

**G. BOARD BUSINESS**

4. **TITLE:** Receive for Board review **REVISED** Administrative Regulation 4117.14; 4317.14, Postretirement Employment

**BACKGROUND:** Pursuant to Education Code 24214, 24216.5, and 24216.6, retired members of the State Teachers' Retirement System (STRS) may be hired to perform work that would normally accrue service credit in STRS. Pursuant to Education Code 24214, such retired individuals are allowed to receive compensation for their service without reduction in their retirement allowance, as long as the compensation does not exceed a compensation limit computed and adjusted annually by STRS.

Updated Administrative Regulation relates to retired members of STRS and reflects **NEW LAW (AB 2260)** which revises exemptions to the postretirement compensation limitation under STRS by deleting exemptions for appointment to the Immediate Intervention/Underperforming Schools Program and the High Priority Schools Grant Program, and adding exemption for any person appointed as a trustee to administer a program improvement district under the Local Educational Agency Intervention program.

**ACTION RECOMMENDED:** Receive for Board review **REVISED** Administrative Regulation 4117.14; 4317.14, Postretirement Employment

**PREPARED BY:** Kathy Hall, Director, Human Resources

**DATE OF MEETING:** February 2, 2011

**AGENDA NOTE AGENDA NOTE AGENDA NOTE**

**REVISED ADMINISTRATIVE REGULATION  
MBUSD**

**AR 4117.14 (a)  
4317.14**

**Personnel**

**POSTRETIREMENT EMPLOYMENT**

The Governing Board may hire retired certificated individuals who possess unique knowledge and experience to perform specialized work of a limited duration.

*A ~~Any~~ retired certificated individual who is a member of **the defined benefit program of the** State Teachers' Retirement System (STRS) and who is hired by the district to perform services pursuant to this administrative regulation shall not make contributions to the retirement fund or accrue service credit based on compensation earned from that service. (Education Code 24214)*

*Any retired individual hired under this administrative regulation shall be paid at a rate commensurate with that of other district employees performing comparable duties. (Education Code 24214)*

*Beginning July 1, 2010, any certificated individual who is a member of STRS and who retires from service below normal retirement age shall not be hired for service pursuant to this administrative regulation for at least six calendar months after his/her retirement from service. (Education Code 24214.5)*

Postretirement Compensation Limitation

~~A retired individual retained under this program shall be paid at a rate commensurate with that of other employees performing comparable duties.~~

~~Beginning July 1, 2010, any certificated individual who is a member of STRS and who retires from service below normal retirement age shall not be hired for service pursuant to this administrative regulation for at least six calendar months after his/her retirement from service. (Education Code 24214.5)~~

Upon retaining the services of a retired individual as a district employee, employee of a third party, or an independent contractor, the Superintendent or designee shall: (Education Code 22461, 24214)

1. Advise the retired individual of the earnings limitation set forth in Education Code 24116, 24214, and 24215.
2. Maintain accurate records of the retired individual's earnings and report those earnings monthly to the STRS and the individual regardless of the method of payment or the fund from which the payments are made.

**Personnel**

**POSTRETIREMENT EMPLOYMENT**

When ~~retaining~~ *employing* a retired individual eligible for any of the exemptions from the postretirement compensation limitation stated below, the Superintendent or designee shall submit to STRS, no later than June 30 of the school year for which the exemption is to apply, all required documentation to substantiate eligibility for the exemption. (Education Code 24216, 24216.5, 24216.6)

Exemption for Providing Specified Instructional Services

Until June 20, 2012, any retired certificated individual employed by the district shall be exempt from the compensation limitation for members of STRS provided that he/she retired from service with an effective date on or before January 1, 2009 and is employed to provide any of the following services: (Education Code 24216.5, 24216.6)

1. Direct classroom instruction to students in grades K-12
2. Support and assessment for new teachers through the Beginning Teacher Support and Assessment System pursuant to Education Code 44279.1-44279.7  
(cf. 4131.1 - Beginning Teacher Support/Induction)
3. Support to individuals completing student teaching assignments
4. Support to individuals participating in an alternative certification program *pursuant to* Education Code ~~44380-~~ 44386, or a school paraprofessional teacher training program *pursuant to* Education Code 44390-44393  
(cf. 4112.21 - Interns)  
(cf. 4222 - Teacher Aides/Paraprofessionals)
5. Instruction and student services provided to students enrolled in special education programs pursuant to Education Code 56000-56885  
(cf. 4112.23 - Special Education Staff)
6. Instruction to students enrolled in English language learner programs pursuant to Education Code ~~300-340,~~ 400-410 and 430-446  
(cf. 4112.22 - Staff Teaching Students of Limited English Proficiency)
7. Direct remedial instruction to students in grades 2-12 for the programs specified in

