

INDIVIDUALIZED EDUCATION PROGRAM

The District will conduct a program to identify students eligible for and in need of special education services.

Upon the identification of a student's exceptional need(s), the Superintendent or Superintendent's designees shall appoint an individualized education program team to consider those needs, determine the content of the student's Individualized Education Program (IEP) and make placement decisions for the least restrictive, appropriate environment. Student and parents/guardians shall have the right to participate in the development of the IEP.

The Governing Board desires to provide educational alternatives that afford students with disabilities full educational opportunities. Student with disabilities shall receive a free, appropriate public education and be placed in the least restrictive environment which meets their needs to the extent provided by law.

The IEP team shall consider the educational and nonacademic benefits of placing the student in a general class and shall determine what support services would be needed in order to maintain this placement. All placement decisions should promote maximum social interaction between students with disabilities and their non-disabled peers, in a manner that is appropriate to the needs of both.

Each IEP shall be consistent with the curriculum and course of study pursued in the general education program. Students with exceptional needs should also receive instruction which fosters their independence and integration into the community.

The student and parents/guardian(s) shall have the right to approve a student's placement in a special education program, and written parental consent shall be obtained before any such placement is made, unless a due process hearing officer authorizes the placement. To the extent permitted by federal law, a foster parent shall have the same rights relative to his/her foster child's IEP as a parent/guardian. Once an IEP team has determined an appropriate placement, that placement remains in effect unless the parties agree otherwise or a due process hearing officer so orders. Students and parents/guardians also shall have the right to participate in the development of the individualized education program.

Students with disabilities and students without disabilities should share an interactive environment which nurtures understanding, cooperation and mutual respect. Placement outside of a general class or school will be considered when the general education environment and/or program does not provide an appropriate placement.

INDIVIDUALIZED EDUCATION PROGRAMS - BP 6159 (CONT.)

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A special education or general education teacher may request a review of the classroom assignment of an individual with exceptional needs in accordance with procedure set forth in administrative regulations.

Legal Reference:

EDUCATION CODE

51225.3 Requirements for High School Graduation and Diploma
56055 Foster Parents
56221 Adoption of Policies
56321.5 Notice to Include Right to Electronically Record
56340-56347 Instructional Planning and Individualized Education Program

CODE OF REGULATIONS, TITLE 5

3022 Assessment Plan
3023 Assessment
3024 Transfer
3040 Individualized Education Program Implementation
3042 Extended School Year
3068 Review of Individualized Education Program

UNITED STATES CODE, TITLE 20

12328 Family Educational Rights and Privacy Act of 1974
1400 et seq. Individuals with Disabilities Education Act

CODE OF FEDERAL REGULATIONS, TITLE 34

300.340-349 Individualized Education Programs
300.503 Independent Educational Assessment
300.533 Placement Procedures
300.550-300.553 Least Restrictive Environment; Alternative Placements; Placement; Nonacademic Settings

Board Policy Reference:

BP 0430 Comprehensive Local Plan
BP 6159.1 Procedural Safeguards and Complaints
BP 6159.2 Non Public Non Sectarian School and Agency Services
BP 6159.3 Appointment of Surrogate Parent
BP 6164.4 Identification of Individuals with Exceptional Needs

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REVISED: 11/16/94

REVISED: 5/12/04

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Curriculum

The curriculum for students in special education can have a high school graduation (diploma) emphasis, a functional skills emphasis or -a combined emphasis. The determination of the student's focus is a result of the decision of the Individualized Education Program (IEP) Team that includes the parent, and student when appropriate. The student should be a part of the team whenever possible. The high school diploma requirements are included in the District Curriculum. The functional skills approach is described in the SELPA Functional Activities Curriculum Framework Procedural Guidelines for Instruction in the Vocational Domain and the Suggested Programmatic Guidelines for Effective Implementation of Community Based Instruction.

Search and Serve

The sites will conduct a search and serve program for possible special education students not yet identified. This will be an on going process that will be documented by each site. Sites will document the referrals and timelines of assessment and IEP Team meetings.

Individualized Education Program (IEP) Team

The IEP team for any student with a disability shall include at least the following members: (Education Code 56341)

1. An administrator who is knowledgeable of program options appropriate for the student and qualified to provide or supervise the provision of special education.
2. If the student is or may be participating in the regular education program, at least one regular education teacher. If more than one regular 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 (present teacher) or, where appropriate, at least one special education provider for the student. If the student does not presently have a teacher, this member shall be:
 - a. The teacher with the most recent and complete knowledge of the student, one who has also observed the student's performance in an appropriate setting,
 - b. or a special education teacher qualified to teach at the student's age level.
4. One or both of the student's parents/guardians, or a representative chosen by the parent/guardian pursuant to the Code of Federal Regulations, Title 34, Part 300.345, or both.

