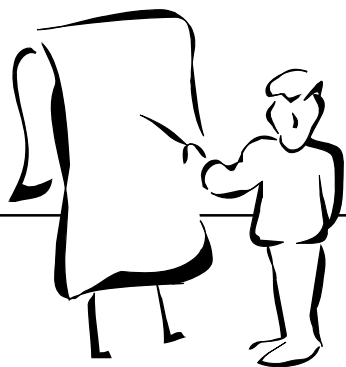


Building the Legacy: Training Curriculum on IDEA

Module 12

The IEP Team: Who Is A Member?



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National Dissemination Center for Children with Disabilities

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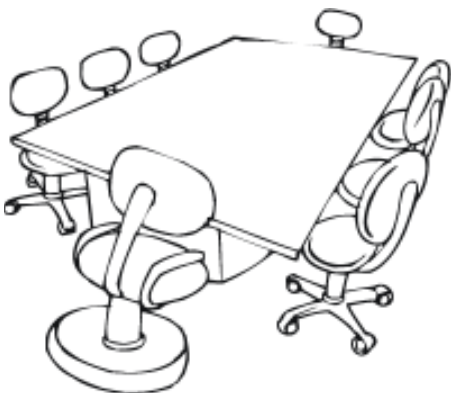
This training curriculum is designed and produced by NICHCY, the National Dissemination Center for Children with Disabilities, at the request of our funder, the Office of Special Education Programs (OSEP) at the U.S. Department of Education.

We have a tremendous amount of information available on our Web site, in our library, and in the combined expertise of our staff. Please feel free to contact NICHCY for the latest information and connections in research and disabilities. We'd also love for you to visit our Web site and help yourself to all that's there.

Background and Discussion

Under IDEA 2004, as with its predecessors, each public school child with a disability who receives special education and related services must have an individualized education program (IEP). This requirement also applies to each child with a disability who is placed in or referred to a private school or facility by a public agency. Each IEP must be designed for that child, taking into account the needs related to the child's disability and, as such, is a truly *individualized* document. The IEP creates an opportunity for teachers, parents, school administrators, other individuals with knowledge and special expertise regarding the child, including related services personnel, and the children themselves (when appropriate) to work together to develop IEPs that will assist in improving educational results for children with disabilities. The IEP is the cornerstone of a free appropriate public education (FAPE) for each child with a disability.

To create an effective IEP, parents, teachers, other school staff—and often the child—must come together at a meeting to look closely at the child's unique



How This Discussion Section is Organized

As with the other modules in this curriculum, this discussion section is organized by overhead. A thumbnail picture of each overhead is presented, along with brief instructions as to how the slide operates. This is followed by a discussion intended to provide trainers with background information about what's on the slide. Any or all of this information might be appropriate to share with an audience, but that decision is left up to trainers.



You'll note the "New in IDEA" icon that periodically appears in these pages as an easy tool for identifying new aspects of the regulations.¹

needs. These individuals combine their knowledge, experience, and commitment to design an educational program that must help the child to be involved in, and progress in, the general education curriculum—that is, the same curriculum as for children without disabilities. The IEP guides the delivery of special education and related services and supplementary aids and supports for the child with a disability. Without a doubt, writing—and implementing—an effective IEP requires Teamwork.

This training curriculum on the IDEA 2004 takes a close look at the entire IEP process, which is one of the most critical elements in ensuring effective teaching, learning, and better results for all children with disabilities. All the information provided is designed to help teachers, parents and other members of the IEP Team develop and carry out an IEP. The information is based on what is required by our nation's special education law—the Individuals with Disabilities

Education Act (IDEA), as amended by the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004).

This Module in Time and Space

Because the IEP is such an enormous topic, and is so very critical in the life and education of every child with a disability, within this training curriculum the overall topic has been divided into five separate modules and organized under the umbrella topic of Theme D, **Individualized Education Programs (IEPs)**.

- *The IEP Team: Who is a Member?* describes who the law requires participate in developing a child's IEP and what type of information or expertise they might contribute;
- *Contents of the IEP* focuses on IDEA 2004's regulatory provisions for what type of information an IEP must contain;

- *Meetings of the IEP Team* describes what the IDEA 2004 requires with respect to meetings of the IEP Team and what goes on there;
- *LRE Decision Making* takes a close look at IDEA's least restrictive environment (LRE) provisions and how these affect decisions regarding a child's placement; and
- *Children Enrolled by Their Parents in Private Schools* examines the responsibilities of public agencies to provide equitable services to children with disabilities who have been placed by their parents in private schools.

You are currently reading the background section and discussion in the module on *The IEP Team: Who is a Member?*

Files You'll Need for This Module

Module 12 includes the following components provided in separate files. If you need or want the entire module, be sure to download each of the components in either Word® or PDF format.

- **Trainer's Guide Discussion.** The discussion text (what you're reading right now) describes how the slides operate and explains the content of each slide, including relevant requirements of the statute signed into law by President George W. Bush in December 2004 and the final regulations for Part B published in August 2006.

The discussion is provided via one PDF file, with the equivalent content also available in one accessible Word file. Here are the files' full names and where to find them on NICHCY's Web site:

PDF of discussion for All Slides
www.nichcy.org/training/12-discussionSlides.pdf

The entire discussion in an accessible Word® file
www.nichcy.org/training/12-discussion.doc

- **Handouts in English.** The handouts for this module are provided within an integrated package of handouts for the entire umbrella topic of **Theme D, Individualized Education Programs**, which includes five different modules (described above). These handouts are available in both PDF and Word® files as follows:

PDF version of the Handouts.
www.nichcy.org/training/D-handouts.pdf

Word® version of the Handouts, for participants who need an accessible version of the handouts or if you'd like to create large-print or Braille versions:
www.nichcy.org/training/D-handouts.doc

- **PowerPoint® slide show.** NICHCY is pleased to provide a slide show (produced in PowerPoint®) around which trainers can frame their presentations on IEP team membership. Find this presentation at:

www.nichcy.org/training/12slideshow.zip

Important note: You do NOT need the PowerPoint® software to use these slide shows. It's set to display, regardless, because the PowerPoint Viewer® is included. You may be asked to agree to Viewer's licensing terms when you first open the slideshow.



To launch the PowerPoint presentation, double-click the **PLAY.bat** file.

Looking for IDEA 2004?

The Statute:

- www.nichcy.org/reauth/PL108-446.pdf
- <http://idea.ed.gov>

*Final Part B Regulations:*¹

- www.nichcy.org/reauth/IDEA2004regulations.pdf
- <http://idea.ed.gov>

Finding Specific Sections of the Regulations: 34 CFR

As you read the explanations about the final regulations, you will find references to specific sections, such as §300.173. (The symbol § means “Section.”) These references can be used to locate the precise sections in the federal regulations that address the issue being discussed. In most instances, we’ve also provided the verbatim text of the IDEA regulations so that you don’t have to go looking for them.

