



# PUBLIC SCHOOLS OF NORTH CAROLINA

DEPARTMENT OF PUBLIC INSTRUCTION | Mark Johnson, Superintendent of Public Instruction

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March 9, 2020

## MEMORANDUM

To: Directors, Exceptional Children Programs  
Lead Administrators, Charter Schools  
Preschool Coordinators, Exceptional Children Programs

From: Sherry H. Thomas, Exceptional Children Division *SH*  
Amy Rhyne, Office of Early Learning (Pre-K – Grade 3) *AR*

Re: **B-K - Clarification of IEP Team Roles and Responsibilities**

With the implementation of ECATS, questions arose around dual roles and required membership of IEP Teams. This memo is intended to clarify required IEP team roles and responsibilities and is a follow-up to the September 20, 2019 EC Division memo *ECATS: Preschool Coordination/User Types and Preschool Settings*.

While the NC DPI B-K license is a dual certification in special education and general education, documenting in ECATS provided an opportunity to clarify required IEP team roles based on federal regulations and state policy. Current federal regulations and state policy does not allow one person to serve as both the general and special education teachers on an IEP Team. However, this does not mean that content contributions to the IEP Team discussion cannot be provided by members that hold multiple areas of expertise. Two options for fulfilling the required roles of the IEP team in a meaningful and compliant manner are provided as guidance:

- Dual IEP Team Roles
  - LEA Representative
  - Interpreter of Results (can interpret the instructional implications of education results)
- IEP Team Role Excusals
  - Rare and when appropriate
  - Prior, written parent consent required

### LEA Representative

Per federal regulations and state policy, the IEP Team LEA representative is required to be: *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. (IDEA Sec. 300.321 (a)) (NC 1503-4.2 (page 81))*

### EXCEPTIONAL CHILDREN DIVISION

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Based on the required qualifications, the LEA representative is permitted to also serve in either the general education or special education teacher role for any IEP team in addition to serving as the LEA representative. If the LEA representative is serving in multiple roles, the qualifications for the additional role must also be met.

### **Excusal of Required IEP Team Members**

Federal regulations and state policy allow for the excusal of an IEP team member, in rare and appropriate circumstances:

*A required member of the IEP Team described in paragraph (e)(1) of this section may be excused from attending an IEP meeting, in whole or in part, when the meeting involves modification to or discussion of the member's area, if-- (i) The parent(s), 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. (Authority: 20 U.S.C. 1401(30), 1414(d)(1)(A)(7),(B); 34 CFR 300.321)*

Appropriate written parent notification and consent to excuse is required prior to each IEP meeting using the ECATS *Request to Excuse Required IEP Team Member* form (see Invitation tab). For example, when only one B-K licensed teacher participates in an IEP team meeting, best practice is this teacher fulfills the role of the special education teacher. The role of the general education teacher should be considered for excusal. This option does not negate the inclusion of private childcare teachers or others who are knowledgeable about the child from attending in a non-required role such as “teacher from different school”. Further, when the general education teacher role is excused, it is expected that general education expertise is also provided by the B-K teacher.

Requesting that an IEP Team member (general education role) be excused should be carefully considered on a case-by-case basis. This option is only proposed for consideration for circumstances in which the content expert cannot serve in both roles because of the regulatory requirements or the general education teacher is a teacher from another school/program that may not meet the definition of general education teacher for the purposes of a traditional public school.

Additional questions or concerns regarding these items may be directed to Carol Ann Hudgens, [carolann.hudgens@dpi.nc.gov](mailto:carolann.hudgens@dpi.nc.gov), Dawn Meskil, [dawn.meskil@dpi.nc.gov](mailto:dawn.meskil@dpi.nc.gov), or the assigned regional monitoring consultant.

SHT/AR/cah