

Instruction

INDIVIDUALIZED EDUCATION PROGRAM

At the beginning of each school year, the District shall have an individualized education program (IEP) in effect for each identified student with a disability within District jurisdiction.

Members of the IEP Team

The District shall ensure that the individualized education program team for any student with a disability includes the following members: (20 USC 1414(d)(1); 34 CFR 300.321; Education Code 56341, 56341.2, 56341.5)

1. One or both of the student's parents/guardians, and/or a representative selected by the parent/guardian
2. If the student is or may be participating in the general education program, at least one general education teacher

If more than one general education teacher is providing instructional services to the student, the District may designate one such teacher to represent the others

3. At least one special education teacher or, where appropriate, at least one special education provider for the student
4. A representative of the District, Special Education Local Plan Area (SELPA) or county office of education who is:
  - a. Qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities
  - b. Knowledgeable about the general education curriculum
  - c. Knowledgeable about the availability of District and/or SELPA resources

5. An individual who can interpret the instructional implications of assessment results

This individual may already be a member of the team as described in items #1-4 above or in item #6 below.

6. At the discretion of the parent/guardian or District, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate.

The determination of whether the individual has special expertise regarding the student shall be made by the party who invites the individual to be a member of the IEP team. (Education code 56341)

INDIVIDUALIZED EDUCATION PROGRAM (continued)

Members of the IEP Team (continued)

7. Whenever appropriate, the student with the disability
8. For students suspected of having a specific learning disability, at least one member of the team shall be qualified to conduct individual diagnostic examinations of the student, such as a school psychologist, speech language pathologist or special education teacher.

At least one team member other than the student's general education teacher shall observe the student's academic performance in the regular classroom setting. If the child is younger than five years or not enrolled in school, a team member shall observe the child in an environment appropriate for a child of that age.

9. For students who have been placed in a group home by the juvenile court, a representative of the group home

In addition, any of the following may participate, as appropriate:

1. The program specialist, school psychologist, school nurse, school social worker, counselor, or other student services worker who has conducted an assessment of the student, when the assessment is significant to the development of the IEP
2. Any other person whose competence is needed because of the nature and extent of the student's disability
3. A public agency representative fluent in the student's primary language

If a student with a disability is identified as potentially requiring mental health services, the District shall request the participation of the county mental health program in the IEP team meeting. (Education Code 56331)

Upon request of the parent/guardian of a child who was previously served under Early Education for individuals with Exceptional Needs (Education Code 56425-56432) or the California Early Intervention Services Act (Government code 95000-95004), the District shall invite the Infant and Toddlers with Disabilities Coordinator or other representative of the early education or early intervention system to the initial IEP team meeting to assist with the smooth transition of services. (20 USC 1414(d)(1)(D); 34 CFR 300.321; Education Code 56341)

INDIVIDUALIZED EDUCATION PROGRAM (continued)Members of the IEP Team (continued)

A member of the IEP team shall not be required to attend an IEP team meeting, in whole or in part, if the parent/guardian consents and the District agrees, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed at the meeting. If the meeting involves a discussion of the member's area of the curriculum or related services, the IEP team member may be excused from the meeting if the parent/guardian consents in writing to the excusal and the member submits to the parent/guardian and team written input into the development of the IEP prior to the meeting. (20 USC 1414(d)(1)(C); 34 CFR 300.321; Education Code 56341)

Parent/Guardian Participation and Other Rights

The Superintendent or designee shall take steps to ensure that one or both of the parents/guardians of the student with a disability are present at each IEP team meeting or are afforded the opportunity to participate. These steps shall include notifying the parents/guardians of the meeting early enough to ensure that they will have the opportunity to attend and scheduling the meeting at a mutually agreed upon time and place. (34 CFR 300.322; Education Code 56341.5)

The Superintendent or designee shall send parents/guardians notices of IEP team meetings that: (34 CFR 300.322; Education Code 56341.5)

1. Indicate the purpose, time, and location of the meeting
2. Indicate who will be in attendance at the meeting
3. Inform the parent/guardian of the provisions of 34 CFR 300.321(a)(6) and (c) relating to the participation on the IEP team of other individuals who have knowledge or special expertise about the student, and 34 CFR 300.321(f) relating to the participation of the Infant and Toddlers with Disabilities Coordinator at the initial IEP team meeting

