

Instruction

INDIVIDUALIZED EDUCATION PROGRAM

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

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

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 4112.23 - Special Education Staff)

(cf. 5144.2 - Suspension and Expulsion/Due Process (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)

(cf. 6164.4 - Identification of Individuals for Special Education)

(cf. 6164.6 - Identification and Education Under Section 504)

Upon the identification of a student's disabilities, the Superintendent/designee shall develop administrative regulations regarding the appointment of the Individualized Education Program (IEP) team, the contents of the IEP, and the development, review, and revision of the IEP. Upon the identification of a student's disabilities, the Superintendent/designee shall appoint an individualized education program IEP team. This team shall consider the student's needs, determine the content of his/her IEP, and make placement decisions. Students and parents/guardians shall have the right to participate in the development of the IEP in accordance with law.

(cf. 6164.4 - Identification of Individuals for Special Education)

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

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

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INDIVIDUALIZED EDUCATION PROGRAM (continued)

(cf. 6143 - Courses of Study)

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

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)

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

Legal Reference:

EDUCATION CODE

56055 Rights of foster parents pertaining to foster child's education
56136 Guidelines for low incidence disabilities areas
56195.8 Adoption of policies
56321 Development or revision of IEP
56321.5 Notice to include right to electronically record
56340.1-56347 Instructional planning and individualized education program
56350-56352 IEP for visually impaired students
56380 IEP reviews: notice of right to request
56390-56392 Certificate of completion, special education
56500-56508 Procedural safeguards
60640-60649 Standardized Testing and Reporting Program

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

853-853.5 Standardized Testing and Reporting Program, accommodations

3021-3029 Identification, referral, and assessment

3040-3043 Instructional Planning and the Individualized Education Program

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

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INDIVIDUALIZED EDUCATION PROGRAM (continued)

1400-1487 Individuals with Disabilities Education Act
CODE OF FEDERAL REGULATIONS, TITLE 34
300.1-300.756 Individuals with Disabilities Education Act
ATTORNEY GENERAL OPINIONS
85 Ops.Cal.Atty.Gen. 157 (2002)
COURT DECISIONS
Schaffer v. Paradise Valley Unified School District, No. 69 (9th Cir. 2003) 317 F.3d 1072
Sacramento City School District v. Rachel H. 14 F.3d 1398 (9th Cir. 1994)
Management Resources:
FEDERAL REGISTER
Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845
WEB SITES
California Department of Education (CDE): www.cde.ca.gov
U.S. Department of Education, Office of Special Education and Rehabilitative Services:
<http://www.ed.gov/offices/list/osers/osep>

Policy

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CHULA VISTA ELEMENTARY SCHOOL DISTRICT
Chula Vista, California