The final Part B regulations are codified in Title 34 of the *Code of Federal Regulations*. This is more commonly referred to as 34 CFR or 34 C.F.R. It’s not unusual to see references to specific sections of IDEA’s regulations include this—such as 34 CFR §300.173. We have omitted the 34 CFR in this training curriculum for ease of reading.

Citing the Regulations in This Training Curriculum

You’ll be seeing a lot of citations in this module—and all the other modules, too!—that look like this: 71 Fed. Reg. at 46738

This means that whatever is being quoted may be found in the *Federal Register* published on August 14, 2006—Volume 71, Number 156, to be precise. The number at the end of the citation (in our example, 46738) refers to the page number on which the quotation appears in that volume. Where can you find Volume 71 of the *Federal Register*? NICHCY is pleased to offer it online at:

www.nichcy.org/reauth/IDEA2004regulations.pdf

¹ Assistance to States for the Education of Children with Disabilities and Preschool Grants for Children with Disabilities, Final Rule, 71 Fed. Reg. 46540 (August 14, 2006) (codified at 34 C.F.R. pt.300).



How to Operate the Slide:

Slide loads fully. No clicks are necessary except to advance to the next slide.

CLICK to advance to next slide.

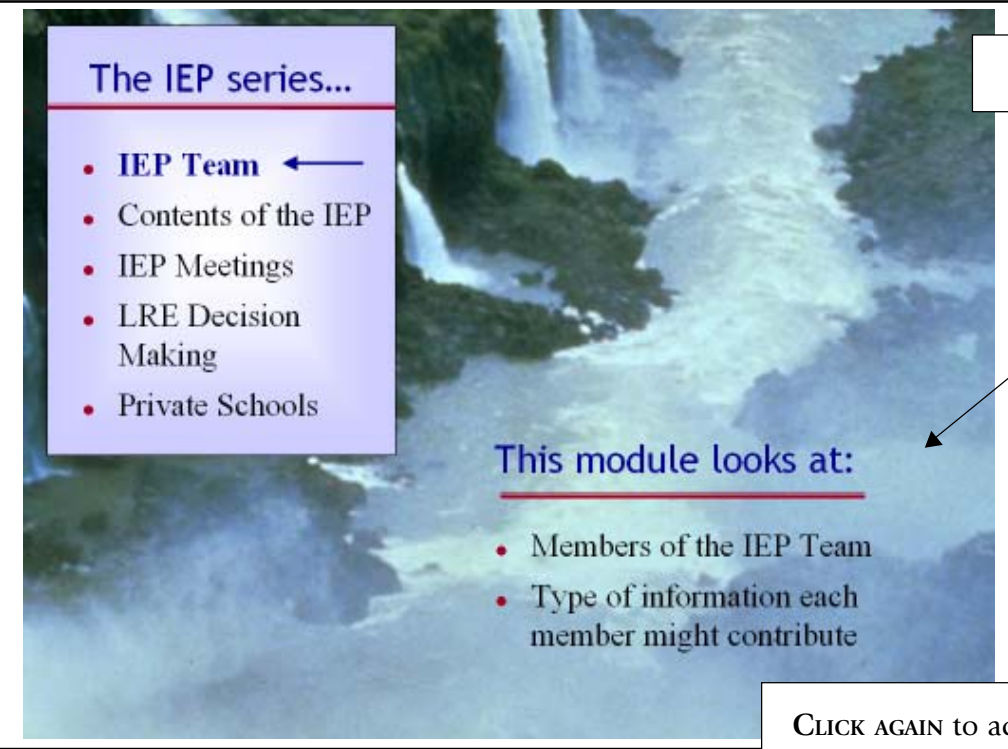
This introductory slide establishes the title of the module and, as such, clearly begins the training. You may wish to set the larger context in which an IEP Team is necessary in the education of children with disabilities by drawing from the introduction provided on page 3 of this discussion section.

Starting View



Slide loads with the list of modules in the IEP series, an arrow pointing to "IEP Team"—this module.

Click 1



Click 1: The header "This module looks at..." and the line appear and, beneath them, Bullets 1 and 2 automatically load.

CLICK AGAIN to advance to next slide.

Slide 2: Background and Discussion

1 Click



This slide is a pre-organizer for the audience as to what they're going to hear and discuss.

The slide first identifies the fact that this module is one of five modules in a series on

Individualized Education Program (IEPs)—*Building the Legacy's Theme D*. The torrent of water in the picture, juxtaposed with the titles of the five modules in the series on the IEP, is intended to convey that the

IEP is such an enormous topic, it's been broken apart in this training curriculum into separate mini-topics of more manageable size and length.

Second, the slide shows *which* aspect of the IEP process this training is going to focus on—the *IEP Team*—and where the module fits in the series (it's the first one). It's important that the audience recognize that, while the module stands alone, it presents only part of the information that's important to know about the IEP. The list of other modules in the IEP series give the briefest glimmer of what other information is central to IEPs.

Theme D, Among Other Themes

Just as this module exists within a series, Theme D exists within a curriculum of multiple themes. And those themes represents critical components and organizing elements within IDEA. You may wish to make participants aware that there are other themes around which important IDEA-related issues can be (and are!) meaningfully grouped. A list of themes in this training curriculum is provided in the box on this page. If participants want to learn more

on their own (or share information with their family or colleagues), they're welcome to visit NICHCY's Web site and download any and all modules they wish.

Themes in
Building the Legacy

Theme A
Welcome to IDEA

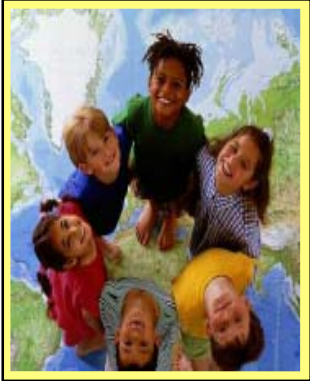
Theme B
IDEA
and General Education

Theme C
Evaluating Children
for Disability

Theme D
Individualized Education
Programs (IEPs)

Theme E
Procedural Safeguards

Available online at:
www.nichcy.org/training/contents.asp



Starting View

Who must public agency include on the IEP team?



← Slide loads with this view.

Click 1

Who must public agency include on the IEP Team?



The child's parent(s)



← Click 1: These 3 pictures of parents move into place, along with the text "The child's parent(s)."

CLICK AGAIN to advance to next slide.

(discussion on next page) ➡

Slide 3: Background and Discussion

This slide begins the listing of members on the IEP Team. It's important to tell your audience that the order in which the IEP Team members are going to be listed and discussed has nothing to do with their priority on the Team, that every member has an equal say and important expertise to contribute. In actual fact, the order that's used in these slides follows the order used in IDEA 2004, nothing more.

