

Policy 6159: Individualized Education Program

Status: DRAFT

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The Governing Board desires to provide full educational opportunities to all students with exceptional needs. Students with exceptional needs shall receive a free appropriate public education (FAPE) and, to the maximum extent possible, shall be educated in the least restrictive environment with nondisabled students.

For each student with exceptional needs, an individualized education program (IEP) shall be developed which identifies the special education instruction and related services to be provided to the student. The Superintendent or designee shall develop administrative regulations regarding the membership of the IEP team, the team's responsibility to develop and regularly review the IEP, the contents of the IEP, and the development, review, and revision processes.

The district shall make FAPE available to individuals with disabilities ages 3-21 who reside in the district, have not earned a diploma (Path I, II, or California Graduation Plan) including: (Education Code 56040; 20 USC 1412; 34 CFR 300.17, 300.101, 300.104)

1. Students who have been suspended or expelled from school
2. Students who are placed by the district in a nonpublic, nonsectarian school
3. Individuals age 18-21 years who are incarcerated in an adult correctional facility, and were identified as being an individual with disabilities or had an IEP in their prior educational placement

Students with disabilities shall be placed in the least restrictive environment which meets their needs. The Governing Board provides a full range of educational alternatives to facilitate this placement so that these students may interact with students without disabilities in an understanding, cooperative and mutually respectful environment. Students shall be placed outside of the regular classroom only when the student's specific needs cannot be met in that setting.

Upon the identification of a student's disabilities, the Superintendent or designee shall appoint an individualized education program (IEP) team. This team shall consider the student's needs, determine the content of his/her IEP and make placement decisions. Students and parents/guardians shall have the right to participate in the development of the IEP in accordance with law.

The IEP team shall consider the factors specified in law and administrative regulation, as well as the educational and nonacademic benefits of placing the student in a regular class. The IEP team shall determine what support services would be needed in order to maintain this placement. All placement decisions should promote maximum social interaction between students with disabilities and their nondisabled peers, in a manner that is appropriate to the needs of each.

Each IEP shall be consistent with the curriculum and course of study pursued in the regular education program. Students with disabilities should also receive instruction which fosters their independence and integration into the community.

Students and parents/guardians shall have the right to approve the student's placement in a special education program, and written parental consent shall be obtained before any such placement is made unless a due process hearing officer authorizes the placement. Once an IEP team has determined an appropriate placement with the parent/guardian's approval, that placement remains in effect unless the parties agree otherwise or a due process hearing officer so orders.

A special education or regular education teacher may request a review of the classroom assignment of an student with disabilities in accordance with procedures set forth in administrative regulations.

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

5 CCR 3021-3029
 5 CCR 3040-3043
 5 CCR 3051-3053
 5 CCR 853-853.5
 Ed. Code 46392
 Ed. Code 48853.5
 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

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 English language and special education reporting
 Graduation rates for students with exceptional needs
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[Family Educational Rights and Privacy Act \(FERPA\) of 1974](#)
[Individuals with Disabilities Education Act](#)
[Individuals with Disabilities Education Act](#)

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[85 Ops.Cal.Atty.Gen. 157 \(2002\)](#)
[California Practitioners' Guide for Educating English Learners with Disabilities, July 2019](#)

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California Department of Education Publications

Court Decision

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U.S. Department of Education Publication

USDOE Ofc of Special Edu, Rehab Svcs & EdTech Pub

Website

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Website

Website

Description[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](#)[Endrew F. v. Douglas County School District Re-1, 137 S. Ct. 988](#)[Marshall v. Monrovia Unified School District \(9th Circuit, 2010\) 327 f.3d 773](#)[Sacramento City School District v. Rachel H. \(9th Cir. 1994\) 14 F.3d 1398](#)[Schaffer v. Weast \(2005\) 125 S. Ct. 528](#)[Shapiro v. Paradise Valley Unified School District, No. 69 \(9th Circuit, 2003\) 317 F.3d 1072](#)[Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973, July 2022](#)[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](#)[U.S. Department of Education, Office of Educational Technology](#)[CSBA District and County Office of Education Legal Services](#)[U.S. Department of Education, Office of Special Education and Rehabilitative Services](#)[California Department of Education](#)**Cross References**

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