

CLASSIFICATION: Instruction**ADOPTED: 7/23/96****REVISED: 7/13/16****REVIEWED: 6/21/16****SUBJECT: Individualized Education Program****PAGE: 1 of 17**

At the beginning of each school year, each student enrolled in the school programs under the jurisdiction of the County Superintendent of Schools who is identified as being a student with a disability shall have an individualized education program (IEP) in effect. The IEP shall be a written statement developed by an IEP team to meet the unique educational needs of the student. The County Superintendent of Schools assigns responsibility for ensuring compliance with this administrative regulation and applicable state and federal law to the special education administrator, or his/her designee, directing the special education services provided in school programs operated by the County Superintendent of Schools (special education administrator or designee).

MEMBERS OF THE IEP TEAM

The IEP team for any student with a disability shall include the following members:

1. One or both of the student's parents/guardians and/or a representative selected by them
2. If the student is or may be participating in the regular education program, at least one of the student's regular education teachers designated by the special education administrator or designee to represent the student's teachers

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

3. At least one of the student's special education teachers or, where appropriate, special education providers
4. A representative of the school program who is:

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- 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 resources
5. At the discretion of the parent/guardian or the special education administrator or designee, 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

6. An individual who can interpret the instructional implications of assessment results
7. Whenever appropriate, the student with a disability, who shall be allowed to provide confidential input to any representative of his/her IEP team
8. When the student is suspected of having a specific learning disability, 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

At least one team member other than the student's regular education teacher shall observe the student's academic performance and behavior in the areas of difficulty in his/her learning environment, including in the regular classroom setting. If the child is younger than five years or not enrolled in school, a team member shall observe the child in an environment appropriate for a child of that age.

In the following circumstances, the special education administrator or designee shall invite other specified individuals to an IEP team meeting:

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1. When the student has been placed in a group home by the juvenile court, a representative of the group home shall be invited to attend IEP team meetings.
2. Whenever the IEP team is meeting to consider the student's postsecondary goals and the transition services needed to assist him/her in reaching those goals, the following individuals shall be invited to attend:
 - a. The student, regardless of his/her age

If the student does not attend the IEP team meeting, the special education administrator or designee shall take other steps to ensure that the student's preferences and interests are considered.
 - b. To the extent appropriate, and with the consent of the parent/guardian, a representative of any other agency that is likely to be responsible for providing or paying for the transition services
3. If the student was previously served under the Early Education for Individuals with Exceptional Needs or the California Early Intervention Services Act and upon request of the student's parent/guardian, the special education administrator or designee shall invite the individual coordinating the infant and toddlers with disabilities early childhood intervention services or other representative of the early education or early intervention system to the initial IEP team meeting to assist with the smooth transition of services.

A member of the IEP team shall not be required to attend an IEP team meeting, in whole or in part, if the conditions described in Education Code section 56341(f) or 56341(g) exist and if the parent/guardian and the special education administrator or designee agree, in writing.

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CONTENTS OF THE IEP

The IEP shall include, but not be limited to, all of the following:

1. A statement of the present levels of the student's academic achievement and functional performance, including:
 - a. The manner in which the student's disability affects his/her involvement and progress in the general education curriculum
 - b. For a preschool child, as appropriate, the manner in which the disability affects his/her participation in appropriate activities
 - c. For a student with a disability who takes 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 student's needs that result from his/her disability in order to enable the student to be involved in and progress in the general education curriculum
 - b. Meet each of the student's other educational needs that result from his/her disability
3. A description of the manner in which the student's progress toward meeting the annual goals described in item #2 above will be measured and when the special education administrator or designee will provide periodic reports on the progress the student is making toward meeting the annual goals, such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards
4. A statement of the special education instruction and related services and supplementary aids and services, based on peer-reviewed research to the extent

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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 to enable the student to:

- a. Advance appropriately toward attaining the annual goals
 - b. Be involved and make progress in the general education curriculum 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 the IEP
5. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in extracurricular and other nonacademic activities described in the IEP
 6. A statement of any appropriate individual accommodations necessary to measure the academic achievement and functional performance of the student on state and school assessments

If the IEP team determines that the student shall take an alternate assessment, the student's IEP also shall include a statement of the reason that he/she cannot participate in the regular assessment and the reason that the particular alternate assessment selected is appropriate.

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:

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- a. Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and if 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 the rights, if any, that will transfer to him/her upon reaching age 18.

As appropriate, the IEP shall also include:

1. For a student in grades 7-12, any alternative means and modes necessary for the student to complete the prescribed course of study and to meet or exceed proficiency standards required for graduation
2. Linguistically appropriate goals, objectives, programs, and services for a student 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 (FAPE)
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, including 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

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- b. Support the transition of the student from the special education program into the regular education program
5. Specialized services, materials, and equipment for a student with low incidence disabilities, consistent with the guidelines developed pursuant to Education Code section 56136

DEVELOPMENT OF THE IEP

Within 30 days of a determination that a student needs special education and related services, the special education administrator or designee shall ensure that a meeting to develop an initial IEP is conducted.

