



Utah State
Board of
Education

Special
Education
Services

PRESCHOOL REGULAR EDUCATION TEACHER AS A MEMBER OF THE IEP TEAM

October 2023

SPECIAL EDUCATION RULES AND FEDERAL GUIDANCE

Individualized education program (IEP) team participation by the regular education teacher is critical to providing a free appropriate public education (FAPE) to students who qualify for special education and related services.

Utah State Board of Education Special Education Rules (SpEd Rules) state:

The LEA must ensure that the IEP team for each student with a disability includes:

1. The parent(s) of the student or the adult student;
2. Not less than one regular education teacher of the student (if the student is, or may be, participating in the regular education environment);
3. Not less than one special education teacher of the student, or where appropriate, not less than one special education provider of the student;
4. A representative of the LEA. (SpEd Rules III.E.)

The Office of Special Education Programs (OSEP) has stated that the regular education teacher on the IEP team is required by the Individuals with Disabilities Education Act (IDEA) and that “the regular education teacher of the child . . . must, to the extent appropriate, participate in the development, review, and revision of the student’s IEP. . . .” (*Assistance to States for the Education of Children with Disabilities and the Early Intervention Program for Infants and Toddlers with Disabilities*, 64 Fed. Reg. 12441, March 12, 1999).

OSEP further states:

Some commenters on the Notice of Proposed Rulemaking (NPRM) asked whether other school staff (e.g., a special education teacher or a counselor) could be substituted for the regular education teacher at IEP meetings. Adopting that suggestion would be inconsistent with the Act, and would undermine the focus . . . on improving results for children with disabilities through participation in the regular education environment and in the general curriculum. The regular education teacher who serves on the IEP team should be the teacher who is, or may be, responsible for implementing a portion of the IEP, so that the teacher can participate in discussions about how best to teach the student (*Assistance to States for the Education of Children with Disabilities and the Early Intervention Program for*

Infants and Toddlers with Disabilities, 64 Fed. Reg. 12477 and 12583, March 12, 1999).

Additionally, in the NPRM response to commenters, OSEP responded to comments regarding the requirement of a regular education teacher as a member of the student's IEP team:

It is expected that the circumstances will be rare in which a regular education teacher would not be required to be a member of the child's IEP team (*Assistance to States for the Education of Children with Disabilities and the Early Intervention Program for Infants and Toddlers with Disabilities*, 64 Fed. Reg. 12583, March 12, 1999).

PRESCHOOL REGULAR EDUCATION TEACHER QUALIFICATIONS

Utah does not provide universal preschool services to nondisabled children, so there is no associated regular education preschool teacher license required for regular education preschool teachers. Licensure qualification for elementary and secondary regular education teachers can be found on the [USBE Educator Licensing](#) webpage. The Utah Effective Educator Standards as outlined in [R277-330](#) don't apply to regular education preschool teachers. Instead, regular education preschool teacher qualifications to participate as a regular education teacher on the IEP team are based on standards determined by the USBE.

In the preschool setting, a regular education preschool teacher must be knowledgeable about age-relevant developmental activities or milestones that typically developing children of the same age would be performing or would have achieved.

Under Utah's high-quality school readiness grant program, a local education agency (LEA) that is awarded these funds must follow the preschool teacher qualifications required by the statute ([35A-15-202\(1\)\(h\)](#)):

- The minimum standard of a child development associate certification; or
- An associate or bachelor's degree in an early childhood education related field;

The preschool teacher qualifications for the school readiness program are congruent with what an IEP team needs of a participating regular education preschool teacher. The regular education preschool teacher must have knowledge

and expertise of the scope and sequence of early childhood learning outcomes and the [Utah Core State Standards for Early Learning for Ages 3 to 5](#).

The regular education preschool teacher who participates as a member of the IEP team for a student he/she serves should meet the same qualifications:

- The minimum standard of a child development associate certification (CDA);
or
- An associate or bachelor's degree in an early childhood education related field.

GUIDANCE FOR IMPLEMENTATION

The IDEA, USBE Special Education Rules, and guidance from OSEP are clear that a regular education teacher is a required member of the IEP team for a student who is participating in the regular education environment. How this is implemented on IEP teams for preschool students may vary depending on the student's needs and educational environment. For example, if a student is in a co-taught preschool class, with a special education preschool teacher and a regular education preschool teacher, the regular education preschool teacher can serve on the student's IEP team as the regular education preschool teacher, if the teacher meets the qualifications outlined in this document.

Similarly, if a paraeducator who works with the student meets the qualifications of a regular education preschool teacher, as outlined in this document, the paraeducator could serve as the regular education preschool teacher on the student's IEP team.

If a student is transitioning to kindergarten during the time the IEP will be in place, the kindergarten teacher could serve as the student's regular education teacher on the student's IEP team.

If the student is not participating in the regular education environment, the student may not need a regular education preschool teacher as part of the student's IEP team. In this case, the IEP team would document this on the student's IEP and leave the signature line for the regular education teacher blank. OSEP guidance is clear that a special education teacher cannot serve the roles of both the regular education and special education teacher on a student's IEP team. Likewise, another special education teacher or provider, such as a speech-language pathologist (SLP),

cannot be substituted for the regular education teacher on a student's IEP as OSEP guidance clarifies that the regular education teacher should be the teacher who is, or will be, responsible for implementing the IEP. To continue to provide a preschool student a FAPE, the IEP team should review the need for a regular education teacher at each IEP and adjust as needed, utilizing the guidance outlined in this document.

For additional information, please email Chelsea Oaks, Utah State Board of Education Special Education Preschool Specialist, at chelsea.oaks@schools.utah.gov.