At each IEP team meeting convened by the District, the District administrator or specialist on the team shall inform the parent/guardian and student of the federal and state procedural safeguards included in the notice of parental rights provided pursuant to Education Code 56321. (Education Code 56500.1)

The parent/guardian shall have the right and opportunity to examine all of his/her child's school records upon request and before any IEP meeting. Upon receipt of an oral/ written request, the District shall provide complete copies of the records within five business days. (Education Code 56043)

INDIVIDUALIZED EDUCATION PROGRAM (continued)

Parent/Guardian Participation and Other Rights (continued)

If neither parent/guardian can attend the meeting, the Superintendent or designee shall use other methods to ensure parent/guardians participation, including video conferences or individual or conference telephone calls. (20 USC 1414(f); 34 CFR 300.322; Education Code 56341.5)

An IEP team meeting may be conducted without a parent/guardian in attendance if the District is unable to convince the parent/guardian that he/she should attend. In such a case, the District shall maintain a record of its attempts to arrange a mutually agreed upon time and place for the meeting, including: (34 CFR 300.322; Education Code 56341.5)

1. Detailed records of telephone calls made or attempted and the results of those calls
2. Copies of correspondence sent to the parent/guardian and any responses received
3. Detailed records of visits made to the parent/guardian's home or place of employment and the results of those visits

Parent/guardians and the District shall have the right to audiotape the proceedings of IEP team meetings, provided members of the IEP team are notified of this intent at least 24 hours before the meeting. If the District gives notice of intent to audiotape a meeting and the parent/guardian objects or refuses to attend because the meeting would be audiotaped, the meeting shall not be audiotaped. Parents/guardians also have the right to: (Education Code 56341.1)

1. Inspect and review the audiotapes
2. Request that the audiotapes be amended if the parents/guardians believe they contain information that is inaccurate, misleading, or in violation of the student's privacy rights or other rights
3. Challenge, in a hearing, information that the parents/guardians believe is inaccurate, misleading, or in violation of the student's privacy rights or other rights

The District shall take any action necessary to ensure that the parents/guardian understand the proceedings of the meeting, including arranging for an interpreter for parents/guardians with deafness or whose native language is not English. (34 CFR 300.322; Education Code 56345.1)

The District shall give the parents/guardians of a student with disabilities a copy of his/her child's IEP at no cost. (34 CFR 300.322)

INDIVIDUALIZED EDUCATION PROGRAM (continued)

Contents of the IEP

The District shall have an IEP in effect for each identified student with disabilities within its jurisdiction at the beginning of each school year. (Education Code 56344)

The IEP shall be a written statement determined in a meeting of the IEP team. It shall include, but not be limited to, all of the following:

1. A statement of the present levels of the student's educational performance and functional performance level including :
  - a. For a school age child, the manner in which the student's disability affects his/her involvement and progress in the general curriculum (i.e., the same curriculum as for non-disabled students)
  - b. For a preschool child, as appropriate, the manner in which the disability affects his/her participation in appropriate activities
2. A statement of measurable annual goals, including academic and functional goals designed to do the following:
  - a. For a school age child, meeting the student's needs that result from his/her disability in order to enable the student to be involved in and progress in the general curriculum  
  
For a preschool child, as appropriate, meeting the child's needs that result from his/her disability to enable the child to participate in appropriate activities
  - b. Meeting each of the student's other educational needs that result from the student's disability
  - c. For students with disabilities who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives
3. A description of the manner in which the progress of the student toward meeting the annual goals described in item #2 above will be measured and when the District will provide periodic reports on the progress the student is making toward meeting the annual goals, such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards

INDIVIDUALIZED EDUCATION PROGRAM (continued)

Contents of the IEP (continued)

4. A statement of the specific special educational instruction and related services and supplementary aids and services, based on peer-reviewed research, to the extent practicable, to be provided to the student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided for the student to:
  - a. Advance appropriately toward attaining the annual goals
  - b. Be involved and progress in the general curriculum in accordance with item #1 above and to participate in extracurricular and other nonacademic activities where appropriate
  - c. Be educated and participate with other students with disabilities and nondisabled students in the activities described in Education Code 56345
5. An explanation of the extent, if any, to which the student will not participate with non-disabled students in the general education class and in the extracurricular and other nonacademic activities described in item #4 above.