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4317.14**

**Personnel**

**POSTRETIREMENT EMPLOYMENT**

Education Code 37252 and 37252.2

(cf. 5123 - Promotion/Acceleration/Retention)  
(cf. 6179 - Supplemental Instruction)

Retired individuals who are exempt from the limitation on earnings shall be treated as part of a distinct class of temporary employees within the existing bargaining unit whose service may not be included in computing the service required as a prerequisite to attainment of or eligibility for classification as a permanent employee of the district. (Education Code 24216.5, 24216.6)

The compensation for the class of retired individuals shall be agreed to in the collective bargaining agreement between the district and the exclusive representative for the bargaining unit. (Education Code 24216.5, 24216.6)

Exemption for Emergency Situations or Appointment as a Trustee/Administrator

*Until June 30, 2012*, a retired certificated individual shall be exempt from the postretirement compensation limitation for a maximum period of two years of **24 consecutive months** if he/she is appointed by the Superintendent of Public Instruction as a trustee or administrator pursuant to Education Code 41320.1, **appointed as a trustee by the State Board of Education pursuant to Education Code 52055.57-52055.60 (the Local Educational Agency Intervention program)**, appointed as a trustee pursuant to the Immediate Intervention/Underperforming Schools Program or the High Priority Schools Grant Program, or assigned to a position by the County Superintendent of Schools pursuant to Education Code 42122-42129. (Education Code 24216)

(cf. 0520.1 - High Priority Schools Grant Program)

Until June 30, 2012, a retired individual shall be exempt from the postretirement compensation limitation up to an additional one-half of the full-time position when employed in an emergency situation to fill a vacant administrative position requiring highly specialized skills, provided that all of the following conditions are met: (Education Code 24216)

1. The vacancy occurred due to circumstances beyond the district's control.
2. The recruitment process to fill the vacancy on a permanent basis is expected to extend over several months.
3. The employment is reported in a public meeting of the Governing Board.

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4317.14**

**Personnel**

**POSTRETIREMENT EMPLOYMENT**

*(cf. 9320 - Meetings and Notices)*

4. The retired individual's termination of employment with the district is not the basis for the vacant administrative position.

~~(cf. 9320 - Meetings and Notices)~~

The above exemptions shall not apply to any individual who has received additional retirement service credit pursuant to Education Code 22715 or 22716. A retiree who has received an additional service credit pursuant to Education Code 22714 or 22714.5 shall be ineligible for the above exemptions for one year from his/her effective date of retirement for service performed in any California district, community college district, or county office of education. (Education Code 24216)

(cf. 4117.13/4317.13 - Early Retirement Option)

Consultancy Contracts

A retired certificated employee serving as a consultant shall be retained as an employee and his/her service shall be limited in accordance with retirement system rules and regulations. (Education Code 35046)

To be eligible for consideration for a consultancy contract, a retired certificated employee must have served the district or the County Superintendent for at least 10 years and be at least 55 years of age. (Education Code 35046)

Retirement consultancy contracts are renewable annually for up to five years or until the employee reaches age 65, whichever comes first. (Education Code 35046)

Legal Reference:

EDUCATION CODE

**300-340 English language education**

400-410 English language acquisition program

430-446 English Learner and Immigrant Student Federal Conformity Act

22119.5 Creditable service, definition

22461 Notice of earnings limitation

22714 Encouragement of retirement

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**POSTRETIREMENT EMPLOYMENT**

22714.5 2+2 service and year credit option under STRS  
22715 Additional service credit  
22716 Unpaid services  
24116 Service at California State University  
24214 Creditable service by retiree ~~members below normal retirement age~~  
**24214.5 Postretirement compensation limit; members below normal retirement age**  
24215 Service at California State University  
24216 Payments to retirants in excess of limitation  
24216.5 Exemption from earnings limitation  
24216.6 Exemption from earnings limitation  
35046 Consultancy contracts  
37252-37254.1 Supplemental instruction  
41320.1 Appointment of trustee  
42120-42129 Budget completion  
44279.1-44279.7 Beginning Teacher Support and Assessment Program  
44380-44386 Alternative certification program  
44390-44393 School paraprofessional teacher training program  
44830 Employment of certificated employees  
44830.3 Employment of district interns  
44929 Service credit under STRS; additional two years  
44929.1 2+2 service and year credit option under STRS  
**52055.57-52055.60 Local Educational Agency Intervention program**  
~~52053-52055.55 Immediate Intervention/Underperforming Schools Program~~  
~~52055.600-52055.662 High Priority Schools Grant Program~~  
56000-56885 Special education

