

## **CHAPTER 7: INDIVIDUALIZED EDUCATION PROGRAM**

### **7.1 PURPOSE AND SCOPE**

The Individualized Education Program (IEP) is a written statement determined in a meeting of the IEP team, including the parent, and developed for each child with a disability.

The IEP will show a direct relationship between the present levels of academic achievement and functional performance, any assessments, the student's goals and benchmarks, and the educational services to be provided.

### **7.2 INDIVIDUALIZED EDUCATION PROGRAM: PROCESS**

#### **7.2. A Development of the Individualized Education Program (IEP)**

An IEP shall be developed within a total time not to exceed 60 calendar 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's written consent for assessment, unless the parent agrees, in writing, to an extension.

A district administrator or designee will initiate and conduct the meeting for the purpose of developing, reviewing, and revising the IEP of a child with a disability.

All efforts will be made to ensure that one or both of the parents of a child, with a disability, are present at each IEP meeting or are afforded the opportunity to participate. The parent will be notified of the meeting early enough to ensure that they will have an opportunity to attend. The meeting will be scheduled at a mutually agreed upon time and place.

When developing each student's IEP, the IEP Team shall consider the strengths of the child and the concerns of the parents for enhancing the education of their child. The IEP Team will consider the results of the initial or most recent evaluation of the child, and as appropriate, the results of the child's performance on any general State or district wide assessment program.

*(EC 56342)*

## **7.2. B IEP Team Members**

Each meeting to develop, review, or revise the individualized education program of a child with special needs shall be conducted by an IEP Team.

The IEP Team shall include all of the following:

- (1) One or both of the student's parents, a representative selected by a parent, or both
- (2) Not less than one regular education teacher of the student, if the student is, or may be, participating in the regular education environment. If more than one regular education teacher is providing instructional services to the student, one regular education teacher may be designated by the local educational agency to represent the others. The regular education teacher of a student shall, to the extent appropriate, participate in the development, review, and revision of the student's individualized education program, including assisting in the determination of appropriate positive behavioral interventions and supports, and other strategies for the student, and the determination of supplementary aids and services, program modifications, and supports for school personnel that will be provided for the student.
- (3) Not less than one special education teacher of the student, or if appropriate, not less than one special education provider of the student.
- (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.
- (5) An individual who can interpret the instructional implications of the assessment results. The individual may be a member of the team.
- (6) At the discretion of the parent, guardian, or the local educational agency, 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 individualized education program team.

- (7) Whenever appropriate, the individual with exceptional needs.

### **7.3. Children Transitioning from Early Start Programs**

An invitation to the initial individualized education program team meeting shall, at the request of the parent, be sent to the infants and toddlers with disabilities coordinator or other representatives of the early education or early intervention system to assist with the smooth transition of services.

- (a) For a student suspected of having a specific learning disability, at least one member of the individualized education program team shall be qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher. At least one team member other than the student's regular teacher shall observe the student's academic performance in the regular classroom setting. In the case of a child who is less than school-age or out of school, a team member shall observe the child in an environment appropriate for a child of that age.
- (b)
  - (1) In the case of transition services, the local educational agency shall invite an individual with exceptional needs to attend his or her individualized education program meeting if a purpose of the meeting will be the consideration of the needed transition services for the individual.
  - (2) If the individual with exceptional needs does not attend the individualized education program meeting, the local educational agency shall take steps to ensure that the individual's preferences and interests are considered.
  - (3) The local educational agency also shall invite to the individualized education program team meetings a representative that is likely to be responsible for providing or paying for transition services. If an agency invited to send a representative to a meeting does not do so, the local educational agency shall take other steps to obtain participation of the other agency in the planning of any transition services.

## **7.4 IEP Team Member Excusal**

### **7.4. A IEP Team Area of Curriculum Not Being Discussed**

A member of the individualized education program team shall not be required to attend an individualized education program meeting, in whole or in part, if the parent of the individual with exceptional needs and the local educational agency agree 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 in the meeting.

### **7.4. B IEP Team Member Area of Curriculum or Related Services Being Discussed**

A member of the individualized education program team may be excused from attending an individualized education program meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if both of the following occur:

- (1) The parent and the local educational agency consent to the excusal after conferring with the member.
- (2) The member submits in writing to the parent and the individualized education program team, input into the development of the individualized education program prior to the meeting. A parent's agreement shall be in writing.

## **7.5 If Parents Cannot Attend IEP Meeting**

If neither parent can attend, other methods will be used to ensure parent participation, including individual or conference telephone calls.

If the parent cannot be contacted or if the district is unable to convince the parents that they should attend, the IEP meeting may be conducted without a parent in attendance. The district will keep a record of its attempts to arrange a mutually agreed on time and place, such as:

1. A detailed record of phone calls made or attempted and the result of those calls;
2. Copies of correspondence sent to the parents and any responses received; or
3. Detailed records of visits made to the parent's home or place of employment and the results of those visits.

When no parent can be located or if the court has specifically limited the rights of the parent or guardian to make educational decisions for the child, a surrogate parent will be appointed.

