Information Sheet – 11/10/2020 - Board of Trustees Meeting

TO: Board of Trustees Item: 8.3

FR: Celli Coeville

DATE: November 3, 2020

RE: Revised Board Policy and Administrative Regulation, BP/AR 6159, Individualized Education Program, Consider for Adoption

Board Policy 6159, Individualized Education Program, has been updated to include the requirement, formerly in BP/AR 0430-Comprehensive Local Plan for Special Education, to provide a free appropriate public education (FAPE) to students who have been suspended or expelled from school or who are placed by the district in a nonpublic, nonsectarian school. The policy adds the requirement to provide FAPE to individuals aged 18-21 who are incarcerated in an adult correctional facility if they had been identified as students with disabilities or had an individualized education program (IEP) in their prior educational placement. The paragraph about the rights of foster parents has been moved to the AR.

The Administrative Regulation updates the section on "Contents of the IEP" to consolidate lists of IEP requirements for clarity. The regulation reflects New Law (SB 98, 2020) which requires the IEP to describe the means by which the IEP will be provided under emergency conditions in which instruction and/or services cannot be provided the student at school or in person for more than 10 school days. The regulation also reflects New Law (AB 947, 2019) which (1) authorizes districts to consider elements of the "expanded core curriculum", as defined, when developing an IEP for a student who is blind, has low vision, or is visually impaired, and (2) establishes requirements for orientation and mobility evaluations conducted for such students. The regulation also reflects New Law (AB 605, 2019) which requires districts to provide assistive technology devices for use in a student's home or other setting when required by the student's IEP, and requires that such students be given continued access to assistive technology devices for up to two months after transferring out of the district.

I've highlighted the proposed changes and indicated the differences in red font.

Recommended Action: Approve Revised BP/AR 6159, Individualized Education Program

INDIVIDUALIZED EDUCATION PROGRAM

Note: The following Board policy and the accompanying administrative regulation should be revised for consistency with the policies and regulations of the Special Education Local Plan Area in which the district participates.

The Governing Board desires to provide ~~educational alternatives that afford students with disabilities~~ full educational opportunities to all students with disabilities. Students with disabilities shall receive a free~~,~~ appropriate public education (FAPE) and, to the maximum extent possible, shall be ~~placed~~ educated the least restrictive environment with nondisabled students ~~which meets their needs to the extent provided by law.~~

(cf. 0430 – Comprehensive Local Plan for Special Education) ~~*(cf. 1312.3 – Uniform Complaint Procedures)*~~
(cf. 3541.2 – Transportation for Students with Disabilities) (cf. 4112.23 – Special Education Staff)
(cf. 5144.2 – Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 6146.4 – Differential Graduation and Competency Standards for Students with Disabilities) (cf. 6159.1 – Procedural Safeguards and Complaints for Special Education)
(cf. 6159.2 – Nonpublic, Nonsectarian School and Agency Services for Special Education) (cf. 6159.3 – Appointment of Surrogate Parent for Special Education Students)
(cf. 6164.4 – Identification of Individuals for Special Education) (cf. 6164.6 – Identification and Education under Section 504)

For each student with disabilities, 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 ~~appointment of the individualized education program~~ membership of the (IEP) team ~~(IEP),~~ the team's responsibility to develop and regularly review the IEP, the contents of the IEP and the development, review and revision ~~of the IEP~~ processes.

The district shall make FAPE available to individuals with disabilities ages 3-21 who reside in the district, 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

~~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. (Education Code 56055)~~

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Legal Reference:

