

**Regulation 6159: Individualized Education Program**

Status: DRAFT

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At the beginning of each school year, the district shall have an individualized education program (IEP) in effect for each student with an exceptional need disability within district jurisdiction. The IEP shall be a written statement that is developed, reviewed, and revised by the IEP team to meet the unique educational needs of a student with an exceptional need. (Education Code 56344, 56345; 34 CFR 300.320, 300.323-42)

**Members of the IEP Team**

Unless excused by written agreement in accordance with Education Code 56341, the IEP team for any student with an exceptional need shall include at least the following members: (20 USC 1414(d)(1); 34 CFR 300.321-44; Education Code 56341, 56341.5)

1. One or both of the student's parents/guardians and/or of the student with a disability representative selected by them

To the extent permitted by federal law, a foster parent shall have the same rights relative to a foster child's IEP as a parent/guardian. (Education Code 56055)

2. If the student is or may be participating in the regular education program, at least one general regular education teacher, designated by the Superintendent or designee.

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 appropriate positive behavioral interventions, supports, and other strategies for the student, and supplementary aids and services, program modifications, and supports for school personnel that will be provided for the student, consistent with 34 CFR 300.320. (Education Code 56341; 20 USC 1414; 34 CFR 300.324)

3. At least one of the student's special education teachers; and/or, where appropriate, at least one special education related service 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 exceptional needs disabilities
- b. Knowledgeable of 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/evaluation results when holding an Initial, Triennial, or Other Review meeting; who may already be a member of the team as described above

This individual may already be a member of the team as described in Items #2-4 above or in Item #6 below. 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. (Education Code 56341)

6. At the discretion of the parent/guardian or the Superintendent or designee, 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.

7. Whenever appropriate, the student with the disability

In the development, review, or revision of the IEP, the student shall be allowed to provide confidential input to any representative of the IEP team. (Education Code 56341.5)

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 district 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 district shall take other steps to obtain participation of the agency in the planning of any transition services.

9. 8. When the For students iswith suspected of having a specific learning disabilityies, at least one individual who is qualified to conduct individual diagnostic examinations of the student such as a school psychologist, and speech language pathologist if the student has an English learner designation

In accordance with 34 CFR 300.310, at least one team member person other than the student's regular general education teacher shall who has observed the student's academic educational performance and behavior in the areas of difficulty in the student's learning environment, including in the general education classroom 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 environment appropriate for a child of that age 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

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

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 the IEP team meeting (Education Code 56341.2)
2. Whenever the IEP team is meeting to consider the student's postsecondary goals and the transition services needed to assist the student in reaching the goals, the following individuals shall be invited to attend: (34 CFR 300.321)
  - a. The student, regardless of the student's age  
If the student does not attend the IEP team meeting, the Superintendent 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 or adult student, 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 (Education Code 56425-56432) or the California Early Intervention Services Act (Government Code 95000-95004), and upon request of the student's parent/guardian, the Superintendent or designee shall collaborate

with the Infant and Toddlers with Disabilities Coordinator or other representative of the early education or early intervention system to assist with the smooth transition of services (Education Code 56341; 20 USC 1414; 34 CFR 300.321)

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 and the district agree, in writing, 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. Even if the meeting involves a discussion of the IEP team member's area of the curriculum or related service, the member may be excused from the meeting if the parent/guardian, in writing, and the district consent to the excusal after conferring with the member and the member submits to the parent/guardian and team written input into the development of the IEP prior to the meeting. (Education Code 56043, 56341; 20 USC 1414; 34 CFR 300.321)

## IEP Meetings

The IEP team shall meet: (20 USC 1414(d); Education Code 56343)

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 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 needs for the student set out in the IEP. (Education Code 56345.1)

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. (Education Code 56343.5)

An IEP required as a result of an assessment of the student shall be developed within 50 days, not counting days between the student's regular school sessions, terms or days of school vacation in excess of five school days, from the date of receipt of the parent/guardian's written consent for assessment, unless the parent/guardian agrees, in writing, to an extension. 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 end of the regular school year. In the case of student school vacations, the 50-day time limit shall recommence on the date that student school days reconvene (Education Code 56344)

