Role of the IEP Team

The IEP team is an essential component in establishing academic and functional goals, determining the specifically designed instructional program to meet the unique needs of all English learners with disabilities, and making decisions about how students can participate in the state ELP assessment.

In accordance with the new ED guidance, the IEP team is responsible for:

- Making decisions about the content of a student’s IEP, including whether a student must take a regular state assessment (in this case, the ELP assessment), with or without appropriate accommodations, or an alternate assessment in lieu of the regular ELP assessment (ED, July 2014, FAQ #4).

- Developing an IEP for each student with a disability, including each English learner with a disability, at an IEP team meeting, which includes school officials and the child’s parents/guardians. The Individuals with Disabilities Education Act (IDEA) regulation in 34 Code of Federal Regulations (CFR) Section 300.321(a) specifies the participants to be included on each child’s IEP team. It is essential that IEP teams for English learners with disabilities include persons with expertise in second language acquisition and other professionals, such as speech-language pathologists, who understand how to differentiate between limited English proficiency and a disability (ED July 2014, FAQ #5).

- Ensuring that limited English proficient parents/guardians understand and are able to meaningfully participate in IEP team meetings at which the child’s participation in the annual state ELP assessment is discussed. If a parent whose native language is other than English is participating in IEP meetings, the IDEA regulations require each public agency to take whatever action necessary to ensure that the parent understands the proceedings of the IEP team meeting, including arranging for an interpreter (34 CFR section 300.322[e]). When parents themselves are LEP, Title VI of the Civil Rights Act of 1964 also requires that the LEA effectively communicate with parents in a manner and form they can understand, such as by providing free interpretation and/or translation services (ED July, 2014, FAQ #6).

- Ensuring that all English learners, including those with disabilities, participate in the annual state ELP assessment, with or without accommodations, or take an appropriate alternate assessment, if necessary (section 1119[b][7] of the ESEA and section 612[a][16][A] of the IDEA). An IEP Team cannot determine that a particular English learner with a disability should not participate in the annual state ELP assessment (ED July, 2014, FAQ #7).