A statement of any appropriate individual accommodations necessary to measure the academic achievement and functional performance of the student on state and Districtwide assessments

If the IEP team determines that the student shall take an alternate assessment instead of a particular regular state or Districtwide assessment, a statement of all of the following:

- a. The reason that the student cannot participate in the regular assessment
  - b. The reason that the particular alternate assessment selected is appropriate for the student
6. The projected date for the beginning of the services and modifications described in item #4 above and the anticipated frequency, location and duration of those services and modifications
  7. Appropriate objective criteria, evaluation procedures, and schedules for determining, on at least an annual basis, whether the annual goals are being achieved

INDIVIDUALIZED EDUCATION PROGRAM (continued)

Contents of the IEP (continued)

8. A statement of:
  - a. How the student's progress toward the annual goals described in item #2 above will be measured
  - b. How the student's parents/guardians will be regularly informed (by such means as periodic report cards), at least as often as parents/guardians of nondisabled students, of:
    1. Their child's progress towards the annual goals describe in item #2 above
    2. The extent to which that progress is sufficient to enable the student to achieve the goals by the end of the year

Where appropriate, the IEP shall also include: (Education Code 56345)

1. For students in grades 7 & 8, any alternative means and modes necessary for the student to complete the District's prescribed course of study and to meet or exceed standards required for graduation
2. Linguistically appropriate goals, objectives, programs and services for students whose primary language is not English
3. Extended school year services when the IEP team determines, on an individual basis, that the services are necessary for the provision of a free appropriate public education (FAPE)
4. Provision for transition into the general education program if the student is to be transferred from a special class or center, or nonpublic, nonsectarian school, into a general education program in a public school for any part of the school day

The IEP shall include descriptions of activities intended to:

- a. Integrate the student into the general education program, including indications of the nature of each activity and the time spent on the activity each day or week
  - b. Support the transition of the student from the special education program into the general education program
5. Specialized services, materials and equipment for students with low incidence, disabilities, consistent with the guidelines of Education Code 56136

INDIVIDUALIZED EDUCATION PROGRAM (continued)

Development, Review and Revision of the IEP

In developing the IEP, the IEP team shall consider the following:

1. The strengths of the student
2. The concerns of the parents/guardians for enhancing the education of their child
3. The results of the initial assessment or most recent assessment of the student
4. The academic, developmental, and functional needs of the student
5. As appropriate, the results of the student's performance on any general state or District assessment programs
6. In the case of a student whose behavior impedes his/her learning or that of others, if appropriate, positive behavioral interventions, strategies and supports to address that behavior
7. In the case of a student with limited English proficiency, the language needs of the student as such needs relate to the student's IEP
8. In the case of a student who is blind or visually impaired, the need to provide for instruction in Braille.

However, such instruction need not be included if the IEP team determines that instruction in Braille or the use of Braille is not appropriate for the student. This determination shall be based upon an assessment of the student's reading and writing skills, his/her future needs for instruction in Braille or the use of Braille, and other appropriate reading and writing media.

9. The communication needs of the student, and in the case of a student who is deaf or hard of hearing, the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode

INDIVIDUALIZED EDUCATION PROGRAM (continued)

Development, Review and Revision of the IEP (continued)

The team shall also consider the related services and program options that provide the student with an equal opportunity for communication access, including the following:

- a. The student's primary language mode and language, which may include the use of spoken language with or without visual cues and/or the use of sign language
- b. The availability of a sufficient number of age, cognitive and language peers of similar abilities which may be met by consolidating services into a local plan area-wide program or providing placement pursuant to Education Code 56361
- c. Appropriate, direct and ongoing language access to special education teachers and other specialists who are proficient in the student's primary language mode and language consistent with existing law regarding teacher training requirements
- d. Services necessary to ensure communication-accessible academic instructions, school services and extracurricular activities consistent with the Federal Vocational Rehabilitation Act and the Federal Americans with Disabilities Act

10. Whether the student requires assistive technology devices and services

If, in considering the special factors in items #1-10 above, the IEP team determines that a student needs a particular device or service, including an intervention, accommodation or other program modification, in order to receive a free and appropriate public education, the IEP team must include a statement to that effect in the student's IEP.