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 Superintendent or designee. The Superintendent or designee shall consider the request within 20 days of receiving it, not counting days in July and August 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 Superintendent or designee shall convene an IEP meeting, which shall be held within 30 days of the Superintendent 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 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)

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 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-on time and place. (34 CFR 300.345)

An IEP meeting may be conducted without a parent/guardian in attendance if the district is unable to convince the parent/guardian that he/she should attend. In this case, the district shall maintain a record of its attempts to arrange a mutually agreed upon time and place for the meeting, including: (34 CFR 300.345)

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 district 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 district gives notice of intent to audiotape a meeting, and if the parent/guardian objects or refuses to attend because the meeting would be audiotaped, the meeting shall not be audiotaped. Parents/guardians also have the right to: (Education Code 56341)

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: (20 USC 1414(d); 34 CFR 300.32047; Education Code 56345, 56345.1)

1. A statement of the present levels of the student's academic achievement and functional educational performance, including one of the following:
  - a. The manner in which the exceptional need affects the student's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled students without exceptional needs)
  - b. For a preschool student child, as appropriate, the manner in which the exceptional need disability affects the student's participation in appropriate activities
  - c. For a student with an exceptional need 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 benchmarks or short-term objectives related to:
  - a. Meeting the student's needs that result from an exceptional need his/her disability in order to enable the student to be involved in and make progress in the general education 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 exceptional need student's 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 district 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 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 for the student to:
  - a. Advance appropriately toward attaining the annual goals
  - b. Be involved and make progress in the general education 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 exceptional needs, disabilities and nondisabled students without exceptional needs in the activities described in this IEP item

5. An explanation of the extent, if any, to which the student will not participate with nondisabled students without exceptional needs in the regular class and in extracurricular and other nonacademic activities described in the IEP item #3 above

6. A statement of any appropriate individual accommodations necessary to measure the academic modifications in the administration of state or districtwide assessments of student achievement and functional performance of the student on state and districtwide that are needed in order for the student to participate in such assessments

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

- a. If the IEP team determines that the student will not participate in the administration of the state or districtwide assessment of student achievement (or part of such an assessment), a statement of:
  - i. Why that assessment is not appropriate for the student
  - ii. How the student will be assessed

7. The projected date for the beginning of the services and modifications described in item #43 above and the anticipated frequency, location, and duration of those services and modifications

8. If determined appropriate by the IEP team, when the student starts high school or not later than the first IEP to be in effect when the student is 16 years of age, or younger, and updated annually thereafter, the following:

- 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. A description of the means by which the IEP will be provided under emergency conditions, as described in Education Code 46392, in which instruction and/or services cannot be provided to the student either at the school or in person for more than 10 school days

The description shall take into account public health orders and shall include special education and related services, supplementary aids and services, transition services, and extended school year services.

10. 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)
11. Appropriate objective criteria, evaluation procedures, and schedules for determining, on at least an annual basis, whether the annual goals are being achieved
12. 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 nondisabled students, of:
    - i. Their child's progress towards the annual goals described in item #2 above
    - ii. The extent to which that progress is sufficient to enable the student to achieve the goals by the end of the year
13. 10. Beginning at least one year before the student reaches age 18, a statement that the student has been informed of the his/her rights, if any, that will transfer to the student upon reaching age 18, pursuant to Education Code 56041.534 CFR 300.110-300.284 that will transfer to the student upon reaching age 18
14. 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: (Education Code 56345)

1. 11. 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. 12. For a student whose native language is not English, Llinguistically appropriate goals, objectives, programs, and services for students whose primary language is not English
3. 13. Extended school year services when needed, as determined by 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 14. If the student is to be transferred from a special class or center, or nonpublic, nonsectarian school; into a general regular education program including in a public school for any part of the school dayThe IEP shall include descriptions of activities intended to:
  - a. Integrate the student into the general 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 general regular education program
5. 15. For students with low incidence disabilities, Sspecialized services, materials, and equipment for students with low incidence disabilities, consistent with the guidelines of Education Code 56136

