

## IEP - 7.2 Identification of IEP Team Members and Their Roles

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### State Performance Plan (SPP):

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(See Overview in the Introduction for more information on the SPP.)

#### SPP 8:

Parent involvement:

Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities. (20.U.S.C. 1416 (a) (3) (A))

### Intent:

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To describe who is required to participate in the development of a child's individualized education program (IEP) and what type of information each participant can, at a minimum, contribute.

### Timelines:

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- Within 30 days of the determination that the child needs special education and related services, an IEP team meeting must be conducted to develop the child's IEP.
- Parents must be notified of the meeting early enough to ensure that one or both parents have an opportunity to attend.
- If needed, a surrogate parent shall be assigned as soon as possible, but no later than 30 days from the date it is determined that the child needs a surrogate parent.
- For children age 14 and older (or younger, if appropriate), the IEP shall include a statement, updated annually, of the transition services needs of the child.
- When the child is 16, or younger if the team determines it appropriate, the IEP must include a statement of appropriate, measurable postsecondary goals and transition services. This statement must be updated annually. (See [IEP - 7.6 Postsecondary Transition Services](#)).

## REQUIREMENT

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### 3301-51-01

#### **(B) Definitions**

The following terms are defined as they are used in rules 3301-51-01 to 3301-51-09 and 3301-51-11 of the Administrative Code:

#### **(32) IEP team**

"Individualized education program team" or IEP team means a group of individuals described in paragraph (I) of rule 3301-51-07 of the Administrative Code that is responsible for developing, reviewing or revising an IEP for a child with a disability.

#### **(42) Parent means:**

- a) A biological or adoptive parent of a child but not a foster parent of a child;
- b) A guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the child (but not the state if the child is a ward of the state);
- c) An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare; or
- d) A surrogate parent who has been appointed in accordance with rule 3301-51-05 of the Administrative Code.
- e) Except as provided in paragraph (B) (42) (f) of this rule, the biological or adoptive parent, when attempting to act as the parent under this rule and when more than one party is qualified under this rule to act as a parent, must be presumed to be the parent for

purposes of this chapter of the Administrative code unless the biological or adoptive parent does not have legal authority to make educational decisions for the child.

f) If a judicial decree or order identifies a specific person or persons under paragraphs (B) (42) (a) to (B) (42) (c) of this rule, to act as the parent of a child or to make educational decisions on behalf of a child, then such person or persons shall be determined to be the parent for purposes of this rule.

**(65) Ward of the state**

Ward of the State means a child who, as determined by the state where the child resides, is:

- (a) A foster child;
- (b) A ward of the state; or
- (c) In the custody of a public child welfare agency

**3301-51-07**

**(H) Definition of individualized education program**

**(1) General**

As used in this rule, the term "individualized education program" or "IEP" means a written statement for a child with a disability that is developed, reviewed, and revised in a meeting in accordance with paragraphs (H) to (L) of this rule.

**3301-51-07**

**(I) IEP team**

**(1) General**

The school district must ensure that the IEP Team for each child with a disability includes:

- (a) The parents of the child;
- (b) Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);
- (c) Not less than one special education teacher of the child or, where appropriate, not less than one special education provider of the child;
- (d) A representative of the school district 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 school district;
- (e) An individual who can interpret the instructional implications of the evaluation results, who may be a member of the team described in paragraphs (I) (1) (b) to (I) (1) (f) of this rule.
- (f) At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
- (g) Whenever appropriate, the child with a disability.

**3301-51-07**

**(I) IEP team**

**(2) Transition services participants**

- (a) In accordance with paragraph (I) (1) (g) of this rule, the school district must invite the 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 paragraph (H) (2) of this rule.
- (b) If the child does not attend the IEP team meeting, the school district must take other steps to ensure that the child's preferences and interests are considered.

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(c) 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 (l) (2) of this rule, the school district must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.