Parents on the IEP Team

Since the passage of Public Law 94-142 in 1975, parents have been recognized as vital members of the IEP Team. Everyone agrees that parents have an enduring and passionate interest in the well-being and education of their child. So it makes perfect sense that Congress would ensure that parents are represented on the IEP Team, front and center. The school must invite the parents to the IEP meeting early enough to ensure that one or both parents have the opportunity to attend and participate. The notice must include the purpose of the meeting, its time, and location, and who will attend.

Typically, parents know their child very well—not just the child's strengths and weaknesses, but all the little qualities that make their child unique. Parents' knowledge can keep the Team focused on the "big picture" of the child; they can help the Team to create an IEP that will work

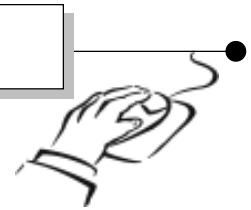
appropriately for the child. Parents can describe what goals are most important to them and to their child, share their concerns and suggestions for enhancing their child's education, and give insights into their son or daughter's interests, likes and dislikes, and learning styles. By being an active IEP Team member, parents can also infuse the IEP planning process with thought about long-term needs for the child's successful adult life.

Being actively involved in developing their child's IEP is a parent's *right* and a parent's *choice*. As shown on **Handout D-4**, Parent Participation, this means that the public agency must:

- Notify parents of the meeting early enough to ensure that one or both of the parents have an opportunity to attend [§300.322(a)(1)].
- Schedule the meeting at a mutually agreed on time and place [§300.322(a)(2)].
- Take whatever action is necessary to ensure that the parent understands the proceedings of the meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English [§300.322(e)].

The regulatory provisions that underpin the above summary can be seen on **Handout D-4**, and you may want to mention these elements to your audience, but they are addressed fully in the module called *Meetings of the IEP Team*. Please refer to the

1 Click



background notes in that module, if you wish to go into any detail about the above points with your audience at this time.



Giving Parents Notice of IEP Meetings

The importance of parental participation on the IEP Team—and, indeed, parent participation in the education of their child—is strongly underscored by many of IDEA's other provisions, especially those relating to the notice that public agencies must provide to parents in advance of every IEP meeting. We summarize these requirements below, for they are central to protecting the parents' right to fully participate in the IEP meeting, if that is their choice. The requirements themselves are examined in much greater detail in the module *Meetings of the IEP Team*. If you choose to delve into parent participation now—as opposed to doing so under the *Meetings of the IEP Team* module—then we strongly recommend that you read the background materials in that module where parent participation is dealt with substantively and use that material here, as appropriate.

- The notice given to parents by the agency must indicate the purpose, time, and location of the meeting, and who will attend. [§300.322(b)(1)]
- The notice must also inform parents about the participation of other individuals on the IEP Team who have knowledge or special expertise about the child and the parents' right to invite such an individual to be a member of the IEP Team. The public agency also has the right to invite such an individual. [§300.322(b)(2)]

Who makes the determination regarding the person's knowledge or special expertise about the child? IDEA 2004 states that this determination is made by the party inviting the individual to serve as a member of the IEP Team. [§300.321(c)]

- *For children transitioning from Part C to Part B services.* When a child who was previously served under Part C of IDEA (Early Intervention Program for Infants and Toddlers with Disabilities and Their Families) makes a transition to services under Part B of IDEA (Assistance for the Education of All Children with Disabilities), the notice must also inform parents that, if parents request it, the public agency must invite the Part C service coordinator or other representatives of the Part C system to the initial IEP meeting, in order to assist with the smooth transition of services. *This is a new provision under*



IDEA 2004. [§300.322(b)(1)(ii) and §300.321(f)]

- *For transition activities beyond high school.* Beginning no later than the first IEP to be in effect when the child turns 16 (or younger, if appropriate), the notice must:

—indicate that a purpose of the meeting will be the consideration of postsecondary goals and transition services needed to reach those goals, in accordance with §300.320(b); and

—indicate that the agency will invite the child to the meeting.

—identify any other agency that will be invited to send a representative. [§300.322(b)(2)]

The requirement that the public agency must let the parents know if a representative of any other agency is going to be invited to a transition-focused IEP meeting is not new to IDEA 2004. However, it is undoubtedly connected to a new provision that was added to the final Part B regulations. We refer to the provision at §300.321(b)(3) (shown in the box on the right), which requires parental consent (or the *child's* consent, if the child has reached the age of majority) before a representative of a participating agency likely to be responsible for providing or paying for transition services can be invited to the child's IEP

meeting. See also §300.622(b)(2).

Under prior versions of the Part B regulations, such parental consent (or, as appropriate, child consent) was not required, *only* the notification to the parents when such a representative from another agency was invited to an IEP meeting regarding transition services. (*Note:* This new aspect to the final Part B regulations will be addressed in a later slide in this module, so it's not necessary to mention it in this specific slide about parents as members of the IEP Team.)

Why is parental consent (or, as appropriate, child consent) necessary before the public agency may invite a representative from any of these participating agencies? As explained in the Analysis of Comments and Changes, this consent is necessary to "address issues related to confidentiality of information" (71 Fed. Reg. at 46672). As part of the IEP process, representatives of these agencies would have access to the child's records and to personally identifiable information. To protect the child's privacy with respect to this information, then, the



IDEA's New Provision at §300.321(b)(3)

To the extent appropriate, with the consent of the parents or a child who has reached the age of majority, in implementing the requirements of paragraph (b)(1) of this section, the public agency must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.

parents must consent before a representative from other agencies may be invited to attend an IEP Team meeting. This consent would come from the child if he or she has reached the age of majority under State law.

What If The Parents Don't Attend?

A longstanding provision in the Part B regulations has been that the public agency may hold the IEP meeting without the parents in attendance if it is unable to convince them that they should attend. Even though this is not a new requirement of law, it may be important information to share with any audience, because public agencies have certain obligations in these circumstances. These are listed in the box above and on **Handout D-4**, Parent Participation, under the italicized phrase *"(d) Conducting an IEP Team meeting without a parent in attendance"* [**§300.322(d)**].