To assist a student who is blind, has low vision, or is visually impaired to achieve the student's maximum potential, the IEP team may consider instruction in the expanded core curriculum, including compensatory skills such as Braille, concept development, or other skills needed to access the core curriculum; orientation and mobility; social interaction skills; career technical education; assistive technology, including optical devices; independent living skills; recreation and leisure; self-determination; and sensory efficiency. When appropriate, such services may be offered before or after school. (Education Code 56353)

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

Within 30 days of a determination that a student needs special education and related services, the Superintendent or designee shall ensure that a meeting to develop an initial IEP is conducted. (Education Code 56043; 34 CFR

300.323)

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. (Education Code 56043, 56344)

In developing, or revising the IEP, the IEP team shall consider all of the following: (Education Code 56040.6, 56341.1, 56345; 20 USC 1414(d); 34 CFR 300.324; Education Code 56345)

1. The strengths of the student and t
2. The concerns of the parents/guardians for enhancing the education of their child
3. The results of the initial evaluation or most recent evaluation of the student
4. The academic, developmental, and functional needs of the student. As appropriate, the results of the student's performance on any general state or districtwide assessment programs
5. In the case of a student whose behavior impedes the student's/his/her learning or that of others, if appropriate, the use of positive behavioral interventions and supports, and other strategies and supports to address that 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 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. 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 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, or deaf-blind, 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 placements, related services, and program options that provide the student with an equal opportunity for communication access as described in, including the following: (Education Code 56345.)

- 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
9. Whether the student requires assistive technology devices and services, including artificial intelligence devices and services

If, in considering the special factors in items #1-98 above, the IEP team determines that the student needs a particular device or service, including intervention, accommodation, or other program modification, in order to receive a free and appropriate public education (FAPE), the IEP team shall must include a statement to that effect in

the student's IEP. (Education Code 56341.1, 34 CFR 300.346)

### Provision of Special Education and Related Services

The district shall ensure that, as soon as possible following development of the IEP, special education and related services are made available to the student in accordance with the IEP. (Education Code 56344; 34 CFR 300.323)

The Superintendent or designee shall ensure that the student's IEP is accessible to each general education teacher, special education teacher, related service provider, and any other service provider who is responsible for its implementation. The Superintendent or designee shall also ensure that such 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. (34 CFR 300.323)

If an orientation and mobility evaluation is determined to be needed for a student who is blind, has low vision, or is visually impaired, the evaluation shall be conducted by a person who is appropriately certified as an orientation and mobility specialist and shall occur in familiar and unfamiliar environments, in varying lighting conditions, and in the home, school, and community, as appropriate. The Superintendent or designee may require annual written parent/guardian consent to provide orientation and mobility services when such services are provided before or after school and when they are provided away from the school site. (Education Code 56354; 5 CCR 3051.3)

If a student's IEP requires the provision of assistive technology devices or services, including artificial intelligence services, the district shall provide such devices or services and shall, on a case-by-case basis, provide for the use of school-purchased devices or services in the student's home or other settings if the IEP team determines that the student needs access to those devices or services in order to receive FAPE. If a student who requires the use of an assistive technology device or services transfers to another local educational agency, the district shall provide the student with continued access to that device or services or a comparable device or service for two months from the date the student ceased to be enrolled in the district or until alternative arrangements can be made to provide access to the device, whichever occurs first. (Education Code 56040.3; 34 CFR 300.105)

### Review and Revision of the IEP

The Superintendent or designee shall ensure that the IEP team reviews the IEP periodically, but at least annually, in order to: (Education Code 56043, 56341.1, 56380; 20 USC 1414; 34 CFR 300.324) The IEP may be revised, as appropriate, to address: (20 USC 1414(d); Education Code 56343, 56345.1)

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, where appropriate
  - b. The results of any reassessment/reevaluation conducted pursuant to Education Code 56381
  - c. Information about the student provided to or by the parents/guardians regarding review of evaluation data pursuant to 34 CFR 300.305 and Education Code 56381, 20 USC 1414(c)(1)(B)
  - d. The student's anticipated needs
  - e. Any other relevant matters
3. Consider the special factors listed in Items #5-9 above, under "Development of the IEP," when reviewing the IEP of any student with an exceptional need to whom one of those factors may apply
- 4.

