

REGULAR EDUCATION PRESCHOOL TEACHER AT THE IEP MEETING

IDEA-97 regulations establish the requirements for IEP teams to include a regular education teacher of the child. The IEP team of each child must include **“at least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment).”** (34 CFR 300.344(a)(2))

“A regular education teacher of a child with a disability, as a member of an IEP team, shall participate to the extent appropriate in the development, review and revision of the child’s IEP. This participation shall include assisting in making the following determination [in order for the child to participate in appropriate activities (general curriculum)]:

- (1) The appropriate positive behavioral interventions and strategies for the child;
- (2) The supplementary aids and services needed by the child; and
- (3) The program modifications or supports for school personnel that will be provided to assist the child.” (34 CFR 300.346(d))

“Regular education teacher” means a person who, under state standards, is qualified to provide instruction to nondisabled children of the same age as the child with a disability. In the case of preschool age children, the person must be knowledgeable about age-relevant developmental activities or milestones that typically developing children of the same age would be performing or would have achieved. (*The Kansas “State Standard” is that the teacher must meet the requirements of the administering agency.*)

“Regular education teacher of the child” means a regular education teacher who is, or is anticipated to be, the child’s teacher and is knowledgeable about appropriate activities of typically developing peers, so the teacher is able to determine how the child’s disabilities affect the child’s participation (involvement and progress) in those appropriate activities.

“...if the child is, or may be, participating in the regular education environment.”

- If a public agency provides regular education preschool services to nondisabled children, then the teacher for these services would be the regular education teacher of any preschool age child with a disability in that regular education preschool program. (300.344(a)(2) and 300.346(d))
- If a public agency makes kindergarten available to nondisabled children, then the kindergarten teacher would appropriately be the regular education teacher who would be a member of the IEP team for a kindergarten age child with a disability who is, or may be, participating in the regular education kindergarten environment. (Question #3, Appendix A, IDEA Regulations)
- If the child with a disability is or may be participating in a regular education environment for nondisabled children, which is not provided by the public agency, the agency could designate the appropriate person who, under state standards, is qualified to serve nondisabled children of the same age as the child with a disability. (Question #3, Appendix A, IDEA Regulations)
- The regular education preschool teacher attending the IEP meeting shall be the teacher of the child with a disability or the anticipated teacher of the child (such as the kindergarten teacher if a child is transitioning into kindergarten). If the child is not in a regular education preschool environment and is not expected to be participating in a regular education preschool environment or Kindergarten during the term of the IEP, as determined by the IEP team, then a regular education teacher is not required to attend the IEP meeting.

- If the child with a disability is receiving special education services in a regular education preschool environment such as Head Start, Even Start, 4 year old at risk, or private educational preschool, the teacher of the preschool program shall be the regular education teacher at the IEP meeting.

The following information provides guidance for determining the regular education teacher for specific environments where a child with a disability may be receiving special education services, and how the state regulations address the issue of dual representation, "If qualified to do so, an agency member of the IEP team may serve in the role of two or more required members of a child's IEP team." (KAR 91-40-17(i)).

Home Setting Only

When a child with a disability receives special education services in the home, or the home of a child care provider, the parent or child care provider is not considered to be a regular education teacher of the child. In this situation, there is no regular education teacher of the child. The parent must be invited to participate in all IEP meetings. Also, the parent should consider inviting the child care provider to attend IEP meetings in order to share information about the child and to learn of the type of support they might be able to provide in the child care environment.

Community-Based Preschool Setting

For preschool children with disabilities who are enrolled in a community-based early childhood education program, the state has determined that a preschool teacher who meets the administering agency's requirements is qualified to be the regular education teacher of the child. Therefore, a Head Start teacher, or the teacher of any other public or private early childhood education program who meets the qualifications of the administering agency, is to serve as the regular education teacher at the IEP meeting. The preschool teacher must be the teacher of the child.

If a Head Start teacher, or a regular education teacher in another preschool program who meets the required state standards, is also a certified/licensed ECSE teacher and is providing regular education services and special education services to the child with a disability under an IEP (under the supervision of a USD/Cooperative/Interlocal), this teacher may serve as both the regular education teacher and the special education teacher of the child.

When a child with a disability receives special education services in a regular education preschool program that is **not** operated by the LEA, the LEA is required to **invite** the regular education teacher of the child. If the regular education teacher of the child is not at the IEP meeting the LEA shall document attempts and optional methods of involving the regular education teacher, including conference calls, written input, etc.

School-Based Regular Education Preschool Setting

If the public school operates an early childhood program, in which the child with a disability is enrolled, the teacher of the program would be the regular early childhood teacher at the IEP meeting. For a child attending kindergarten, the kindergarten teacher is the regular education teacher of the child.

Reverse Mainstreaming Setting Only

If a child with a disability is served in a reverse-mainstream early childhood special education setting

and it is anticipated that the child will continue in that setting, a regular education teacher is not required to attend the IEP meeting. If a school determines that a regular education teacher should attend an IEP meeting, and the ECSE teacher of a child is also certified/licensed in early childhood education, the teacher may serve in the role of both the special education teacher and the regular education teacher at the IEP meeting, so long as there is not another regular education teacher of the child. If it is anticipated that the child will be transitioning to kindergarten during the year the IEP is in effect, the kindergarten teacher should be the regular education teacher at the IEP meeting.

Early Childhood Special Education Setting Only

If a child with a disability is served in a separate early childhood special education setting and it is anticipated that the child will continue in that setting, a regular education teacher is not required to attend the IEP meeting. However, if a school determines that a regular education teacher should attend an IEP meeting, and the early childhood special education (ECSE) teacher of a child is also certified/licensed in early childhood education, the teacher may serve in the role of both the special education teacher and the regular education teacher at the IEP meeting. If it is anticipated that the child will be transitioning to kindergarten during the year the IEP is in effect, the kindergarten teacher should be the regular education teacher at the IEP meeting.

Initial Eligibility for Part B Services, including Transition from Part C

For an initial IEP meeting, if the child with a disability is, or is anticipated to be, participating in a regular education preschool program, the current regular education preschool teacher or anticipated regular education teacher would serve in the role of the regular education teacher. If the child is not in a regular education preschool environment and is not anticipated to be participating in a regular education preschool environment or Kindergarten during the term of the IEP, as determined by the IEP team, then a regular education teacher is not required to attend the IEP meeting.

Extent of Participation of the Regular Education Teacher

The federal Office of Special Education Programs (OSEP) indicates that, the 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, review and revision of the child's IEP, including assisting in, (1) the determination of appropriate positive behavioral interventions and strategies for the child; and (2) the determination of supplementary aids and services, program modifications, and supports for school personnel that will be provided for the child. While a regular education teacher must be a member of the IEP team if the child is, or may be, participating in the regular education environment, the teacher need not (depending upon the child's needs and the purpose of the specific IEP team meeting) be required to participate in all decisions made as part of the IEP meeting or to be present throughout the entire IEP. Depending upon the specific circumstances, however, it may not be necessary for the regular education teacher to participate in discussions and decisions regarding, for example, the physical therapy needs of the child, if the teacher is not responsible for implementing that portion of the child's IEP. The extent to which it would be appropriate for the regular education teacher member of the IEP team to participate in IEP meetings must be decided on a case-by-case basis. (Question 24, Appendix A, IDEA Regulations)