EDUCATION CODE
46392 Emergencies
51225.3 Requirements for high school graduation and diploma
56040.3 Assistive technology
56055 Rights of foster parents pertaining to foster child's education
56136 Guidelines for low incidence disabilities areas
56055 Rights of foster parents pertaining to foster child's education
56195.8 Adoption of policies
56321 Development or revision of IEP
56321.5 Notice to include right to electronically record
56340.1-5634~~6~~ 7 Instructional planning and individualized education program
56350-563~~52~~ 54 IEP for visually impaired students
56380 IEP reviews; notice of right to request
56390-5639~~3~~ 2 Certificate of completion, special education
56500-56508 Procedural safeguards
60640-60649 Standardized Testing and Reporting Program
~~*60850 High school exit examination, students with disabilities*~~
FAMILY CODE
6500-6502 Age of majority
GOVERNMENT CODE
7572.5 Seriously emotionally disturbed child, expanded IEP team
WELFARE AND INSTITUTIONS CODE
300 Children subject to jurisdiction
601 Minors habitually disobedient
602 Minors violating law defined as crime
CODE OF REGULATIONS, TITLE 5
852-853 Standardized Testing and Reporting Program, accommodations for students with disabilities
~~*1216-1218 High School Exit Examination, accommodations for students with disabilities*~~
3021-3029 Identification, referral and assessment
3040-3043 Instructional planning and the individualized education program
3051-3053 Implementation of the individualized education program
UNITED STATES CODE, TITLE 20
1232g Family Educational Rights and Privacy Act of 1974
1400-148~~7~~ 2 Individuals with Disabilities Education Act
CODE OF FEDERAL REGULATIONS, TITLE 34
300.1-300.~~756~~ 818 Individuals with Disabilities Education Act
COURT DECISION
Marshall v. Monrovia Unified School District, (9th Circuit, 2010) 627 F.3d 773
Schaffer v. Weast (2005) 125 S. Ct. 528
Shapiro v. Paradise Valley Unified School District, No. 69 (9th Circuit, 2003) 2003 US.App. LEXIS 1395 Sacramento City School District v. Rachel H, 14 F.3d 1398 (9th Cir. 1994)
Endrew F. v. Douglas County School District Re-1, 137 S. Ct. 988

Management Resources:

~~*FEDERAL REGISTER*~~
~~*34 CFR 300.a Appendix A to Part 300 – Questions and Answers*~~
~~*34 CFR 300.a1 Attachment 1: Analysis of Comments and Changes*~~
CALIFORNIA DEPARTMENT OF EDUCATION
PUBLICATIONS
Frequently Asked Questions: Promotion, Retention, and Grading (Students with Disabilities)
California Practitioners' Guide for Educating English Learners with Disabilities, July 2019

INDIVIDUALIZED EDUCATION PROGRAM (continued)

Legal Reference (continued):

WEB SITES
CDE: http://www.cde.ca.gov
US Department of Education, Office of Special Education and Rehabilitative Services: http://www.ed.gov/offices/OSERS/osep
(3/02 3/03) 11/03

Policy
Adopted: April 6, 2004

JEFFERSON SCHOOL DISTRICT
Tracy, California

INDIVIDUALIZED EDUCATION PROGRAM

Note: The following mandated administrative regulation reflects the federal Individuals with Disabilities Education Act (IDEA) (20 USC 1400-1482), implementing federal regulations (34 CFR 300.1-300.818), and conforming state legislation. Note that in cases where state law provides greater protections, state law supersedes federal law.

Pursuant to Education Code 56302.5, the term "assessment" as used in state law has the same meaning as "evaluation" provided in 20 USC 1414. The following administrative regulation uses the terms interchangeably.

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. 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 a disability (34 CFR ~~300.342~~ 300.320, 300.323; Education Code 56344, 56345)

Members of the IEP Team

Unless excused by written agreement in accordance with Education Code 56341, t~~T~~he IEP team for any student with a disability shall include the following members: (20 USC 1414~~(d)(1);~~ 34 CFR 300.~~344~~; 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~~ them

Note: Education Code 56055 provides that a foster parent, to the extent permitted by federal law, shall have the same rights relative to the foster child's education as a parent/guardian. Education Code 56055 clarifies that this right applies only when the juvenile court has limited the right of a parent/guardian to make educational decisions on the student's behalf and the student has been placed in a planned permanent living arrangement. Education Code 56055 defines "foster parent" as a licensed person, relative caretaker, or nonrelative extended family member.

Because the rights granted to parents/guardians under the IDEA (20 USC 1400-1482) are often complex, legal counsel should be consulted as appropriate.