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
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)

The IEP team shall also meet at any other time upon request by the student's parent/guardian or teacher to review or revise the IEP. (Education Code 56343)

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 district shall notify the parent/guardian of the need for a written request and the procedure for filing such a request. (Education Code 56043, 56343.5)

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. (Education Code 56345.1; 20 USC 1414; 34 CFR 300.324)

If a student with an exceptional need residing in a licensed children's institution or foster family home has been placed by the district in a nonpublic, nonsectarian school, the Superintendent or designee 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)

To the extent possible, the Superintendent or designee shall encourage the consolidation of reassessment meetings and other IEP team meetings for a student. (20 USC 1414; 34 CFR 300.324)

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 Superintendent 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 Superintendent or designee shall provide the parent/guardian with a revised copy of the IEP with the incorporated amendments. (Education Code 56380.1; 20 USC 1414; 34 CFR 300.324)

### **Audio Recording of IEP Team Meetings**

Parents/guardians and the Superintendent 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 Superintendent or designee gives 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: (Education Code 56341.1)

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

### **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. (Education Code 56346)

If the Superintendent or designee determines that a part of the proposed IEP to which the parent/guardian does not consent is necessary in order to provide a free and appropriate public education to the student, he/she shall either initiate a due process hearing or a prehearing mediation conference with the state pursuant to Education Code 56500.3. While the due process hearing or prehearing mediation conference is pending, the student shall remain in his/her current placement unless the parent/guardian and the Superintendent or designee agree otherwise. (Education Code 56346)

While a due process hearing is pending, the Superintendent or designee may choose to meet informally with the parent/guardian pursuant to Education Code 56502 or may hold a mediation conference pursuant to Education Code 56503. If a due process hearing is held, the hearing decision shall be the final administrative determination and shall be binding upon the parties. (Education Code 56346)

### Parent/Guardian Participation and Other Rights

The Superintendent or designee shall take steps to ensure that one or both of the parents/guardians of the student with an exceptional need 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 early enough to ensure that they will have the opportunity to attend and scheduling the meeting at a mutually agreed upon time and place. (Education Code 56341.5; 34 CFR 300.322)

The Superintendent or designee shall send parents/guardians notices of IEP team meetings that: (Education Code 56341.5; 34 CFR 300.322)

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 to bring to the meeting other individuals who have knowledge or special expertise about the student, pursuant to Education Code 56341

Additionally, when the IEP team meeting is to consider the development, review, or revision of the IEP of a student with an exceptional need who is 16 years of age or older, or younger than 16 if deemed appropriate by the IEP team, the Superintendent or designee's notice to the student's parents/guardians shall include the following: (Education Code 56341.5)

1. An indication that a purpose of the meeting will be the consideration of postsecondary goals and transition services for the student pursuant to Education Code 56345.1, 20 USC 1414, and 34 CFR 300.320
2. An indication that the student is invited to the IEP team meeting

The district administrator or specialist on the team shall inform the parent/guardian and student annually of the federal and state procedural safeguards included in the notice of parental rights provided pursuant to Education Code 56321. (Education Code 56500.1)

The parent/guardian shall have the right and opportunity to examine all of the student's school records upon request, before any IEP meeting, and in connection with any hearing or resolution session on matters affecting the student, including, but not limited to, initial formal assessment, procedural safeguards, and due process. Upon receipt of an oral or written request, the Superintendent or designee shall provide complete copies of the records within five business days. (Education Code 56043, 56504)

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. (Education Code 56341.1)

If neither parent/guardian can attend the meeting, the Superintendent or designee shall use other methods to ensure parent/guardian participation, including video conferences or individual or conference telephone calls. (Education Code 56341.5; 20 USC 1414; 34 CFR 300.322)

An IEP team meeting may be conducted without a parent/guardian in attendance if the Superintendent or designee is unable to convince the parent/guardian to attend. In such a case, the Superintendent or designee shall maintain a record of the attempts to arrange a mutually agreed upon time and place for the meeting, including: (Education Code 56341.5; 34 CFR 300.322)

