

INDIVIDUALIZED EDUCATION PROGRAM (IEP) TEAM MEMBERSHIP

UTAH STATE BOARD OF EDUCATION SPECIAL EDUCATION SERVICES

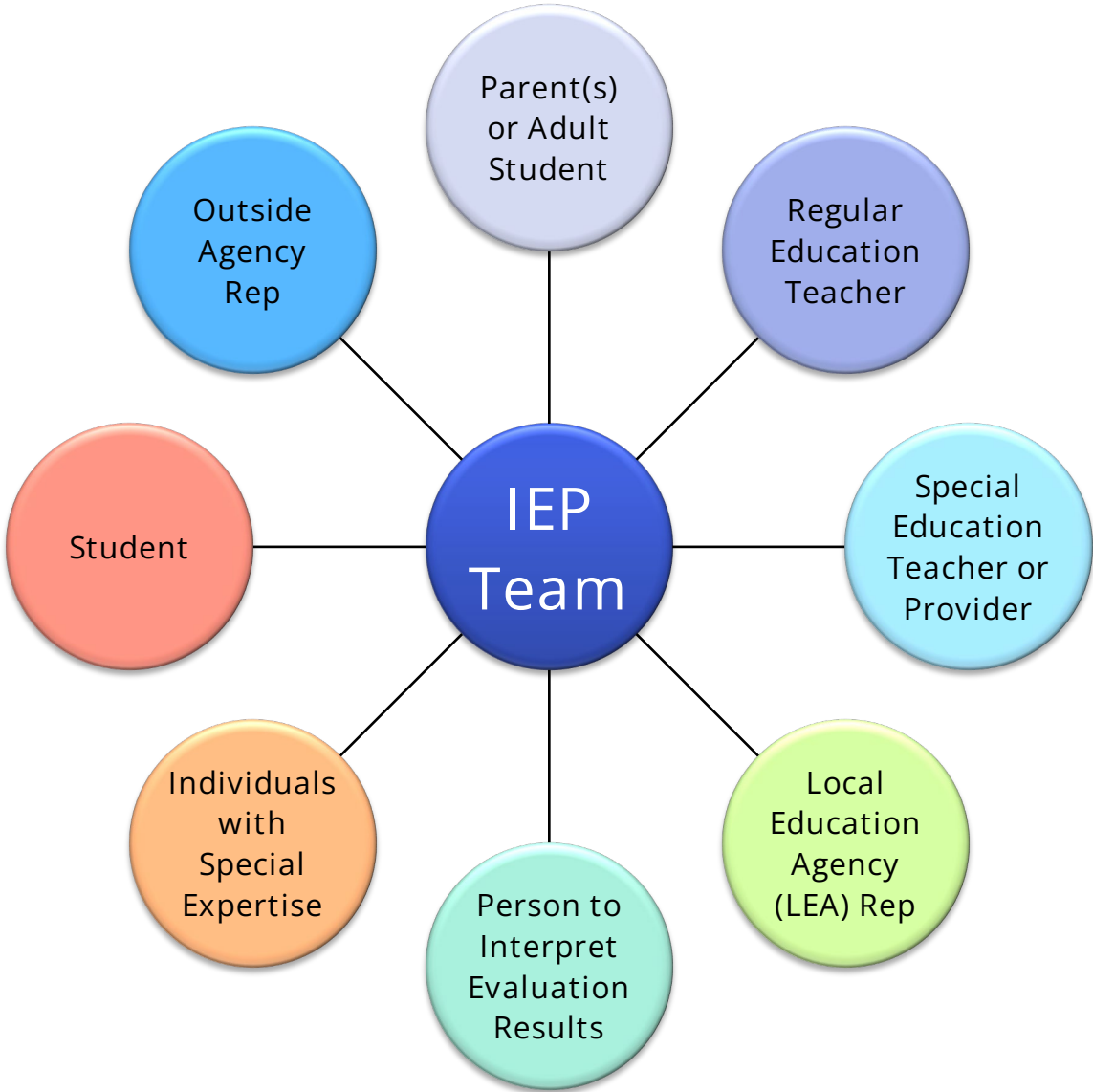


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PURPOSE OF THE DOCUMENT

The purpose of this document is to clarify Individualized Education Program (IEP) team membership requirements, and responsibilities under the Individuals with Disabilities Education Act (IDEA) and Utah State Board of Education (USBE) Special Education Rules (Rules).