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~~ general education program, ~~not less than~~ at least one ~~regular~~ of the student's general education teachers designated by the Superintendent or designee to represent the student's general education teachers

~~If more than one regular education teacher is providing instructional services to the student, the district may designate one such teacher to represent the others.~~

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~~(d)(3)(C)~~; 34 CFR 300.324)

(cf. 6159.4 - Behavioral Interventions for Special Education Students)

3. ~~Not less than~~ At least one of the student's special education teachers or, where appropriate, ~~not less than one~~ special education providers ~~for the student~~

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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

(cf. 0430 - Comprehensive Local Plan for Special Education)

5. An individual who can interpret the instructional implications of assessment results

This individual may already be a member of the team as described in items #~~1~~ 2-4 above or in item #6 below.

Note: Pursuant to Education Code 56341 and 34 CFR 300.321, the determination as to whether an individual identified in item #6 below has "knowledge or special expertise" must be made by the party (either the district or parent/guardian) who invites the individual to the IEP team meeting.

An Attorney General opinion (85 Ops.Cal.Atty.Gen. 157 (2002)) concluded that members of the media may not attend an IEP team meeting as observers even though the parents/guardians have consented to such attendance. The Attorney General based this decision on the fact that the media would be "observers," not a "person with knowledge or expertise," as detailed below.

6. At the discretion of the parent/guardian or ~~district~~ the Superintendent 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. ~~(Education Code 56341)~~

7. Whenever appropriate, the student with ~~the~~ a 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:~~

~~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.~~

~~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.~~ 8. ~~For students~~ When the student is suspected of having a specific learning disability ~~in accordance with 34 CFR 300.540 and 300.542~~, 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.~~542~~310, at least one team member other than the student's ~~regular~~ general education teacher shall observe the student's academic performance and behavior in the areas of difficulty in the student's 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 Superintendent or designee shall invite other specified individuals to an IEP team meeting:

~~10.~~ 1. When ~~For~~ the student~~s~~ ~~who have~~ 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. (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

~~If a student with disabilities is identified as potentially requiring mental health services, the district shall request the participation of the county mental health program in the IEP team meeting. (Education Code 56331)~~

3. ~~Upon request of the parent/guardian of a child~~ ~~who~~ 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 ~~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)~~; 34 CFR 300.321)

~~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~~

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~~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~~

~~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 56341; 20 USC 1414(d)(1)(C); 34 CFR 300.321)~~

~~Meetings of the IEP Team~~

~~The IEP team shall meet: (20 USC 1414(d); Education Code 56045, 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 placement~~

~~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 56341; 34 CFR 300.344)~~

~~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)~~

~~*(cf. 6164.5 - Student Success Teams)*~~

~~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 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. (Education Code 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 20 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 sessions, 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)~~

~~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 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 Superintendent or designee shall convene an IEP team meeting, which shall be held within 30 days of the Superintendent or designee's 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.~~

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

~~1. Appropriate positive behavioral interventions and supports and other strategies for the student~~

~~*(cf. 6159.4 - Behavioral Interventions for Special Education Students)*~~

~~2. Supplementary aids and services, program modifications, and supports for school personnel that will be provided for the student, consistent with 20 USC 1414(d)(1)(A)(i)(IV)~~

~~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~~

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~~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))~~

~~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)(A))~~

~~**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 300.345; Education Code 56341.5)~~

~~The Superintendent or designee shall send parents/guardians notices of IEP team meetings early enough to ensure that they will have an opportunity to attend. These notices shall: (34 CFR 300.345; 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 300.345(b)(1)(ii) relating to their right to have on the IEP team other individuals who have knowledge or special expertise about the student~~

~~4. Identify any other local agency that is likely to be responsible for providing or paying for transition services in accordance with 34 CFR 300.344~~

~~5. 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 the consideration of postsecondary goals and transition services for the student pursuant to Education Code 56345.1 and 20 USC 1414(d)(1)(A)(i)(VIII)~~

~~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~~

~~*(cf. 5145.6 - Parental Notifications)*~~

~~At each IEP team meeting convened by the district, the district administrator or specialist on the team~~

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~~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)~~

~~*(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)*~~

~~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 300.345; 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 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; 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~~

~~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 audio taped, the meeting shall not be audio taped. Parents/guardians also have the right to: (Education Code 56341.1)~~

~~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, misleading, 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 parent/guardians with deafness or whose native language is not English. (Education Code 56345.1)~~

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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.~~347~~ 320; Education Code ~~56043~~, 56345, 56345.1)

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~~ the student's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled students)

~~a.~~ b. For a preschool ~~child~~ student, as appropriate, the manner in which the disability affects ~~his/her~~ the student's participation in appropriate activities

~~b.~~ c. For a student~~s~~ with disabilities who takes alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives

Note: Education Code 56345 requires a statement of a student's academic and functional goals, as specified below, and expresses legislative recognition that, although some students with disabilities may not meet the growth projected in the annual goals and objectives, districts must make a good faith effort to assist them in achieving the goals in their IEP.