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 responses received

The Superintendent 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. (Education Code 56341.5; 34 CFR 300.322)

The Superintendent or designee shall give the parents/guardians of a student with an exceptional need a copy of the IEP at no cost. (Education Code 56341.5; 34 CFR 300.322)

### **Parent/Guardian Consent for Provision of Special Education and Services**

Before providing special education and related services to any student pursuant to 20 USC 1414, the Superintendent or designee shall seek to obtain informed consent of the student's parent/guardian. (Education Code 56346)

If the parent/guardian fails to respond or refuses to consent to the initiation of services, the district shall not use the due process hearing procedures pursuant to 20 USC 1415 to obtain agreement or a ruling that the services may be provided to the student. In such circumstances, the district shall not be required to convene an IEP team or develop an IEP for the student. (Education Code 56346)

If the parent/guardian consents in writing to the receipt of special education and related services for the student but does not consent to all of the components of the IEP, then 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 Superintendent 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 in accordance with 20 USC 1415. While the due process hearing is pending, the student shall remain in the current placement unless the parent/guardian and the Superintendent or designee agree otherwise. (Education Code 56346)

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 Superintendent or designee shall provide prior written notice within a reasonable time before ceasing to provide services to the student. The Superintendent or designee shall not request a due process hearing or pursue mediation in order to require an agreement or ruling that services be provided to the student. (Education Code 56346; 34 CFR 300.300, 300.503)

When the district ceases to provide special education services in response to the parent/guardian's revocation of consent, the student shall be classified as a general education student.

### **Transfer Students**

To facilitate the transition of a student with an exceptional need who is transferring into the district, the Superintendent or designee shall take reasonable steps to promptly obtain the student's records, including the IEP and the supporting documents related to the provision of special education services. (Education Code 56325; 34 CFR 300.323)

If the student transfers into the district from another school district within the same Special Education Local Plan Area (SELPA) during the school year, the district shall continue to provide services comparable to those described in the student's existing IEP, unless the student's parent/guardian and the district agree to develop, adopt, and implement a new IEP that is consistent with state and federal law. (Education Code 56325; 34 CFR 300.323)

If the student transfers into the district from a school district outside of the district's SELPA during the school year, the district shall provide the student with FAPE, including services comparable to those described in the previous district's IEP in consultation with the student's parent/guardian, for a period not to exceed 30 days. By the end of that period, the district shall either adopt the previous district's IEP or shall develop, adopt, and implement a new IEP that is consistent with state and federal law. (Education Code 56325; 34 CFR 300.323)

If the student transfers into the district from an out-of-state district during the school year, the district shall provide the student with FAPE, including services comparable to the out-of-state district's IEP, in consultation with the parent/guardian, until such time as the Superintendent or designee conducts an assessment, if it determines that such an assessment is necessary, and develops, adopts, and implements a new IEP, if appropriate. (Education Code 56325; 34 CFR 300.323)

### Parent/Guardian Notice

The Superintendent 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: (34 CFR 300.345)

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 district 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 district will invite the student to the IEP meeting
  - c. Identify any other agency that will be invited to send a representative

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**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 3021-3029	<a href="#">Identification, referral and assessment</a>
5 CCR 3040-3043	<a href="#">Instructional planning and the individualized education program</a>
5 CCR 3051-3053	<a href="#">Implementation of the individualized education program</a>
5 CCR 853-853.5	<a href="#">State assessments; accommodations</a>
Ed. Code 46392	<a href="#">Emergencies</a>
Ed. Code 48853.5	Students in foster care

**State**

Ed. Code 51225.3  
 Ed. Code 56040.3  
 Ed. Code 56040.6  
 Ed. Code 56043  
 Ed. Code 56049.1  
 Ed. Code 56055  
 Ed. Code 56136  
 Ed. Code 56195.8  
 Ed. Code 56321  
 Ed. Code 56321.5  
 Ed. Code 56340.1-56347  
 Ed. Code 56348  
 Ed. Code 56350-56354  
 Ed. Code 56380  
 Ed. Code 56390-56392  
 Ed. Code 56471  
 Ed. Code 56500-56509  
 Ed. Code 60640-60648.5  
 Ed. Code 60900.1  
 Ed. Code 60900.2  
 Fam. Code 6500-6502  
 Gov. Code 7572.5  
 W&I Code 300  
 W&I Code 601  
 W&I Code 602

