



## **Individualized Education Program (IEP)**

**SP:M-9**

It shall be the policy of the Antelope Valley SELPA that an Individualized Education Program (IEP) or an Individualized Family Service Plan (IFSP) that meets the requirements of 20 U.S.C. § 1436 (d), is developed, implemented, reviewed and revised for each student with a disability who requires special education and related services in accordance with 20 U.S.C. § 1414 (d). It shall be the policy of the Antelope Valley SELPA that a review of an IEP will be conducted on at least an annual basis to review a student's progress and make appropriate reviews.

### Legal References:

#### FEDERAL

20 USC Section 1412(a)(4)

20 USC Section 1414(d)

20 USC Section 1436(d)

CFR 300.344(c)(1)(ii)

CFR 300.345(a)

#### STATE

56205(a)

56195.7(a)

56195.8(a)(3)

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Note: The following mandated administrative regulation reflects the 2004 reauthorization of the federal Individuals with Disabilities Education Act (IDEA) (20 USC 1400-1482) and the conforming state legislation, AB 1662 (Ch. 653, Statutes of 2005). Note that in cases where state law provides greater protections, state law supersedes federal law.

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

### Members of the IEP Team

The IEP team for any student with a disability shall include the following members: (20 USC 1414(d)(1); 34 CFR 300.321; Education Code 56341, 56341.2, 56341.5)

1. One or both of the student's parents/guardians, and/or a representative selected by the parent/guardian.
2. If the student is or may be participating in the general education program, not less than 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:
  - 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.
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 #2-4 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. (Education Code 56341)
7. Whenever appropriate, the student with the disability.
8. For transition service participants:
  - a. The student, of any age, with the disability if the purpose of the meeting is the consideration of the student's transition service needs.  
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.

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

If a representative of such other local agency has been invited but does not attend the meeting, the district shall take other steps to obtain participation of the agency in the planning of any transition services.

9. For students suspected of having a specific learning disability in accordance with 34 CFR 300.308 and 300.310, 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 300.310, at least one team member other than the student's general education teacher shall observe the student's academic performance in the general classroom setting. If the student is younger than five years or not enrolled in school, a team member shall observe the student in an environment appropriate for their age.

10. For students who have been placed in a group home by the juvenile court, a representative of the group home. (Education Code 56341.2)

Upon request of the parent/guardian of a student 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. (Education Code 56341; 20 USC 1414(d)(1)(D))

### Meetings of the IEP Team

The IEP team shall meet: (20 USC 1414(d); 56341.1, 56343, 56380)

1. Whenever the student has received an initial formal assessment and, when desired, when the 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. Periodically, but at least annually, to:
  - a. Determine whether the student's annual goals are being achieved.
  - b. Revise the IEP as appropriate to address, among other matters, the provisions for transition services specified in Education Code 56341.1
  - c. Review the IEP and the appropriateness of services.
  - d. Make any necessary revisions to the IEP.

The IEP team shall conduct this review. Others may participate if they have essential expertise or knowledge. (Education Code 56343; 34 CFR 300.321)

If a participating agency other than the district 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 objectives set out for the student in the IEP. (20 USC 1414(d); Education Code 56345.1)

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A meeting to develop an initial IEP shall be conducted within 30 days of a determination that a student needs special education and related services pursuant to 34 CFR 300.343. (Education Code 56344)

An IEP required as a result of an assessment of the student shall be developed within 60 days (not counting days between the student's regular school sessions, terms of days of school vacation in excess of five school days) from the date of receipt of the parent/guardian's written consent for assessment, unless the parent/guardian agrees, in writing, to an extension. (Education Code 56043, 56344)

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

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

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

1. Appropriate positive behavioral interventions and supports and other strategies for the student.
2. Supplementary aids and services, program modifications, and support for school personnel that will be provided for the student, consistent with 20 USC 1414(d)(1)(A)(i)(IV).

(20 USC 1414(d)(3)(C); 34 CFR 300.346; Education Code 56341)

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

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To the extent possible, the district shall encourage the consolidation of reassessment meetings and other IEP team meetings for a student. (20 USC 1414(d)(3)(E))

### **IEP Team Meetings: Parent/Guardian Notice and Attendance**

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

The Superintendent or designee shall send parents/guardians notices of IEP team meetings early enough that they will have an opportunity to attend. These notices shall: (34 CFR 300.322; Education Code 56341.5)

1. Indicate the purpose, time, and location of the meeting.
2. Indicate who will be in attendance at the meeting.
3. Inform the parents/guardians of the provisions of 34 CFR 300.321(a)(6) and (c) (relating to their right to have on the IEP team other individuals who have knowledge or special expertise about the student) and 34 CFR 300.321(f) (relating to the participation of the Part C service coordinator or other representatives of the Part C system at the initial IEP team meeting for a child previously served under Part C).
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 34 CFR 300.220(b).
  - 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. (Education Code 56500.1)

If no 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. (20 USC 1414(f); 34 CFR 300.322; Education Code 56341.5)

An IEP team meeting may be conducted without a parent/guardian in attendance if the district is unable to convince the parent/guardian that they 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: (34 CFR 300.322; Education Code 56341.5)

1. Detailed records of telephone calls made or attempted and the results of those calls.
2. Copies of correspondence sent to the parent/guardian and any response received.