Management Resources:

WEB SITES

California State Teachers' Retirement System: <http://www.calstrs.com>

Regulation

approved: September 5, 2007

revised: May 6, 2009

reviewed: June 2, 2010

reviewed:

**MANHATTAN BEACH UNIFIED SCHOOL DISTRICT**

Manhattan Beach, California

**G. BOARD BUSINESS**

5. **TITLE:** Receive for Board review **REVISED** Administrative Regulation 6159, Individualized Education Program

**BACKGROUND:** The following **MANDATED** administrative regulation reflects the 2004 reauthorization of the federal Individuals with Disabilities Education Act (IDEA) (20 USC 1400-1482), implementing federal regulations (34 CFR 300.1-300.818), and conforming state legislation. Note, that in cases where state law provides greater protections, state law supersedes federal law.

The updated MBUSD regulation contains material formerly found in AR 6164.4 - Identification and Evaluation of Individuals for Special Education, regarding a parent/guardian's right to revoke consent for continued special education services for his/her child.

The Section on "Parent/Guardian Consent" also is revised to reflect **NEW LAW (AB 1841)** which specifies that a district may not override a parent/guardian's revocation of consent for special education services by filing for a due process hearing or requesting mediation in order to require that services be provided. In addition, the Section on "Timelines for the IEP and for the Provision of Services" has been revised to reflect conformance of state law with federal regulations when referral of students is made 30 days or less prior to the end of the regular school year.

**ACTION RECOMMENDED:** Receive for Board review **REVISED** Administrative Regulation 6159, Individualized Education Program

**PREPARED BY:** Ellyn Schneider, Executive Director, Student Services

**DATE OF MEETING:** February 2, 2011

**AGENDA NOTE AGENDA NOTE AGENDA NOTE**

**REVISED ADMINISTRATIVE REGULATION  
MBUSD**

**AR 6159(a)**

**Instruction**

**INDIVIDUALIZED EDUCATION PROGRAM**

Members of the Individualized Education Program (IEP) Team

The district shall ensure that the individualized education program (*IEP*) team for any individual *student* with *a disability* includes the following members: (20 USC 1414(d)(1); 34 CFR 300.321; 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 who is:
  - a. Qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of ~~individuals with exceptional needs~~ *students with disabilities*
  - b. Knowledgeable about the general education curriculum
  - c. Knowledgeable about the availability of district and/or special education local plan area (SELPA) resources

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

5. An individual who can interpret the instructional implications of assessment results

This individual may already be a member of the team as described in items #2-4 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

The determination of whether the individual has knowledge or special expertise regarding the



**Instruction**

**INDIVIDUALIZED EDUCATION PROGRAM**

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 a disability

8. For transition service ~~participants~~ **consideration:**

a. The student, ~~of any~~ **regardless of his/her** age, ~~with a disability~~ if the purpose of the meeting is the consideration of the student's postsecondary goals and the transition services needed to assist ~~the student~~ **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~~ **his/her** preferences and interests are considered.

b. To the extent appropriate, and with the consent of the parent/guardian, a representative of any other agency that is likely to be responsible for providing or paying for transition services

If a representative of such other local agency has been invited but does not attend the meeting, the district shall take other steps to obtain participation of the agency in the planning of any transition services. (Education Code 56341)

9. For students suspected of having a specific learning disability in accordance with 34 CFR 300.308 (~~formerly 300.540~~) and 34 CFR 300.310 (~~formerly 300.542~~), 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 (Education Code 56341)

In accordance with 34 CFR 300.310 (~~formerly 300.542~~), at least one team member other than the student's regular education teacher shall observe the student's academic performance **and behavior in the areas of difficulty in his/her learning environment, including** 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. (~~Education Code 56341~~)

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 a disability 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 **prior to referring the student to a county mental health agency for services.**

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(Education Code 56331)

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 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)

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 and the district agrees, 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 member's area of the curriculum or related service, the ~~IEP team~~ member may be excused from the meeting if the parent/guardian, 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 Participation and Other Rights

The Superintendent or designee shall take steps to ensure that one or both of the parents/guardians of the individual ~~student with exceptional needs~~ *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 early enough to ensure that they will have the opportunity to attend and scheduling the meeting at a mutually agreed upon time and place. (Education Code 56341.5; 34 CFR 300.322)

The Superintendent or 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 the parents/guardians *them* of: ~~the provisions of 34 CFR 300.321(a)(6) and (e) relating to the participation on the IEP team of other individuals who have knowledge or special expertise about the student, and 34 CFR 300.321(f) relating to the participation of the Infant and Toddlers with Disabilities Coordinator at the initial IEP team meeting~~

