



## Q & A: Autism Consultants at Individualized Education Program (IEP) Team Meetings

The Minnesota Department of Education (MDE) Division of Compliance and Assistance has developed this document to address questions raised by parents and school districts regarding Autism Consultants at IEP Team Meetings.

Question 1: Is it necessary to invite an autism consultant to every IEP team meeting held for a child with Autism Spectrum Disorder (ASD)?

Answer: No, it is not necessary to invite an autism consultant to every team meeting. Federal law sets out several individuals that the school district must ensure are present for each IEP team meeting for a child with a disability, including a child with ASD. These required members include: (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, or where appropriate, at least one special education provider of the child; (4) a representative of the public agency who is (i) 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; and (5) an individual who can interpret the instructional implications of evaluation results. *See* 34 C.F.R. § 300.321(a)(1-5).

In addition, Minnesota Rules require the team that determines a child's eligibility under the category of ASD and that determines the educational programming of a child with ASD to include at least one professional with experience and expertise in the areas of ASD. The team must also include a school professional knowledgeable about the range of possible special education eligibility criteria. As long as there will be one or more persons with the requisite experience, expertise, and knowledge at the team meeting, there is no need to invite an autism consultant to every team meeting. In short, while the Minnesota Rule requires the presence of a professional with experience and expertise in the area of ASD, an autism consultant is not specifically required. *See* Minn. R. 3525.1325, Subp. 4.

Question 2: Can a parent or school district invite an autism consultant to an IEP team meeting?

Answer: Yes. As stated above in question 1, both the parents and the school district have discretion to invite other individuals who have knowledge or special expertise regarding the child to an IEP Team meeting. *See* 34 C.F.R. § 300.321(a)(6). An autism

consultant may be one such individual. Note that if the school district wants to invite an individual from another agency not representing the child, the school district must obtain parental consent for that individual to participate in the meeting. This consent requirement is necessary because confidential information from the child's records will be shared at the meeting. *See* 34 C.F.R. § 300.321 cmts. at 71 F.R. 46669. In addition, the school district, through the IEP team meeting notice, must inform the parents of their right to invite other individuals who have knowledge or special expertise regarding the child to the IEP team meeting. *See* 34 C.F.R. § 300.322(b)(ii).

Authority: 34 C.F.R. §§ 300.321(a)(1-7); 300.322(b)(ii); Minn. R. 3525.1325, subp. 4; 34 C.F.R. § 300.321, cmts. at 71 F.R. 46669.