## **7.6 Individualized Education Program: Content**

The term “individualized education program” (IEP) means a written statement for each child with a disability that is developed, reviewed, and revised and includes:

- (1) a statement of the child’s present levels of academic achievement and functional performance, including:
  - (a) how the disability affects the child’s involvement and progress in the general education curriculum;
  - (b) for preschool children, as appropriate, how the disability affects the child’s participation in appropriate activities; and
  - (c) for children 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:
  - (a) meet the child’s needs that result from the child’s disability to enable the child to be involved in and make progress in the general education curriculum; and
  - (b) meet each of the child’s other educational needs that result from the child’s disability.
- (3) a description of how the child’s progress toward meeting the annual goals will be measured, and when periodic reports on progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with issuance of report cards) will be provided;
- (4) a statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child:
  - (a) to advance appropriately toward attaining the annual goals;
  - (b) to be involved in and make progress in the general curriculum and to participate in extracurricular and other nonacademic activities; and

- (c) to be educated and participate with other children with disabilities and typically developing peers in the activities described above.
- (5) an explanation of the extent, if any, to which the child will not participate with typically developing peers in the regular class and extracurricular and nonacademic activities;
- (6) a statement of any individual appropriate accommodations that is necessary to measure the academic achievement and functional performance of the child on State and district-wide assessments.

If the IEP Team determines that the child shall take an alternate assessment on a particular State or district-wide assessment of student achievement, a statement of why:

- (a) the child cannot participate in the regular assessment;  
and
  - (b) the particular alternate assessment selected is appropriate for the child;
- (7) the projected date for the beginning of services and modifications, and the anticipated frequency, location and durations of those services and modifications.
- (8) Beginning not later than the first IEP to be in effect when the child is 16, and updated annually thereafter:
- (a) appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills;
  - (b) the transition services (including course of study) needed to assist the child in reaching those goals; and
  - (c) beginning not later than 1 year before the child reaches the age majority (age 18), a statement that the child has been informed of the child's rights that will transfer to the child when reached age 18.

When appropriate, the IEP will also include other necessary services, such as extended school year, transportation, type of physical education, prevocational, vocational and career education.

All service providers, the school site and any outside agencies that will provide services will be given a copy of the IEP or be knowledgeable of its content.

## 7.7 Review and Revision of the IEP

The IEP will be reviewed periodically, but not less than annually to determine whether the annual goals for the child are being achieved. The IEP will be revised as appropriate to address any lack of expected progress toward the annual goals and in the general curriculum, where appropriate.

In addition, the IEP team will meet when the parent or teacher requests a meeting to develop, review or revise the IEP. An IEP meeting must be held within 30 days of receipt of a written request from a parent.

The following should be included in a review

1. The results of any reevaluation,
2. Information about the child provided to, and by, the parent as required in the evaluation process;
3. The child's anticipated needs; and
4. Other matters.
5. Any lack of expected progress toward the annual goals and in the general curriculum where appropriate.

The IEP team will review progress toward previous annual goals, benchmarks (short term objectives) if appropriate and progress in the general curriculum when developing new goals, and benchmarks if appropriate.

The regular education teacher of the child as a member of the IEP shall, to the extent appropriate, participate in reviews or revisions of the IEP.

### 7.7.A Making Changes and Amendments to the IEP

In making changes to a child's IEP after the annual IEP Team meeting for a school year, the parent of the individual with exceptional needs and the local educational agency may agree, not to convene an IEP meeting for the purposes of making those changes, and instead may develop a written document, signed by the parent and by a representative of the local educational agency, to amend or modify the student's existing IEP.

Changes to the IEP may be made by amending the IEP rather than by redrafting the entire IEP. Upon request, a parent shall be provided with a revised copy of the IEP with the **amendments** incorporated.

### **7.7. B Required IEP Team Meetings**

An individualized education program team shall meet whenever any of the following occurs:

- (a) A student has received an initial formal assessment. The team may meet when a student receives any subsequent formal assessment.
- (b) The student demonstrates a lack of anticipated progress.
- (c) The parent or teacher requests a meeting to develop, review, or revise the individualized education program.
- (d) At least annually, to review the student's progress, the individualized education program, including whether the annual goals for the student are being achieved, and the appropriateness of placement, and to make any necessary revisions. The individualized education program team conducting the annual review shall consist of the required members noted under the IEP team members section (7.2.B). Other individuals may participate in the annual review if they possess expertise or knowledge essential for the review.

### **7.7. C Consolidation of IEP Meetings**

To the extent possible, the LEA shall encourage consolidation of reevaluation meetings for the child and other IEP Team meetings for the child.

### **7.7. D Alternative Means of Meeting Participation**

When conducting IEP Team meetings, the parent of the child with a disability and the LEA may agree to use alternative means of meeting participation, such as video conferences for conference calls.

## **7.8 INDIVIDUALIZED EDUCATIONAL PROGRAM: CONSIDERATION OF SPECIAL FACTORS**

The IEP team will consider the following special factors:

### **7.8. A Positive Behavioral Interventions**

In the case of a child whose behavior impedes his or her learning or that of others, consider, if appropriate, strategies, including positive



behavioral interventions, strategies, and supports to address that behavior.

