

## **APPOINTMENT OF SURROGATE PARENT FOR SPECIAL EDUCATION**

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. (34 CFR [300.342](#))

### **Members of the IEP Team**

The 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
2. If the student is or may be participating in the regular education program, at least one regular education teacher

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.

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, Special Education Local Plan Area (SELPA) or county office of education 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 SELPA resources

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

5. An individual who conducted an assessment of the student or who is knowledgeable about the assessment procedures used to assess the student and is:
  - a. Familiar with the assessment results or recommendations
  - b. Qualified to interpret the instructional implication of assessment results

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

6. At the discretion of the parent/guardian or District, other individuals who have knowledge or special expertise regarding the student, including related services personnel, as appropriate

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The determination of whether the individual has 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 disability
8. For transition service participants pursuant to 34 CFR 300.347:
  - 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 under Education Code [56345.1](#)(a) or (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.

- b. A representative of any other agency that is likely to be responsible for providing or paying for transition services

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.

9. For students suspected of having a specific learning disability, at least one member of the team who is qualified to conduct individual diagnostic examinations of the student, such as a school psychologist, speech language pathologist or remedial reading teacher

At least one team member other than the student's regular education teacher shall observe the student's academic performance 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.

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

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](#))

Upon request of the parent/guardian of a child who was previously served under Part C of the Individuals with Disabilities Education Act (20 USC [1431-1444](#) Infants and Toddlers with Disabilities), the District shall invite the Part C service coordinator or other representative of the system to the IEP team meeting to assist with the smooth transition of services. (20 USC [1414](#)(d)(1)(D))

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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
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

### **Meetings of the IEP Team**

The IEP team shall meet: (20 USC [1414\(d\)](#); Education Code [56343](#))

1. Whenever a student has received an initial formal assessment and, when desired, 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
4. At least annually to:
  - a. Review the student's progress 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. (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](#))

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](#))

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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 each 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 student school vacations, the 60-day time limit shall recommence on the date that student 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 filling a written request. (Education Code [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 in July and August 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 in July or August 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 strategies for the student

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

2. Supplementary aids and services, program modifications or supports for school personnel that will be provided for the student, consistent with 34 CFR [300.347\(a\)\(3\)](#)

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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 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. (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 on 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 14 (or younger than 14 if deemed appropriate by the IEP team):
  - a. Indicate that a purpose of the meeting will be the development of a statement of the transition service needs of the student pursuant to 34 CFR [300.347\(b\)\(1\)](#)
  - b. Indicate that the District will invite the student to the IEP team meeting
6. For students beginning at age 16 (or younger than 16 if deemed appropriate by the IEP team):

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- a. Indicate that the purpose of the meeting is the consideration of needed transition services for the student as required by 34 CFR [300.347\(b\)\(2\)](#)
- 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 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 if 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

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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](#); Education Code [56043](#), [56345](#), [56345.1](#))

1. A statement of the present levels of the student's educational performance, including how the student's disability affects his/her involvement and progress in the general curriculum (i.e., the same curriculum as for non-disabled students)

For a preschool child, as appropriate, how the disability affects his/her participation in appropriate activities

2. A statement of measurable annual goals, including benchmarks or short-term objectives related to:

- a. Meeting 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 curriculum

For a preschool child, as appropriate, meeting the child's needs that result from his/her disability to enable the child to participate in appropriate activities

- b. Meeting each of the student's other educational needs that result from the student's disability

3. A statement of the specific special educational instruction and related services and supplementary aids and services, based on peer-reviewed research if 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:

- a. Advance appropriately toward attaining the annual goals
- b. Be involved and 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 non-disabled students in the activities described in Education Code [56345](#)

(cf. [3541.2](#) - Transportation for Students with Disabilities)

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4. An explanation of the extent, if any, to which the student will not participate with non-disabled students in the regular class and in the extracurricular and other nonacademic activities described in item #3 above and other activities pursuant to Education Code [56345](#)
5. A statement of appropriate accommodations or any individual modifications in the administration of state or District assessments of student achievement that are needed in order for the student to participate in such assessments

If the IEP team determines that the student will not participate in the administration of a state or District assessment of student achievement (or part of such an assessment), the IEP shall include a statement as to why that assessment is not appropriate for the student and how the student will be assessed.