Any IEP required as a result of an assessment of a student shall be developed within 60 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. Days between the student's regular school sessions, terms, or vacation of more than five school days shall not be counted. In the case of school vacations, the 60-day time limit shall recommence on the date that the student's school days reconvene.

However, when the IEP is required as a result of an assessment of a student for whom a referral has been made 30 days or less prior to the end of the preceding regular school year, the IEP shall be developed within 30 days after the commencement of the subsequent regular school year.

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

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 or most recent assessment of the student
4. The academic, developmental, and functional needs of the student

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5. In the case of a student whose behavior impedes his/her learning or that of others, the use of positive behavioral interventions and supports and other strategies to address that behavior
6. In the case of a student with limited English proficiency, the language needs of the student as these 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 unless 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 his/her 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

In the case of a deaf or hard of hearing student, the team shall also consider the related services and program options that provide the student with an equal opportunity for communication access, as described in Education Code section 56345.

9. Whether the student requires assistive technology devices and services

If, in considering the special factors in items #1-9 above, the IEP team determines that the student needs a particular device or service, including an intervention, accommodation, or other program modification, in order to receive FAPE, the team shall include a statement to that effect in the student's IEP.

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PROVISION OF SPECIAL EDUCATION AND RELATED SERVICES

The special education administrator or designee shall ensure that, as soon as possible following the development of the IEP, special education services and related services are made available to the student in accordance with his/her IEP.

The special education administrator or designee shall ensure that the student's IEP is accessible to each regular education teacher, special education teacher, related service provider, and any other service provider who is responsible for its implementation. The special education administrator or designee also shall ensure that these teachers and providers are informed of their specific responsibilities related to implementing the IEP and the specific accommodations, modifications, and supports that must be provided to the student in accordance with the IEP.

REVIEW AND REVISION OF THE IEP

The special education administrator or designee shall ensure that the IEP team reviews the IEP periodically, but at least annually, in order to:

1. Determine whether the annual goals for the student are being achieved
2. Revise the IEP, as appropriate, to address:
 - a. Any lack of expected progress toward the annual goals and in the general education curriculum
 - b. The results of any reassessment conducted pursuant to Education Code section 56381
 - c. Evaluations and information provided by the parents/guardians
 - d. The student's anticipated needs

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- e. Any other relevant matter
- 3. Consider the special factors listed in items #5-9 above under "Development of the IEP," when reviewing the IEP of any student with a disability to whom one of those factors may apply

The IEP team shall also meet at any other time at the request of the student's parent/guardian or teacher to review or revise 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 between the student's regular school sessions or terms or days of school vacation in excess of five school days. If a parent/guardian makes an oral request, the special education administrator or designee shall notify the parent/guardian of the need and procedure for filing a written request.

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

If a participating agency fails to provide the transition services described in the student's IEP, the team shall reconvene to identify alternative strategies to meet the student's transition service objectives.

If a student with a disability residing in a licensed children's institution or foster family home has been placed in a nonpublic, nonsectarian school, the special education administrator or designee shall conduct an annual evaluation, as part of the IEP

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process, of whether the placement is the least restrictive environment that is appropriate to meet the student's needs.

To the extent possible, the special education administrator or designee shall encourage the consolidation of reassessment meetings and other IEP team meetings for a student.

If a change to a student's IEP is necessary after the annual IEP team meeting for the school year has been held, the parent/guardian and the special education administrator or designee 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. The IEP team shall be informed of any such changes. Upon request, the special education administrator or designee shall provide the parent/guardian with a copy of the revised IEP.

AUDIO RECORDING OF IEP TEAM MEETINGS

Parents/guardians and the special education administrator or designee shall have the right to audio record 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 special education administrator or designee initiates a notice of intent to audio record a meeting and the parent/guardian objects or refuses to attend because the meeting would be audio recorded, the meeting shall not be audio recorded. Parents/guardians also have the right to:

1. Inspect and review the audio recordings
2. Request that an audio recording be amended if they believe it contains information that is inaccurate, misleading, or in violation of the student's privacy rights or other rights
3. Challenge, in a hearing, information that the parents/guardians believe is inaccurate, misleading, or in violation of the student's privacy rights or other rights

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PARENT/GUARDIAN PARTICIPATION AND OTHER RIGHTS

The special education administrator 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 otherwise afforded the opportunity to participate. These steps shall include providing parents/guardians sufficient notification of the meeting to permit their attendance and scheduling the meeting at a mutually agreed upon time and place.

The special education administrator or designee shall send parents/guardians notices of IEP team meetings that:

1. Indicate the purpose, time, and location of the meeting
2. Indicate who will be in attendance at the meeting
3. Inform them of:
 - a. Their right, pursuant to Education Code section 56341, to bring to the meeting other individuals who have knowledge or special expertise about the student
 - b. The provision of Education Code section 56341(i) relating to the participation at the initial IEP team meeting of the individual coordinating the infant and toddlers with disabilities early childhood intervention services, if the student was previously served under Early Education for Individuals with Exceptional Needs or the California Early Intervention Services

When the IEP team meeting is held to consider the development, review, or revision of the IEP of a student with a disability who is 16 years of age or older, or younger than 16 if deemed appropriate by the IEP team, the notice sent to the student's parents/guardians by the special education administrator or designee shall include the following:

1. A statement that a purpose of the meeting will be the consideration of postsecondary goals and transition services for the student

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2. Notification that the student is invited to the IEP team meeting
3. Identification of any other agency that will be invited to send a representative

At each IEP team meeting convened by the special education administrator or designee, the parent/guardian and student shall be informed of the federal and state procedural safeguards included in the notice of parental rights provided to parents/guardians pursuant to Education Code 56321.