The Superintendent or designee shall ensure that the IEP team: (20 USC 1414(d)(4); 34 CFR 300.324; Education code 56043, 56341.1, 56380

1. Reviews the IEP periodically, but at least annually, to determine whether the annual goals for the student are being achieved and the appropriateness of placement
2. Revises the IEP, as appropriate, to address:
  - a. Any lack of expected progress toward the annual goals and in the general curriculum, where appropriate
  - b. The results of any reassessment conducted pursuant to Education Code 56381

INDIVIDUALIZED EDUCATION PROGRAM (continued)

Development, Review and Revision of the IEP (continued)

- c. Information about the student provided to or by the parents/guardians regarding review of evaluation data pursuant to 34 CFR 305(a)(2) and Education Code 56381(b)
  - d. The student's anticipated needs
  - e. Other matters
3. Considers the special factors listed in items #5-9 above when reviewing the IEP

The IEP team shall also meet: ( Education Code 56343)

- 1. Whenever the student has received an initial formal assessment and, when desired, when the student receives any subsequent formal assessment

As a member of the IEP team, the general education teacher shall, to the extent appropriate, participate in the development, review and revision of the student's IEP, including assisting in the determination of:

- 1. 1.Appropriate positive behavioral intervention and strategies for the student
- 2. Supplementary aids and services, program modifications or supports for school personnel that will be provided for the student, consistent with 34 CFR 300.320; Education Code

To the extent possible, the District shall encourage the consolidation of reassessment meeting and other IEP team meeting for a student. (20 USC 1414(d)(3)(A); 34 CFR 300.324)

The Student shall be allowed to provide confidential input to any representative of his/her IEP team. (Education code 56341.5)

When a change is necessary to a student's IEP after the annual IEP team meeting for the school year has been held, the parent/guardian and the District may agree not to convene an IEP team meeting for the purpose of making the change and instead may develop a written document to amend or modify the student's current IEP. The IEP team shall be informed of any such changes. Upon request, the District shall provide the parent/guardian with a revised copy of the IEP with the incorporated amendments. (20 USC 1414(d)(3)(D); 34 CFR 300.324)

INDIVIDUALIZED EDUCATION PROGRAM (continued)

Development, Review and Revision of the IEP (continued)

If a student with disabilities residing in a licensed children's institution or foster family home has been placed by the District in a nonpublic, nonsectarian school, the District shall conduct an annual evaluation as part of the IEP process of whether the placement is the least restrictive environment that is appropriate to meet the student's needs. (Education Code 56157)

When an IEP calls for a residential placement as a result of a review by an expanded IEP team, the IEP shall include a provision for a review, at least every six months, by the full IEP team of all of the following: (Education Code 56043)

1. The case progress
2. The continuing need for out-of-home placement
3. The extent of compliance with the IEP
4. Progress toward alleviating the need for out-of-home care

Timelines for the IEP and for Provision of Services

At the beginning of each school year, the District shall have an IEP in effect for each student with a disability within District jurisdiction. (34 CFR 300.323; Education Code 56344)

The District shall ensure that a meeting to develop an initial IEP is conducted within 30 days of a determination that a student needs special education and related services. The District shall also ensure that, as soon as possible following development of the IEP, special education services and related services are made available to the student in accordance with his/her IEP. (34 CFR 300.323; Education Code 56344)

An IEP required as a result of an assessment of the student shall be developed within 60 days (not counting days between the student's regular school sessions, terms or days of school vacation in excess of five school days) from the date of receipt of the parent/guardian's written consent for assessment, unless the parent/guardian agrees, in writing, to an extension. (Education Code 56344)

However, an IEP required as a result of an assessment of a student shall be developed within 30 days after the commencement of the subsequent regular school year for a student for whom a referral has been made 20 days or less prior to the end of the regular school year. In the case of school vacations, the 60-day time limit shall recommence on the date that student's school days reconvene. (Education Code 56344)

INDIVIDUALIZED EDUCATION PROGRAM (continued)Timelines for the IEP and for Provision of Services (continued)

When a parent/guardian requests an IEP team meeting to review the IEP, the team shall meet within 30 days of receiving the parent/guardian's written request, not counting days between the student's regular school sessions, terms, or days of school vacation in excess of five school days. If a parent/guardian makes an oral request, the District shall notify the parent/guardian of the need for a written request and the procedure for filing such a request. (Education Code 56043,56343.5)

A general education or special education teacher may request a review of the classroom assignment of a special education student by submitting written request to the Superintendent or designee. The Superintendent or designee shall consider the request within 20 days of receiving it, not counting days when school is not in session. If the review indicates a need for change in the student's placement, instruction, and/or related services, the Superintendent or designee shall convene an IEP team meeting, which shall be held within 30 days of the Superintendent or designee's review, not counting days when school is not in session, unless the student's parent/guardian consents in writing to an extension of time.

