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**SPECIAL EDUCATION LOCAL PLAN AREA**

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**SELPA GUIDE**

Administrative Designee – Special Education IEP Meetings

The purpose of this memo is to clarify the SELPA guideline on who may serve as an administrator at IEP meetings.

Included below are state and federal citations defining “administrative designee.”

California Education Code, Section 56341(b)(4)(A-C)

- (4) “A representative of the local educational agency who meets all of the following:
- (A) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of individuals with exceptional needs.
  - (B) Is knowledgeable about the general curriculum.
  - (C) Is knowledgeable about the availability of resources of the local educational agency.”

Federal IDEA '97 – PL 105-17, Section 614 (d)(1)(B)

- “(B) INDIVIDUALIZED EDUCATION PROGRAM TEAM – The term ‘individualized education program team’ or ‘IEP Team’ means a group of individuals composed of –
- (i) the parent of a child with a disability;
  - (ii) at least one regular education teacher of such child (if the child is, or may be, participating in the regular education environment);
  - (iii) at least one special education teacher, or where appropriate, at least one special education provider of such child;
  - (iv) a representative of the local education agency who –
    - (I) is 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 curriculum; and

- (III) is knowledgeable about the availability of resources of the local educational agency;
- (v) an individual who can interpret the instructional implications of evaluations results, who may be a member of the team described in clauses (ii) through;
- (vi) at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
- (vii) whenever appropriate, the child with a disability.”

The following is an excerpt from The Answer Book on Special Education Law:

"District representative. A representative of the school district or other public agency who is qualified to provide or supervise the provision of special education and is knowledgeable about both the general curriculum and school district resources must participate. 34 CFR 300.321(a)(4). The representative must be authorized to make decisions on behalf of the school district, commit its resources and, according to ED's discussion issued with the 2006 final regulations, be able to ensure that whatever services are set out in the IEP actually will be provided. 71 Fed. Reg. 46,670 (2006). The requirement that the IEP team contain an agency official follows from the directive that an IEP be implemented as soon as possible after the IEP meeting. Failure to include an individual with the authority to commit the school district generally will be considered to be a substantive denial of FAPE. See, e.g., *Bray v. Hobert City School Corp.*, 19 IDELR 1011 (N.D. Ind. 1993) (policy of separate post-IEP meeting review for recommended residential placements rather than having an individual empowered to authorize such placements serve as the public agency representative at IEP meetings violates the IDEA)."

The person serving as the administrative designee at an IEP meeting does not require an administrative credential. However, we need to be most cautious in allowing a person in a non-administrative position to serve as the administrative representative. The IEP meeting administrator must be in the position to know about and be able to commit district resources pursuant to the following key phrase in the law: "Is knowledgeable about the availability of resources of the local educational agency." In *R.G. v. Board of Trustees of the Target Range School District* (1992), the 9th Circuit Court ruled that a student had been denied FAPE because the district did not have all of the necessary parties at an IEP meeting ...resulting in "an incomplete and insufficient IEP." Parents were entitled to reimbursement for tutoring costs.

Another key phrase in the law is that the administrative designee is "knowledgeable about the general curriculum."

Based on the information above, it is the SELPA recommendation to limit the use of bargaining unit members as administrative designees at IEP meetings. If you choose to designate a bargaining unit member as an administrative designee, the following guideline is recommended:

1. Serving as an administrative designee must be based on mutual agreement – no involuntary assignments;
2. The administrative designee should only chair routine IEPs – no high profile cases;
3. The administrative designee would not be held responsible if problems arise during IEP meetings;
4. Some resources committed at the IEP meeting chaired by an administrative designee may be charged to the school site if district procedures are not followed (e.g., additional aide support, etc.);
5. The administrative designee must have knowledge about the general curriculum; and,
6. The administrative designee must be trained by the Special Education or Student Services Department.
7. When a regional provider intends to offer additional services, the district of residence administrator or designee shall be contacted in advance of the IEP meeting.