

Instruction

**INDIVIDUALIZED EDUCATION PROGRAM**

Timelines for the Individualized Education Program and the Provision of Services

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. (Education Code 56341, 56341.2, 56341.5; 20 USC 1414(d)(1); 34 CFR 300.321)

For stated timelines herein, note that in the case of student school vacations and breaks in excess of five days, timelines shall pause for the break and recommence on the date that the student's school days reconvene.

The District shall ensure that a meeting to develop an initial IEP is conducted within 30 days of a determination that a student needs special education and related services. The District shall also 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 his/her IEP. (Education Code 56344; 34 CFR 300.323)

An IEP required as a result of an assessment shall be developed within 60 calendar days, not counting days when the timeline pauses for breaks/vacations in excess of five school days from the date of receipt of the parent's/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 a student for whom a referral has been made 30 days or less prior to the end of the regular school year. In the case of school vacations, the 60-day calendar timeline 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 calendar days of receiving the parent's/guardian's written request not counting days when the timeline pauses for breaks/vacations in excess of five (5) 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 56043) 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 56344.3, 56343.5)

Instruction

**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

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)

The District 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 District 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 support that must be provided to the student in accordance with the IEP. (34 CFR 300.323)

A general 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/designee. The Superintendent/designee shall consider the request within 20 calendar days of receiving it. In the case of student school vacations and breaks in excess of five days, the timeline shall pause for the break and recommence on the date that student school days reconvene.

If the review indicates a need for change in the student's placement, instruction, and/or related services, the Superintendent/designee shall convene an IEP meeting, which shall be held within 30 calendar days of the review, unless the student's parent/guardian consents to an extension of time. In the case of student school vacations and breaks in excess of five days, the timeline shall pause for the break and recommence on the date that student school days reconvene.

Members of the IEP Team

The District shall ensure that the IEP team for any student with a disability includes 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 representative selected by the parent/guardian.

Instruction

**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

2. At least one general education teacher if the student is, or may be, participating in the general education program. If more than one general education teacher is providing instructional services to the student, the District may designate one such teacher to represent the others. As a member of the IEP team, 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: (34 CFR 300.324; 20 USC 1414(d)(3)(c); Education Code 56341).
  - a. Appropriate positive behavioral interventions, supports, and other strategies for the student.
  - b. Supplementary aids and services, program modifications, or supports for school personnel who will be provided for the student consistent with 34 CFR 300.320.
3. At least one special education teacher, or where appropriate, at least one special education 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 disabilities.
  - b. Knowledgeable of the general curriculum and standards.
  - 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 evaluation results who may already be a member of the team as described above.

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 direction of the parent/guardian or District, other individuals who have

Instruction

**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

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 addition, any of the following may participate, as appropriate:

1. The Director of Special Education/designee, Coordinator of Special Education and Pupil Service, 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.

Transition Services

For transition service consideration:

1. The student with the disability, of any age, may attend the meeting if the purpose of the meeting is the consideration of the student's postsecondary goals and the transition services needed to assist him/her in reaching those goals pursuant to 34 CFR 300.320(b). 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.
2. To the extent appropriate, and with the consent of the parent/guardian, a representative for the student of any other agency that is likely to be responsible for providing or paying for transition services may attend.

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.

For students suspected of having a specific disability in accordance with

Instruction

**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

34 CFR 300.308 and 34 CFR 300.310, 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 300.310, at least one team member other than the student's general education teacher shall observe the student's academic performance and behavior in the areas of difficulties in his/her learning environment, including in the regular classroom setting. If a child is younger than five years or not enrolled in school, a team member shall observe the child in an appropriate environment for a child of that age.

3. For students who have been placed in a group home by the juvenile court, a representative of the group home may attend.

If a student with a disability is identified as potentially requiring Educationally-Related Mental Health Services (ERMHS), the District shall request the participation of a representative from the ERMHS agency in the IEP team meeting prior to referring the student to ERMHS for services. Refer to the local plan for the SELPA to determine ERMHS providers.

Upon request of the parent/guardian of a child who 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), the District shall invite the Infant and Toddlers with Disabilities Coordinator or other representative of the early education or early intervention system (i.e., HOPE Infant, California Early Start) 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)

Excusals and Waivers for Team Members

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 services, the member may be excused from the meeting if

Instruction

**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

the parent/guardian agrees in writing and the District consents 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)

Parent/Guardian Notification, Participation, and Other Rights

The Superintendent/designee shall send parents/guardians notice of the IEP team meetings and this notice shall 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 (1) notifying the parents/guardians of the meeting early enough to ensure that they will have the opportunity to attend and, (2) scheduling the meeting at a mutually agreed upon time and place. (Education Code 56341.5; 34 CFR 300.322; 34 CFR 300.345)

The Superintendent/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)(6).
  - b. The provision of Education Code 56341(i) relating to the participation of the Infant and Toddlers with Disabilities Coordinator or other representative of the early education or early intervention system 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).

