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General Education Teacher and the Committee on Special Education

The 1997 amendments to the federal Individuals with Disabilities Education Act (IDEA) require the participation of a student's general education teacher at meetings of the Committee on Special Education (CSE) if the student is, or may be participating in the regular education environment (20 USC 1414 (d)(1)(B)(ii)). This represents a significant change in the ability of general education teachers to participate in CSE discussions and decisions concerning the Individualized Education Program (IEP) development process. The regulation states that "All IEPs in effect on July 1, 1998 must meet the requirements of Sections. 300.340-300.350." These sections address the development, review and revision of the IEP, including the participation by general education teachers.

The IDEA

The IDEA focuses on greater access to the general education curriculum. As stated in Appendix A to the federal regulations (34 CFR Part 300), the Act and regulations "are driven by IDEA's strong preference that, to the maximum extent appropriate, children with disabilities be educated in regular classes with their nondisabled peers with appropriate supplementary aids and services." For example, the IDEA requirements for individualized education programs (20 USC 1414 (d) (1) (A)) include a statement about "how the child's disability affects the child's involvement and progress in the general education curriculum..." The same section requires measurable annual goals including benchmarks or short-term objectives about "meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum..." Still other language in this same

section requires "an explanation of the extent, if any, to which the child will not par-

ticipate with nondisabled children in the regular class..."

What is the Role of the General Education Teacher?

Access to the general curriculum and the general classroom requires the participation by general education teachers in the development, review and revision of the individualized education program (IEP). According to the IDEA, the general education teacher would assist in determining (1) appropriate positive behavioral interventions and strategies for the student and (2) supplementary aids and services, program modifications, or supports for school personnel that will be provided for the child to attain the annual goals, to be involved in and progress in the general curriculum, and to be educated with nondisabled students.

The final federal regulations to implement the IDEA (34 CFR Part 300) provides further clarification on the role and extent of participation of the regular education teacher at CSE meetings.

Appendix A of the federal regulations contains the following statements regarding the role of the general education teacher at CSE meetings:

Very often, regular education teachers play a central role in the education of children with disabilities (House Report No. 105-95, p. 103 (1997)) and have important expertise regarding the general curriculum and the general education environment. Further, especially with the emphasis on involvement and progress in the general curriculum added by the IDEA Amendments of 1997, regular education teachers have an increasingly critical role in implementing, together with special education and related services personnel, the program of FAPE [Free, appropriate public education] for most children with disabilities, as described in their IEPs. Accordingly, the IDEA Amendments of 1997 added a requirement that each child's IEP team must include at least one regular education teacher of the child, if the child is, or may be, participating in the regular education environment...

According to Appendix A, the general education teacher who serves as a member of the CSE should be a teacher who **is or may be**, [emphasis added] responsible for implementing a part of the IEP, so that the teacher can participate in discussions about how best to teach the student. If the student has more than one general education teacher, the school district may designate which teacher or teachers will participate in the CSE meeting, taking into account the best interest of the student.

When all general education teachers of the student are not in attendance at the CSE meeting, the school district should seek input from the teachers who will not be attending. In addition, the school district must ensure that each general education teacher of the student has access to the

student's IEP and is informed of his or her specific responsibilities related to implementing the IEP and of specific accommodations, modifications and supports that must be provided to the student.

For a student whose behavior impedes the learning of the student or others, the school district should have a general education teacher or other professional knowledgeable about positive behavioral strategies at the CSE meeting. This is extremely important if the general education teacher is expected to implement parts of the IEP.

Appendix A clarifies that while a general education teacher must be a member of the CSE if the student is, or may be participating in the general education environment, the teacher need not (depending on the student's needs and the purposes of the specific meeting) be required to participate in **all** decisions made as part of the meeting or to be present throughout the entire meeting or attend every meeting. However, according to the language included in Attachment I to the regulations, **it would be a rare circumstance in which a general education teacher would not be required to attend a CSE meeting.**

For example, the general education teacher must participate in discussions and decisions about how to modify the general curriculum in the general classroom to ensure the student's involvement and participation in the general education environment. However, it may not be necessary for the general education teacher to participate in discussion and decisions regarding the physical therapy needs of the student, if the teacher is not responsible for implementing that part of the IEP.

Appendix A further states that the extent to which a general education teacher would participate in CSE meetings must be decided on a case-by-case basis by the school district, the parents and other members of the CSE. Moreover, it is not permissible to allow other individuals to participate in lieu of the student's general education teacher as the general education teacher member of the CSE.

There may be situations which would not require the participation of a general education teacher. For example, for a student placed in a separate school and not currently participating in the regular education environment, and no change

in that degree of participation is anticipated during the next twelve months, it would not be necessary for a general education teacher to participate at the student's CSE meeting.

Advice to Local Leaders

- ◆ The expertise of the general education teacher is critical in the development of Individualized Education Programs for most students with disabilities. Local leaders and school administrators should develop guidelines for determining when a general education teacher would not be required to attend an IEP meeting; the selection of the most appropriate general education teacher(s) when a student has more than one such teacher and the extent of participation of the general education teacher at CSE meetings. Such guidelines must fully conform with the spirit and intent of the IDEA concerning the involvement and role of the general education teacher at CSE meetings.
- ◆ Local leaders should be aware that the attendance of general education teachers at Committee meetings may have implications for terms and conditions of employment. Committee meetings may occur after the close of the school day or at other times when teachers typically are not working.
- ◆ Local leaders should work with school administrators to ensure that the scheduling of Committee meetings is the least disruptive to the school's educational program and that teachers are afforded adequate time to prepare for Committee meetings. (Some teachers may have many students with disabilities enrolled in their classes. These teachers may find themselves attending many CSE meetings, and the effect on the classroom learning environment must be considered.)
- ◆ Local leaders should work with school district administrators to ensure that teachers and paraprofessionals are adequately trained on the new IEP requirements in order to carry out their responsibilities relating to the education of these students.