



**Los Angeles County
Office of Education**

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June 5, 2007

To: Educational Programs

From: Compliance Support Services

**Topic: Compliance Information Bulletin Number 3
IEP Team Meetings Revised**

Question: Who must be a member of a child's IEP team?

The IDEA identifies both mandatory and permitted members of a student's IEP team. (Section 614(d)(1)(B) of IDEA 2004; 34 CFR 300.344. The list of designated IEP team members are the persons deemed essential to any determination regarding a student's special education program. For this reason, the requirement is strictly enforced; substitutions are permitted only infrequently.

When an IEP team is improperly constituted, any resulting IEP may be declared null and void.

Furthermore, tardiness may be treated the same as absence and leaving an IEP early is not a good idea either. The above instances constitute a procedural violation.

The IDEA identifies the IEP team as a group of individuals composed of:

- ✓ Parents-One or both
- ✓ Regular education teacher(s)-If the child is, or may be, participating in the regular classroom environment.
- ✓ Special education teacher(s)-Must be included.
- ✓ District Representative-A representative of the school district or other public agency who is qualified to provide or supervise the provision of special education and is knowledgeable about both the general curriculum and school district resources. **This includes the LACOE designee for the IEP as well as the District of Residence.**
- ✓ Evaluation interpreter-The IDEA mandates that the IEP team must include an individual who can interpret the instructional implications of evaluation results.

- ✓ Other individuals-Other individuals in addition to those listed above who have knowledge or special expertise regarding the child, including related services personnel as appropriate.
- ✓ *A new provision of IDEA 2004 (section 614(d)(1)(D) states that “in the case of a children previously served under Part C, an invitation to the initial IEP meeting shall, at the request of the parents, be sent to the Part C services coordinator or other representative of the Part C system to assist with the smooth transition of services.”*
- ✓ Student-Wherever appropriate, the child must be a member of the team. Section (614)(d)(1)(B)(vii) of IDEA 2004. This is mandatory if the team convenes a meeting to discuss transition services or transition serve needs.

Question: Must a regular education teacher be a member of the IEP team of a child with a disability who attends a special education school or facility?

Perhaps. The IDEA mandates the inclusion of a regular education teacher in the IEP team of a child who is, or may be, participating in the regular education environment.

Discussions on this topic imply that the regular education environment does not include “meals, recess periods, transportation, and extracurricular activities,” if those activities are the extent of a disabled child’s interaction with nondisabled children....The horizon for possible participation is within the upcoming 12 months.

Overall, the United States Department of Education expects that the circumstances when a regular education teacher will not be a required member of a child’s IEP team will be “rare.”

Therefore, since LACOE is a District of Service and not a District of Residence please check with your SELPA Director as to who is responsible for providing the regular education teacher (this applies to DSE).

Question: Do all IEP team members have to attend every IEP team meeting?

No. IEDE 2004 contains new rules as to when attendance at IEP meetings by team members is not necessary or may be excused.

Under Section 614(d)(1)(C)(i), a team member is not required to attend an IEP meeting, in whole or in part, if the parent and district agree that such member’s attendance is unnecessary because his or her area of the curriculum or related services is not being modified or discussed in the meeting. The parent’s agreement but must be in writing.
Please check with your SELPA director to obtain the appropriate form.

Question: Is there a majority vote rule for IEP team meetings?

No. It is not appropriate to make IEP decisions based upon a majority "vote." If the team cannot reach consensus, the public agency must provide the parents with prior written notice of the agency's proposals or refusals, or both, regarding the child's educational program, and the parents have the right to seek resolution of any disagreements by initiating an impartial due process hearing.

The Answer Book on Special Education Law, Fourth Edition by Susan Gorn, Esq. and John W. Norlin, Esq., LRP Publications

Attachment

GML:jh

*** Regulations by Section and Attachment 1 (Analysis of Comments and Changes)**

**Subpart C-Services
Individualized Education Programs**

§300.344 IEP team.

(a) **General.** The public agency shall ensure that the IEP team for each child with a disability includes-

- (1) The parents of the child;
- (2) At least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);
- (3) At least one special education teacher of the child, or if appropriate, at least one special education provider of the child;
- (4) A representative of the public agency who -
 - (i) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
 - (ii) Is knowledgeable about the general curriculum; and
 - (iii) Is knowledgeable about the availability of resources of the public agency;
- (5) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in paragraphs (a)(2) through (6) of this section;
- (6) At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
- (7) If appropriate, the child.

(b) **Transition services participants.**

- (1) Under paragraph (a)(7) of this section, the public agency shall invite a student with a disability of any age to attend his or her IEP meeting if a purpose of the meeting will be the consideration of-
 - (i) The student's transition services needs under §300.347(b)(1); or
 - (ii) The needed transition services for the student under §300.347(b)(2); or

- (iii) Both.
- (2) If the student does not attend the IEP meeting, the public agency shall take other steps to ensure that the student's preferences and interests are considered.
- (3)

(i) In implementing the requirements of §300.347(b)(2), the public agency also shall invite a representative of any other agency that is likely to be responsible for providing or paying for transition services.

(ii) If an agency invited to send a representative to a meeting does not do so, the public agency shall take other steps to obtain participation of the other agency in the planning of any transition services.

(c) **Determination of knowledge and special expertise.** The determination of the knowledge or special expertise of any individual described in paragraph (a)(6) of this section shall be made by the party (parents or public agency) who invited the individual to be a member of the IEP.

(d) **Designating a public agency representative.** A public agency may designate another public agency member of the IEP team to also serve as the agency representative, if the criteria in paragraph (a)(4) of this section are satisfied.

(Authority: 20 U.S.C. 1401(30), 1414(d)(1)(A)(7), (B))