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**INDIVIDUALIZED EDUCATION PROGRAM**

*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 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)*

~~4. For students beginning at age 16 (or younger than 16 if deemed appropriate by the IEP team):~~

*In addition, when the IEP team meeting is to consider the development, review, or revision of the IEP of a student with a disability who is 16 years of age, or younger than 16 if deemed appropriate by the IEP team, the Superintendent or designee's notice to the student's parents/guardians shall include the following: (Education Code 56341.5)*

- 1. ~~Indicate that the 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)~~  
*An indication that the student is invited to the IEP team meeting*
- 2. ~~Indicate that the district will invite~~ *An indication that the student is invited to the IEP team meeting*
- 3. ~~Identify~~ *Identification of 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)

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 records within five business days. (Education Code 56043)

**Instruction****INDIVIDUALIZED EDUCATION PROGRAM**

(cf. 5125 - Student Records)

If neither parent/guardian can attend the meeting, the Superintendent or 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 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 such a 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 responses 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 *record* 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 *record* a meeting and the parent/guardian objects or refuses to attend because the meeting would be audiotaped-*recorded*, the meeting shall not be audiotaped *recorded*. Parents/guardians also have the right to: (Education Code 56341.1)

1. Inspect and review the audiotapes *recordings*
2. Request that the audiotapes *recording* be amended if the parents/guardians *they* believe *they 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 believe 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 understand the proceedings of the meeting, including arranging for an interpreter for parents/guardians with deafness or whose native language is not English. (Education Code 56345.1; 34 CFR 300.322)

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The district shall give the parents/guardians of ~~an individual with exceptional needs~~ *a student with a disability* a copy of his/her child's IEP at no cost. (*Education Code 56341.5; 34 CFR 300.322*)

***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 free appropriate public education (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 agree otherwise. (Education Code 56346)*

*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 or 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 or designee may offer to meet with the parents/guardians 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 or 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**Contents of the IEP

The IEP shall be a written statement ~~determined~~ *developed, reviewed, and revised* in a meeting of the IEP team. It shall include, but not be limited to, all of the following: (Education Code 56043, 56345, 56345.1; 20 USC 1414(d)(1)(A); 34 CFR 300.320)

1. A statement of the present levels of the student's academic achievement and functional performance, including:
  - a. The manner in which the student's disability affects his/her involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled students)
  - b. For a preschool child, as appropriate, the manner in which the disability affects his/her participation in appropriate activities
  - c. *For students with disabilities who take alternate assessments aligned to 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 ~~do the following~~:
  - 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
  - b. Meet each of the student's other educational needs that result from his/her disability
  - ~~e. For individual with exceptional needs who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives~~
3. A description of the manner in which the *student's* progress ~~of the student~~ 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 toward meeting the annual goals, such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards
4. A statement of the specific special educational instruction and related services and supplementary aids and services, based on peer-reviewed research to the extent 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 to enable the student to:

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- a. Advance appropriately toward attaining the annual goals
- b. Be involved and make progress in the general education curriculum in accordance with item #1 above and to participate in extracurricular and other nonacademic activities
- c. Be educated and participate with other ~~individuals with exceptional needs~~ **students with disabilities** and nondisabled students ~~in the activities described in,~~ **pursuant to** Education Code 56345

(cf. 3541.2 - Transportation for Students with Disabilities)

5. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in extracurricular and other nonacademic activities described in **the statement mentioned in** item #4 above

6. A statement of any appropriate individual accommodations necessary to measure the academic achievement and functional performance of the student on state and districtwide assessments

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 also shall include 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.** ~~a statement of all of the following:~~

- ~~a. The reason that the student cannot participate in the regular assessment~~
- ~~b. The reason that the particular alternate assessment selected is appropriate for the student~~

(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)

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. Beginning not later than the first IEP to be in effect when the student is 16 years of age, or younger if determined appropriate by the IEP team, and updated annually thereafter, the following:

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a. Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills

b. The transition services, including courses of study, needed to assist the student in reaching those goals

9. 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 Education Code 56041.5~~ that will transfer to the student upon reaching age 18, *pursuant to Education Code 56041.5*

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 proficiency 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

*(cf. 6174 - Education for English Language Learners)*

3. Extended school year services when the IEP team determines, on an individual basis, that the services are necessary for the provision of a free appropriate public education (FAPE)

(cf. 5148.2 - Before/After School Programs)  
(cf. 6177 - District/State Funded 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



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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~~ *Career Technical* Education)
- (cf. 6181 - Alternative Schools/*Programs of Choice*)

5. Specialized services, materials, and equipment for students with low incidence disabilities, consistent with the guidelines pursuant to Education Code 56136