(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)

6. The projected date for the beginning of the services and modifications described in item #3 above and the anticipated frequency, location and duration of those services and modifications
7. Appropriate objective criteria, evaluation procedures, and schedules for determining, on at least an annual basis, whether the annual goals are being achieved
8. A statement of:
  - a. How the student's progress toward 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 non-disabled students, of:
    - (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
9. A statement of transition service needs, as defined in Education Code [56345.1](#), as follows:



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- a. Beginning at age 14 (or younger than 14 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 of study (such as participation in Advanced Placement courses or a vocational education program)
  - b. Beginning at age 16 (or younger than 16 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
10. Beginning at least one year before the student reaches age 18, a statement that the student has been informed of his/her rights, if any, pursuant to 34 CFR [300.517](#) and Education Code [56041.5](#) that will transfer to the student upon reaching age 18

Where appropriate, the IEP shall also include: (Education Code [56345](#))

- 1. 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 standards required for graduation

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

- 2. Linguistically appropriate goals, objectives, programs and services for students whose native language is not English
- 3. Extended school year services when needed, as determined by the IEP team

(cf. [6177](#) - Summer School)

- 4. Provision for transition into the regular education program if the student is to be transferred from a special class or center, or nonpublic, nonsectarian school, into a regular education program in a public school for any part of the school day

The IEP shall include descriptions of activities intended to:

- a. Integrate the student into the regular 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](#) - Vocational Education)

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(cf. [6181](#) - Alternative Schools)

5. Specialized services, materials and equipment for students with low incidence disabilities, consistent with the guidelines of Education Code [56136](#)

### **Development, Review and Revision of the IEP**

In developing the IEP, the IEP team shall consider the following: (20 USC [1414\(d\)\(3\)\(A\)](#); 34 CFR [300.346](#); Education Code [56341.1](#), [56345](#))

1. The strengths of the student and the concerns of the parents/guardians for enhancing the education of their child
2. The results of the initial assessment or most recent assessment of the student
3. The academic, developmental, and functional needs of the student
4. As appropriate, the results of the student's performance on any general state or District assessment programs
5. In the case of a student whose behavior impedes his/her learning or that of others, if appropriate, positive behavioral interventions, strategies and supports 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 evaluation of the student's reading and writing skills, 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, including the following:

- a. The student's native language mode and language, which may include the use of spoken language with or without visual cues and/or the use of sign language

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- b. The availability of a sufficient number of age, cognitive and language peers of similar abilities
- 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
- d. Services necessary to ensure communication-accessible academic instructions, school services, and extracurricular activities

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 student needs a particular device or service, including an intervention, accommodation or other program modification, in order to receive a free and appropriate public education, the IEP team must 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](#))

The IEP may be revised, as appropriate, to address: (20 USC [1414\(d\)\(4\)](#); Education Code [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 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. Factors used to develop the IEP pursuant to Education Code [56341.1\(a\)](#) and described above
- 6. Other matters

The student shall be allowed to provide confidential input to any representative of his/her IEP team.

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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)

If a student with a disability transfers to this District 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. For students who transfer from a District within California, these services shall be provided in consultation with the parents/guardians until such time as the District adopts the previously held IEP or develops, adopts and implements a new IEP. For students who transfer to this District from another state, these services shall be provided until such time as the District conducts an evaluation, if the District determines such an evaluation is necessary, and develops a new IEP if appropriate. (20 USC [1414](#)(d)(2)(C))

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 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. 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))

### **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](#))

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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 and appropriate public education to the student, he/she shall either initiate a due process hearing or a pre-hearing mediation conference with the state pursuant to Education Code [56500.3](#). While the due process hearing or pre-hearing 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](#))