### **3301-51-11**

#### ***(D) Transition from Part C early intervention***

A school district is responsible for the following activities related to transition for a child receiving "Help Me Grow" early intervention services under Part C of the Individuals with Disabilities Education Act, as amended by the Individuals with Disabilities Education Improvement Act of 2004, December 2004 (IDEA):

- (1) If invited by a representative of the Part C system, a school district representative shall attend a conference to discuss transition from early intervention services to preschool for a child suspected of having a disability. This conference may occur up to nine months before a child's third birthday. The school district shall document participation in the conference.
- (2) At the parent's request, the school district shall invite the Part C service coordinator to the initial IEP meeting.
- (3) If there is a suspected disability and the child is eligible for special education and related services as a preschool child, the school district shall work with the family to ensure an IEP is in place and implemented by the child's third birthday. The dates for the initiation and duration of services shall be determined by the evaluation team or the IEP team and other qualified professionals.
- (4) A school district must consider extended school year services as part of the IEP process for children transitioning from Part C services. Based upon the data available from the Part C system, the evaluation team or the IEP team and other qualified professionals shall determine if extended school year services are required as outlined in paragraph (G) of rule 3301-51-02 of the Administrative Code.
- (5) A school district determined by the Ohio Department of Education to be noncompliant with the transition timeline to have an IEP in place by an eligible child's third birthday:
  - (a) Shall develop a corrective action plan in addition to the interagency agreement. The corrective action plan must include the signature of a representative of the family and children first council responsible for "Help Me Grow" Part C services; and
  - (b) May have funds reduced or terminated by the Ohio Department of Education.

### **3301-51-07**

#### ***(L) Development, review, and revision of IEP***

##### ***(c) Requirement with respect to regular education teacher***

A regular education teacher of a child with a disability, as a member of the IEP team, must to the extent appropriate participate in the development of the IEP of the child, including the determination of:

- (i) Appropriate positive behavioral interventions and supports and other strategies for the child; and
- (ii) Supplementary aids and services, program modifications, and support for school personnel.

## GUIDANCE

### Who are the members of the IEP team?

The IEP team must include:

- The child's parents;
- At least one of the child's regular education teachers, if the child is, or may be, participating in the regular education environment;

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If a child is not participating in regular education and is receiving home instruction, or is in a separate facility with only children with disabilities, there is no requirement for a regular education teacher at the IEP meeting. However, if the child will be returning to the regular education classroom in the near future, the district may want to include at the IEP meeting the teacher of the classroom to which the child will be assigned.

- At least one of the child's intervention specialists or special education providers;
- A representative of the school district who:
  - Is qualified to provide, or supervise the provision of, specially- designed instruction to meet the unique needs of children with disabilities;
  - Knows the general education curriculum; and
  - Knows about the availability of school district resources and has the authority to commit resources.
- Someone who can interpret the instructional implications of the evaluation results, who may be a member of the team described above;
- At the discretion of the parents or the school district, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
- The child, whenever appropriate. Additionally, the child must be invited if a purpose of the meeting will be the consideration of postsecondary goals for the child and the transition services needed to assist the child in reaching those goals.

### Who are the parents?

The parents are vital members of the IEP team and equal participants with school personnel in developing, reviewing and revising the IEP for their child. Parents have a personal stake in their child's future and can keep the team focused on future planning and the long-term needs of their child. With their knowledge of their child's strengths, weaknesses, interests, learning styles, and likes and dislikes, parents can help the team develop an appropriate IEP that will meet the unique needs of their child.

Only biological or adoptive parents, guardians, a person acting as a parent or a surrogate parent can serve as parents at an IEP meeting. If the parents are divorced, the custodial parent is considered the parent unless another person has educational rights. If more than one person is qualified to act as a parent, the biological or adoptive parent is qualified to be the parent unless he or she does not have legal authority to make educational decisions for the child.

### How do you determine if you need a surrogate?

If the child is a foster child, a ward of the state or in the custody of a public child- welfare agency, the agency responsible for the child (i.e., children's services, the caseworker, the court system, youth services, corrections) should be contacted by the intervention specialist or an administrator to determine who has the legal authority to make educational decisions for the child. If the entity that has the legal authority to make educational decisions for the child is a public or private agency that is providing care or supervision of the child, then the district of residence must appoint a surrogate parent. A public or private agency that cares for the child cannot be the "parent" under IDEA.

### Surrogate parent

If the parent or guardians cannot be located, if the child is a ward of the state or if the child is an unaccompanied homeless youth, a surrogate parent may be needed. The district first determines if the child needs a surrogate parent. The school district of residence is responsible for assigning a surrogate parent as soon as possible but no later than 30 days of the date it is determined that the child needs the service. The juvenile judge may appoint a surrogate parent for a ward of the state. The surrogate parent represents the child in all aspects of the provision of FAPE including identification, evaluation and placement. (See [Procedural Safeguards - 5.6 Surrogate Parents](#)).

