

IEP Team Membership and Participation: Questions and Answers

1. Who are the required members of the IEP Team?
 - A. Parent
 - B. Regular education teacher
 - C. Special education teacher/provider
 - D. LEA representative
 - E. An individual who can interpret the instructional implications of assessment results. This individual may be the regular education teacher, the special education teacher/provider, the LEA representative, or an individual invited by the parent or LEA who has knowledge or special expertise regarding the pupil.

*Reference: 34 Code of Federal Regulations, Section 300.321(a)(1)-(5)
Education Code Section 56341(b)(1)-(5)*

2. Who are permissive members of the IEP Team?
 - A. At the discretion of the parent, guardian, or the local educational agency, other individuals who have knowledge or special expertise regarding the pupil, including related services personnel, as appropriate.
 - B. Whenever appropriate, the pupil.

*Reference: 34 Code of Federal Regulations, Section 300.321(a)(6)-(7)
Education Code Section 56341(b)(6)-(7)*

3. Are there any additional IEP Team membership requirements for an initial eligibility meeting where a pupil is suspected of having a specific learning disability?

Yes. At least one member of the IEP Team must be qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher. There is nothing to preclude an existing member of the IEP team from meeting this requirement as long as he/she was “qualified to conduct individual diagnostic examinations of children.” At least one team member must have observed the student’s academic performance and behavior in the areas of difficulty in the student’s learning environment, including the regular classroom setting.

*Reference: 34 Code of Federal Regulations, Section 300.310
Education Code Section 56341(c)*

4. Who must an LEA invite to IEP Team meetings and under what conditions?

In addition to the required members, the LEA must invite:

- A. The pupil, if a purpose of the meeting will be to consider postsecondary goals and needed transition services.

*Reference: 34 Code of Federal Regulations, Section 300.321(b)
Education Code Section 56341(d)(1)*

- B. With the consent of the parents or the pupil who has reached the age of majority, a representative of a participating agency that is likely to be responsible for providing or paying for transition services.

*Reference: 34 Code of Federal Regulations, Section 300.321(b)(3)
Education Code Section 56341(d)(3)*

- C. In the case of a child previously served under the Part C infant program, and upon the request of the parent, the infant and toddlers with disabilities coordinator or other representative of the early education or early intervention system.

*Reference: 34 Code of Federal Regulations, Section 300.321(f)
Education Code Section 56341(i)*

- D. A representative of a private school, before the LEA places a child with a disability in, or refers a child to, a private school or facility.

Reference: 34 Code of Federal Regulations, Section 300.325(a)(2)

- 5. What are the qualifications for the LEA representative?

The LEA representative must meet all of the following:

- A. Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of individuals with exceptional needs.
- B. Is knowledgeable about the general education curriculum.
- C. Is knowledgeable about the availability of resources of the local education agency.

*Reference: 34 Code of Federal Regulations, Section 300.321(a)(4)
Education Code Section 56341(b)(4)*

- 6. Who is considered “qualified” to provide, or supervise the provision of, specially designed instruction?

The term “qualified” is defined in Section 3001(y) of Title 5 of the California Code of Regulations as meaning that “a person has met federal and state certification, licensing, registration, or other comparable requirements . . .” A person qualified to provide specially designed instruction to meet the unique needs of individuals with exceptional needs would need to be an individual who possesses certification, license or registration in the field of special education such as a speech language pathologist, school psychologist, special education teacher, occupational therapist, and physical therapist. A person qualified to supervise the provision of specially designed instruction to meet the needs of individuals with exceptional needs would need to be an individual who possesses certification as an administrator.

Reference: California Code of Regulations, Title 5, Section 3001(y)

- 7. Does the “qualified” individual need to be an administrator, special education teacher, or provider at the time of the IEP meeting?

No. The “qualified” individual could be serving in a different role as long as he/she possessed the necessary certification, license, or registration as an administrator, special education teacher or provider. A provider would include an individual who is qualified to provide special education or related services

such as a special education teacher, speech language pathologist, school psychologist, occupational therapist, and physical therapist. Likewise, a regular education teacher could be considered qualified to provide specially designed instruction if he/she also possessed a special education teaching credential.

8. Can another member of the IEP Team simultaneously serve as the LEA representative? If so, who, and under what conditions?

Yes, an LEA may designate another LEA member of the IEP Team to serve also as the LEA representative as long as the requirements in #5 above are met.