A parent/guardian shall have the right and opportunity to examine all of his/her child's school records before any IEP meeting, hearing, or resolution session on matters affecting his/her child, including, but not limited to, initial formal assessment, procedural safeguards, and due process. Within five business days of receipt of an oral or written request, the special education administrator or designee shall provide complete copies of the records.

The parent/guardian shall have the right to present information to the IEP team in person or through a representative and the right to participate in meetings that relate to eligibility for special education and related services, recommendations, and program planning.

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

An IEP team meeting may be conducted without a parent/guardian in attendance if the special education administrator or designee is unable to convince the parent/guardian that he/she should attend. In such a case, the special education administrator or designee shall maintain a record of the 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

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2. Copies of correspondence sent to the parent/guardian and any responses received
3. Detailed records of visits made to the parent/guardian's home or place of employment and the results of those visits

The special education administrator or designee shall take any action necessary to ensure that the parents/guardians understand the proceedings of the meeting, including arranging for an interpreter for parents/guardians with deafness or whose native language is not English.

The special education administrator or designee shall provide the parents/guardians of a student with a disability a copy of his/her child's IEP at no cost.

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.

PARENT/GUARDIAN CONSENT FOR PROVISION OF SPECIAL EDUCATION AND SERVICES

Before providing special education and related services to any student, the special education administrator or designee shall seek to obtain informed consent of the student's parent/guardian. If the parent/guardian fails to respond or refuses to consent to the initiation of services, the special education administrator or designee shall not be required to convene an IEP team meeting or develop an IEP. If the parent/guardian does not consent to all of the components of the IEP, those components to which the parent/guardian has consented shall be implemented so as not to delay providing instruction and services to the student.

If the special education administrator or designee determines that a part of a proposed IEP to which the parent/guardian does not consent is necessary in order to provide the student with FAPE, a due process hearing shall be initiated. While the due process hearing is pending, the student shall remain in the current placement unless the parent/guardian and the special education administrator or designee agree otherwise.

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If at any time subsequent to the initial provision of services, the student's parent/guardian, in writing, revokes consent for the continued provision of special education services, the special education administrator or designee shall provide prior written notice within a reasonable time before ceasing to provide services to the student.

Prior to the discontinuation of services, the special education administrator or designee may offer to meet with the parents/guardians to discuss concerns related to the student's education. However, this meeting shall be voluntary on the part of the parent/guardian and shall not delay the implementation of the parent/guardian's request for discontinuation of services. The special education administrator or designee shall send a written acknowledgment to the parent/guardian confirming the parent/guardian's decision to discontinue all services.

Whenever special education services provided to a student are ceased in response to the parent/guardian's revocation of consent, the student shall be classified as a general education student.

ENROLLMENT OF STUDENTS

To facilitate the transition of a student with a disability from a school district to a special education school program under the jurisdiction of the County Superintendent of Schools, the special education administrator or designee shall take reasonable steps to promptly obtain the student's records, including the student's IEP and the supporting documents related to the provision of special education services. Special education services shall be provided to the student as follows:

1. If the student was enrolled during the school year in a school district within the same Special Education Local Plan Area (SELPA), services comparable to those described in the student's existing IEP shall be continued, unless the student's

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parent/guardian and the special education administrator or designee agree to develop adopt, and implement a new IEP that is consistent with state and federal law.

2. If the student was enrolled during the school year in a school district that participates in a different SELPA, the special education administrator or designee shall provide the student with FAPE, including services comparable to those described in the existing IEP. Within 30 days, the special education administrator or designee, in consultation with the student's parents/guardians, shall adopt the existing IEP or shall develop, adopt, and implement a new IEP that is consistent with state and federal law.
3. If the student was enrolled during the school year in an out-of-state school district, the student shall be provided with FAPE, including services comparable to the out-of-state district's IEP, in consultation with the parent/guardian, until such time as the special education administrator or designee conducts an assessment, if it determines that such an assessment is necessary, and develops, adopts, and implements a new IEP, if appropriate.

SAN DIEGO COUNTY OFFICE OF EDUCATION

**ADMINISTRATIVE
REGULATION NO. 6159**

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Legal Reference: Education Code

51225.3, 56055, 56136, 56195.8, 56221, 56321.5, 56340 – 56347, 56350 – 56352,
56380, 56500 – 56509

California Code of Regulations, Title 5

3021 – 3029, 3040 – 3043

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

300.1 – 300.818 Individuals with Disabilities Education Act

Management Resources:

California Department of Education: www.cde.ca.gov

U.S. Department of Education, Office of Special Education and Rehabilitative
Services: www2.ed.gov/about/offices/list/osers/index.html