### What is the role of the parents?

The role of the parents is to:

- Verify the accuracy of personally identifying information;
- Provide information and observations about the child's level of functioning in the home and community;
- Provide information on the child's ability, interests, performance and history;
- Provide information regarding the child's medical status;
- Provide information on instructional strategies and, if appropriate, behavioral supports that have been successful;
- Assist in developing educational goals, objectives and benchmarks;
- Assist in identifying the special education and related services to be provided;
- Assist in determining the appropriate educational program and the least restrictive environment;
- Provide input on the vision statement;
- Assist in all decisions made during the IEP meeting;
- Express concerns to be considered when developing and reviewing the IEP; and
- Give consent, when required, for the initiation and implementation of the IEP.

### Who is the regular education teacher?

Due to the emphasis on the child's involvement and progress in the general education curriculum, the regular education teacher has an important role. At least one or more regular education teachers must be present if the child participates or may be participating in the regular education environment. The regular education teacher should be the teacher who is responsible for implementing a portion of the IEP, so the teacher can participate in discussions about how the child learns and can best be taught. If the child has more than one teacher, the district may ask the parents which teacher or teachers they would like to have invited to the IEP team meeting. The district should take the parents' input into consideration when it decides which regular education teacher or teachers to invite to the meeting. The attending regular education teacher or intervention specialist should seek input from teachers who will not be attending. The IEP team must ensure that any teacher who will be providing services is informed of the results of the meeting and receives a copy of the IEP.

### What is the role of the regular education teacher?

The role of the regular education teacher, at a minimum, is to:

- Provide information regarding the child's current level of performance in the regular education environment;
- Provide information on the general education standards, curriculum and expectations;
- Assist in determining appropriate positive behavioral interventions and strategies;
- Assist in determining supplementary aids and services; and
- Assist in determining program modifications and support needed for school personnel.

### Who is the intervention specialist or special education provider?

If the child has more than one intervention specialist, the school district may ask the parents which intervention specialist they would like to have invited to the IEP team meeting. The district should take the parents' input into consideration when it decides which intervention specialist or intervention specialists to invite to the meeting. This intervention specialist should be either the individual providing special education services to the child or the individual who is responsible for implementing the IEP. Other special education providers could be individuals providing a related service, such as speech and language therapy, occupational therapy or physical therapy. The attending intervention specialist(s) should seek input from teachers who may not be attending. The IEP team must ensure that any teacher who will be providing services is informed of the results of the meeting and receives a copy of the IEP.

## What is the role of the intervention specialist?

The role of the intervention specialist is to:

- Conduct academic and behavioral assessments to acquire baseline data on the child before the meeting;
- Gather input from other team members before the meeting;
- Develop draft goals and objectives and share them with team members, including the parents, before the meeting;
- Identify instructional strategies that would meet the needs of the child;
- Discuss how to modify the general education curriculum to help the child learn;
- Identify the supplementary aids and services that the child may need to be successful in the regular classroom and elsewhere;
- Describe how to modify testing or to provide the test with individual appropriate accommodations so the child can show what he or she has learned; and
- Describe how instruction can be individualized and how the program will be implemented throughout the course of the school day.

## Who is the related service provider?

Because an important part of developing an IEP is considering a child's need for related services, a related service provider is often involved as an IEP team member and shares his or her special expertise about the child's needs and how his or her own professional services can address those needs. The related service provider should be the individual who is, or may be, responsible for providing the related service. The parents or the school district may invite a related service provider to be a member of the IEP team. The IEP team must ensure that any related service provider who will be providing services to a child is informed of the results of the IEP meeting and receives a copy of the IEP.

## What is the role of the related service provider?

The role of the related service provider, at a minimum, is to:

- Identify the child's present level of performance by contributing performance statements, data and baseline information related to the child's academic and functional performance;
- Identify the child's needs related to academic and functional performance;
- Contribute to the development of the goals and objectives for parents and team members to discuss;
- Identify instructional and environmental modifications or accommodations that would assist the child in benefiting from special education; and
- Recommend and describe the nature, frequency and amount of related service to be provided, once the child's goals and objectives have been established.

## Who is the representative of the school district?

A special education administrator is generally the representative of the school district.

The district may also designate another district member of the IEP team, such as the building administrator, to serve as the agency representative if he or she is:

- Qualified to provide, or supervise the provision of, specially designed instruction;
- Knowledgeable about the general education curriculum; and
- Knowledgeable about resources available from the public agency and possesses the authority to commit resources.

