

Lewis Center for Educational Research

**BP 6159: INSTRUCTION
 INDIVIDUALIZED EDUCATION PROGRAM**

Adopted: October 3, 2002

Revised:

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

Members of the IEP Team

The IEP team for any student shall include at least the following members:

1. The parents/guardians of the student with a disability
2. If the student is or may be participating in the regular education program, at least one regular education teacher
3. At least one special education teacher, or where appropriate, at least one special education provider for the student
4. A representative of the LCER 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 of the general curriculum
 - c. Knowledgeable about the availability of the LCER's and/or Special Education Local Plan Area (SELPA) resources
5. An individual who can interpret the instructional implication of evaluation results, who may already be a member of the team as described above

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.

6. At the discretion of the parent/guardian or LCER, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate
7. Whenever appropriate, the student with the disability
8. For transition service participants pursuant to 34 CFR 300.347:
 - a. The student, of any age, with the disability

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

- b. A representative of any other agency that is likely to be responsible for providing or paying for transition services

If a representative does not attend the meeting, the LCER shall take other steps to obtain participation of the agency in the planning of any transition services.

9. For students with suspected learning disabilities, a person other than the student's regular education teacher who has observed the student's educational performance in an appropriate setting

If the child is younger than five years or not enrolled in school, a team member shall observe the child in an appropriate environment.

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
- IEP Meetings

The IEP team shall meet:

1. Whenever a student has received an initial formal assessment. The team may meet when a student receives any subsequent formal assessment.
2. Whenever the student demonstrates a lack of anticipated progress.
3. Whenever the parent/guardian or teacher requests a meeting to develop, review or revise the IEP.
4. At least annually to:
 - a. Review the student's progress and to determine whether the student's annual goals are being achieved
 - b. Review the IEP and the appropriateness of placement
 - c. Make any necessary revisions to the IEP

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

If a participating agency, other than the LCER, fails to provide the transition services described in the student's IEP, the team shall reconvene to identify alternative strategies to meet the transition service needs for the student set out in the IEP.

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 in July and August.

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. However, an IEP 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 50-day time limit shall recommence on the date that student school days reconvene.

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

At each IEP meeting convened by the LCER, the LCER 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](#).

Procedural Safeguards and Complaints for Special Education

The President/CEO 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 meeting or are afforded the opportunity to participate. These steps shall include notifying the parents/guardians of the meeting (as specified below) and scheduling the meeting at a mutually agreed upon time and place.

An IEP meeting may be conducted without a parent/guardian in attendance if the LCER is unable to convince the parent/guardian that he/she should attend. In this case, the LCER 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
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 LCER shall have the right to audiotape the proceedings of IEP meetings, provided members of the IEP team are notified of this intent at least 24 hours before the meeting. If the LCER gives notice of intent to audiotape a meeting, and if the parent/guardian objects or refuses to attend because the meeting would be audio-taped, the meeting shall not be audio-taped. Parents/guardians also have the right to:

1. Inspect and review the audiotapes
2. Request that the audiotapes be amended if the parent/guardian believes 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 parent/guardian believes is inaccurate, misleading, or in violation of the student's privacy rights or other rights
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 educational performance, including one of the following:
 - a. How 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 the preschool child, as appropriate, how the disability affects his/her participation in appropriate activities
2. A statement of measurable annual goals, including benchmarks or short-term objectives related to:
 - a. 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
3. A statement of the special education, related services and supplementary aids and services 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
 - c. Be educated and participate with other students with disabilities and non-disabled students in the activities in this item
4. 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 activities described in item #3 above
5. A statement of any individual modifications in the administration of state or school-wide assessments of student achievement that are needed in order for the student to participate in such assessment
 - a. If the IEP team determines that the student will not participate in the administration of the state or school-wide assessment of student achievement (or part of such an assessment), a statement of:
 - (1) Why that assessment is not appropriate for the student
 - (2) How the student will be assessed
6. The projected date for the beginning of the services and modifications described in item #3 above and the anticipated frequency, location and duration of those services and modifications
7. 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 advanced-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 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 IDEA that will transfer to the student upon reaching age 18 pursuant to 20 USC [1415\(m\)](#)
- 8. Appropriate objective criteria, evaluation procedures, and schedules for determining, on at least an annual basis, whether the annual goals are being achieved
- 9. 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 parent/guardians of non-disabled 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
- 10. 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 34 CFR [300.110-300.284](#) that will transfer to the student upon reaching age 18
- 11. A determination as to whether differential proficiency standards shall be developed for the student pursuant to Education Code 51215 and, if so, a copy of those standards

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 LCER'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 primary language is not English
- 3. Extended school year services when needed, as determined by the IEP team
- 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
- (cf. 6176 - Weekend/Saturday Classes)
 (cf. [6177](#) - Summer School)
 (cf. [6178](#) - Vocational Education)
 (cf. 6181 - Alternative Schools)

5. Specialized services, materials and equipment for students with low incidence disabilities, consistent with the guidelines of Education Code [56136](#)

Development, Review and Revision of the IEP

In developing or revising 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 evaluation or most recent evaluation of the student
3. As appropriate, the results of the student's performance on any general state or school-wide 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
8. Whether the student requires assistive-technology devices and services

If, in considering the special factors in items #1-8 above, the IEP team determines that a student needs a particular device or service in order to receive a free and appropriate public education (FAPE), the IEP team must include a statement to that effect in the student's IEP. (34 CFR [300.346](#))

The IEP may be revised, as appropriate, to address: (20 USC [1414\(d\)](#); Education Code [56343](#), [56345.1](#))

1. Any lack of expected progress toward the annual goals and in the general curriculum
2. The results of any reevaluation conducted
3. Information about the student provided to or by the parents/ guardians regarding review of evaluation data pursuant to 20 USC [1414\(c\)\(1\)\(B\)](#)
4. The student's anticipated needs
5. 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: (34 CFR [300.346](#))

1. Appropriate positive behavioral interventions and strategies for the student (cf. 6159.4 - Behavioral Interventions for Special Education)
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\(a\)\(3\)](#)

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 of, in writing, the facts that make participation in the program necessary or desirable, 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 consent shall be implemented so as not to delay providing instruction and services to the student. If the President/CEO 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 President/CEO or designee agree otherwise.

While a due process hearing is pending, the President/CEO 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.

Parent/Guardian Notice

The President/CEO or designee shall send parents/guardians notice of the IEP team meetings early enough to ensure that they will have an opportunity to attend. This notice 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 [300.344\(a\)\(6\)](#) and (c), relating to the participation of other individuals on the IEP team who have knowledge or special expertise about the student
4. For students age 14, or younger if appropriate:
 - a. Indicate that a purpose of the meeting will be the development of a statement of the transition service needs of the student pursuant to 34 CFR [300.347\(b\)\(1\)](#)
 - b. Indicate that the LCER will invite the student to the IEP meeting
5. For students age 16, or younger if appropriate:
 - a. Indicate that the purpose of the meeting is the consideration of needed transition services for the student as required by 34 CFR [300.347\(b\)\(2\)](#)
 - b. Indicate that the LCER will invite the student to the IEP meeting
 - c. Identify any other agency that will be invited to send a representative