Shall include the following: (Education Code 56341.5)

Instruction

**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

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(d)(1)(A)(i)(VIII), and 34 CFR 300.320(b).
2. An indication that the student is invited to the IEP team meeting.
3. Identification of any other agency that will be invited to send a representative. If parent/guardian cannot attend the IEP team meeting, the Superintendent/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(f); 34 CFR 300.322)

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

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.

Instruction

**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

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.

1. As a member of the IEP team, 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: (Education Code 56341; 20 USC 1414(d)(3)(c); CFR 300.324)
  - a. Appropriate positive behavioral interventions and support and other strategies for the student.
  - b. Supplementary aids and services, program modifications, and support for school personnel who will be provided for the student, consistent with 34 CFR 300.320.
2. 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)

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); 34 CFR 300.324)

The student shall be allowed to provide confidential input to any representative of his/her IEP team. (Education Code 56341.5)

When a change is necessary to the student's IEP after the annual IEP team meeting has been held, the parent/guardian and the District may agree in writing not to convene an IEP team meeting for the purpose of making the change and



Instruction

**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

may instead 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 shall provide the parent/guardian with a revised copy of the IEP with the incorporated amendments. (20 USC 1414(d)(3)(D); 34 CFR 300.324)

Procedural Safeguards and Complaints for Special Education

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)

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

Audio Recording IEP Meetings

Parents/guardians and the District shall have the right to audio record the proceedings of an IEP team meeting, provided members of the IEP team are notified of this intent at least 24 hours prior to the meeting. If the District gives notice of intent to audio record a meeting and if the parent/guardian objects or refuses to attend because the meeting would be audio recorded, the meeting shall not be audio recorded. (Education Code 56341.1)

Parents/guardians also have the right to: (Education Code 56341.1)

1. Inspect and review the audio recording.
2. Request that the audio recording be amended if the parents/guardians 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 believes 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 parents/guardians understood 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)

Instruction

**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

The District shall give the parents/guardians of a student with disabilities a copy of their child's IEP at no cost. (Education Code 56341.5; 34 CFR 300.322)

Student Records

The parent/guardian shall have the right and opportunity to examine all of his/her child's school records upon request and before any IEP meeting. Upon receipt of an oral or written request, the District shall provide complete copies of the requested records within five business days. (Education Code 56043)

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 300.320; Education Code 56043, 56345, 56345.1)

1. A statement of the present levels of the student's educational performance, including one of the following:
  - a. The manner in which the student's disability affects his/her involvement and progress in the general curriculum (i.e., the same curriculum as for nondisabled students).
  - b. For the preschool child, as appropriate, the manner in which the disability affects his/her participation in appropriate activities.
  - c. For students with disabilities who take alternative assessments aligned with alternate achievement standards, a description of benchmarks or short-term objectives.
2. A statement of measurable annual goals, including academic and functional goals designed to:
  - a. Meet the student's needs that result from his/her disability in order to enable the student to be involved in and progress in the general education curriculum and standards.
  - b. Meet each of the student's other educational needs that result from the student's disability.

Instruction

**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

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 towards meeting the annual goals, such as through the use of quarter or other periodic reports concurrent with the issuance of report cards. The description includes appropriate objective criteria, evaluation procedures, and schedules for determining, on at least an annual basis, whether the annual goals are being achieved.
4. A statement of the special education, related services, and supplementary aids and services, based on peer-reviewed research to the extent applicable, to be provided to the student or on behalf of the student, and a statement of the program modifications or supports for school personnel who will be provided for the student to:
  - a. Advance appropriately towards attaining the annual goals.
  - b. Be involved and progress in the general curriculum and standards in accordance with Item #1 above and to participate in extracurricular and nonacademic activities.
  - c. Be educated and participate with other students with disabilities and nondisabled students in the activities in this statement pursuant to Education Code 56345.
5. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the general education class and in the extracurricular and nonacademic activities described in the statement mentioned in Item #4 above.
6. A statement of any appropriate individual modifications necessary to measure the academic achievement and functional performance of the student on state or and Districtwide of student achievement that are needed in order for the student to participate in such assessments.
  - a. 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:

Instruction

**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

- (1) A statement of the reason that he/she cannot participate in the regular assessment and the reason that the particular alternate assessment selected is appropriate for him/her.
- (2) A statement of how the student will be assessed.

*(cf. 6162.5 - Student Assessment)*

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. 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 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. Appropriate objective criteria, evaluation procedures, and schedules for determining, on at least an annual basis, whether the annual goals are being achieved.
  - d. The transition services, including courses of study, needed to assist the student in reaching the annual goals.
9. A statement of:
  - a. How the student's progress towards 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 parents/guardians of nondisabled students of:

Instruction

**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

- (1) Their child's progress towards the annual goals described in Item #2 above.
  - (2) The extent to which that progress is sufficient to enable the student to achieve the goals by the end of the year.
10. A determination as to whether differential standards shall be developed for the student pursuant to Education Code 51215 and, if so, a copy of those standards.
11. Where appropriate, the IEP shall also include:
  - a. 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 promotion.
  - b. Linguistically appropriate goals, objectives, programs, and services for students whose primary language is not English.
  - c. Extended school year services when the IEP team determines, on an individual basis, that the services are necessary for the provision of FAPE.
  - d. Provision for transition into the general education program if the student is to be transferred from a special class or center, or nonpublic, nonsectarian school, into a general education program in a public school for any part of the school day.
12. The IEP shall include descriptions of activities intended to:
  - a. Integrate the student into the 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 general education program.
13. Specialized services, materials, and equipment for students with low incidence disabilities consistent with the guidelines of Education Code 56136.

