

IEP Implementation and Review

A Fact Sheet from the Minnesota Disability Law Center

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INTRODUCTION

The federal legal provision on this issue is relatively straightforward; it provides that the district must ensure that “as soon as possible following the development of the IEP, special education and related services are made available to the child in accordance with the child’s IEP.”¹ Basically, if a service, adaptation, or responsibility appears on the IEP, the district must implement it as written. Of course, it is important and necessary to base the IEP on a comprehensive evaluation and an appropriately developed IEP as well as to review and revise the IEP when necessary.

This factsheet reviews this basic responsibility to implement IEPs and the ongoing duty to review and revise the IEP.

IEP IMPLEMENTATION

While basic, the responsibility to implement an IEP as written is broad and covers just about everything on the IEP from providing transportation and related services to progress reporting and adaptations or modifications for the student. If an IEP team chooses to list services provided by other agencies, for example, county provided day treatment services, the IEP must clearly state the county is responsible for implementing those services.

Similarly, districts are typically free to choose which educational strategy or methodology to use. If, however, the district includes these particulars in the IEP, it must follow them or later seek parental consent to use different approaches. There may be situations where it is wise or necessary to include a particular approach, but including these specifics should be only written into the IEP with a clear rationale and an understanding that parental approval is needed to change the IEP. For example, an IEP that states that modifications or adaptations will be implemented “when necessary” or “where appropriate” was found to be in violation for not providing sufficient specificity to parents, staff, or the student; such language provides no guidelines or background of why it is included, for what specific reasons, or for when exactly it is to be used.

Additionally, the IEP must be specific enough to give parents and staff sufficient understanding of when and how IEP provisions are to be implemented and how they will enable the student to advance toward IEP goals, be involved in the regular education curriculum and be educated with non-disabled peers.²

IEP IMPLEMENTATION: REVIEW AND REVISION

The District must review and revise, as appropriate, the IEP “not less than annually.”³ There is also a responsibility to review and revise the IEP if there is a lack of expected progress, new evaluation or other information about the student, a change in the student’s anticipated needs, or “other matters.”⁴

Reviewing and revising IEPs is particularly important to ensure the educational program is consistent with the student’s needs.

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¹ 34 CFR §300.323

² 34 CFR §300.329

³ 34 CFR 300.324 (b); Minn. R. 3525.2810, subpart 3.

⁴34 CFR 300.324 (b); Minn. R. 3525.2810, subpart 3.