

TULARE COUNTY/DISTRICT SELPA	POLICY #	8050
PROGRAM	Adopted:	5/10/06
FAP	Revised:	April 2020

Individualized Education Program

Each school District within the Tulare County SELPA shall initiate and conduct IEP team meetings for the purpose of developing, reviewing, and revising the educational program of each individual with exceptional needs in accordance with the requirements of this policy.

An IEP team shall meet whenever any of the following occurs:

- The student has received an initial assessment, and for all subsequent assessments;
- The student demonstrates a lack of anticipated progress;
- The parent/guardian or teacher requests a meeting to develop, review, or revise the IEP; and
- At least annually, to review the student's progress, the IEP, including whether the annual goals for the student are being achieved, and the appropriateness of the placement, and to make any necessary revisions.

An IEP team meeting requested by a parent shall be held within thirty (30) days, not counting days between the student's regular school sessions, terms, or days of school vacation in excess of five school days of the parent/guardian's written request. If parent/guardian make an oral request, the District shall notify parent/guardian of the need for a written request and the procedures for filing the written request.

An IEP required as a result of an assessment shall be developed within a total time not to exceed sixty (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 the District receives parent/guardian's written consent for the assessment, unless parent/guardian and District agree in writing, to an extension.

However, where the referral for the assessment was made thirty (30) days or less prior to the end of the school year, the IEP shall be developed within thirty (30) days from the commencement of the new school year, as determined by the District's school calendar.

Each school district shall have an IEP in effect for each student within its jurisdiction at the beginning of each school year.

The District shall take steps to ensure that no less than one of the parents/guardians are present at each IEP team meeting or are afforded an opportunity to participate in an alternative format. The District shall notify the parents/guardians early enough in advance of the IEP meeting to ensure an opportunity to attend.

The IEP team meeting shall be scheduled at a mutually agreed upon time and place. The IEP team meeting notice shall include the following:

- The purpose of the meeting;
- Time of the meeting;
- Location of the meeting; and
- Who shall be in attendance at the meeting (Titles, not names); and
- Notification of parent/guardian's right to bring other people to who have knowledge and special expertise regarding their child.

The District shall ensure that parent/guardian is a member of any group that makes decisions related to the educational placement of their child.

A meeting shall be conducted without parent/guardian, only if the District is unable to convince the parent/guardian that he or she should attend. The District must maintain a record of its attempts to arrange a mutually agreed upon time and place, such as:

- Detailed records of telephone calls made or attempted and the results of those calls.
- Copies of correspondence sent to parent/guardian and any responses received.
- Detailed records of visits made to the home or place of employment of parent/guardian and the results of those visits.

It is the responsibility of the District to ensure that parent/guardian understands the proceedings at the meeting, including arranging for an interpreter for parent/guardian with deafness or whose native language is a language other than English.

Parent/guardian shall be provided a copy of the IEP at no cost. Whenever possible, the copy shall be provided immediately following the meeting, but in no circumstances more than five (5) days following the conclusion of the meeting.

Each meeting to develop, review, or revise the IEP shall be conducted by an IEP team, including the following:

- One or both parents/guardians, a representative selected by a parent, or both.
- Not less than one regular education teacher of the student, if the student is, or may be, participating in the regular education environment. If more than

one teacher is providing instructional services to the individual with exceptional needs, one regular education teacher may be designated by the District to represent the others.

- The regular education teacher, to the extent appropriate, shall participate in the development, review, and revision of the student's IEP, including assisting in the determination of appropriate positive behavioral interventions and supports, and other strategies, and the determination of supplementary aids and services, program modifications, and supports for school personnel that will be provided for the student.
- Not less than one special education teacher or the student, or if appropriate, not less than one special education provider of the student.
- A representative of the District who meets all of the following:
 - Qualified to provide or supervise the provision of, specially designed instruction to meet the needs of the student;
 - knowledgeable about the general education curriculum; and
 - knowledgeable about the availability of resources of the District.
- An individual who can interpret the instructional implications of the assessment results.
- At the discretion of parent/guardian, or the District, other individuals who have knowledge or special expertise regarding the student, including related service personnel, as appropriate. The determination of whether the individual has knowledge or special expertise regarding the student shall be made by the party who invited the individual to be a member of the IEP team.
- Whenever appropriate, the individual with exceptional needs.

For an individual suspected of having a specific learning disability (SLD), at least one member of the IEP team shall be qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech and language pathologist, or remedial reading teacher. Also for students suspected of having an SLD, at least one member of the IEP team 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. In the case of a child who is less than school age or out of school, an IEP team member shall observe the student in an environment appropriate for the child's age.

For IEP team meetings for toddlers transferring from Part C to Part B services, the District shall invite the infants and toddler coordinator to the meeting.

If the purpose of the IEP team meeting is the consideration of the postsecondary goals for the student and the need for transition services,

- The District shall invite the student to the IEP team meeting.
- If the student does not attend the meeting, the District shall take steps to ensure that the student's preferences and interests are considered by the IEP team.

- To the extent appropriate, and with the consent of parent/guardian, the District shall invite a representative of a participating agency that is likely to be responsible for providing or paying for transition services for the student.