Instruction

**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

Parent/Guardian Consent

Before providing special education and related services, the District shall seek to obtain informed consent pursuant to 20 USC 1414(a)(1). The District shall not provide services by utilizing the due process hearing procedures pursuant to 20 USC 1415(f) if the parent/guardian refuses to consent to the initiation of services. If the parent/guardian 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. (Education Code 56346)

If the District 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 a FAPE, a due process hearing shall be initiated in accordance with 20 USC 1415(f). While the due process hearing is pending, the student shall remain in the current placement unless the parent/guardian and the District agrees in writing otherwise. (Education Code 56346)

Revocation of Consent

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

Prior to the discontinuation of services, the Superintendent/designee may offer to meet with the parent/guardian 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. In addition, the Superintendent/designee shall send a letter to the parent/guardian confirming the parent/guardian's decision to discontinue all services.

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.

Instruction

**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

Development, Review, and Revision of the IEP

In developing or revising the IEP, the IEP team shall consider the following: (20 USC 1414(d)(3)(A); 34 CFR 300.324; 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. The academic, developmental, and functional needs of the student.
5. As appropriate, the results of the student's performance on any general state or Districtwide assessment programs.
6. In the case of a student whose behavior impedes his/her learning or that of others, the use of positive behavioral interventions, strategies, and supports to address that behavior.
7. 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.
8. In the case of a student who is blind or visually impaired, the need to provide for instruction in Braille and 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 evaluation of the student's reading and writing skills, his/her future needs for instruction in Braille or use of Braille, and other appropriate reading and writing media.
9. 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 a sufficient number of age, cognitive, and language peers of similar abilities 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.

Instruction

**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

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.

10. Whether the student requires assistive technology devices and services.

If, in considering the special factors in Items #1-10 above, the IEP team determines that a student needs a particular device or service, including an intervention, accommodation, or other program modification, in order to receive FAPE, the IEP team shall include a statement to that effect in the student's IEP. (Education Code 56341.1)

The IEP may be revised, as appropriate, to address: (Education Code 56343, 56345.1; 20 USC 1414(d))

The Superintendent/designee shall ensure that the IEP team: (Education Code 56043, 56041.1, 56380; 20 USC 1414(d)(4); 34 CFR 300.324)

1. Reviews the IEP periodically, but at least annually, to determine whether the annual goals for the student are being achieved and the appropriateness of placement.
2. Revises the IEP, as appropriate, to address:
  - a. Any lack of expected progress towards the annual goals and in the general curriculum.
  - b. The results of any 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 305(a)(2) and Education Code 56381(b).
  - d. The student's anticipated needs.
  - e. Other matters.



Instruction

**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

3. Considers the special factors listed in Items 6-10 above when reviewing the IEP of a student with disabilities who has additional behavior or communication needs.

Nonpublic, Nonsectarian School and Agency Services for Special Education

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 as to whether the placement is the least restrictive environment that is appropriate for the student's needs. (Education Code 56157)

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 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.

Transfer Students

To facilitate the transition of a student with disabilities who is transferring into the District, the District shall take reasonable steps to promptly obtain the student's records, including his/her 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 SELPA during the school year, the District shall continue to provide services comparable to those described in the student's existing IEP, unless his/her parents/guardians and the District agree in writing to develop, adopt, and implement a new IEP that is consistent with state and federal law. (Education Code 56325; 34 CFR 300.323) The District IEP team shall meet to review the student's needs and enter the IEP services and student information into the District online system.

Instruction

**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

If the student transfers into the District from a school district outside of the Districts' 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. Within 30 days, the District shall, in consultation with the student's parents/guardians, 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 parents/guardians, until such time as the District 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)

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 and grants consent in writing. Informed consent for participation includes:

- a. Written explanation of the facts that make participation in the program necessary or desirable.
- b. Full explanation of the contents of the IEP.
- c. The parent/guardian consents in writing to all or part of the IEP after receiving the information. 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/designee determines that a part of the proposed IEP to which the parent/guardian does not consent is necessary in order to provide a FAPE to the student, he/she shall either initiate a due process hearing or a prehearing mediation conference with the state pursuant to Education Code

Instruction

**INDIVIDUALIZED EDUCATION PROGRAM** (continued)

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/designee agree in writing otherwise. (Education Code 56346)

While a due process hearing is pending, the Superintendent/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)

Regulation

Reviewed: 03/07/00

Reviewed: 12/06/11

CHULA VISTA ELEMENTARY SCHOOL DISTRICT  
Chula Vista, California