

# IEP Team Membership

## Purpose of Document

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

## Frequently Asked Questions

### Who are the required IEP team members?

The IDEA and the USBE SER 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. USBE SER III.E

1. Parent(s) of the student or the adult student
2. Regular/general education teacher
3. Special education teacher
4. Local Education Agency representative who:
  - a. Supervises the delivery of specially designed instruction
  - b. Knows the general education curriculum
  - c. Understands and is able to commit LEA resources
5. Someone who can interpret evaluation results and understands instructional consequences
6. Individual(s) who have knowledge or special expertise regarding the student
7. Student with disability, when appropriate
  - a. If postsecondary goals will be discussed, then the student must be invited
8. Any agency that is likely to be responsible for providing or paying for transition services (invitation with parent or adult student consent)

### What are IEP team member roles?

IEP Team Member	Role
Parent	<ul style="list-style-type: none"> <li>• Provides critical information regarding the strengths and needs of the student;</li> <li>• Actively participates in the discussion concerning the student’s special education and related services and supplementary aids and services;</li> <li>• Discusses with IEP team members how the student will be involved and make progress in the general curriculum, participate in state and district assessments, and what services the LEA will provide to the student and in what setting.</li> </ul>

IEP Team Member	Role
Regular/general education teacher	<ul style="list-style-type: none"> <li>• Offers insight on expectations for the student regarding the general education curriculum and the educational environment;</li> <li>• 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;</li> <li>• If appropriate, provides the team with insight about the student’s behaviors and recommends possible behavioral interventions that will facilitate access to general education activities.</li> </ul>
Special education teacher	<ul style="list-style-type: none"> <li>• Suggests ideas for instructional strategies, specially designed instruction, adaptations (i.e., accommodations and modifications) and assistive technology devices or services;</li> <li>• Discusses the unique needs of the student, including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings.</li> </ul>
LEA representative	<ul style="list-style-type: none"> <li>• Provides or supervises special education services;</li> <li>• Is knowledgeable about the general curriculum;</li> <li>• Describes available LEA resources;</li> <li>• Allocates LEA resources to meet IEP goals.</li> </ul>
Person qualified to interpret evaluation results	<ul style="list-style-type: none"> <li>• Explains the evaluation results to assist in developing appropriate instructional goals and objectives, behavior interventions for the student, and any accommodations needed.</li> </ul>
Student	<ul style="list-style-type: none"> <li>• Helps to identify his or her strengths and areas of need;</li> <li>• Provides input for developing goals;</li> <li>• Communicates preferences concerning transition to and in post high.</li> </ul>
Individual with special expertise	<ul style="list-style-type: none"> <li>• Offers specific information related to the strengths and needs of the student.</li> </ul>
Outside agency representative	<ul style="list-style-type: none"> <li>• Offers specific information related to the strengths and needs of the student;</li> <li>• Connects the student and family with an outside agency that may be providing or paying for services.</li> </ul>

What are questions IEP team members should be prepared to answer?

Parent or guardian

- What are your child’s strengths?
- What are your child’s needs?

- What future goals do you have for your child?
- What challenges do you have supporting your child with his/her goals?
- Do you have any unique concerns about your child?

#### Regular education teacher

- Do classroom assignments and assessments accurately reflect the student's knowledge and skills?
- What academic and/or behavior interventions have been tried?
- What has worked well?
- What has not worked well?
- What academic and/or behavior interventions might help the student access classroom instruction and assessment?
- How will use of interventions be measured?
- How will access to the Core curriculum be measured?

#### Special education teacher

- At what level is the student currently achieving?
- How is the student's disability adversely impacting him/her educationally?
- What specially designed instruction 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?
- How will use of accommodations be measured?
- Are any related services needed to help the student access specialized services?
- Is assistive technology needed to help the student access specialized services?

#### LEA representative

- Who will provide the specially designed instruction for the student?
- Who will provide any required related services for the student?
- How will the individuals providing specially designed instruction 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 LEA resources be provided to the student?

#### 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?

#### Student

- What are your strengths?
- What are your needs?
- How do you feel you best learn in school?

- What services and accommodations are needed to achieve your goals?
- What post-high (college and career) interests and goals do you have?

Individual with special expertise

- What are the student's strengths?
- What information do you have to share regarding the student's needs?
- What interventions have worked?
- What interventions have not worked?
- What specialized instruction or accommodations are required to enable the student to access special education?