Development, Review, and Revision of the IEP

In developing the IEP, the IEP team shall consider all of the following: (Education Code 56341.1, 56345; 20 USC 1414(d)(3)(A); 34 CFR 300.324)

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. In the case of a student whose behavior impedes his/her learning or that of others, the use of positive behavioral interventions and supports and other strategies 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 assessment 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

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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, *as described in Education Code 56345* including the following: (Education Code 56345)

- ~~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 which may be met by consolidating services into a local plan area wide program or providing placement pursuant to Education Code 56361~~
- ~~e. 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 consistent with existing law regarding teacher training requirements~~
- ~~d. Services necessary to ensure communication accessible academic instructions, school services, and extracurricular activities consistent with the federal Vocational Rehabilitation Act and the federal Americans with Disabilities Act~~

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 FAPE, the IEP team must include a statement to that effect in the student's IEP. (Education Code 56341.1)

The Superintendent or designee shall ensure that the IEP team: ( Education Code 56043, 56341.1, 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 toward the annual goals and in the general curriculum, where appropriate

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- b. The results of any reassessment 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
3. Considers the special factors listed in items #5-9 above when reviewing the IEP *of a student with a disability who has additional behavior or communication needs*

The IEP team shall also meet: (Education Code 56343)

- 1. Whenever the student has received an initial formal assessment and, when desired, when the student receives any subsequent formal assessment
- 2. Upon request by the student's parent/guardian or teacher to develop, review, or revise the IEP

*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)*

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. (Education Code 56345.1; 20 USC 1414(d); 34 CFR 300.324)

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: (Education Code 56341; 20 USC 1414(d)(3)(C); 34 CFR 300.324)

- 1. Appropriate positive behavioral interventions and supports and other strategies for the student

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

- 2. Supplementary aids and services, program modifications, and supports for school

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personnel that will be provided for the student, consistent with 34 CFR 300.320

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 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. 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)

If ~~an individual with exceptional needs~~ *a student with a disability* 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. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)*  
(cf. 6173.1 - Education for Foster Youth)

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 of 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

Timelines for the IEP and for the Provision of Services

At the beginning of each school year, the district shall have an IEP in effect for each ~~individual with exceptional needs~~ *student with a disability* within district jurisdiction. (Education Code

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56344; 34 CFR 300.323)

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 services 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 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 a student for whom a referral has been made ~~20~~ **30** days or less prior to the end of the regular school year. In the case of school vacations, the 60-day time limit 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 days of receiving the parent/guardian's written request, not counting days between the student's regular school sessions *or* 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 filing such a request. (Education Code 56043, 56343.5)

A regular education or special education teacher may request a review of the classroom assignment of a ~~special-education student~~ *student with a disability* 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 when school is not in session. 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 when school is not in session, unless the student's parent/guardian consents in writing to an extension of time.

The district shall ensure that the student's IEP is accessible to each regular 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

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accommodations, modifications, and supports that must be provided to the student in accordance with the IEP. (34 CFR 300.323)

~~Before providing special education and related services, the district shall seek to obtain informed consent pursuant to 20 USC 1414(a)(1). If the parent/guardian refuses to consent to the initiation of services, the district shall not provide the services by utilizing the due process hearing procedures pursuant to 20 USC 1415(f). 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 parent/guardian refuses all services in the IEP after having consented to those services in the past, the district shall file a request for a due process hearing. If the district determines that a part of the proposed IEP to which the parent/guardian does not consent is necessary in order to provide the student 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 agree otherwise. (Education Code 56346)~~

Transfer Students

To facilitate a transfer student's transition, *who is transferring into* the district, *the district* shall take reasonable steps to promptly obtain the records of an individual with exceptional needs transferring into this district *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 an individual with exceptional needs *the student* transfers to this *the* district from a district within this same SELPA during the school year, this *the* district shall continue, without delay, to provide services comparable to those described in the *student's* existing IEP, unless the student's *his/her* parent/guardian and district agree to develop, adopt, and implement a new IEP that is consistent with state and federal law. (Education Code 56325; 34 CFR 300.323)~~

~~If an individual with exceptional needs *the student* transfers to this *the* district from a California district outside of this *the* district's SELPA during the school year, this *the* district shall provide the student with FAPE, including services comparable to those described in the previous district's IEP. Within 30 days, this *the* district shall, in consultation with the parents/guardians, adopt the ~~other~~ *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)~~

MBUSD

AR 6159(p)

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If ~~an individual with exceptional needs~~ *a student with disabilities* transfers to this district during the school year from an out-of-state district, this district shall provide the student with FAPE, including services comparable to the out-of-state district's IEP, in consultation with the parent/guardian, until such time as this district conducts an assessment, if this district determines that such an assessment is necessary, and develops, adopts, and implements a new IEP, if appropriate. (34 CFR 300.323; Education Code 56325)