The school district representative must know what resources the school has available and who has the power to commit the resources needed so the services can be provided as described in the child's IEP. The district representative, who may be the district special education director or supervisor, should attend all meetings including the following:

- Initial IEP meetings;
- Any IEP meeting where there is a potential disagreement;

- IEP meetings where a change of placement is discussed; and
- Transition IEP meetings.

For annual reviews in which there is no issue pending, the building principal or a member serving another role on the team may represent the district. When the school principal represents the school district, he or she should assist the intervention specialist in facilitating the IEP meeting and checking all components of the IEP, including:

- The delivery of services (this affects scheduling and planning time);
- Testing accommodations (this affects planning for coverage for state and district- wide assessments);
- Signatures (Are all required participants in attendance, and do they understand their roles?);
- Parent understanding and agreement; and
- Any other component of the IEP that has an impact on the child's education.

### What is the role of the school district representative?

The role of the school district representative is to:

- Ensure that the services will be provided by the district;
- Ensure that legal requirements of federal and state laws and Ohio operating standards are met;
- Assist the team in identifying the variety of service delivery and placement options available in the district;
- Clarify questions regarding curriculum adaptations and modifications;
- Coordinate the acquisition of needed services; and
- Provide information on community services, as appropriate.

### Who can interpret the implications of evaluation results?

An individual who can interpret the instructional implications of the evaluation results must be included in the IEP team. This individual is essential to the IEP team because interpretations of data are necessary to formulate measurable, specific goals unique to the child. This may be a team member serving another role, such as the intervention specialist, related service provider, regular education teacher, district representative or other role.

### What are the additional roles of the individual who interprets implications of the evaluation results?

Other roles of the individual who can interpret implications of evaluation results are:

- Assist the team in planning appropriate instruction to address the child's needs;
- Identify instructional strategies to address academic and functional needs based on evaluation results; and
- Provide suggestions to the team on instructional and classroom modifications or adaptations.

These roles do not belong solely to the individual who interprets implications of the evaluation results. The parents and other IEP team members may also contribute to these roles.

### Who are other individuals who have knowledge or special expertise regarding the child?

Individuals who have knowledge or special expertise about the child are determined by the party who invites the individual to be a member of the IEP team. An invited person must know the child or have special expertise regarding the child's needs and strengths. ( NICHY Building the Legacy Training Curriculum on IDEA Module 12).

- The school district or parents may invite whomever they feel meets the qualifications noted;
- Parents may invite a friend or relative or a professional they believe knows their child or has a special understanding or experience involving the child;

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- The school district may invite someone who can offer additional information about the child, such as a paraprofessional or related services professional. (See IEP - 7.4 IEP Sequence - Related Services).
- Attorneys are not barred from IEP meetings, if either the parents or school district who invited them to be a member of the IEP team believes they possess knowledge or special expertise regarding the child.

**If behavioral or mental health issues are a concern**, the team should consider inviting someone with expertise in this area. This might be a school support person, such as a counselor, psychologist or mental health practitioner. Or the parent may choose to invite an outside psychologist or psychiatrist.

### What is the role of other individuals who have knowledge or special expertise regarding the child?

The role of other individuals who have knowledge or special expertise regarding the child is to provide information concerning:

- The impact of the child's mental health diagnosis or status on educational functioning; and
- Strategies and accommodations that educational staff and parents can implement to increase the likelihood of the child's success in the classroom and in peer relationships.

A **parent mentor** may be invited to attend meetings to provide support and information to educational personnel and/ or families. A parent mentor is a parent of a child with a disability employed by a school district to assist educational personnel and families by providing training, support and information services.

A **state IEP facilitator** may be invited to meet with the IEP team. A trained facilitator:

- Helps members of the IEP team focus on developing a satisfactory IEP. With the agreement of all team members, the facilitator may help create an overall agenda and assist in setting ground rules for the meeting;
- Guides the discussion by keeping the team's energy centered on child- focused questions;
- Assists the team in resolving conflicts and disagreements that may arise during the meeting;
- Helps maintain open communication among all members;
- Helps team members develop and ask clarifying questions;
- Helps keep team members on task and within the time allotted for the meeting;
- Maintains impartiality and does not take sides, place blame or determine if a particular decision is right or wrong; and
- Does not impose a decision on the group.