What the Public Agency Must Do If Parents Do Not Attend the IEP Meeting

"(d) Conducting an IEP Team meeting without a parent in attendance. A meeting may be conducted without a parent in attendance if the public agency is unable to convince the parents that they should attend. In this case, the public agency must keep a record of its attempts to arrange a mutually agreed on time and place, such as—

- (1) Detailed records of telephone calls made or attempted and the results of those calls;
- (2) Copies of correspondence sent to the parents and any responses received; and
- (3) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

§300.322(d)

Alternatives to Attending

Sometimes it's just not possible for a member to attend the meeting, and that includes the parents. IDEA 2004 includes two provisions that are relevant to this issue. The first is on **Handout D-4**, Parent Participation, and reads:

*"(c) Other methods to ensure parent participation. If neither parent can attend an IEP Team meeting, the public agency must use other methods to ensure parent participation, including individual or conference telephone calls, consistent with §300.328 (related to alternative means of meeting participation)." [**§300.322(c)**]*

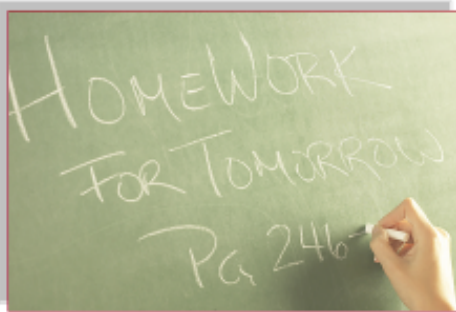
And what does §300.328 say? Again, take a look at **Handout D-4**; it's the provision included in the box on the front page. Pared down to its essence, it indicates "that the parent of a child with a disability and a public agency may agree to use alternative means of meeting participation, such as video conferences and conference calls."

View

Who must public agency include on the IEP Team?



*Not less than 1 of child's special education teachers**



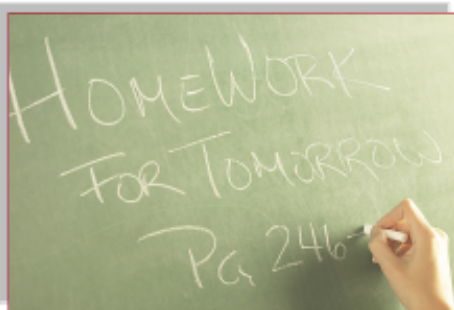
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Who must public agency include on the IEP Team?




*Not less than 1 of child's special education teachers**

** Or, when appropriate, not less than 1 of child's special education providers*



CLICK AGAIN to advance to next slide.

(discussion on next page) 



The Special Educator on the IEP Team

Not less than one of the child's special education teachers must also be included in the IEP Team, or, when appropriate, a special education provider of the child. In IDEA 2004, there is a slight change to the wording of this requirement: Under prior versions of the law, the requirement was for "at least 1 special education teacher of the child" to attend, and now it states "not less than 1." A substantive change? Not really. What's important is what the child's special education teacher has to contribute at the IEP Team meeting, and that includes important information and experience about how to educate children with disabilities. Because of his or her training in special education, this teacher can talk about such issues as:

- how to modify the general education curriculum to help the child learn;
- the supplementary aids and services that the child may need to be successful in the regular classroom and elsewhere;

- how to modify testing or to provide the test with individual appropriate accommodations so that the child can show what he or she has learned; and
- other aspects of individualizing instruction to meet the child's unique needs.

Beyond helping to write the IEP, the special educator has responsibility for working with the child to implement the IEP. He or she may:

- work with the child in a resource room or special class devoted to children receiving special education services;
- Team teach with the child's regular education teacher; and/or
- work with other school staff, particularly the regular education teacher, to provide expertise about addressing the child's unique needs.

Obviously, having the special educator at the table is a very important part of writing an appropriate IEP for a child with a disability.

View

Who must public agency include on the IEP Team?



*Not less than 1 of child's regular education teachers**

Slide loads with this view...and continues automatically loading until you have the full slide in the next box.

Who must public agency include on the IEP Team?




** If child is, or may be, participating in regular education environment*



*Not less than 1 of child's regular education teachers**

CLICK AGAIN to advance to next slide.

(discussion on next page) 



The Regular Educator on the IEP Team

You might wonder why the IDEA 2004, and its predecessor IDEA '97, would require that a regular education teacher of the child be on the IEP Team, when we're talking about the child receiving *special* education. And the law does require that, stating that at least one regular education teacher must be represented on the Team "if the child is, or may be, participating in the regular education environment." Therein lies the answer. Increasingly, many children with disabilities *are* being educated in the regular education environment. If the child has *just* been identified as having a disability, if this is the child's *first* IEP, then that child has been in the regular education environment all along. So it's very important that the child's regular education teacher be part of the team developing the child's IEP.

But what is this teacher supposed to contribute? IDEA '97, the time that IDEA was reauthorized prior to IDEA 2004, was the first time that the regular education teacher was required to be part of the IEP Team, and many were asking themselves that very question: Why? The answer can be found in the verbatim language of the regulations regarding the regular teacher's involvement on **Hand-out D-13**, in column 2.

According to the IDEA 2004 and the final Part B regulations, the regular education teacher:

- must, to the extent appropriate, determine "appropriate positive behavioral interventions and supports, and other strategies for the child" [§300.324(a)(3)(i)]; and
- determine which "supplementary aids and services, program modifications, and support for school personnel" are needed to help the child progress toward attaining the annual goals; be involved in and make progress in the general education curriculum; participate in extracurricular activities and other nonacademic activities; and be educated and participate with other children with disabilities and those who are not disabled [§300.324(a)(3)(ii) and §300.320(a)(4)]. The final Part B regulations do not provide examples, but these supports and services might include adapting the curriculum, providing reading materials

written at a lower reading level, using graphics along with written materials, or providing the child with a child assistant. The regular education teacher may also tell the rest of the team what he or she needs to help the child understand the general curriculum and achieve the goals listed in the IEP.

The regular education teacher often knows the curriculum for a child's grade level and what children in regular education classes are typically expected to do. If the child is going to be educated in the regular education environment for any part of the school day, then the child's regular education teacher may talk at the IEP meeting about what the child will be taught and expected to learn. This information can contribute directly to making decisions about what types of supplementary aids and services the child may need to be successful in that setting.

Two additional elements are relevant with respect to the child's regular education teacher's involvement in developing a child's IEP and serving on the IEP Team. These are:



- IDEA 2004 and the final Part B regulations include specific provisions for excusing any Team member from an IEP meeting. These are discussed briefly in the next slide and in more detail later in this section, but they definitely apply when deciding whether or not the child's regular education teacher or another public agency IEP Team member

must attend every IEP meeting, or be present for all of a meeting. [§300.321(e)]

- The public agency must ensure that each regular education teacher (as well as other service providers working with the child) has access to the child's IEP and is informed of his or her specific responsibilities related to implementing the

IEP. He or she must also be informed as to the specific accommodations, modifications, or supports that must be provided to the child in accordance with the IEP. [§300.323(d)]

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Starting View

Who must public agency include on the IEP Team?