Regulation  
approved: October 20, 2004  
revised: September 5, 2007  
revised: May 19, 2010  
reviewed:

**MANHATTAN BEACH UNIFIED SCHOOL DISTRICT**  
Manhattan Beach, California

**G. BOARD BUSINESS**

5. **TITLE:** Receive for Board review **REVISED** Administrative Regulation 6159, Individualized Education Program

**BACKGROUND:** The following **MANDATED** administrative regulation reflects the 2004 reauthorization of the federal Individuals with Disabilities Education Act (IDEA) (20 USC 1400-1482), implementing federal regulations (34 CFR 300.1-300.818), and conforming state legislation. Note, that in cases where state law provides greater protections, state law supersedes federal law.

The updated MBUSD regulation contains material formerly found in AR 6164.4 - Identification and Evaluation of Individuals for Special Education, regarding a parent/guardian's right to revoke consent for continued special education services for his/her child.

The Section on "Parent/Guardian Consent" also is revised to reflect **NEW LAW (AB 1841)** which specifies that a district may not override a parent/guardian's revocation of consent for special education services by filing for a due process hearing or requesting mediation in order to require that services be provided. In addition, the Section on "Timelines for the IEP and for the Provision of Services" has been revised to reflect conformance of state law with federal regulations when referral of students is made 30 days or less prior to the end of the regular school year.

**ACTION RECOMMENDED:** Receive for Board review **REVISED** Administrative Regulation 6159, Individualized Education Program

**PREPARED BY:** Ellyn Schneider, Executive Director, Student Services

**DATE OF MEETING:** February 2, 2011

**AGENDA NOTE AGENDA NOTE AGENDA NOTE**



**REVISED ADMINISTRATIVE REGULATION  
MBUSD**

**AR 6159(a)**

**Instruction**

**INDIVIDUALIZED EDUCATION PROGRAM**

Members of the Individualized Education Program (IEP) Team

The district shall ensure that the individualized education program (*IEP*) team for any individual *student* with *a disability* includes the following members: (20 USC 1414(d)(1); 34 CFR 300.321; 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 who is:
  - a. Qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of ~~individuals with exceptional needs~~ *students with disabilities*
  - b. Knowledgeable about the general education curriculum
  - c. Knowledgeable about the availability of district and/or special education local plan area (SELPA) resources

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

5. An individual who can interpret the instructional implications of assessment results

This individual may already be a member of the team as described in items #2-4 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

The determination of whether the individual has knowledge or special expertise regarding the

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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 a disability

8. For transition service ~~participants~~ **consideration:**

a. The student, ~~of any~~ **regardless of his/her** age, ~~with a disability~~ if the purpose of the meeting is the consideration of the student's postsecondary goals and the transition services needed to assist ~~the student~~ **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~~ **his/her** preferences and interests are considered.

b. To the extent appropriate, and with the consent of the parent/guardian, a representative of any other agency that is likely to be responsible for providing or paying for transition services

If a representative of such other local agency has been invited but does not attend the meeting, the district shall take other steps to obtain participation of the agency in the planning of any transition services. (Education Code 56341)

9. For students suspected of having a specific learning disability in accordance with 34 CFR 300.308 (~~formerly 300.540~~) and 34 CFR 300.310 (~~formerly 300.542~~), 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 (Education Code 56341)

In accordance with 34 CFR 300.310 (~~formerly 300.542~~), at least one team member other than the student's regular education teacher shall observe the student's academic performance **and behavior in the areas of difficulty in his/her learning environment, including** 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. (~~Education Code 56341~~)

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 a disability 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 **prior to referring the student to a county mental health agency for services.**

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(Education Code 56331)

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 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)

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 and the district agrees, 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 member's area of the curriculum or related service, the ~~IEP team~~ member may be excused from the meeting if the parent/guardian, 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 Participation and Other Rights

The Superintendent or designee shall take steps to ensure that one or both of the parents/guardians of the individual ~~student with exceptional needs~~ *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 early enough to ensure that they will have the opportunity to attend and scheduling the meeting at a mutually agreed upon time and place. (Education Code 56341.5; 34 CFR 300.322)

The Superintendent or 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 the parents/guardians *them* of: ~~the provisions of 34 CFR 300.321(a)(6) and (e) relating to the participation on the IEP team of other individuals who have knowledge or special expertise about the student, and 34 CFR 300.321(f) relating to the participation of the Infant and Toddlers with Disabilities Coordinator at the initial IEP team meeting~~

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- 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 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)*