### In the following cases, the district must invite:

A representative of any agency responsible for providing or paying for transition services

If transition service needs or postsecondary goals are being discussed, a representative of any agency likely to provide or pay for transition services must be invited, to the extent appropriate and with the consent of the parents or the child at the age of majority. These agencies may include, but are not limited to, county boards of MR/ DD, Ohio Rehabilitation Services Commission (ORSC), Social Security, Children's Services, juvenile or family court, Job and Family Services, and similar agencies. The purpose is to collaborate with these agencies to provide services as needed for the transition to post- school life.

#### Part C service coordinator

At the initial IEP, when a child was previously served under Part C, *at the parents' request*, a Part C service coordinator or other representatives of the Part C system would provide information that would assist in the smooth transition of services.

#### Child in foster care

If the child is in foster placement, the district where the biological or adoptive parents reside is responsible for ensuring an IEP is written and FAPE is provided to the child. The district where the child is placed must invite a representative from the district in which the biological or adoptive parents reside.

### The child

Whenever the team determines it is appropriate, the child should be an active participant in the IEP meeting. If children participate in their own IEP, they can share their interests and information about themselves and set their own goals, laying the foundation for the development of self-determination and self-awareness. Older children may lead their own IEP meeting. As appropriate, until the child reaches the age of majority and unless the rights of the parents to act for the child are terminated or otherwise limited, the parents are able to determine whether the child should attend an IEP meeting.

The child must be invited whenever appropriate and must be invited when the purpose of the meeting is to:

- Develop a statement of the transition services needs of the child; and
- Consider the postsecondary goals for the child and the transition services needed to assist the child in reaching those goals. (See IEP - 7.6 Postsecondary Transition Services).

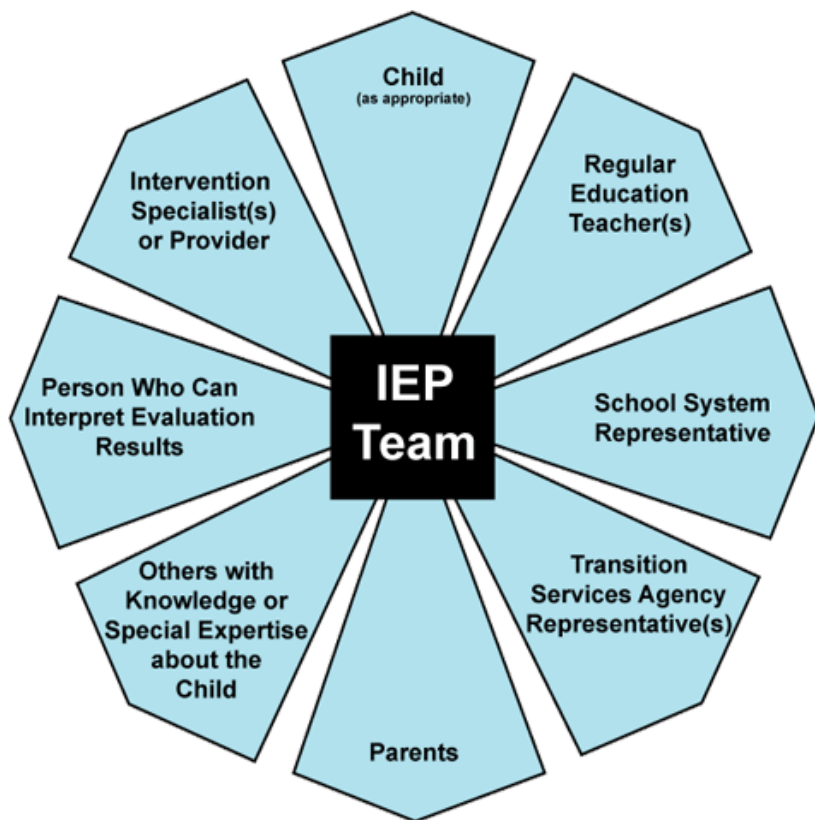
If the child does not attend the IEP meeting, the school district should take other steps to ensure that the child's preferences or interests are taken into consideration.

The rights of parents transfer to the child at age 18. Once these are transferred to the child, the child has the same right to participate in the IEP meetings and decisions that the parents have.

### What is the role of the child?

The role of the child is to:

- Provide input on interests and preferences;
- Provide input on future planning; and
- Participate in decision-making and goal-setting.



**LEGAL CITATIONS:**

**Federal Statutes:**

20 U.S.C. 1414(d) (1) (B)- (d) (1) (D)

**Federal Regulations:**

CFR §300.321-322

**Ohio Revised Code:** (Policies)

**Operating Standards:** (Procedures)

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**FORMS** (\* = required)