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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. (Education Code 56341.1)

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, 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 parents/guardians with deafness or whose native language is not English. (34 CFR 300.322, Education Code 56345.1)

### 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: (20 USC 1414(d)(1)(A); 34 CFR 300.320, 34 CFR 300.324; Education Code 56043, 56345, 56345.1)

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 their involvement and progress in the general curriculum (i.e., the same curriculum as for nondisabled students)
  - a. For a preschool child, as appropriate, the manner in which the disability affects their participation in appropriate activities.
  - 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 their disability in order to enable the student to be involved in and progress in the general curriculum.
  - 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

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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 education 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.
  - c. Be educated and participate with other students with disabilities and nondisabled 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 nondisabled students in the general education 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.
  - 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, or younger if determined appropriate by the IEP team, 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.
  - 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 their rights, if any, that will transfer to the student upon reaching age 18, pursuant to Education Code 56041.5.

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.

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4. Provision for transition into the general education program if the student is to be transferred from a special class or center, or nonpublic, nonsectarian school, into a general education program in a public school for any part of the school day, including a description of the activities provided to:
  - a. Integrate the student into the general education program, including the nature of each activity and the time spent on the activity each day or week.
  - b. Support the transition of the student from the special education program into the general education program.
5. Specialized services, materials, and equipment for students with low incidence disabilities, consistent with the guidelines pursuant to Education Code 56136.

(Education Code 56345)

### Development, Review, and Revision of the IEP

In developing the IEP, the IEP team shall consider the following: (20 USC 1414(d)(3)(A); 34 CFR 300.324; Education Code 56341.1, 56345)

1. The strengths of the student.
2. The concerns of the parents/guardians for enhancing the education of their child.
3. The results of the initial assessment or most recent assessment of the student.
4. The academic, developmental, and functional needs of the student.
5. In the case of a student whose behavior impedes their learning or that of others, if appropriate, the use of positive behavioral interventions and supports and other strategies to address their 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, needs, and appropriate reading and writing media, including an assessment of their future needs for instruction in Braille or the use of Braille.
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, including the following:
  - a. The student's primary language mode and language, which may include the use of spoken language with or without visual cues and/or the use of sign language.
  - b. The availability of a sufficient number of age, cognitive, and language peers of similar abilities which may be met by consolidating services into a local plan area-wide program or providing placement pursuant to Education Code 56361.



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- c. Appropriate, direct, and ongoing language access to special education teachers and other specialists who are proficient in the student's primary language mode and language consistent with existing law regarding teaching training requirements.
  - d. Services necessary to ensure communication-accessible academic instructions, school services, and extracurricular activities consistent with the federal Vocational Rehabilitation Act and the federal Americans with Disabilities Act.
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. (34 CFR 300.324; Education Code 56341.1)

The IEP team shall 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: (20 USC 1414(d)(4); Education Code 56341.1 and 56380)

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 the district determines that the educational or related services needs, including the academic achievement and functional performance of the student, warrant a reassessment, 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. Other relevant matters.

The student shall be allowed to provide confidential input to any representative of their IEP team. (Education Code 56341.5)

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

### Amendments to IEP

When a change is necessary to a student's IEP after the annual IEP team meeting for the school year has been held, the parent/guardian and the district may agree not to convene an IEP team meeting for the purpose of making the change and instead may develop a written document to amend or modify the student's current IEP. Upon request, the district

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shall provide the parent/guardian with a revised copy of the IEP with the incorporated amendments. (20 USC 1414(d)(3)(D). 34 CFR 300.324)

### **Transfer Student**

If a student with a disability transfers from an AVSELPA member district (Sending District) to another AVSELPA member district (Receiving District) to within the same academic year, the Receiving District shall continue, without delay, to provide services comparable to those described in the existing approved IEP developed by the Sending District, unless the parent/guardian and Receiving District agree to develop, adopt, and implement a new IEP that is consistent with state and federal law. (Education Code 56325)

If a student with a disability transfers to an AVSELPA member district (New District) from a California district outside of the AVSELPA (Former District) within the same academic year, the New District shall provide the student with a free appropriate public education, including services comparable to those described in the IEP from the Former District, in consultation with the parents, for a period not to exceed 30 days. Within the 30 day period, the New District shall adopt the Former District's IEP or shall develop, adopt, and implement a new IEP that is consistent with state and federal law. (Education Code 56325)

If a student with a disability transfers to an AVSELPA member district from a district out of state within the same academic year, the AVSELPA member 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 AVSELPA member district conducts an assessment, if the district determines such an assessment is necessary, and develops a new IEP, if appropriate. (Education Code 56325)

To facilitate the student's transition, the AVSELPA member district shall take reasonable steps to promptly obtain the records of a student with disabilities transferring into the district, including the student's IEP and the supporting documents related to the provision of special education services. (Education Code 56325)

### **Due Process/Mediation**

A student shall not be required to participate in all or part of any special education program unless the parent/guardian is first informed, in writing, of the facts that make participation in the program necessary or desirable and the contents of the IEP, and the parent/guardian consents, in writing, to all or part of the IEP after receiving this notice. If the parent/guardian does not consent to all of the components of the IEP, then those components of the IEP to which the parent/guardian has consented shall be implemented so as not to delay providing instruction and services to the student. (Education Code 56346)

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, they shall initiate a due process hearing with the state pursuant to

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Education Code 56500.3. While the due process hearing is pending, the student shall remain in their 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)