

MARIN COUNTY OFFICE OF EDUCATION
ADMINISTRATIVE REGULATIONS AND PROCEDURES

INDIVIDUALIZED EDUCATION PROGRAM
(Board Policy 6322)

At the beginning of each school year, the Marin County Office of Education shall have an individualized education program (IEP) in effect for each student being served within a county office program.

Members of the IEP Team

The IEP team for any student with a disability shall include at least the following members:

1. The parent/guardian of the student.
2. If the student is or may be participating in the general education program, at least one general education teacher.
3. At least one special education teacher, or where appropriate, at least one special education provider for the student
4. A representative of the county office 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.
 - c. Knowledgeable about the availability of county office and/or Special Education Local Plan Area (SELPA) resources.
5. An individual who conducted an assessment of the student or is knowledgeable about the assessment procedures used to assess the student and is familiar with the assessment results or recommendations. He or she shall be qualified to interpret the instructional implications of the assessment results and may already be a member of the team described above.
6. At the discretion of the parent/guardian or county office, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate.

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7. Whenever appropriate, the student with the disability
8. For transition service participants:
 - a. The student, of any age, with the disability

If the student does not attend the IEP team meeting, the county office 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 or providing or paying for transition services

If a representative does not attend the meeting, the county office shall take other steps to obtain participation of the agency in the planning of any transition services.
9. For students with suspected learning disabilities:
 - a. A person qualified to conduct individual diagnostic examinations such as a school psychologist, a speech-language pathologist, or a remedial reading teacher
 - b. A person other than the student's general education teacher who has observed the student's educational performance in an appropriate setting

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

1. The program manager, school psychologist, school nurse, or counselor
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

IEP Meetings

The IEP team shall meet: 20 USC 1414(d)(4)(A); 34 CFR 300.343(c); Education Code 56343

1. Whenever a student has received an initial formal assessment and may meet when a student receives any subsequent formal assessment
2. Whenever the student demonstrates a lack of anticipated progress

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3. Whenever the teacher requests a meeting to develop, review or revise the IEP
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 expertise or knowledge regarding the student.

If a participating agency, other than the county office, 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.

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 in July and August.

When a general education or special education teacher requests a review of the assignment of a student with exceptional needs to his or her class, the request shall be considered by the Program Manager within 20 days. If the review indicates a change in the student's placement, instruction, related services, or any combination thereof, an IEP meeting shall be convened within 30 days.

An IEP required as a result of an assessment of the student shall be developed within 50 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. However, an IEP 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 50-day time limit shall recommence on the date that student school days reconvene.

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.

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 meeting or are afforded the opportunity to participate. These steps shall include notifying the parents/guardians of the meeting (as specified below) and scheduling the meeting at a mutually agreed upon time and place.

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An IEP meeting may be conducted without a parent/guardian in attendance if the county office is unable to convince the parent/guardian that he/she should attend. In this case, the county office shall maintain a record of its attempts to arrange a mutually agreed upon time and place for the meeting, including:

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 County Office shall have the right to audio-tape the proceedings of IEP meetings, provided that members of the IEP team are notified of this intent at least 24 hours before the meeting. If the County Office gives notice of intent to audio-tape 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:

1. Inspect and review the audio-tapes.
2. Request that the audio-tapes be amended if the parent/guardian believes 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 parent/guardian believes is inaccurate, misleading, or in violation of the student's privacy rights or other rights.

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:

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 (e.g., the same curriculum as for nondisabled students) or for preschool age children, how the disability affects the child's 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.

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- b. Meeting each of the student's other educational needs that result from the student's disability.
3. A statement of the special education, related services and supplementary aids and services 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 school activities.
 4. An explanation of the extent, if any, to which the student will not participate with non-disabled students in the general education class and in the activities described in item #3 above.
 5. A statement of any individual modification in the administration of state or county office assessments of student achievement that is needed in order for the student to participate in such assessment. If the IEP team determines that the student will not participate in the administration of a State or County Office assessment of student achievement (or part of such an assessment), a statement will be included as to:
 - a) Why that assessment is not appropriate for the student
 - b) How the student will be assessed
 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. 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 of study (such as participation in advanced placement courses or a vocational education program)

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- 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. 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 IDEA that will transfer to the student upon reaching age 18 pursuant to 20 USC 1415(m)
8. Appropriate objective criteria, evaluation procedures and schedules for determining, on at least an annual basis, whether the annual goals are being achieved
9. 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 nondisabled 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

Where appropriate, the IEP shall also include:

- 1. For students in grades 7-12, any alternative means and modes necessary for the student to complete the county office's prescribed course of study and to meet or exceed standards required for graduation
- 2. Linguistically appropriate goals, objectives, programs and services for students whose primary language is not English
- 3. Extended school year services when needed, as determined by the IEP team

4. 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.

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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.
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 or revising the IEP, the IEP team shall consider the following:

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 evaluation or most recent evaluation of the student.
3. As appropriate, the results of the student's performance on any general State or County Office assessment programs.
4. 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.
5. 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.
6. 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 unless the IEP team determines, after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media, that instruction in Braille or the use of Braille is not appropriate for the student.
7. 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.

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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 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.
 - 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.
8. Whether the student requires assistive technology devices and services

If, in considering the special factors in items #1-8 above, the IEP team determines that a student needs a particular device or service, in order to receive a free and appropriate public education (FAPE), the IEP team must include a statement to that effect in the student's IEP.

The IEP may be revised, as appropriate, to address:

1. Any lack of expected progress toward the annual goals and in the general curriculum, where appropriate
2. The results of any reevaluation conducted
3. Information about the student provided to or by the parents/guardians regarding review of evaluation data pursuant to 20 USC 1414 (c)(1)(B) and Education Code 56381(b)
4. The student's anticipated needs

5. Any other matters identified by a member of the IEP team

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As a member of the IEP team, the general education teacher shall, to the extent appropriate, participate in the development, review and revise the student's IEP, including assisting in the determination of:

1. Appropriate positive behavioral interventions and strategies for the student.
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).

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 of, in writing, the facts that make participation in the program necessary or desirable and the contents of the IEP, and the parent/guardian or adult student for whom no conservator or guardian has been appointed, consents, in writing, to all or part of the IEP after receiving this notice. If the parent/guardian or adult student for whom no conservator or guardian has been appointed, does not consent to all of the components of the IEP, then those components of the IEP to which consent has been given 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 the proposed IEP to which consent has not been given 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 prehearing mediation conference with the state pursuant to Education Code 56502 and 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.

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.

Parent/Guardian Notice

The Superintendent or designee shall send parents/guardians notice of the IEP team meetings

early enough to ensure that they will have an opportunity to attend. This notice shall:

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 Ed. Code 56341 (b)(6) and 34 CFR 300.344(a)(6) and (c), relating to the participation of other individuals on the IEP team who have knowledge or special expertise about the student.

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4. For students age 14, or younger if appropriate:
 - 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 county office will invite the student to the IEP meeting.
5. For students age 16, or younger if appropriate:
 - 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 county office will invite the student to the IEP meeting.
 - c. Identify any other agency that will be invited to send a representative.