- Regular education teacher
- Special education teacher
- Interpreter of assessment results
- LEA individuals with knowledge or expertise

*Reference: 34 Code of Federal Regulations, Section 300.321(d)
Education Code Section 56341(e)*

9. How many simultaneous roles can an IEP Team member play, or, how many hats can an IEP Team member wear?

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| 1. Parent: | One (Parent) |
| 2. Regular Education Teacher: | Three (Regular Education Teacher; LEA Representative, if criteria are met; and Interpreter of Assessment Results) |
| 3. Special Education Teacher: | Three (Special Education Teacher; LEA Representative, if criteria are met; and Interpreter of Assessment Results) |
| 4. LEA Representative: | Two (LEA Representative; Interpreter of Assessment Results) |
| 5. Interpreter of Assessment Results: | Two (Interpreter of Assessment Results; LEA Representative, if criteria are met) |
| 6. Individuals with Knowledge or Expertise | Three (Individual with Knowledge or Expertise; LEA Representative, if criteria are met; and Interpreter of Assessment Results) |
| 7. Pupil: | One (Pupil) |

The chart below summarizes the roles that IEP Team members may simultaneously fulfill.

	Parent	Regular Ed Teacher	Special Ed Teacher/ Provider	LEA Representative	Interpreter of Assessment Results	Individuals with Knowledge or Expertise	Pupil
Parent	Yes	No	No	No	No	No	No
Regular Education Teacher	No	Yes	No	Yes, if: a. Possesses certification, license or registration to provide specially designed instruction, or Possesses an administrative credential, and b. Is knowledgeable	Yes	No	No

	Parent	Regular Ed Teacher	Special Ed Teacher/ Provider	LEA Representative	Interpreter of Assessment Results	Individuals with Knowledge or Expertise	Pupil
				about the general education curriculum, and c. Is knowledgeable about the availability of resources of the LEA			
Special Education Teacher/ Provider	No	No	Yes	Yes, if a. Knowledgeable about the general education curriculum, and b. Knowledgeable about the availability of resources of the LEA	Yes	No	No
LEA Representative	No	No	No	Yes, if: a. Possesses certification, license or registration to provide specially designed instruction, or Possesses an administrative credential, and b. Is knowledgeable about the general education curriculum, and c. Is knowledgeable about the availability of resources of the LEA	Yes	No	No
Interpreter of Assessment Results	No	No	No	Yes, if: a. Possesses certification, license or registration to provide specially designed instruction, or Possesses an administrative credential, and b. Is knowledgeable about the general education curriculum, and c. Is knowledgeable about the availability of resources of the LEA	Yes	No	No
Individual with Knowledge or Expertise	No	No	No	Yes, if: a. A member of the LEA, and b. Possesses certification, license or registration to provide	Yes	Yes	No

	Parent	Regular Ed Teacher	Special Ed Teacher/ Provider	LEA Representative	Interpreter of Assessment Results	Individuals with Knowledge or Expertise	Pupil
				specially designed instruction, or Possesses an administrative credential, and c. Is knowledgeable about the general education curriculum, and d. Is knowledgeable about the availability of resources of the LEA			
Pupil	No	No	No	No	No	No	Yes

10. May an IEP Team meeting be conducted without a parent in attendance?

Yes, a meeting may be conducted without a parent in attendance if the LEA is unable to convince the parents that they should attend. In this case, the LEA must keep a record of its attempts to arrange a mutually agreed upon time and place for the meeting. The LEA is responsible for using other methods to ensure parent participation, such as individual or conference telephone calls.

*Reference: 34 Code of Federal Regulations, Section 300.322(c)-(d)
Education Code Section 56341.5(h)*

11. What is the least number of members that may attend an IEP Team meeting and still meet the requirements of the law?

Two, if the parent chooses not to attend after multiple efforts by the district. The two are the regular education teacher and the special education teacher, so long as one of the latter two members is eligible to serve as the LEA representative and can interpret the instructional implications of the assessment results.

12. Who may be excused from attending an IEP Team meeting?

A required member of the IEP Team from the LEA may be excused from attending an IEP Team meeting, in whole or in part, if the parent and the LEA agree, in writing, that the attendance of a member is not necessary because the member's area of the curriculum or related service is not being modified or discussed in the meeting.

When the meeting involves a modification to or discussion of the LEA member's area of the curriculum or related service, the member may be excused from attending the meeting, in whole or in part, if the parent, in writing, and the LEA consent to the excusal and the member submits, in writing to the parent and the IEP Team, input into the development of the IEP prior to the meeting.

*Reference: 34 Code of Federal Regulations, Section 300.321(e)
Education Code Section 56341(f)-(g)*

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