REQUIRED MEMBERS OF THE IEP TEAM

The IDEA and the Rules define the makeup of the IEP team for students receiving special education and related services, from preschool through the school year in which the student turns 22 (i.e., ages 3 – 22). IEP teams must include individuals who fulfill the following roles (Rules III.E. and VII.B.3.):

- Parent(s) of the student or the adult student
- Regular education teacher of the student
 - If the student is, or may be, participating in the regular education environment
- Special education teacher/provider of the student
- Local education agency (LEA) representative who:
 - Is qualified to provide or supervise the delivery of specially designed instruction (SDI)
 - Knows the general education curriculum
 - Understands and is able to commit LEA resources
- Someone who can interpret evaluation results and understands instructional consequences
- Individual(s) who have knowledge or special expertise regarding the student
- Student with disability, when appropriate
 - If postsecondary goals will be discussed, then the student must be invited
- Any agency that is likely to be responsible for providing or paying for postsecondary transition services
 - An invitation to an agency should be with parent or adult student consent

ROLES AND RESPONSIBILITIES OF IEP TEAM MEMBERS

Parent(s) or Adult Student

- Provides critical information regarding the strengths and needs of the student.
- Actively participates in the discussion concerning the student's special education and related services and supplementary aids and services.

- Discusses with IEP team members how the student will be involved and make progress in the general curriculum, participate in state and LEA assessments, and what services the LEA will provide to the student and in what setting.

Regular Education Teacher

- Offers insight on expectations for the student regarding the general education curriculum and the educational environment.
- Discusses what supports (i.e., accommodations and modifications) might be necessary for the student to access and make progress in the regular education class/environment.
- If appropriate, provides the team with insight about the student's behaviors and recommends possible behavioral interventions that will facilitate access to regular education activities.

Special Education Teacher/Provider

- Suggests ideas for instructional strategies, SDI, adaptations (i.e., accommodations and modifications) and assistive technology devices or services.
- Provides information regarding the types of related services and supports the student needs to access and make progress in the general education curriculum and setting.
- Discusses the unique needs of the student including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings.

LEA Representative

- Provides or supervises special education services.
- Shares knowledge about the general curriculum.
- Describes available LEA resources.
- Allocates LEA resources to meet IEP goals.

Person Qualified to Interpret Evaluation Results

- Explains the evaluation results to assist in developing appropriate instructional goals and objectives, behavior interventions for the student, and any accommodations needed.

Individual with Special Expertise

- Offers specific information related to the strengths and needs of the student.

Student

- Helps to identify their strengths and areas of need.
- Provides input for developing goals.
- Communicates preferences concerning transition to and in post-high.

Outside Agency Representative

- Offers specific information related to the strengths and needs of the student.
- Connects the student and family with an outside agency that may be providing or paying for services.

IEP TEAM MEMBERSHIP CONSIDERATIONS

Role of the Regular Education Teacher

Prior to the meeting, IEP teams must consider who will fulfill the role of the regular education teacher. The individual(s) will need to discuss supports including accommodations and modifications necessary for the student to access and make progress in the general education core curriculum and environment. In most cases, a regular education teacher of the student (who is or may be providing services) is a mandatory member of most IEP teams. Regular education teachers help support students with disabilities access the core curriculum with nondisabled peers in their neighborhood school, when appropriate. The regular education teacher must have current knowledge and expertise of the scope and sequence of the student's grade-level curriculum. It is important to remember that other school staff (e.g., a special education teacher or counselor) may not be substituted for the regular education teacher at IEP meetings (U.S. Department of Education, Regular education teachers as IEP team members – Topic brief, 1999).

Which Regular Education Teacher to Invite to the IEP

The regular education teacher has expertise in the core curriculum and regular education classroom. "Very often, regular education teachers play a central role in the education of children with disabilities" (H. Rep No. 205-95, p. 103 (1997)). The LEA and parent or adult student must be mindful about who is selected to attend IEP meetings. For example, if a student has IEP goals in the areas of reading and mathematics, the IEP team should consider the importance of inviting the mathematics and English language arts regular education teachers.

Regular Education Teacher Attendance at the IEP Meeting

A regular education teacher is not a mandatory IEP team member for students who do not and are not expected to participate in the general education core curriculum and environment. If any member of the team, including the parent, desires to

discuss an option for the student to participate in core instruction, the IEP team is required to schedule a subsequent IEP meeting with the participation of a regular education teacher who may be responsible for providing services to the student to meet the requirements of 34 CFR § 300.321(a)(2) (*R.G. and C.G. v. New York City Department of Education*, 62 IDELR 84 (U.S. District Court. 2013.)).

Deciding prior to the meeting that a regular educator is not needed as a part of the IEP team because the student's placement might not be in the regular education setting may be considered predetermination. An LEA must show that it came to the meeting with an open mind and was "receptive and responsive" to the parents' position at all stages, rather than cutting the conversation short when parents expressed their concerns (*R.L. v. Miami-Dade County School Board*, 63 IDELR 182 (11th Cir. 2014)). When a student is receiving services in a more restrictive placement (i.e., special school, home instruction, hospital instruction), the IEP team should still consider any appropriate less restrictive options when determining subsequent placements.