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 ~~his/her~~ the disability in order to enable the student to be involved in and make progress in the general education 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 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~~al~~ 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:

INDIVIDUALIZED EDUCATION PROGRAM (continued)

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)

(cf. 3541.2 - Transportation for Students with Disabilities)

~~5.~~ An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in ~~the~~ extracurricular and other nonacademic activities described in ~~item #4(c) above~~ the IEP

Note: Pursuant to 20 USC 1412, students with disabilities must be included in state and district assessments, with appropriate accommodations. However, with respect to such assessments, exceptions exist. For example, pursuant to Education Code 60640, a student with disabilities who is unable to participate in state achievement tests even with accommodations shall be given an alternate assessment in accordance with the student's IEP. For specific program requirements, exceptions, waivers, and permitted accommodations concerning such state or districtwide assessments, see AR 6162.51 - State Academic Achievement Tests.

Education Code 56345 and 34 CFR 300.320 require a description of the individual accommodations that will be used by the student and, if the student will not participate in the regular assessment, a statement as to the reason for that determination and what alternate assessment will be provided.

6. A statement of any ~~individual~~ appropriate individual accommodations ~~that are~~ necessary to measure the academic achievement and functional performance of the student on state and districtwide assessments

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

(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)
(cf. 6162.51 - Standardized Testing and Reporting Program)
~~*(cf. 6162.52 - High School Exit Examination)*~~

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~~:

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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

Note: Education Code 56345, as amended by SB 98 (Ch. 24, Statutes of 2020), requires that the following component be addressed in the development of a new IEP or at the next regularly scheduled review of an existing IEP.

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.

~~9.~~ 10. Beginning at least one year before the student reaches age 18, a statement that the student has been informed of ~~his/her~~ the rights, if any, pursuant to Education Code 56041.5 that will transfer to the student upon reaching age 18, pursuant to Education Code 56041.5

~~Where appropriate, the IEP shall also include: (Education Code 56345)~~

~~1.~~ 11. For a student~~s~~ 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

(cf. 6146.1 - High School Graduation Requirements)
(cf. 6146.11 - Alternative Credits Toward Graduation)

~~2.~~ 12. For a student whose native language is not English, ~~L~~linguistically appropriate goals, objectives, programs, and services for students ~~whose native language is not English~~

(cf. 6174 - Education for English Learners)

~~3.~~ 13. 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)

(cf. 5148.2 Before/After School Programs)
(cf. 6177 - Summer School)

~~4.~~ 14. ~~Provision for transition into the regular education program if~~ If the student is to be transferred from a special class ~~or center,~~ or nonpublic, nonsectarian school, into a ~~regular~~ general education program in a public school for any part of the school day, provision for transition into the general education program including descriptions of activities intended to:

~~The IEP shall include descriptions of activities intended to:~~

a. Integrate the student into the ~~regular~~ general education program, including ~~indications of~~ the nature of each activity and the time spent on the activity each day or week

b. Support the transition of the student from the special education program into the ~~regular~~ education program

(cf. 6176 - Weekend/Saturday Classes)
(cf. 6178 – Career Technical Education)
(cf. 6181 - Alternative Schools)

~~5~~. 15. For a student with low incidence disabilities~~, Specialized~~ specialized services, materials, and equipment ~~for students with low incidence disabilities,~~ consistent with the guidelines pursuant to Education Code 56136

Note: Education Code 56353, as added by AB 947 (Ch. 778, Statutes of 2019), authorizes, but does not require, districts to consider elements of the expanded core curriculum, as defined, when developing an IEP for a student who is blind, has low vision, or is visually impaired.

