

What Is a General Education Teacher's Legal Responsibility?

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Pivotal Role of General Education Teachers in the Formation of IEPs

Effective July 1, 1998, every IEP team must include “at least one regular education teacher of the child.” 34C.F.R. 300.344(2)

The Composition of the IEP Team

IDEA defines an IEP team to include the following individuals:

- (1) The parents of the child
- (2) At least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment)
- (3) At least one special education teacher of the child

(4) A representative of the school system who

- Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities
- Is knowledgeable about the general curriculum
- Is knowledgeable about the availability of resources in the school system

- (5) An individual who can interpret the instructional implications of evaluation results
- (6) At the discretion of the parent or the school system, other individuals who have knowledge or special expertise regarding the child
- (7) If appropriate, the child

20U.S.C.141(d)(1)(B) and 34C.F.R. 300.344

What is the Role of the General Education Teacher?

- The IDEA specifically defines the legal responsibilities of the regular education teacher as a member of the IEP team:
- The general education teacher of the child, as a member of the IEP team, shall, to the extent appropriate:

- (i) participate in the development of the IEP of the child;
- (i) assist in the determination of appropriate positive behavior interventions and strategies for the child; and
- (ii) assist in the determination of supplementary aids and services, program modifications, or supports for school personnel that will be provided for the child. 34C.F.R. 300.346(d)

Frequently Asked Questions

Do general education teachers have to stay for the entire IEP meeting?

- Not necessarily. Depending on the child's needs and the purpose of the IEP meeting, the general education teacher does not have to be present for the entire meeting.

Do general education teachers have to participate in every decision made by the IEP team?

- No. Depending on the child's needs and the purpose of the IEP meeting, the general education teacher does not have to participate in every decision made by the IEP team.

Which one of a child's general education teachers has to attend the IEP meeting?

- The general education teacher who is participating in a child's IEP meeting should be a teacher who is, or may be, responsible for implementing a portion of the IEP so that the teacher may participate in discussions about how to teach the child.
- If the child has more than one general education teacher, the school system may designate which teacher will serve as an IEP team member.

Does the IEP team have to get input from the general education teachers who do not physically attend the IEP meeting?

- The school system is “strongly encouraged” to seek input from the teachers who are not designated to attend. In addition, the school system must ensure that each general education teacher:

- (i) has access to the child's IEP; and
- (ii) is informed of his or her specific responsibilities related to implementing the IEP, and of the specific accommodations, modifications, and supports that must be provided to the child in accordance with the IEP.

Can someone else substitute for the general education teacher (e.g., a librarian who is certified to teach science)?

- No. The U.S. Dept. of Education states:
“It is important to point out that the statute specifies that at least one general education teacher of the child is a member of the IEP team. Therefore, the suggestion that other individuals could participated in lieu of the child’s regular education teacher...should not be adopted.”

Does the General Education Teacher have to be Physically Present at the IEP Meeting?

- Maybe. The U.S. Dept. of Education states:
Whether the child's regular education teacher must be physically present at an IEP meeting, and to what extent that individual must participated in all phases of the IEP process, are matters that must be determined on a case by case basis by the school system, the parents and other IEP team members.

Is it ever possible that an IEP team would not include a general education teacher?

- Yes, but rarely. The regulations require a regular education teacher to be present if the child “is, or may be, participating in regular education.” However, in some rare cases, a child may be placed in a separate school and no change of placement is anticipated for the next calendar year. In these cases, it would not be necessary for a regular education teacher to be a member of the child’s IEP team.

Chapter 408

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Implementation of Chapter 408

- In accordance with State law, it is the policy of the WCSD Board of Education to provide a copy of a student's IEP to school personnel who are responsible for implementing the IEP as follows:

- Special Education Teacher(s)
- Related Service Provider(s)
- General Education Teacher(s) who provide test accommodations, program modifications, behavior implementation plans

Procedures for IEP Dissemination

- The Special Education Teacher of Record will, prior to implementation of services under the IEP, provide each related service provider responsible for the implementation of the student's IEP, a complete copy of the student's IEP.

- The Special Education Teacher of Record will, prior to the implementation of service under the IEP provide to each general education teacher responsible for the implementation of the student's IEP, a complete copy of the student's IEP.

Procedural Guidelines for IEP Dissemination

- The Special Education teacher of record will meet individually with each general education teacher responsible for IEP implementation and

- (1) review the IEP
- (2) provide a statement explaining that the IEP is a confidential document
- (3) explain what the general education teachers responsibilities are in providing IEP services as well as the accommodations and supports to be provided.

Three Questions Every General Education Teacher Must Ask:

- (1) Which students in my class have an IEP or 504 plan?
- (2) Have I personally reviewed each IEP or 504 plan?
- (3) Do I remember what these documents say?
- If the answer is “no” to even one of these questions, the general education teacher is at risk of being out of compliance with federal law.