

Guidance and Procedure Document

Required IEP Team Members and Excusal Process

This document includes:

- *The legal requirements for required IEP Team members;*
- *A procedure to ensure all required IEP team members are invited; and*
- *Links to additional resources.*

Legal Requirements (from the IDEA and MARSE):

300.321 IEP Team.

(a) General. The public agency must ensure that the IEP Team for each child with a disability includes—

- (1) The parents of the child;
- (2) Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);
- (3) Not less than one special education teacher of the child, or where appropriate, not less than 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 education 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 (a)(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) Whenever appropriate, the child with a disability.

(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.

(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 must be made by the party (parents or public agency) who invited the individual to be a member of the IEP Team.

(d) Designating a public agency representative. A public agency may designate a 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.

(e) IEP Team attendance.

(1) A member of the IEP Team described in paragraphs (a)(2) through (a)(5) of this section is not required to attend an IEP Team meeting, in whole or in part, if the parent of a child with a disability and the public agency agree, in writing, that the attendance of the member is not necessary because the member’s area of the curriculum or related services is not being modified or discussed in the meeting.

(2) A member of the IEP Team described in paragraph (e)(1) of this section may be excused from attending an IEP Team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member’s area of the curriculum or related services, if—

- (i) The parent, in writing, and the public agency consent to the excusal; and
- (ii) The member submits, in writing to the parent and the IEP Team, input into the development of the IEP prior to the meeting.

Procedure:

- When scheduling an IEP Team Meeting, invite the required team members, including
 - Student if transition service are being discussed or it’s deemed appropriate,
 - Parent/Guardian,
 - General Education Teacher, if student is or is likely to access general education,
 - Special Education teacher and/or special education service providers (all that provide services that are being discussed at the meeting),
 - District Representative or designee who meets IDEA requirements,
 - Team member who can interpret evaluation results,
 - Per parent or district discretion, other individuals who have knowledge of the students, and
 - If student is turning 16 or older, an outside agency that is likely to pay for services.
- Invite parent and student with adequate advance notice and use at least two modalities and document parent contact
- Follow the excusal process in the North Ed Special Ed Public Quick Guide if a required team member is not available to attend the IEP

Additional Resources:

	Document Link	Description/Use
2	North Ed Special Education Public Quick Guide	Scenario #12 documents the Excusal Process for required IEP team members