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)

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. (Education Code 56344)

In developing the IEP, the IEP team shall consider all of the following: (20 USC 1414~~(d)(3)(A)~~; 34 CFR 300.~~346~~ 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.~~ 4. The academic, developmental, and functional needs of the student

5. In the case of a student whose behavior impedes ~~his/her~~ the student's learning or that of others, ~~if appropriate,~~ 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 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 as assessment of ~~his/her~~ future needs for instruction in Braille or the use of Braille~~, and other appropriate reading and writing media~~.

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, as described in Education Code 56345 ~~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~~

~~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~~ the student needs a particular device or service, including an intervention, accommodation, or other program modification, in order to receive ~~a free appropriate public education~~ FAPE, the ~~IEP~~ team ~~must~~ shall include a statement to that effect in the student's IEP. (~~34 CFR 300.346~~; Education Code 56341.1)

~~All IEPs shall be reviewed on an annual basis for student progress, appropriateness of placement, and to include any necessary revisions. (Education Code 56380)~~

Provision of Special Education and Related Services

The district shall ensure that, as soon as possible following development of the IEP, special education services 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 also shall 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)

Note: Education Code 56354, as added by AB 947, establishes requirements for orientation and mobility evaluations conducted for students who are blind, have low vision, or are visually impaired. Such services are used to teach individuals how to navigate around their home, school, and community. If the district chooses to prohibit orientation and mobility specialists from using their vehicles to transport students to and from orientation and mobility instruction, the district must provide transportation for that purpose.

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)

Note: Pursuant to Education Code 56041.1, an IEP team must consider whether a student with disabilities needs assistive technology devices or services, defined in 20 USC 1401 as any item, piece of equipment, or product system that is used to increase, maintain, or improve functional capabilities of a student with a disability. See the section on "Development of the IEP" above.

As added by AB 605 (Ch. 228, Statutes of 2019), Education Code 56040.3 requires a district to provide the use of school-purchased assistive technology devices in a student's home or other settings if the student's IEP team determines that the student needs access to the devices in order to receive FAPE, consistent with 34 CFR 300.105. It also requires the district to provide continued access to assistive technology devices, for two months or until alternative arrangements can be made, whichever comes first, to a student who transfers out of the district.

If a student's IEP requires the provision of assistive technology devices or 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 in the student's home or other settings if the IEP team determines that the student needs access to those devices in order to receive FAPE. If a student who requires the use of an assistive technology device transfers to another local educational agency, the district shall provide the student with continued access to that device or a comparable device 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

Note: Education Code 56043 and 56380 mandate the district to maintain procedures to ensure that the IEP team reviews the IEP periodically, but at least annually, to determine whether the annual goals for the

student are being achieved and, as appropriate, revises the IEP to address the conditions specified below.

The Superintendent or designee that ensure that ~~The~~ the IEP team ~~shall~~ reviews the IEP periodically, but at least annually, in order to~~: 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 56043, 56341.1, 56341.1)

~~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~~

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 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 300.305and Education Code 56381

   d. The student's anticipated needs

   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 student shall be allowed to provide confidential input to any representative of his/her 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)~~

~~*(cf. 6173.1 - Education for Foster Youth)*~~

~~When an IEP calls for a residential placement as a result of a review by an expanded IEP team, the IEP shall include a provision for a review, at least every six months, by the full IEP team of all of the following: (Education Code 56043)~~

~~1. The case progress~~

~~2. The continuing need for out-of-home placement~~

~~3. The extent of compliance with the IEP~~

~~4. Progress toward alleviating the need for out-of-home care~~

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)

Note: Education Code 56195.8 mandates that the district's policy set forth procedures and timelines for the review of a classroom assignment of a student with a disability when so requested by a general education or special education teacher. Education Code 56195.8 does not state a specific deadline for the review. The following paragraph provides a timeline of 20 days for reviewing the request and 30 days for convening an IEP team meeting. The district should revise this timeline to be consistent with district practice and the policies and regulations of the Special Education Local Plan Area (SELPA) in which the district participates and should specify the title of the individual responsible for the review, rather than "Superintendent or designee."

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 Superintendent or designee. The Superintendent 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 Superintendent or designee shall convene an IEP team meeting, which shall be held within 30 days of the Superintendent or designee's 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 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)

Note: Education Code 56157 specifies that when the district has placed a foster student in a nonpublic, nonsectarian school, the district must conduct an annual evaluation, as specified below. In addition, Education Code 56157 requires the nonpublic, nonsectarian school to report to the district regarding the educational progress made by the student.

