

281—41.321(256B,34CFR300) IEP team.

41.321(1) General. The public agency must ensure that the IEP team for each child with a disability includes the following:

- a. The parents of the child;
- b. At least one regular education teacher of the child if the child is, or may be, participating in the regular education environment;
- c. At least one special education teacher of the child or, where appropriate, at least one special education provider of the child;
- d. A representative of the public agency who:
 - (1) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
 - (2) Is knowledgeable about the general education curriculum; and
 - (3) Is knowledgeable about the availability of resources of the public agency.
- e. An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in paragraphs 41.321(1)“b” to “f”;
- f. 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
- g. Whenever appropriate, the child with a disability.

41.321(2) Transition services participants.

a. In accordance with paragraph 41.321(1)“g,” 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 subrule 41.320(2).

b. 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.

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 41.321(2)“a,” the public agency must invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services.

41.321(3) Determination of knowledge and special expertise. The determination of the knowledge or special expertise of any individual described in paragraph 41.321(1)“f” must be made by the party (parents or public agency) who invited the individual to be a member of the IEP team.

41.321(4) 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 41.321(1)“d” are satisfied.

41.321(5) IEP team attendance.

a. A member of the IEP team described in paragraphs 41.321(1)“b” to “e” 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.

b. A member of the IEP team described in paragraph 41.321(5)“a” 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:

(1) The parent, in writing, and the public agency consent to the excusal; and

(2) The member submits, in writing to the parent and the IEP team, input into the development of the IEP prior to the meeting.

41.321(6) 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.

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