Representative of public agency

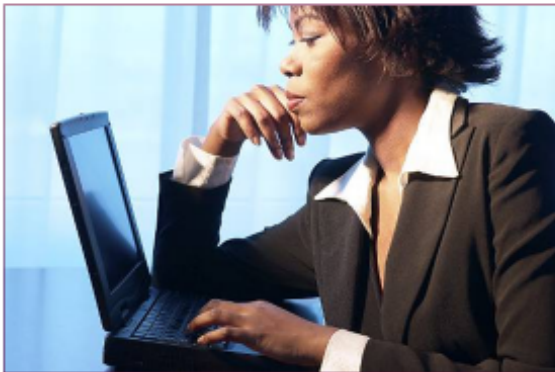


Slide loads with only the pix and header "Representative of Public Agency."

Clicks 1-3

Who must public agency include on the IEP Team?

Representative of public agency



Must be:


- qualified to provide *(or supervise provision of)* specially designed instruction to meet the unique needs of children with disabilities
- knowledgeable about general ed curriculum
- knowledgeable about availability of resources of public agency

Click 1: "Must be" and Bullet 1 appear.

Click 2: Bullet 2 appears.

Click 3: Bullet 3 appears.

CLICK AGAIN to advance to next slide.

(discussion on next page) 



The Representative of the Public Agency on the IEP Team

The law specifies that this person must be:

- qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
- knowledgeable about general ed curriculum; and
- knowledgeable about the availability of resources of the public agency.

The phrase in the first bullet “qualified to provide specially designed instruction” is closely tied to the definition of *special education*, which begins:

“The term ‘special education’ means specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability...” [§300.39(a)(1)]

Thus, the representative from the public agency must be qualified to provide special education or supervise its provision.

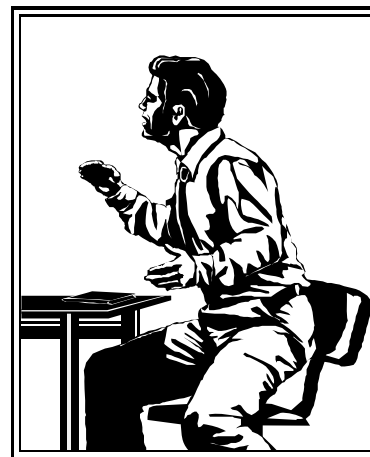
The last bullet is very important, too, as to this person’s qualifications. He or she “must be knowledgeable about the availability of resources of the public agency.” It doesn’t do any good to sit and plan in a vacuum, wondering what type of help is available and if someone will actually commit that help on behalf of the child. The public agency representative must know what resources the school has available. This person must also have the power to *commit* the resources needed so that services can be provided as described in the child’s IEP.

This point was discussed by the Department:

It is important, however, that the agency representative have the authority to commit agency resources and be able to ensure that whatever services are described in the IEP will actually be provided. (71 Fed. Reg. at 46670)

The Department declined to include this specific statement in the regulations because it was believed to be unnecessary, given that “the public agency will be bound by the IEP that is developed at an IEP Team meeting” (*Id.*).

As a final note on this member of the IEP Team, the regulations include the statement that the public agency may designate another public agency member of the IEP Team to also serve as the agency representative, as long as that person has the qualifications required for the public agency representative, as discussed on this slide [§300.321(d)]. Thus, it’s possible that the public agency representative may also be serving on the team in another role.



Starting View

Who must public agency include on the IEP Team?

Individual who can interpret instructional implications of evaluation results



Slide loads with only the picture and the header "Someone who can interpret instructional implications of evaluation results."

Click 1

Who must public agency include on the IEP Team?

Individual who can interpret instructional implications of evaluation results




May:

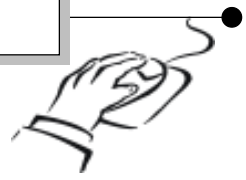
- already be a member of the IEP team for another purpose, but may not be the child's parent



Click 1: Loads bullet info.

CLICK AGAIN to advance to next slide.

(discussion on next page) 



Someone to Interpret Evaluation Results

Another important member of the IEP Team is the individual who can interpret what the child's evaluation results mean in terms of designing appropriate instruction. As stated in the regulations, this is "an individual who can interpret the instructional implications of evaluation results." There may be quite a stack of scores and totals on various tests of performance or other measures the child has completed as part of the evaluation process in special education, especially if this IEP meeting is taking place after the initial evaluation conducted to determine if the child, indeed, has a disability and is eligible for special education. Results may also be available from Statewide or districtwide assessments, class work, observations, outside evaluations that the parents have arranged, and so forth. Somehow the Team has to move from *those* scores to *that*

instruction...and this is the person who brings that knowledge to the IEP Team meeting table.

The evaluation results are very useful in determining how the child is currently doing in school and what areas of need the child has. This is one of the evaluation's explicit purposes as reflected in the definition of evaluation at §300.15 (cited in the box below). This IEP Team member must be able to talk about the instructional implications of the child's evaluation results, which will help the Team plan appropriate instruction to address the child's needs. He or she may be a member of the Team already, such as the child's special education teacher or the public agency representative, or may be someone else entirely, such as the school psychologist.

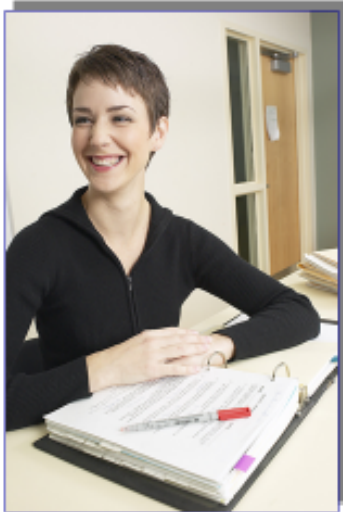
§ 300.15 Evaluation.

Evaluation means procedures used in accordance with §§300.304 through 300.311 to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs.

Starting View

Who must public agency include on the IEP Team?

Others with “knowledge or special expertise” about the child



Such a person:

- attends “at the discretion of the parent or the agency”

Slide loads with the picture, the header “Others with knowledge or special expertise about the child” and Bullet 1.

Who must public agency include on the IEP Team?

Others with “knowledge or special expertise” about the child



Such a person:

- attends “at the discretion of the parent or the agency”
- may be a related services provider *(as appropriate)*

Click 1

Click 1: Loads Bullet 2 info. Picture changes to a related services provider.

CLICK AGAIN to advance to next slide.

(discussion on next page)



Others with Knowledge or Special Expertise About the Child

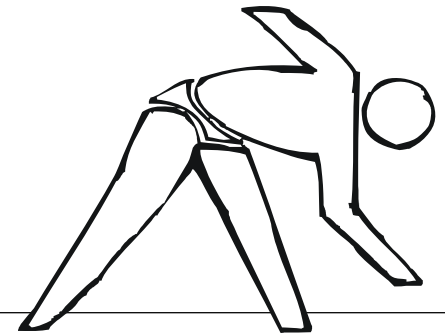
The IEP Team may also include, at the discretion of the parent or the public agency, additional *individuals with knowledge or special expertise about the child*, including related services personnel as appropriate. The parent or the school system may invite these individuals to participate on the Team. **Handout D-3** contains the precise language of the regulations with respect to this member of the IEP Team, who may be invited “at the discretion of the parent or the agency” [§300.321(a)(6)].

