



Judith E. Heumann