If a student with a disability 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)

(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)
(cf. 6173.1 - Education for Foster Youth)

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 ~~district~~ 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 district~~ 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~~(d)(3(D)~~ 34 CFR 300.324)

Audio Recording of IEP Team Meetings

Note: Pursuant to Education Code 56341.1, parents/guardians and the district may audio record an IEP team meeting subject to certain requirements as specified in the following section. Audio recordings made by a district, SELPA, or county office of education are subject to the federal Family Educational Rights and Privacy Act (20 USC 1232g) and the confidentiality requirements of 34 CFR 300.610-300.626.

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

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 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 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

b. The provision of Education Code 56341relating to the participation of the Infant and Toddlers with Disabilities Coordinator at the initial IEP team meeting, if the student 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)

In addition, when the IEP team meeting is 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 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(b)

2. An indication that the student is invited to the IEP team meeting

(cf. 5145.6 - Parental Notifications)

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)

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

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)

(cf. 5125 - Student 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. (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

3. Detailed records of visits made to the parent/guardian's home or place of employment and the results of those visits

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 a disability 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)

Note: 34 CFR 300.300 authorizes a parent/guardian to revoke, at any time and in writing, consent for the continued provision of special education and related services to the student. Once this revocation has been received, the district need not convene an IEP team meeting or develop an IEP, but rather must promptly provide "prior written notice" and, within a reasonable period of time, discontinue all services to the student. For details regarding the contents of the prior written notice, see AR 6159.1 - Procedural Safeguards and Complaints for Special Education.

In addition, 34 CFR 300.300 and Education Code 56346 specify that a district may not override the parent/guardian's revocation by filing for a due process hearing or requesting mediation in order to require that services be provided. In such a situation, the district shall be deemed to be in compliance with the requirement to make free appropriate public education (FAPE) available to the student and is under no obligation to convene an IEP team meeting or to develop an IEP for further provision of special education and related services to the student.

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)

Note: The following paragraph is optional and should be modified to reflect district practice.

Prior to the discontinuation of services, the Superintendent or designee may offer to meet with the parents/guardians to discuss concerns for 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.

Note: Pursuant to 34 CFR 300.9, when a parent/guardian revokes consent for provision of special education services, the district is not required to amend the student's records to remove any reference to the student's prior receipt of special education services. In some circumstances, a student who is no longer receiving special education services may be eligible for accommodation under Section 504 of the Rehabilitation Act of 1973; see BP/AR 6164.6 - Identification and Education under Section 504. However, because the law is unclear, districts with questions should consult legal counsel, as appropriate.

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

Note: Education Code 56325 details the requirements for students transferring from districts within and outside of California, as specified below. Districts should be careful to comply with the time requirements, though in Marshall v. Monrovia Unified School District, the Ninth Circuit Court of Appeals ruled in favor of defendant school district on the question of whether the district denied FAPE to a student with a disability by not developing a valid IEP within 30 days of the student's transfer into the district. The court reasoned that the delay in developing the IEP was minimal and that the student did not suffer any deprivation of educational benefit.

To facilitate the transition of a student with a disability 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 ~~a~~ the student ~~with a disability~~ transfers to this district from a district within ~~this district's~~ the same SELPA during the school year, this district shall continue~~, without delay,~~ to provide services comparable to those described in the existing IEP, unless the student's parent/guardian and 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 ~~a~~ the student ~~with a disability~~ transfers into ~~this~~ the district from a ~~California~~ school district outside of ~~this~~ the district's SELPA during the school year, the district shall provide the student with a free appropriate public education, 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. Within 30 days, By the end of that period, the district shall~~, in consultation with the parents/guardians,~~ either adopt the ~~other~~ 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 ~~a student with a disability~~ the student transfers to this district from a district out of state during the school year, the 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 ~~district~~ Superintendent or designee conducts an assessment, if ~~the district~~ 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)

~~To facilitate the student's transition, the district shall take reasonable steps to promptly obtain the records of a student with disabilities transferring into this district, including his/her 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, 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)~~