Parents, for example, may invite a friend or relative who knows the child, a professional with special expertise about the child and his or her disability, or others (such as a vocational educator who has been working with the child) who can talk about the child’s strengths and/or needs. Or, the school system may invite one or more individuals who can offer special expertise or knowledge about the child, such as a paraprofessional or related services professional.

Because an important part of developing an IEP is considering a child’s need for related services (see the list of related services in the box at the right), related service professionals are often involved as IEP Team members or participants. They

share their special expertise about the child’s needs and how their own professional services can address those needs. Depending on the child’s individual needs, some related service professionals attending the IEP meeting or otherwise helping to develop the IEP might include occupational or physical therapists, adaptive physical education providers, psychologists, or speech-language pathologists. The key here is that the person must know the child and have special expertise about his or her needs or strengths.

And who decides whether or not that person actually *does* have knowledge or special expertise about the child? That is the subject of the next slide.



IDEA 2004’s List of Related Services

Section 300.34(a) states that: *Related services* means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes:

- speech-language pathology and audiology services,
- interpreting services,
- psychological services,
- physical and occupational therapy,
- recreation, including therapeutic recreation,
- early identification and assessment of disabilities in children,
- counseling services, including rehabilitation counseling,
- orientation and mobility services,
- medical services for diagnostic or evaluation purposes,
- school health services and school nurse services,
- social work services in schools, and
- parent counseling and training.

More About Related Services

The individual related services are defined at §300.34(c)(1) through (16). If you would like to go over the list and the initial definitions of related services with the audience, refer to **Handout D-6**. While an indepth discussion of related services is beyond the scope of this module, it is an important topic for IEP Teams. That's why two other modules in this training curriculum address related services in detail—*Top 10 Basics of Special Education* (which treats related services from a definitional perspective) and *Contents of the IEP* (which treats related services from the IEP Team's perspective).

If you choose to delve a bit into the topic of related services here, in this module, it's useful to know that the list of services has remained essentially the same through several reauthorizations of IDEA. In IDEA 2004, however, there are two changes you may wish to note.

- There's a **new** related service—*interpreting services*—defined at §300.34(c)(4). See its definition in the box below.
- "School health services" is now called *school health services and school nurse services* and has a revised definition as well. The definition that appears at §300.34(c)(13) is also provided in the box.

Two Changes in IDEA 2004: Related Services



(4) *Interpreting services* includes—

(i) The following, when used with respect to children who are deaf or hard of hearing: Oral transliteration services, cued language transliteration services, sign language transliteration and interpreting services, and transcription services, such as communication access real-time translation (CART), C-Print, and TypeWell; and

(ii) Special interpreting services for children who are deaf-blind.

[§300.34(c)(4)]

(13) *School health services and school nurse services* means health services that are designed to enable a child with a disability to receive FAPE as described in the child's IEP. School nurse services are services provided by a qualified school nurse. School health services are services that may be provided by either a qualified school nurse or other qualified person.

[§300.34(c)(13)]

Starting View

Who must public agency include on the IEP Team?

“Knowledge or special expertise” about the child?



← Slide loads with only the picture and the question “Knowledge or special expertise about the child?”

Who must public agency include on the IEP Team?

Click 1


“Knowledge or special expertise” about the child?



“Knowledge or special expertise” about the child is determined by whoever invites individual to be part of the IEP Team

↙ Click 1: Loads the answer, changes the picture.

CLICK AGAIN to advance to next slide.

(discussion on next page) 

Slide 9: Background and Discussion

1 Click



What *type* of knowledge or special expertise does this person have to have about the child, or how *much* knowledge or expertise, in order to be “a person with knowledge or special expertise?”

Neither IDEA nor its implementing regulations specify answers to these questions.

However, the final Part B regulations specify that it is “the party (parents or public agency) who invited the individual to be a member of the IEP Team” who makes the determination of whether or not the person invited has the knowledge or special expertise about the child [§300.321(d)].

This provision can be seen on **Handout D-3**, in the 2nd column, with the lead-in in italics, “Determination of knowledge or special expertise.”

Slide 10

Who’s Missing?

Who must public agency include on the IEP Team?

Who’s missing from this picture?



Take a Wild Guess!

Slide loads fully. No clicks are needed except to advance to the next slide.

CLICK to advance to next slide.

The various members of the IEP Team have now been enumerated one by one, slide by slide, and discussion by discussion. But....there’s someone missing from this Team, someone really *obvious*.

This slide sets the stage for talking about the last member of the IEP Team that who hasn’t been mentioned yet. Can your audience guess who this person might be?

Starting View

Who must public agency include on the IEP Team?

The child with a disability!



The **focus** of all this discussion and planning!

Slide loads with only the picture, the header "The child with a disability!" and the top text.

Who must public agency include on the IEP Team?

Click 1

The child with a disability!



The **focus** of all this discussion and planning!

- **Must** be invited to attend, whenever appropriate

Click 1: Loads Bullet 1 info.

(continued on next page) 

Who must public agency include on the IEP Team?

Click 2

The child with a disability!



The **focus** of all this discussion and planning!

- **Must** be invited to attend, whenever appropriate
- **Must** be invited to a meeting where postsecondary goals and transition services needed to reach those goals will be considered

Click 2: Loads Bullet 2 info. Picture changes to a transition-aged young man.

CLICK AGAIN to advance to next slide.

Slide 6: Background and Discussion

2 Clicks



The Child with a Disability on the IEP Team

Operating on the premise that the child with a disability—who is the focus of all this discussion and planning— may have something vital to contribute to planning his or her educational program and future, the regulations clearly provide for the child’s inclusion in, and participation on, the IEP Team whenever appropriate. Accordingly, the two points emphasized on this slide are that IDEA 2004 and the final Part B regulations:

- provide that the public agency must include the child with a disability at the IEP meeting “whenever appropriate,” [§300.321(a)(7)]and

- *require* that the child be invited to attend the meeting “if the purpose of the meeting will be the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals” [§300.320(b)].

This latter requirement was phrased a bit differently in the last version of the law, IDEA ‘97, but the intent is the same: If transition goals and services are going to be discussed, the child *must* be invited to attend the meeting.

Who Decides Child Attendance?

