

INDIVIDUALIZED EDUCATION PROGRAM

Members of the Individualized Education Program Team

The district shall ensure that the individualized education program (IEP) team for any student with a disability includes the following members:

1. One or both of the student's parents/guardians, and/or a representative selected by the parent/guardian;
2. 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. Not less than one special education teacher or, where appropriate, not less than one special education provider for the student;
4. A representative of the district who is an Administrator or designee:
 - 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 Special Education Local Plan Area (SELPA) resources.
 - d. Authorized to commit resources; and
 - e. Ensure IEP program services are implemented.
5. An individual who can interpret the instructional implication 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 knowledge or special expertise regarding the student shall be made by the party who invites the individual to be a member of the IEP team.

7. Whenever appropriate, the student with the disability;
8. For transition service consideration:
 - a. The student, regardless of his/her age, if the purpose of the meeting is the consideration of the student's postsecondary goals and the transition services needed to assist him/her in reaching those goals pursuant to 34 CFR 300.320(b).

If the student does not attend the IEP team meeting, the district shall take other steps to ensure that the student's preferences and interests are considered;

- b. To the extent appropriate, and with the consent of the parent/guardian, a representative of any other agency that is likely to be responsible for providing or paying for transition services.
9. For students suspected of having a specific learning disability in accordance with 34 CFR 300.540 and 300.542, at least one individual who is qualified to conduct individual diagnostic examinations of the student, such as a school psychologist, speech language pathologist, or remedial reading teacher.

In accordance with 34 CFR 300.542, 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; and/or

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

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 prior to referring the student to a county mental health agency for services.

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.

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 and the district agree, 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. Even if the meeting involves a discussion of the IEP team member's area of the curriculum or related service, the member may be excused from the meeting if the parent/guardian, in writing, and the district consent to the excusal after conferring with the member and the member submits to the parent/guardian and team written into the development of the IEP prior to the meeting.

IEP Team Meetings: Parent/Guardian Notice and Attendance

The Superintendent or designee or case manager 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 and scheduling the meeting at a mutually agreed upon time and place.

The Superintendent or designee or case manager shall send parents/guardians notices of IEP team meetings early enough to ensure that they will have an opportunity to attend. These notices shall:

1. Indicate the purpose, time, and location of the meeting;
2. Indicate who will be in attendance at the meeting;
3. Inform the parents/guardians of the provisions of 34 CFR 300.345(b)(1)(ii) relating to their right to have on the IEP team other individuals who have knowledge or special expertise about the student;
4. For students beginning at age 16 (or younger than 16 if deemed appropriate by the IEP team):

- a. Indicate that the purpose of the meeting will be the consideration of postsecondary goals and transition services for the student pursuant to Education Code 56345.1 and 20 USC 1414(d)(1)(A)(i)(VIII);
- b. Indicate that the district will invite the student to the IEP team meeting;
- c. Identify any other agency that will be invited to send a representative

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.

If neither parent/guardian can attend the meeting, the Superintendent or designee shall use other methods to ensure parent/guardian participation, including video conference, individual or conference telephone calls.

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 this case, the district shall maintain a record of its attempts to arrange a mutually agreed upon time and place for the meeting, including:

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 response received; and
3. Detailed records of visits made to the parent/guardian's home or place of employment and the results of those visits.

Parents/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:

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 parent/guardian understands the proceedings at a meeting, including arranging for an interpreter for parent/guardians with deafness or whose native language is not English.

Parent/Guardian Consent

Before providing special education and related services, the district shall seek to obtain informed consent pursuant to 20 USC 1414(a)(1). The district shall not provide services by utilizing the due process hearing procedures pursuant to 20 USC 1415(f) if the parent/guardian refuses to consent to the initiation of services. If the parent/guardian does not consent to all of the 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.

If the district determines that a part of a proposed IEP to which the parent/guardian does not consent is necessary in order to provide the student with a free appropriate public education (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.

If at any time subsequent to the initial provision of services, the student's parent/guardian revokes consent, in writing, for the continued provision of special education services, the Superintendent or designee shall provide prior written notice within a reasonable time before ceasing to provide services to the student. The district shall not request a due process hearing or pursue mediation in order to require an agreement or ruling that services be provided to the student.

Prior to the discontinuation of services, the Superintendent or designee may offer to meet with the parents/guardians to discuss concerns for the student's education. However, this meeting shall be voluntary on the part of the parent/guardian and shall not delay the implementation of the parent/guardian's request for discontinuation of

services. In addition, the Superintendent or designee shall send a letter to the parent/guardian confirming the parent/guardian's decision to discontinue all services.