~~4. For students beginning at age 16 (or younger than 16 if deemed appropriate by the IEP team):~~

*In addition, when the IEP team meeting is to consider the development, review, or revision of the IEP of a student with a disability who is 16 years of age, or younger than 16 if deemed appropriate by the IEP team, the Superintendent or designee's notice to the student's parents/guardians shall include the following: (Education Code 56341.5)*

- 1. *An indication* ~~Indicate~~ that the 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. ~~Indicate that the district will invite~~ *An indication that* the student *is invited* to the IEP team meeting
- 3. ~~Identify~~ *Identification of* 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)

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 records within five business days. (Education Code 56043)

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(cf. 5125 - Student Records)

If neither parent/guardian can attend the meeting, the Superintendent or 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 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 such a 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 responses 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 **record** 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 **record** a meeting and the parent/guardian objects or refuses to attend because the meeting would be audiotaped **recorded**, the meeting shall not be audiotaped **recorded**. Parents/guardians also have the right to: (Education Code 56341.1)

1. Inspect and review the audiotapes **recordings**
2. Request that the audiotapes **recording** be amended if the parents/guardians **they** believe **they 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 believe 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 understand the proceedings of the meeting, including arranging for an interpreter for parents/guardians with deafness or whose native language is not English. (Education Code 56345.1; 34 CFR 300.322)

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The district shall give the parents/guardians of ~~an individual with exceptional needs~~ *a student with a disability* a copy of his/her child's IEP at no cost. (*Education Code 56341.5*; 34 CFR 300.322)

*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 free appropriate public education (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 agree otherwise. (Education Code 56346)*

*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 or 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 or designee may offer to meet with the parents/guardians 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 or 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.*

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Contents of the IEP

The IEP shall be a written statement ~~determined~~ *developed, reviewed, and revised* in a meeting of the IEP team. It shall include, but not be limited to, all of the following: (Education Code 56043, 56345, 56345.1; 20 USC 1414(d)(1)(A); 34 CFR 300.320)

1. A statement of the present levels of the student's academic achievement and functional performance, including:

a. The manner in which the student's disability affects his/her involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled students)

b. For a preschool child, as appropriate, the manner in which the disability affects his/her participation in appropriate activities

*c. For students with disabilities who take alternate assessments aligned to 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 ~~do the following~~:

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

b. Meet each of the student's other educational needs that result from his/her disability

~~e. For individual with exceptional needs who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives~~

3. A description of the manner in which the *student's* progress ~~of the student~~ 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 toward meeting the annual goals, such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards

4. A statement of the specific special educational instruction and related services and supplementary aids and services, based on peer-reviewed research to the extent 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 to enable the student to:

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- a. Advance appropriately toward attaining the annual goals
- b. Be involved and make progress in the general education curriculum in accordance with item #1 above and to participate in extracurricular and other nonacademic activities
- c. Be educated and participate with other ~~individuals with exceptional needs~~ **students with disabilities** and nondisabled students ~~in the activities described in,~~ **pursuant to** Education Code 56345

(cf. 3541.2 - Transportation for Students with Disabilities)

5. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in extracurricular and other nonacademic activities described in **the statement mentioned in** item #4 above

6. A statement of any appropriate individual accommodations necessary to measure the academic achievement and functional performance of the student on state and districtwide assessments

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 also shall include 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.** a statement of all of the following:

- ~~a. The reason that the student cannot participate in the regular assessment~~
- ~~b. The reason that the particular alternate assessment selected is appropriate for the student~~

(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)

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. Beginning not later than the first IEP to be in effect when the student is 16 years of age, or younger if determined appropriate by the IEP team, and updated annually thereafter, the following:



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- a. Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills
- b. The transition services, including courses of study, needed to assist the student in reaching those goals
- 9. 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 Education Code 56041.5~~ that will transfer to the student upon reaching age 18, *pursuant to Education Code 56041.5*

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 proficiency 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

*(cf. 6174 - Education for English Language Learners)*

- 3. Extended school year services when the IEP team determines, on an individual basis, that the services are necessary for the provision of a free appropriate public education (FAPE)

(cf. 5148.2 - Before/After School Programs)  
(cf. 6177 - District/State Funded 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

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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~~ *Career Technical* Education)

(cf. 6181 - Alternative Schools/*Programs of Choice*)

5. Specialized services, materials, and equipment for students with low incidence disabilities, consistent with the guidelines pursuant to Education Code 56136

Development, Review, and Revision of the IEP

In developing the IEP, the IEP team shall consider all of the following: (Education Code 56341.1, 56345; 20 USC 1414(d)(3)(A); 34 CFR 300.324)