Other than this last requirement—when the child *must* be invited to attend the IEP meeting—who decides when and how a child may participate in an IEP meeting? This issue was addressed in the Analysis of Comments and Changes in the preamble to the final Part B regulations. The Department explained:

Until the child reaches the age of majority under State law, unless the rights of the parent to act for the child

are extinguished or otherwise limited, only the parent has the authority to make educational decisions for the child under Part B of the Act, including whether the child should attend an IEP meeting. (71 Fed. Reg. at 46671)

In reality, parents and children often make this decision together. It's not uncommon for parents and even teachers to encourage children to take part in developing their own IEPs. Some children in elementary school come to the meeting just to learn a little about the process or to share information about themselves. As children get older, it may be a good idea to encourage them to take a more active role. This allows them to have a strong voice in their own education and can teach them a great deal about self-advocacy and self-determination. Older children may even *lead* the IEP

meeting, and specific materials exist to help them get ready for such a role. To learn more about how to involve children with disabilities in their own IEP meetings and find materials that will help you do so, visit:



NICHCY Connections to...Transition Resources for Students
www.nichcy.org/resources/transition_students.asp

Who must public agency include on the IEP Team?

The child with a disability!



If child does not attend the meeting, other steps must be taken to ensure that child's preferences and interests are considered

Slide loads fully. No clicks are needed except to advance to the next slide.

CLICK to advance to next slide.

There's a lot of perspective to be gained from having the child actually present at the IEP meeting and participating. In fact, when a consideration of the IEP meeting will be the child's postsecondary goals and transition services needed to reach those goals, and the child does *not* attend, IDEA requires that the public agency take other steps to ensure that his or her preferences and interests are considered. These provisions are found at §300.321(b)(2), on **Handout D-3**, and in the box at the right.

Ensuring Consideration of the Child's Preferences and Interests

(b) *Transition services participants.* (1) In accordance with paragraph (a)(7) of this section, the public agency must invite a child with a disability to attend the child's IEP Team meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals under §300.320(b).

(2) If the child does not attend the IEP Team meeting, the public agency must take other steps to ensure that the child's preferences and interests are considered.

Starting View

So we're talking about transition...



Slide loads with this view.

So we're talking about transition...



The regular players...

...including the student...



Clicks 1-2

Click 1:
Loads Bullet 1 info.

Click 2:
The pix on right, of the child appears, with the text "including the child."

(continued on next page) 

Click 3

So we're talking about transition...



...including the student...



The regular players...



Representatives of other agencies likely to be responsible for providing or paying for transition services *

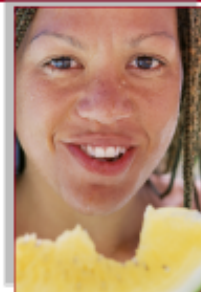
Click 3:
The bottom pix & text re: "representatives of other agencies" appear.

So we're talking about transition...

Auto-Load



...including the student...



The regular players...




Representatives of other agencies likely to be responsible for providing or paying for transition services *

Automatically appears—
Picture changes and the words "Consent Alert! Consent Alert!" swivels in, along with an arrow pointing that there's more to come.

* *Consent Alert! Consent Alert!*

CLICK AGAIN to advance to next slide.

(discussion on next page) 



“Transition Participants”

Transition is a special time for IEP Teams. There’s a lot to talk about when the child is approaching adulthood and the Team must start considering the services that the child needs to build a bridge into that new world. Who’s involved in these “transition talks” is an important subject during training, because IDEA has specific requirements. This slide provides a series of images of the individuals to be involved and the IDEA provisions to discuss, summarized as follows:

- *Transition planning is conducted, and goals and services determined, by the IEP Team.* The slide calls the IEP Team “the regular players”—all those discussed so far as members. Audience participants should be able to name them, but you may wish to quickly list who they are (or ask the audience to), as a way of recapping all that has been said so far. The Team include the child with a disability, who is mentioned immediately below and whose presence is marked individually on the slide (although he or she *IS* a member of the IEP Team whenever appropriate and, thus, a regular player).
- *The child with a disability must be invited to IEP meetings where the child’s postsecondary goals, and transition services needed to reach those goals, are going to be considered.*

- The public agency must invite a *representative of any participating agency* that is likely to be responsible for providing or paying for transition services, with parental **consent** (or the child’s, which is critical to note, as discussed on the next slide).

When the bullet regarding inviting representatives from any participating agency appears, so does a rotating caveat—“*Consent Alert! Consent Alert!*” This is to unmistakably signal that there is a critical element to consider when discussing these representatives from other participating agencies—and that is that parental consent (or the child’s, if he or she has reached the age of majority) is required before the public agency may invite such representatives to attend the IEP meeting. This will be examined on the next slide but is very important to note it here, when discussing these other agency representatives.



These are the primary points for discussion at this time where the IEP Team is in focus. Each is examined in brief below. Training on transition itself—how IDEA defines transition services and how the IEP Team is expected to address this vital area—is provided in two separate modules, noted in the box below.

The IEP Team’s Role in Transition Planning

Transition refers to activities meant to prepare children with disabilities for adult life. This can include developing postsecondary education and career goals, getting work experience while still in school, setting up linkages with adult service providers such as the vocational rehabilitation agency—whatever is appropriate for the child, given his or her interests, preferences, skills, and needs.

Want More on Transition?

Transition is a huge topic. Depending on the needs of your audience, you may delve deeply into the subject, or you may limit the training to summarizing IDEA’s provisions or merely mentioning them. If you have the need to provide a more detailed examination of transition planning, we refer you to where this topic is treated in the following modules (*coming by June 2007*) in this training package:

- **Top 10 Basics of Special Education**, for IDEA 2004’s verbatim definition of *transition services* is reviewed, piece by piece; and
- **Contents of the IEP**, which focuses on what type of transition information must be included in a child’s IEP and by when.

The IEP Team is responsible for transition planning and must include statements about the child's transition needs in the IEP, beginning not later than the first IEP to be in effect when the child turns 16, or younger if the Team determines it appropriate. The Team must update these transition-related statements annually. As stated in §300.320(b), these statements delineate:

- appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and
- the transition services (including courses of study) needed to assist the child in reaching those goals. [§300.320(b)]

The child is, of course, an important member of the IEP Team when transition issues are under consideration and must be invited to any such meeting. As the Department stated:

We believe it is critical for children with disabilities to be involved in determining their transition goals, as well as the services that will be used to reach those goals. (71 Fed. Reg. at 46671)

Notifying the Parents

Under Slide 3's discussion, we mentioned the public agency's responsibilities for notifying parents early enough to ensure that they can attend an IEP meeting and providing specific information about the meeting (e.g., purpose, time, location, and who will be attend). For the first IEP to be in effect when the child turns 16, or younger if determined appropriate, IDEA requires that this notice contain *additional* information. Specifically, the agency must:

- indicate that a purpose of the meeting will be the consideration of the postsecondary goals and transition services for the child in accordance with §300.320(b);
- indicate that the agency will invite the child; and
- identify any other agency that will be invited to send a representative. [§300.322(b)(2), on **Handout D-4**].