In the case of a child who is placed in a group home, the District, SELPA or County Office, shall invite a representative of the group home to the IEP team meetings.

Waiver of Participation:

A member of an 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 expertise is not being modified or discussed at the meeting.

A member of the IEP team meeting may be excused from attending the IEP team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of expertise only if both of the following occur:

- The parent/guardian and the District, consent to the excusal of the member, in writing; and
- The member submits, in writing, input into the development of the IEP to parent/guardian and the District, prior to the meeting.

Contents of the IEP:

When developing a student's IEP, the IEP team shall consider all of the following:

- The strengths of the student.
- The concerns of the parent/guardian for enhancing the education of the student.
- results of the most recent assessments.
- The academic, developmental, and functional needs of the student.

In addition to satisfying the requirements of EC section 56045, the IEP team shall do all of the following:

- In the case of a child who's behavior impedes his or her learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address the behavior.
- In the case of a child with limited English proficiency, consider the language needs of the student as those needs related to the student's IEP.
- In the case of a child who is blind or visually impaired, provide instruction in braille, and the use of braille, unless the IEP team determines, after an assessment of the student's reading and writing skills, and appropriate

reading and writing media, including an assessment of the student's future needs for instruction in braille or the use of braille, that instruction in braille, or the use of braille is not appropriate for the student.

- Consider the communication needs of the student, and in the case of a student who is deaf or hard of hearing, consider the student's language and communication needs, opportunity for direct communication 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.
- Consider whether the student requires assistive technology devices and services.
 - If it is determined that a student needs a particular device or services, including an intervention, accommodation, or other program modification, in order for the student to receive a FAPE, the IEP team shall include a statement regarding the student's specific needs with regard to AT.
 - The IEP must identify the name of the device and relevant software necessary to ensure the student is able to access his or her curriculum.
 - Beginning January 1, 2020, if it is determined that a student requires AT devices, the District must make arrangements to ensure the student continues to have access to his or her AT device for up to two (2) months following his or her disenrollment from the District.

The IEP team shall review the student's IEP periodically, but not less than annually, to determine whether the annual goals of the student are being achieved, and revise the IEP, as appropriate to address, among other things, the following:

- A lack of expected progress toward annual goals and in the general education curriculum.
- Results of reassessments, as appropriate.
- Information about the student provided to, or by, the parent/guardian.
- The student's anticipated needs.
- Any other relevant matter.

The parent/guardian or the District shall have the right to audio record IEP team meetings. The parent/guardian or the District shall notify the members of the IEP team of his, her, or its intent to audio record the meeting with at least 24 hours prior to the meeting. If the District initiates the notice of intent to audio record a meeting, and the parent/guardian objects or refuses to attend the meeting because it will be audio recorded, the meeting shall not be audio recorded.

Extracurricular Activities:

The District shall take steps, including the provision of supplementary aids and services determined appropriate and necessary by the IEP team, to provide nonacademic and extracurricular services and activities in the manner necessary to afford the student an equal opportunity for participation in those services and activities.

The District shall ensure that each individual with exceptional needs participates with nondisabled children in extracurricular services and activities to the maximum extent appropriate to the needs of the individual. The District shall ensure that the students have the supplementary aids and supports determined by the IEP team to be appropriate and necessary for the student to participate in nonacademic settings.

Parental Consent:

The responsible District shall seek to obtain informed consent from parent/guardian before providing special education and related services to the child.

If parent/guardian fails to respond or refuses to consent to initial services, the District shall not utilize the due process procedures in order to obtain agreement or a ruling that services may be provided over the objection of parent/guardian. If parent/guardian fails to respond or refuses consent to the initial provision of special education and related services, both of the following apply:

- The District shall not be considered to be in violation of the requirements of making a FAPE available to the child; and
- The District shall not be required to reconvene an IEP team meeting or develop future IEPs under this part for the child for special education and related services.

If the parent/guardian submits a written revocation of his or her consent for special education at any time subsequent to the initial provision of special education and related services to the child, the District shall provide parent/guardian with prior written notice in accordance with the requirements of Title 34 C.F.R. section 300.503, informing parent/guardian of the rights of individuals with exceptional needs.

Upon receipt of parent/guardian's written revocation, the District shall cease the provision of special education and related services to the child.

The District is prohibited from using the due process procedures to override Parent/guardian's decision to revoke consent to special education.

No placement or offer of services will take place without parent/guardian consent unless ordered to do so by an Administrative Law Judge (ALJ).

Once the IEP team has determined an appropriate placement and the parent/guardian has approved the plan, the placement and services identified in the IEP remain in effect until another IEP is developed and parent/guardian provides his or her consent, or the new program is otherwise ordered by an ALJ. .

Note: Placement refers to the educational setting in which the special education program and services will be delivered. The IEP team makes this decision. Program site refers to the particular school or class to which the student will be assigned. School administration makes this decision.

References:

EC 56195.7
EC 56195.8
EC 56205;
EC 56341;
EC 56341.1
EC 56041.5
EC 56042.5
EC 56043
EC 56043.5
56044
56045
56045.2

Title 34 C.F.R. 300.310

Title 34 C.F.R. 300.323

SELPA Publications:

Current SELPA-wide IEP Forms
Special Education Information System (SEIS)