The District shall ensure that the student's IEP is accessible to each general education teacher special education teacher, related services provider, and any other service provider who is responsible for its implementation. The District shall also ensure that such teachers and providers are informed of their specific responsibilities related to implementing the IEP and the specific accommodations, modifications, and supports that must be provided to the students in accordance with the IEP. (34 CFR 300.323)

Before providing special education and related services, the District shall seek to obtain informed consent pursuant to 20 USC 1414(a)(1). If the parent/guardian refuses to consent to the initiation of services, the District shall not provide the services by utilizing the due process hearing procedures pursuant to 20 USC 1415(f). If the parent/guardian does not consent to all of components of the IEP, then those components to which the parent/guardian has consented shall be implemented so as not to delay providing instruction and services to the student. (Education Code 56346)

If the parent/guardian refuses all services in the IEP after having consented to those services in the past, the District shall file a request for a due process hearing. If the District determines that a part of the proposed IEP to which the parents/guardian does not consent is necessary in order to provide the student FAPE, a due process hearing shall be initiated in accordance with 20 USC 1415(f). While the due process hearing is pending, the student shall remain in the current placement unless the parent/guardian and the District agree otherwise. (Education Code 56346)

INDIVIDUALIZED EDUCATION PROGRAM (continued)

Transfer Students

To facilitate a transfer student's transition, this District shall take reasonable steps to promptly obtain the records of a student with disabilities transferring into this District, including his/her IEP and the supporting documents related to the provision of special education services. (34 CFR 300.323; Education Code 56325)

If a student with disabilities transfers to this District during the school year from a district within this same SELPA, this District shall continue, without delay, to provide services comparable to those described in the existing IEP, unless the student's parent/guardian and District agree to develop, adopt, and implement a new IEP that is consistent with state and federal law. (34 CFR 300.323; Education Code 56325)

If a student with disabilities transfers to this District during the school year from a California district outside of this District's SELPA, this District shall provide the student with FAPE, including services comparable to those described in the previous district's IEP. Within 30 days, this District shall, in consultation with the parents/guardians, adopt the other district's IEP or shall develop, adopt, and implement a new IEP that is consistent with state and federal law. (34 CFR 300.323; Education Code 56325)

If a student with disabilities transfers to this District during the school year from an out-of-state district, this District shall provide the student with FAPE, including services comparable to the out-of-state district's IEP, in consultation with the parent/guardian, until such time as this District conducts an assessment, if this District determines that such an assessment is necessary, and develops, adopts, and implements a new IEP, if appropriate. (34 CFR 300.323; Education Code 56325)

Due Process/Mediation

A student shall not be required to participate in all or part of any special education program unless the parent/guardian is first informed in writing of the facts that make participation in the program necessary or desirable and the contents of the IEP, and the parent/guardian consents, in writing, to all or part of the IEP after receiving this notice.

If the parent/guardian does not consent to all of the components of the IEP, then those components of the IEP to which the parent/guardian has consented shall be implemented so as not to delay providing instruction and services to the student. (Education Code 56346)

INDIVIDUALIZED EDUCATION PROGRAM (continued)

Due Process/Mediation (continued)

If the Superintendent or designee determines that a part of the proposed IEP to which the parent/guardian does not consent is necessary in order to provide a free and appropriate public education to the student, he/she shall either initiate a due process hearing or a pre-hearing mediation conference with the State pursuant to Education Code 56500.3. While the due process hearing or pre-hearing mediation conference is pending, the student shall remain in his/her current placement unless the parent/guardian and the Superintendent or designee agree otherwise.

While a due process hearing is pending, the Superintendent or designee may choose to meet informally with the parent/guardian pursuant to Education Code 56502 or may hold a mediation conference pursuant to Education Code 56503. If a due process hearing is held, the hearing decision shall be the final administrative determination and shall be binding upon the parties.