This latter aspect may be a key point for discussion and training, as appropriate to audience need and as described on the next slide, where it can be obviously linked to its pre-condition: parent consent (or the child's, if he or she has reached the age of majority under State law).

Starting View

So we're talking about transition...

** Consent Alert! Consent Alert!*

Parental consent is required (or the student's consent, if he or she has reached the age of majority)...

Slide loads the swiveling *Consent Alert!* sign and "sign here" picture, then slowly adds the text about parental consent (or the child's).



Click 1

So we're talking about transition...

** Consent Alert! Consent Alert!*


Parental consent is required (or the student's consent, if he or she has reached the age of majority)...

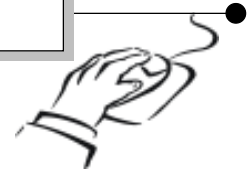
Click 1: Loads the bottom text, changes the picture.

... *before* public agency may invite these participating agency representatives to attend an IEP meeting where postsecondary goals and transition services needed to reach those goals will be considered



CLICK AGAIN to advance to next slide.

(discussion on next page) 



This slide picks up where the “Consent Alert!” on the last slide left off. In fact, you’ll see the sign still rotating when the slide loads, to clearly connect the two and add the result of the story about consent.

Participation of Other Agencies

When transition is a topic on the IEP table, the public agency must invite representatives of any participating agency that is likely to be responsible for providing or paying for transition services—provided that *the parent (or the child, if he or she has reached the age of majority under State law) has given consent first.*

The requirement for consent is a new provision in the final Part B regulations. This provision is presented in the box below and on **Handout D-3**, under “*Transition services participants.*”

Before we examine why the final Part B regulations require such consent, let’s look briefly at what agencies we’re actually talking about. The Department mentions two specific examples, saying that “the involvement and collaboration with other public agencies... can be helpful in planning for transition and in providing resources that will help children when they leave high school” (71 Fed. Reg. at 46672).

The two agencies mentioned? Not surprisingly:

- Vocational rehabilitation agencies, and
- The Social Security Administration.

As the Department explains:

...[C]hildren with disabilities will benefit when transition services under the Act are coordinated with vocational rehabilitation services, as well as other supports and programs that serve all children moving from school to adult life. (*Id.*)

A representative from either agency, or another involved in transition or adult services, can

help the team plan the transition services the child needs. He or she can also commit the resources of the agency to provide or pay for needed transition services.

What happens if the public agency invites such a representative, however, and the other participating agency does not attend the IEP meeting? Under prior versions of the Part B regulations [at §300.344(b)(3)(ii)], if this occurred, the school was required to take alternative steps to obtain the agency’s participation in the planning of the child’s transition services. This requirement has

Provisions in the Final Part B Regulations on “Transition Services Participants” on the IEP Team

(a) *General....*

(b) *Transition services participants.* (1) In accordance with paragraph (a)(7) of this section, the public agency must invite a child with a disability to attend the child’s IEP Team meeting if a purpose of the meeting will be the consideration of the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals under §300.320(b).

(2) If the child does not attend the IEP Team meeting, the public agency must take other steps to ensure that the child’s preferences and interests are considered.

(3) To the extent appropriate, with the consent of the parents or a child who has reached the age of majority, in implementing the requirements of paragraph (b)(1) of this section, the public agency must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services. [§300.320(b)]

been removed from the final Part B regulations.

Why was the requirement removed? The Department provided an explanation in its Analysis of Comments and Changes in the preamble to the final Part B regulations. We've extracted their discussion in the box below, for it is a substantive change for public agencies.

Consent Before Participation

As previously mentioned, another new element in the final Part B regulations is that *parental consent, or the consent of the child who has reach the age of majority,* must be obtained before the school system may invite any such representatives to the IEP meeting.

Why is parental consent (or the child's, as the case may be) necessary before the public agency may invite a representative from other participating agencies? In the Analysis of Comments and Changes, the Department explained that this regulatory provision was added to "address issues related to confidentiality of information" (71 Fed. Reg. 46672). Within the circle of the IEP Team, representatives of these outside agencies would have access to the child's records and to personally identifiable information. To protect the privacy of this information, parents (or the child, if he or she

has reached the age of majority) must consent before the agency may invite any participating agencies to take part in the IEP meeting where information of this type may be disclosed (*Id.*).



Participation of Other Agencies in Transition Planning

In the Analysis of Comments and Changes to the final Part B regulations, the Department explains why IDEA '97's requirements at §300.344(b)(3)(ii) were removed from the final Part B regulations:

The Act has never given public agencies the authority to compel other agencies to participate in the planning of transition services for a child with a disability, including when the requirements in §300.344(b)(3)(ii) were in effect. Without the authority to compel other agencies to participate in the planning of transition services, public agencies have not been able to meet the requirement in current §300.344(b) (3)(ii) to "ensure" the participation of other agencies in transition planning. Therefore, while we believe that public agencies should take steps to obtain the participation of other agencies in the planning of transition services for a child, we believe it is unhelpful to retain current §300.344(b)(3)(ii).

(71 Fed. Reg. at 46672)

Starting View

Another Special Transition Time



When a child previously served under Part C...



...moves to Part B

Slide loads with this view.

Another Special Transition Time



When a child previously served under Part C...

If parents ask, public agency must invite Part C service coordinator (or other reps of Part C system) to initial IEP meeting to assist with smooth transition in services



...moves to Part B

Click 1

Click 1: Loads text at the top.



Part C at the Initial IEP Table

There's another special transition time that the law addresses, as you can see by the picture of the young child on the slide, and that's when a child who previously received services under Part C of IDEA makes the transition to receive services under Part B of IDEA. Part C of IDEA is the program for Early Intervention Services for Infants and Toddlers with Disabilities and Their Families. Part B of IDEA is the program for the Education of Children with Disabilities. To help ensure that the child makes a smooth transition between these two sets of services, the parents may request that an invitation to the initial IEP Team meeting be sent to the Part C service coordinator or other representatives of the Part C system. If the parents ask for this, the public agency will need to invite this individual or individuals to that first IEP meeting. This provision in the final Part B regulations, which

appears at §300.321(f) and as the last paragraph of Handout D-3, reads:

(f) Initial IEP Team meeting for child under Part C. In the case of a child who was previously served under Part C of the Act, an invitation to the initial IEP Team meeting must, at the request of the parent, be sent to the Part C service coordinator or other representatives of the Part C system to assist with the smooth transition of services.

Depending on the needs of your audience, you may wish to delve more deeply into Part C-to-Part B transitions, or merely mention this provision of law and regulation.





← Slide loads with this view. No clicks are necessary, except to END the slide show.

Roundup Time!

CLICK to end the slides.

And that's it for this module on the IEP Team, which looked in detail at the members of the IEP Team. Use this slide for a review and recap of your own devising, or open the floor up for a question and answer period.