#### **7.8. B Students with Limited English Proficiency**

In the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP.

For individuals whose primary language is other than English, linguistically appropriate goals, objectives, programs and services.

#### **7.8. C Blind and Visually Impaired**

In the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP team determines that the use of Braille is not appropriate for the child. The IEP team will make this decision after an evaluation of the child's reading and writing skills, needs and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille) is conducted.

#### **7.8. D Deaf and Hearing Impaired**

Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs. The IEP team will consider opportunities for direct communication with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode.

#### **7.8. E Assistive Technology**

Consider whether a child requires assistive technology devices and services.

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

The regular education teacher of a child with a disability, as a member of the IEP team, must, to the extent appropriate, participate in the development, review, and revision of the child's IEP. The teachers will

assist in the determination of appropriate positive behavioral interventions and strategies for the child, and supplementary aids and services, program modifications or supports for school personnel that will be provided for the child.

## **7.9 INDIVIDUALIZED EDUCATION PROGRAM: TRANSITIONS**

### **7.9. A Transition from Preschool to Elementary School**

Prior to transitioning a child with disabilities from a preschool program to kindergarten, or first grade as the case may be, an appropriate reassessment of the child shall be conducted to determine if the child is still in need of special education and services.

As part of the transition process, a means of monitoring the continued success of the child who is determined to be eligible for less intensive special education programs.

As part of the exit process from special education, the present performance levels and learning style shall be noted by the IEP Team. This information shall be made available to the assigned regular education teacher upon the child's enrollment in Kindergarten or first grade as the case may be.

### **7.9. B Transition from Special Class or Center or from Non-Public, Nonsectarian School to the General Education Classroom in the Public School**

When students transfer into the general education classroom from special classes or centers, or from nonpublic, nonsectarian school to the general education in the public school the IEP will include the following:

1. A description of activities provided to integrate the child into the regular education program indicating the nature of each activity and the time spent on the activity each day or week; and
2. A description of the activities provided to support the transition of students from the special education program into the regular education program.

### **7.9. C Transition from Secondary to Post-secondary Education**

Beginning not later than the first IEP to be in effect when the child is 16, and updated annually thereafter:

- Appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills; to assist the child in reaching those goals; and
- The transition services (including course of study) needed to assist the child in reaching these goals; and
- Beginning not later than 1 year before the child reaches the age majority (age 18), a statement that the child has been informed of the child's rights that will transfer to the child when reached age 18.

If a participating agency, other than the LEA, fails to provide transition services described in the IEP, the LEA shall convene the IEP Team to identify strategies to meet the transition objectives for the child set out in the IEP.

Beginning not later than the first IEP to be in effect when the student is 16 years of age, and updated annually thereafter, the student's IEP shall include appropriate measurable postsecondary goals and transition services needed to assist the student in reaching those goals.

The appropriate measurable postsecondary goals must be based upon age-appropriate transition assessments related to training, education, employment, and where appropriate independent living skills.

The transition services, including courses of study needed to assist the student in reaching these goals.

1. If a participating agency (other than the district) fails to provide the transition services described in the IEP, the IEP team will reconvene to identify alternative strategies to meet the transition objectives for the student; and
2. If an invited agency representative cannot attend the IEP meeting to develop transition services, the district will obtain agency participation in planning for these services.

*(EC 56345.1; CFR 300.347, 300.348)*

## **7.10 INTERIM PLACEMENTS**

### **7.10. A Transfers from District to District within the State**

If the child has an IEP and transfers into a district from district not operating programs under the same local plan in which he or she was last enrolled in a special education program within the same academic year, the LEA shall provide the pupil with a free appropriate public education, including services comparable to those described in the previously approved IEP, in consultation with the parents, for a period not to exceed 30 days, by which time the LEA shall adopt the previously approved IEP or shall develop, adopt, and implement a new IEP that is consistent with federal and state law.

### **7.10. B Transfers from District to District within the Same SELPA**

If the child has an IEP and transfers into a district from a district operating under the same special education local plan area of the district in which he or she was last enrolled in a special education program within the same academic year, the new district shall continue, without delay, to provide services comparable to those described in the existing approved IEP, unless the parent and the LEA agree to develop, adopt and implement a new IEP that is consistent with federal and state law. If a new IEP is not held, an amendment IEP to

### **7.10. C Transfers from District to District from Outside of State**

If the child has an IEP and transfers from an educational agency outside the state to a district within the state within the same academic year, the LEA shall provide the pupil with a free appropriate public education, including services comparable to those described in the previously approved IEP, in consultation with the parents, until the LEA conducts an assessment.

In order to facilitate the transition of an individual with exceptional needs, the new school in which the pupil enrolls shall take reasonable steps to promptly obtain the pupil's records.

Upon receipt of a request from an educational agency where an individual with exceptional needs has enrolled, a former educational agency shall send the pupil's special education records, or a copy thereof, to the new educational agency with five working days.  
(EC 56325)