**Federal**

20 USC 1232g  
 20 USC 1400-1482  
 34 CFR 300.1-300.818

**Management Resources**

Attorney General Opinion  
 California Department of Education Publications  
 California Department of Education Publications  
 Court Decision  
 Court Decision  
 Court Decision

**Description**

[High school graduation requirements](#)  
[Availability of assistive technology device](#)  
 Deaf and hard of hearing supports  
 Transition plans  
 Data related to least restrictive environment  
[Rights of foster parents pertaining to foster youth's education](#)  
[Guidelines for low incidence disabilities areas](#)  
[Adoption of policies](#)  
[Notice of parental rights; consent of parents](#)  
[Notice to include right to electronically record](#)  
[Instructional planning and individualized education program](#)  
 IEP template translations  
[IEP for visually impaired students](#)  
[IEP reviews; notice of right to request](#)  
[Recognition for educational achievement; special education](#)  
 Workability programs  
[Procedural safeguards](#)  
[California Assessment of Student Performance and Progress](#)  
 English language and special education reporting  
 Graduation rates for students with exceptional needs  
[Age of majority](#)  
 Seriously emotionally disturbed child; expanded IEP team  
[Minors subject to jurisdiction](#)  
[Minors habitually disobedient](#)  
[Minors violating law; ward of court](#)

**Description**

[Family Educational Rights and Privacy Act \(FERPA\) of 1974](#)  
[Individuals with Disabilities Education Act](#)  
[Individuals with Disabilities Education Act](#)

**Description**

[85 Ops.Cal.Atty.Gen. 157 \(2002\)](#)  
[California Practitioners' Guide for Educating English Learners with Disabilities, July 2019](#)  
[Frequently Asked Questions: Promotion, Retention, and Grading \(Students with Disabilities\)](#)  
 Marshall v. Monrovia Unified School District (9th Cir. 2010) 327 F.3d 773  
 Capistrano Unified School District v. S.W. and C.W. (9th Cir. 2021) 21 F.4th 1125  
[Andrew F. v. Douglas County School District Re-1, 137 S. Ct. 988](#)

**Management Resources**

Court Decision

**Description**[Marshall v. Monrovia Unified School District \(9th Circuit, 2010\) 327 f.3d 773](#)

Court Decision

[Sacramento City School District v. Rachel H. \(9th Cir. 1994\) 14 F.3d 1398](#)

Court Decision

[Schaffer v. Weast \(2005\) 125 S. Ct. 528](#)

Court Decision

[Shapiro v. Paradise Valley Unified School District, No. 69 \(9th Circuit, 2003\) 317 F.3d 1072](#)

U.S. Department of Education Publication

[Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973, July 2022](#)

USDOE Ofc of Special Edu, Rehab Svcs &amp; EdTech Pub

[Dear Colleague Letter on the Provision of Assistive Technology Devices and Services for Children with Disabilities under the Individuals with Disabilities Education Act, January 22, 2024](#)

Website

[U.S. Department of Education, Office of Educational Technology](#)

Website

[CSBA District and County Office of Education Legal Services](#)

Website

[U.S. Department of Education, Office of Special Education and Rehabilitative Services](#)

Website

[California Department of Education](#)**Cross References****Description**

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[Goals For The School District](#)

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[Comprehensive Local Plan For Special Education](#)

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[Comprehensive Safety Plan](#)

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[Comprehensive Safety Plan](#)

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[Local Control And Accountability Plan](#)

1312.3

[Uniform Complaint Procedures](#)

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[Uniform Complaint Procedures](#)

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[Transportation Fees](#)

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[Transportation Fees](#)

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[Transportation Routes And Services](#)

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[Transportation For Students With Disabilities](#)

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[Transportation For Students With Disabilities](#)

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[Special Education Staff](#)

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