Outside agency representative

- How is your agency able to support the student?
- What is the eligibility process for your agency's services and supports?

Is it mandatory for the regular/general education teacher to attend the IEP?

Prior to the meeting, IEP teams must consider who will fulfill the role of the regular/general 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/general education teacher of the child (who is or may be providing services) is a mandatory member of most IEP teams. Regular/general education teachers help support students with disabilities access the general education curriculum with nondisabled peers in their neighborhood school, when appropriate. The regular/general 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/general education teacher at IEP meetings (U.S. Department of Education, Regular education teachers as IEP team members – Topic brief, 1999).

A regular/general education teacher is not a mandatory IEP team member for students that 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 regular/general education, the IEP team is required to schedule a subsequent IEP meeting with the participation of a regular/general 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/general educator is not needed as a part of the IEP team because the student's placement might not be in the general 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.

## Which regular/general education teacher do I invite to the IEP?

The regular/general education teacher has expertise in the Core curriculum and general 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/general education teachers.

## What are IEP notification procedures?

The LEA and parent or adult student must consider the student’s potential involvement in regular/general 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 USBE SER III.H. Notice of Meeting (34 CFR §300.322).

Best practice encourages the involvement of students in their own IEP meetings whenever appropriate and possible. IEP teams may refer to USBE SES resources on Self-Determination and [Utah Parent Center Resources on Student-led IEPs](#) for more information. However, 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 his or her meeting. If the student does not attend, the IEP team must take other steps to ensure the student’s preferences and interests are considered (USBE SER III.E., 34 CFR §300.321.).

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

## When can an IEP team member be excused?

Required IEP team members may be determined not necessary or excused following the requirements outlined in USBE SER III. F. IEP Team Attendance (34 CFR §300.321), 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.

## How to implement the IEP?

The IEP must be developed annually and, upon its completion, made accessible to all relevant parties, including parents, regular education teacher, special education teacher, related service provider(s) and any other service providers who may be responsible for implementation. It is important that all teachers and providers understand their responsibilities for IEP

implementation including any specific services, accommodations, modifications, and supports outlined in the IEP. (USBE SER III.B. When IEPs must be in effect (34 CFR §300.323))

**How do teams determine the least restrictive environment?**

The least restrictive environment (LRE) is determined annually by the IEP team, based on current student performance levels and goals. The following paragraph and chart outline the continuum of alternative placements and necessary considerations for the IEP team.

The continuum of alternative placements for preschool and school-age students with disabilities is a range of learning environments designed to meet an individual student's needs and “is intended to ensure that a child with a disability is served in a setting where the child can be educated successfully in the L[east] R[estrictive] E[nvironment].” (71 Fed. Reg. 46587). It also reinforces the necessity of individualized assessment in determining which placement is the LRE for each child with a disability, considering “each child’s unique educational needs and circumstances, rather than by the child’s category of disability, and be based on the child’s IEP” (71 Fed. Reg. 46586).

<b>Placement/Setting</b>	<b>Description</b>
Regular class	Student is placed in the age appropriate, grade-level general education classroom where the student receives instruction from the regular/general education teacher with specialized instruction and related services as needed.
Special class	Student is placed in a classroom with other students with disabilities where the specialized instruction (and related services, if any) is provided. This includes students who receive special education and related services outside the regular/general education classroom for more than 60 % of the school day.
Special school	Student is placed in a separate school, either public or private, made up solely of students with disabilities and the specialized instruction (and related services, if any) is provided there for more than 50% of the school day.
Home instruction	Student is placed in the student’s home and specialized instruction (and related services, if any) is provided there. Home instruction as a placement on the LRE continuum does not include parents who choose to home school their student.
Hospital/Institutional	Student is placed in a hospital or institutional setting (often residential) and specialized instruction (and related services, if any) is provided there.

### How is placement determined?

Determination of placement must be made annually by the student's IEP team, including the parent(s) or adult student. Placement decisions are based on the student's IEP; with a location as close as possible to the student's home. A student with a disability should not be removed from an age appropriate general education classroom solely based on needed modifications in the general education curriculum.

### What is predetermination?

Predetermination may occur when members of the IEP team determine a student's placement in advance of an IEP meeting without the parents' participation or input. Predetermination constitutes a denial of a free appropriate public education (FAPE) because it significantly impedes parental participation in the IEP development process.

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