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. In the case of a student whose behavior impedes his/her learning or that of others, the use of positive behavioral interventions and supports and other strategies 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 assessment 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

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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, *as described in Education Code 56345* including the following: ~~(Education Code 56345)~~

~~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 which may be met by consolidating services into a local plan area wide program or providing placement pursuant to Education Code 56361~~

~~e. 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 consistent with existing law regarding teacher training requirements~~

~~d. Services necessary to ensure communication accessible academic instructions, school services, and extracurricular activities consistent with the federal Vocational Rehabilitation Act and the federal Americans with Disabilities Act~~

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 FAPE, the IEP team must include a statement to that effect in the student's IEP. (Education Code 56341.1)

The Superintendent or designee shall ensure that the IEP team: ( Education Code 56043, 56341.1, 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 toward the annual goals and in the general curriculum, where appropriate

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- b. The results of any reassessment 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
3. Considers the special factors listed in items #5-9 above when reviewing the IEP *of a student with a disability who has additional behavior or communication needs*

The IEP team shall also meet: (Education Code 56343)

- 1. Whenever the student has received an initial formal assessment and, when desired, when the student receives any subsequent formal assessment
- 2. Upon request by the student's parent/guardian or teacher to develop, review, or revise the IEP

*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)*

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. (Education Code 56345.1; 20 USC 1414(d); 34 CFR 300.324)

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: (Education Code 56341; 20 USC 1414(d)(3)(C); 34 CFR 300.324)

- 1. Appropriate positive behavioral interventions and supports and other strategies for the student

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

- 2. Supplementary aids and services, program modifications, and supports for school

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personnel that will be provided for the student, consistent with 34 CFR 300.320

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 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. 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)

If ~~an individual with exceptional needs~~ **a student with a disability** 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. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)*  
 (cf. 6173.1 - Education for Foster Youth)

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 of 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

Timelines for the IEP and for the Provision of Services

At the beginning of each school year, the district shall have an IEP in effect for each ~~individual with exceptional needs~~ **student with a disability** within district jurisdiction. (Education Code

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56344; 34 CFR 300.323)

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 services 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 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 a student for whom a referral has been made ~~20~~ **30** days or less prior to the end of the regular school year. In the case of school vacations, the 60-day time limit 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 days of receiving the parent/guardian's written request, not counting days between the student's regular school sessions *or* 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 filing such a request. (Education Code 56043, 56343.5)

A regular education or special education teacher may request a review of the classroom assignment of a ~~special education student~~ **student with a disability** 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 when school is not in session. 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 when school is not in session, unless the student's parent/guardian consents in writing to an extension of time.

The district shall ensure that the student's IEP is accessible to each regular 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

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accommodations, modifications, and supports that must be provided to the student in accordance with the IEP. (34 CFR 300.323)

~~Before providing special education and related services, the district shall seek to obtain informed consent pursuant to 20 USC 1414(a)(1). If the parent/guardian refuses to consent to the initiation of services, the district shall not provide the services by utilizing the due process hearing procedures pursuant to 20 USC 1415(f). 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 parent/guardian refuses all services in the IEP after having consented to those services in the past, the district shall file a request for a due process hearing. If the district determines that a part of the proposed IEP to which the parent/guardian does not consent is necessary in order to provide the student 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 agree otherwise. (Education Code 56346)~~

Transfer Students

To facilitate a transfer student's transition, *who is transferring into* the district, *the district* shall take reasonable steps to promptly obtain the records of an individual with exceptional needs transferring into this district *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 an individual with exceptional needs *the student* transfers to this *the* district from a district within this same SELPA during the school year, this *the* district shall continue, without delay, to provide services comparable to those described in the *student's* existing IEP, unless the student's *his/her* parent/guardian and district agree to develop, adopt, and implement a new IEP that is consistent with state and federal law. (Education Code 56325; 34 CFR 300.323)~~

~~If an individual with exceptional needs *the student* transfers to this *the* district from a California district outside of this *the* district's SELPA during the school year, this *the* district shall provide the student with FAPE, including services comparable to those described in the previous district's IEP. Within 30 days, this *the* district shall, in consultation with the parents/guardians, adopt the other *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)~~

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If an individual with exceptional needs *a student with disabilities* transfers to this district during the school year from an out-of-state district, this district shall provide the student with FAPE, including services comparable to the out-of-state district's IEP, in consultation with the parent/guardian, until such time as this district conducts an assessment, if this district determines that such an assessment is necessary, and develops, adopts, and implements a new IEP, if appropriate. (34 CFR 300.323; Education Code 56325)

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**MANHATTAN BEACH UNIFIED SCHOOL DISTRICT**  
Manhattan Beach, California