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When appropriate, the IEP team also shall include:

5. The student with the disability. 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.
6. For transition service participants pursuant to 34 CFR 300.347
7. A representative of the group home in cases where a student with disabilities has been placed in a group home by a juvenile court
8. Other individuals at the discretion of the parents/guardian(s), or district.

For a child who has been evaluated for the purpose of developing, reviewing or revising the IEP, a member of the evaluation team shall be present or at least one of the persons present shall be knowledgeable about the evaluation (assessment) procedures, familiar with the results of the student's previous assessment, if any, and qualified to interpret the results of the assessment which are significant to development of the student's IEP.

For students with suspected learning disabilities, at least one member of the IEP team shall be a person other than the student's regular teacher who has observed the student's educational performance in an appropriate setting. If the student is not enrolled in school, a team member shall observe the student in an appropriate environment. (Education Code 56341)

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 translator fluent in the student's primary language.

Individualized Education Program (IEP)

The IEP shall be a written statement determined in a meeting of the IEP team. It shall include at least the following: (Education Code 56345)

1. The present levels of the student's educational performance.
2. Annual measurable goals, including benchmarks or short-term instructional objectives.
3. A statement of the specific special educational instruction and supplementary aids and services to be provided to the student, or on behalf of the student, and a statement of the program modifications, accommodations and/ 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

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- c. be educated and participate with other students with disabilities and nondisabled students in the activities described in Education Code 56345.
4. The extent to which the student will be able to participate in regular educational programs.
5. The projected date for beginning of the services and ,modifications described in item # 3 above, and anticipated frequency, location and duration of such services and modifications.
6. A statement of participation in the California High School Exit Exam (CAHSEE) and the Standardized Testing and Reporting Program (STAR) with appropriate accommodations. If the IEP team determines that the student will not participate in the administration of a state or district assessment of student achievement, the IEP shall include a statement as to why that assessment is not appropriate for the student and how the student will be assessed.
7. Appropriate objective criteria, evaluation procedures and schedules for determining, on at least an annual basis, whether short-term instructional objectives are being achieved.
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 described 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
9. A statement of transition service needs, as defined in Education Code 56345.1 as follows:
 - a. Beginning at age 14 (or younger if determined appropriate by the IEP team, and updated annually, a statement of transition service needs of the student under the applicable components of the IEP that focus on the student's courses of study (such as participation in Advance Placement courses or a vocational education program)
 - b. Beginning at age 16 (or younger if determined appropriate by the IEP team) and annually thereafter, a statement of needed transition services for the student, including, when appropriate, a statement of the interagency responsibilities or any needed linkages.
 - c. Beginning at lease one year before the student reaches age 18, a statement that the student has been informed of his/her rights, if any, pursuant to the Individuals with Disabilities Education Act that will transfer to the student upon reaching age 18 pursuant to 20 USC 1115 (m), 34 CFR 300.517 and Education Code 56041.

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

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1. Vocational education, career education or work experience education in preparation for remunerative employment, and/or functional skill training, for students in grades 9-12, or of comparable chronological age.
2. For students in grades 9-12, 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.
3. Linguistically appropriate goals, objectives, programs and services for students whose primary language is not English.
4. Extended school year services when needed, as determined by the IEP team.
5. Provision for transition into the regular class program if the student is to be transferred from a special class, or nonpublic, nonsectarian school into a regular class in a public school for any part of the school day.

The IEP shall include descriptions of activities provided to:

- a. Integrate the student into the regular education program, including the percentage of 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.
6. Specialized services, materials and equipment for students with low incidence disabilities, consistent with the guidelines of Education Code 56136.
7. A statement of any individual modifications in the administration of state or district assessments of student achievement that are needed in order for the student to participate in such assessments.

A regular education or special education teacher may request a review of the classroom assignment of an individual with exceptional needs by submitting a written request to the Principal or designee. The Principal or designee shall consider the request within 20 days of receiving it, not counting days in July and August. If his/her review indicates a change in the student's placement, instruction and/or related services, the Principal or designee shall convene an IEP meeting, which shall be held within 30 days of the Principal's or designee's review, not counting days in the July or August, unless the student's parent/guardian consents to an extension of time.

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

1. A student has received an initial formal assessment. The team may meet when a student receives any subsequent formal assessment
2. The student demonstrates a lack of anticipated progress
3. The parent/guardian or teacher requests a meeting to develop, review, or revise the IEP
4. At least annually, to review the student's progress, the IEP, and the appropriateness of placement; and to make any necessary revisions.

The IEP team shall conduct this review. Others may participate if they have essential expertise or knowledge.

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When a parent/guardian requests an IEP team meeting to review the IEP, the team shall meet within 30 days of receiving the parent's/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 filling a written request. (Education Code 56343.5)

An IEP required as a result of an assessment of the student shall be developed within 50 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. 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 each 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 student school vacation, the 50-day time limit shall recommence on the date that student school days reconvene. (Education Code 56344)

At each IEP 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 parent rights provided pursuant to Education Code 56321.