IEP MEETING NOTICE AND CONSIDERATIONS

The LEA and parent or adult student must consider the student's potential involvement in regular education and community activities to determine who to invite to the IEP meeting prior to scheduling the meeting. This contact must be documented and conducted with enough time to allow the school to obtain written consent to invite non-LEA participants, if required. Once a meeting date and time has been determined, the LEA is required to send notice of the meeting to the parent or adult student that includes specific information about the meeting as outlined in Rules III.H. Notice of Meeting (34 CFR § 300.322).

Effective practice encourages the involvement of students in their own IEP meetings whenever appropriate and possible. If the purpose of the IEP meeting includes consideration of the student's postsecondary transition goals and services, the IEP team must invite the student to attend the meeting. If the student does not attend, the IEP team must take other steps to ensure the student's preferences and interests are considered (34 CFR § 300.321; Rules III.E.). IEP teams may refer to the [USBE Transition Elevated App](#) for more information.

QUESTIONS IEP TEAM MEMBERS SHOULD BE PREPARED TO ANSWER

Parent(s) or Adult Student

- What are the student's strengths and interests?
- What are the student's needs?

- What multiple data sources were used to identify the student's current strengths?
- How do the disability-related characteristics (including strengths) affect involvement in general education?
- What future goals do you have for the student?
- What challenges do you have supporting the student with the student's goals?
- Do you have any unique concerns about the student?

Regular Education Teacher

- Do classroom assignments and assessments accurately reflect the student's knowledge and skills?
- How do the disability-related characteristics (including strengths) affect involvement in general education?
- How is data supporting the student's strengths and guiding the team's instructional decision-making?
- What academic and/or behavior interventions have been tried?
- What interventions have been successful?
- What interventions have not been successful?
- What academic and/or behavior interventions might help the student access classroom instruction and assessment?
- How will the use of interventions be measured?
- How will access to the core curriculum be measured?
- How can we include information about the student's level of self-advocacy/ self-determination to support the student's success in the classroom?

Special Education Teacher

- At what level is the student currently achieving?
- What multiple data sources were used to identify the student's current strengths?
- How is data supporting the student's strengths and guiding the team's instructional decision-making?
- How do the disability-related characteristics (including strengths) affect involvement in general education?
- What SDI is necessary for the student to access the core curriculum?
- Are alternate achievement standards needed for the student to access the core curriculum?

- What academic and/or behavior accommodations might help the student access classroom instruction and assessment?
- What accommodations are needed for instruction and assessments?
- Are any related services needed to help the student access SDI?
- Is assistive technology needed to help the student access SDI?
- How will the identified related services, accommodations, or modifications support the student's IEP goals?
- How can we include information about the student's level of self-advocacy/self-determination to support the student's success in the classroom?

LEA Representative

- How do the disability-related characteristics (including strengths) affect involvement in general education?
- How is data supporting the student's strengths and guiding the team's instructional decision-making?
- Who will provide the SDI for the student?
- Who will provide any required related services for the student?
- How will the individuals providing SDI or related services be trained and supervised, if they are not licensed special educators or related service providers?
- What resources are available in the LEA?
- How will the identified related services, accommodations, or modifications support the student's IEP goals?
- How will LEA resources be provided to the student?
- How can we include information about the student's level of self-advocacy/self-determination to support the student's success in the classroom?

Person Qualified to Interpret Evaluation Results

- What are your qualifications to administer and interpret the testing?
- What are the instructional implications of the evaluation results?
- How do the disability-related characteristics (including strengths) affect involvement in general education?
- How is data supporting the student's strengths and guiding the team's instructional decision-making?

Individual with Special Expertise

- What special expertise do you bring?

- What information about the student should the team consider?
- How does this information impact the student's education?
- How do the disability-related characteristics (including strengths) affect involvement in general education?
- How is data supporting the student's strengths and guiding the team's instructional decision-making?

Student

- What are your strengths, interests, and preferences?
- What are your needs?
- How do you feel you learn best in school?
- What services and accommodations are needed to achieve your goals?
- What postsecondary (college and career) interests and goals do you have?

Outside Agency Representative

- How is your agency able to support the student?
- How are parents informed of the services available and the eligibility processes of your agency?

To the extent appropriate, LEAs must invite representatives of participating agencies who are likely to be responsible for providing or paying for postsecondary transition services. LEAs must obtain written consent from the parent(s) or adult student prior to inviting these individuals (34 CFR § 300.321; Rules III.E.).

EXCUSING IEP TEAM MEMBERS

Required IEP team members may be determined not necessary or excused as outlined in Rules III.F., as long as the written excusal occurs prior to the start of the IEP meeting. Before the meeting, excused members must provide information to help develop the IEP.

The LEA has the responsibility to explain to the parents the repercussions of not having a complete IEP team and must allow parents the opportunity to reschedule the meeting if all IEP team members are not able to attend.

CONTACT INFORMATION

For more information, please contact:

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