When the district ceases to provide special education services in response to the parent/guardian's revocation of consent, the student shall be classified as a general education student.

Contents of the IEP

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 academic achievement and functional performance, including 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).
 - a. For a preschool child, as appropriate, the manner in which the disability affects his/her participation in appropriate activities; or
 - b. For students with disabilities who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives.
2. A statement of measurable annual goals, including academic and functional goals, designed to do the following:
 - a. Meet 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; and
 - b. Meet each of the student's other educational needs that result from the student's disability.
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.

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 make progress in the general curriculum in accordance with item #1 above and to participate in extracurricular and other nonacademic activities; and
 - c. Be educated and participate with other students with disabilities and non-disabled students in the activities described in Education Code 56345(a).

5. An explanation of the extent, if any, to which the student will not participate with non-disabled students in the regular class and in the extracurricular and other nonacademic activities described in item #4(c) above.

6. A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on state and district-wide assessments.

If the IEP team determines that the student shall take an alternate assessment on a particular state or district-wide assessment, a statement of the following:

- a. The reason that the student cannot participate in the regular assessment; and
 - b. The reason that the particular alternate assessment selected is appropriate for the student.
7. 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.
 8. Beginning not later than the first IEP to be in effect when the student is 16 years of age, and updated annually thereafter, the following shall be included:
 - a. Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and

- b. The transition services, including courses of study, needed to assist the student in reaching those goals.
9. Beginning at least one year before the student reaches age 18, a statement that the student has been informed of his/her rights, if any, pursuant to Education Code 56041.5 that will transfer to the student upon reaching age 18.

Where appropriate, the IEP shall also include:

1. For students in grades 7-12, any alternative means and modes necessary for the student to complete the district's prescribed course of study and to meet or exceed proficiency standards required for graduation.
2. Linguistically appropriate goals, objectives, programs, and services for students whose native 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.
4. Provision for transition into the regular education program if the student is to be transferred from a special class or center, or nonpublic, nonsectarian school, into a regular 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 regular 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 regular education program.
5. Specialized services, materials, and equipment for students with low incidence disabilities, consistent with the guidelines pursuant to Education Code 56136 Development, Review, and Revision of the IEP.

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

- a. The strengths of the student;
- b. The concerns of the parents/guardians for enhancing the education of their child;

- c. The results of the initial assessment or most recent assessment of the student;
 - d. The academic, developmental, and functional needs of the student;
 - e. In the case of a student whose behavior impedes his/her learning or that of others, if appropriate, the use of positive behavioral interventions and supports and other strategies to address that behavior.
6. 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.
 7. In the case of a student who is blind or visually impaired, the need to provide for instruction in Braille and instruction in the use of Braille. However, such instruction need not be included in the IEP 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.
 8. 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. The team shall also consider the related services and program options that provide the student with an equal opportunity for communication access, as described in Education Code 56345.
 9. Whether the student requires assistive technology devices and services.

If, in considering the special factors in items #1-9 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 appropriate public education, the IEP team must include a statement to that effect in the student's IEP.

The IEP team shall:

1. Review the IEP periodically, but at least annually, to determine whether the annual goals for the student are being achieved and to revise the IEP, as appropriate, addressing, among other matters, the following:

- 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.
- c. Information about the student provided to or by the parents/guardians regarding review of evaluation data pursuant to Education Code 56381(b);
- d. The student's anticipated needs; and/or
- e. Other relevant matters.

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.

Transfer Students

If a student with a disability transfers to this district from a district within this district's SELPA during the school year, this district shall continue, without delay, to provide services comparable to those described in the existing IEP, unless the parent/guardian and district agree to develop, adopt, and implement a new IEP that is consistent with state and federal law.

If a student with a disability transfers to this district from a California district outside of this district's SELPA during the school year, the district shall provide the student with a free appropriate public education, including services comparable to those described in the previous district's IEP. Within 30 days, the 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.

If a student with a disability transfers to this district from a district out of state during the school year, the district shall provide the student with a free appropriate public education, including services comparable to the out of state district's IEP, in consultation with the parent/guardian, until such time as the district conducts an assessment, if the district determines such an assessment is necessary, and develops a new IEP, if appropriate.

To facilitate the student's transition, the 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.

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.

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 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.

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