Parents/guardians and the district shall have the right to electronically record the proceedings of individualized education program meetings on an audio tape recorder, 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 audio tape a meeting, and if the parent/guardian objects or refuses to attend because the meeting would be tape recorded, the meeting shall not be tape recorded. Parents/guardians also have the following rights:

1. To inspect and review the tape recordings
2. To request that the tape recordings be amended if the parent/guardian believes they contain information that is inaccurate, misleading, or in violation of the privacy rights or other rights of the individual with exceptional needs
3. To challenge, in a hearing, information that the parent/guardian believes is inaccurate, misleading, or in violation of the individual's privacy rights or other rights. (Education Code 56341)

If no parent/guardian can attend the meeting, the Superintendent or designee shall use other methods to ensure parent/guardian participation, including individual or conference telephone calls. (34CFR 300.345; Education Code 56341.5.)

An IEP meeting may be conducted without 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 and copies of correspondence sent to the parent/guardian and any response received.

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

Development, Review and Revision of the IEP

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

1. The strengths of the student and the concerns of the parents/guardians for enhancing the education of their child.
2. The results of the initial assessment or most recent assessment of the student
3. As appropriate, the results of the student's performance on any general state or district assessment programs.
4. 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.
5. 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.
6. In the case of a student who is blind or visually impaired, the need to provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media, that instruction in Braille or the use of Braille is not appropriate for the student.
7. 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, 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
- 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
- d. Services necessary to ensure communication-accessible academic instructions, school services and extracurricular activities
- e. Whether the student requires assistive technology devices and services

If, in considering the special factors in items #1-7 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. (34 CFR 300.346; Education Code 56341.1)

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The IEP may be revised, as appropriate, to address:

1. Any lack of expected progress toward the annual goals and in the general curriculum, where appropriate.
2. The results of any reassessment conducted pursuant to Education Code 56381.

A reassessment of the student shall be conducted at least once every three years, or more frequently if conditions warrant a reassessment, or if the student's parent/guardian or teacher requests a reassessment and a new IEP to be developed. (Education Code 56381)

3. Information about the student provided to or by the parents/guardians regarding review of evaluation data pursuant to Education Code 56381(b)
4. The student's anticipated needs
5. Factors used to develop the IEP pursuant to Education Code 56341.1(a) and described above
6. Other matters

As a member of the IEP team, the regular 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. Appropriate positive behavioral interventions 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 300.347(a)(3)

Whenever a special education student transfers into the district from another district not part of this district's SELPA, the Superintendent or designee shall ensure that the student is immediately provided an interim placement for a period not to exceed 30 days. This interim placement shall be in accordance with either the student's existing IEP to the extent possible within existing resources, or a new IEP, unless the parent/guardian agrees otherwise. Before the expiration of the 30-day period, the IEP team shall review the interim placement and shall make a final recommendation. The team may utilize information, records, and reports from the district or county program from which the student transferred. (Education Code 56325)

On an annual basis, all IEPs shall be reviewed for student progress, appropriateness of placement and to include any necessary revisions. (Education Code 56380)

Due Process/Mediation

Education Code 56346 requires the implementation, without delay, of all components of the IEP to which the parent/guardian has consented. If the parent/guardian does not consent to a necessary part of the proposed program, the district must initiate a due process hearing or hold a prehearing mediation conference.

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

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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)

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 prehearing mediation conference with the state pursuant to Education Code 56500.3. While the due process hearing or prehearing mediation conference is pending, the student shall remain in his/her current placement unless the parent/guardian and the Superintendent or designee agree otherwise. (Education Code 56346)

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. (Education Code 56346)

Legal Reference:

EDUCATION CODE

56040-56048 Timelines and Educational Rights

56136 Low Incidence

56195 Local Plan

56320-56330 Testing and Assessment

56340-56347 Instructional Planning and Individualized Education Program

60640-60649 Standardized Testing and Reporting Program

60850-60859 High School Exit Examination

CODE OF REGULATIONS, TITLE 5

3020 Assessment Plan

3023 Assessment

3024 Transfer

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3042 Extended School Year

3068 Review of Individualized Education Program

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

1400 et seq. Individuals with Disabilities Education Act

CODE OF FEDERAL REGULATIONS, TITLE 34

300.340-349 Individualized Education Programs

300.503 Independent Educational Assessment

300.533 Placement Procedures

300.550-300.553 Least Restrictive Environment; Alternative Placements; Placement; Nonacademic Settings

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Administrative Procedures Reference:

AP 0430 Comprehensive Local Plan

AP 6159.1 Procedural Safeguards and Complaints

AP 6159.2 Non Public Non Sectarian School and Agency Services

AP 6159.3 Appointment of Surrogate Parent

AP 6164:4 Identification of Individuals with Exceptional Needs

(20 USC 1414(d); 34 CFR 300.346; Education Code 56341.1, 56345)