



## IEP Team October 2019

**Myth:** If the student has a related service, the related service provider is a required IEP team member.

**Fact:** IDEA does not expressly require that related service providers be members of a child's IEP team, except in those cases in which the provider qualifies as the student's special education teacher and fills that specific role in the IEP meeting. Related service personnel can also fill the IEP team member role of an "other individual who has knowledge of the child..." If related service providers are invited to the IEP meeting under this discretionary IEP team member role, then they are not considered required IEP team participants. However, IEP teams should keep in mind there will likely be a wide range of situations and circumstances that the related service provider would have knowledge or special expertise about a student and should be a member of the IEP team to ensure that the IEP that is developed meets the student's needs and provides FAPE.

**Myth:** The IEP team can consist of only the parent and the Special Education teacher.

**Fact:** OSEP has clarified that the IEP does not permit the IEP team to consist of only a parent and one other team member that performs the responsibilities of all other team members (Letter to Anonymous, 2011). IDEA at 34 CFR 300.321 (a) identifies the IEP team as a group of individuals composed of:

- Parents: One or both parents are required members of the IEP team
- Regular education teacher: A student's IEP team must include not less than one regular education teacher of the student
- Special education teacher: A student's IEP team must include not less than one special education teacher of the student
- District representative: A representative of the LEA who is qualified to provide or supervise the provision of special education, knowledgeable about the general education curriculum, and can commit school district resources
- Evaluation interpreter: An individual who can interpret the instructional implications of the evaluation results
- Other individuals: 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
- Student: When appropriate, however, the student must be a member of the team when post-secondary transition is addressed
- Transition Services Providers: To the extent appropriate

**Myth:** The regular education teacher on the IEP team does not have to be the regular education teacher of the student.

**Fact:** The regular education teacher who fills the role of the regular education teacher at the IEP team meeting needs to be a teacher "of the student". U.S. DOE's commentary to the regulations as follows: The regular education teacher who serves as a member of the student's IEP team needs to be a regular education teacher "who is, or may be responsible for implementing a portion of the IEP so that the teacher can participate in discussion as about how best to instruct the child." (71 Fed. Reg. 46,675, 2006).

**Myth:** If a child has multiple regular education teachers all of the teachers have to attend the IEP meeting.

**Fact:** If the student has more than one regular education teacher responsible for implementing the IEP, the LEA may choose which teacher or teachers will serve as a team member. The LEA should take in to account which teacher(s) would provide most relevant input in order to develop an IEP that is appropriate and delivers FAPE to the student.

**Myth:** A person may only fill one role at IEP team meeting.

**Fact:** The IDEA permits a district team member, such as the general education or special education teacher, to also serve as the public agency representative or as the evaluation results interpreter. The person serving the dual role must independently meet the requirements for both of those team members. [34 CFR 300.321](#) (d); and [34 CFR 300.321](#) (a)(5). IDEA explicitly states that team members such as the general education teacher or a special education teacher or LEA representative could also serve as the evaluation results interpreter. The regulation at 34 CFR 300.321(a)(5) requires that the team include an individual who can interpret the instructional implications of evaluation results. That individual may be one of the other required team members, such as the student's teacher, a special education provider, or a public agency representative. . IDEA also allows a public agency to designate a public agency member of the IEP Team to also serve as the agency representative. (34 CFR 300.321 (d)) However, OSEP indicated that the regulation would not permit the team to include only a parent and one other individual. **Letter to Anonymous, Office of Special Education Programs, January 24, 2011.** The regulation does not allow the general education teacher role to be filled by the same person who fills the role of the special education teacher

**Myth:** The student's biological parents are the only ones who can fulfill the role of the parent on the IEP team.

**Fact:** Under the IDEA, the term "parent" includes a biological or adoptive parent, a guardian authorized to make educational decisions for the child, and an individual acting in the place of a parent ([34 CFR 300.30](#)). If the student lives with someone other than the biological parent, that person can fulfill the role of "parent" on the IEP team as they are an individual acting in the place of a parent.

**Myth:** If a child is in a self-contained classroom or attends a separate school for disabled students, then a regular education teacher is not a required participant in the IEP meeting.

**Fact:** A regular education teacher of the child is a required IEP team member if the child is or may be participating in the regular education environment. If there is a possibility that the IEP team will be considering a placement that will result in the child participating in the regular education environment, then a regular education teacher will need to be part of the IEP team. Placement is an annual determination made by the IEP team. IEP teams need to keep in mind that the regular education environment encompasses more than just academic classes, it also includes, elective classes, meals, recess, and extracurricular activities.