

## **INDIVIDUALIZED EDUCATION PROGRAM & SPECIAL EDUCATION PROGRAMS & RELATED SERVICES**

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## **INDIVIDUALIZED EDUCATION PROGRAM**

### **7.1 PURPOSE AND SCOPE**

The Individualized Education Program (IEP) is a written statement determined in a meeting of the IEP team, including the parent, and developed for each child with a disability.

The IEP will show a direct relationship between the present levels performance, the goals (and objectives, if appropriate) and the specific educational services to be provided (CCR Title V, Section 3040)

### **7.2 DEVELOPMENT OF THE INDIVIDUALIZED EDUCATION PROGRAM**

When developing each pupil's individualized education program, the individualized education program team shall consider the following:

- (1) The strengths of the pupil.
- (2) The concerns of the parents or guardians for enhancing the education of the pupil.
- (3) The results of the initial assessment or most recent assessment of the pupil.
- (4) The academic, developmental, and functional needs of the child.

The individualized education program team shall do the following:

- (1) In the case of a pupil whose behavior impedes his or her learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior.
- (2) In the case of a pupil with limited English proficiency, consider the language needs of the pupil as those needs relate to the pupil's individualized education program.
- (3) In the case of a pupil who is blind or visually impaired, provide for instruction in braille, and the use of braille, unless the individualized education program team determines, after an assessment of the pupil's reading and writing skills, needs, and appropriate reading and writing media, including an assessment of the pupil's future needs for instruction in braille or the use of braille, that instruction in braille or the use of braille is not appropriate for the pupil.
- (4) Consider the communication needs of the pupil, and in the case of a pupil who is deaf or hard of hearing, consider the pupil's language and communication needs, opportunities for direct communications with peers and professional personnel in the pupil's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the pupil's language and communication mode.
- (5) Consider whether the pupil requires assistive technology devices and services.

If, in considering the special factors, the individualized education program team determines that a pupil needs a particular device or service, including an intervention, accommodation, or other program modification, in order for the pupil to receive a free appropriate public education, the individualized education program team shall include a statement to that effect in the pupil's individualized education program.

The parent or guardian shall have the right to present information to the individualized education program team in person or through a representative and the right to participate in meetings, relating to eligibility for special education and related services, recommendations, and program planning.

#### IEP Review

The individualized education program team shall review the pupil's individualized education program periodically, but not less frequently than annually, to determine whether the annual goals for the pupil are being achieved, and revise the individualized education program, as appropriate, to address, among other matters, the following:

- (1) A lack of expected progress toward the annual goals and in the general education curriculum, where appropriate.
- (2) The results of any reassessment conducted.
- (3) Information about the pupil provided to, or by, the parents or guardians.
- (4) The pupil's anticipated needs.
- (5) Any other relevant matter.

A meeting of an individualized education program team requested by a parent to review an individualized education program shall be held within 30 days, not counting days between the pupil's regular school sessions, terms, or days of school vacation in excess of five schooldays, from the date of receipt of the parent's written request. If a parent makes an oral request, the local educational agency shall notify the parent of the need for a written request and the procedure for filing a written request. (Ed Code 56343.5)

#### Reassessment (Ed Code 56381)

A reassessment of the pupil shall be conducted if the local educational agency determines that the educational or related services needs, including improved academic achievement and functional performance, of the pupil warrant a reassessment, or if the pupil's parents or teacher requests a reassessment.

A reassessment shall occur not more frequently than once a year, unless the parent and the local educational agency agree otherwise, and shall occur at least once every three years, unless the parent and the local educational agency agree, in writing, that a reassessment is unnecessary.

As part of a reassessment, the individualized education program team and other qualified professionals, as appropriate, shall do the following:

- (1) Review existing assessment data on the pupil, including assessments and information provided by the parents of the pupil, current classroom-based assessments and observations, and teacher and related services providers' observations.
- (2) On the basis of the review conducted, and input from the parents of the pupil, identify what additional data, if any, is needed to determine:
  - (A) Whether the pupil continues to have a disability.
  - (B) The present levels of performance and educational needs of the pupil.

- (C) Whether the pupil continues to need special education and related services.
- (D) Whether any additions or modifications to the special education and related services are needed to enable the pupil to meet the measurable annual goals set out in the individualized education program of the pupil and to participate, as appropriate, in the general curriculum.

If the individualized education program team and other qualified professionals, as appropriate, determine that no additional data is needed to determine whether the pupil continues to be an individual with exceptional needs, and to determine the educational needs of the pupil, the local educational agency shall notify the parents of the pupil of that determination and the reasons for it, and the right of the parents to request an assessment to determine whether the pupil continues to be an individual with exceptional needs, and to determine the educational needs of the pupil. The local educational agency is not required to conduct an assessment, unless requested by the parents of the pupil.

A reassessment may not be conducted, unless the written consent of the parent is obtained prior to reassessment. Informed parental consent need not be obtained for the reassessment of an individual with exceptional needs if the local educational agency can demonstrate that it has taken reasonable measures to obtain that consent and the parent of the child has failed to respond.

If the parent refuses to consent to the reassessment, the local educational agency may, but is not required to, pursue the reassessment by using the consent override procedures described in Section 300.300(a)(3) of Title 34 of the Code of Federal Regulations.

IEP Amendment (Ed Code 56380.1)

In making changes to a pupil's individualized education program after the annual individualized education program meeting for a school year, the parent of the individual with exceptional needs and the local educational agency may agree, not to convene an individualized education program meeting for the purposes of making those changes, and instead may develop a written document, signed by the parent and by a representative of the local educational agency, to amend or modify the pupil's existing individualized education program.

Changes to the individualized education program may be made, either by the entire individualized education program team at an individualized education program team meeting, or by amending the individualized education program rather than by redrafting the entire individualized education program. Upon request, a parent shall be provided with a revised copy of the individualized education program with the amendments incorporated.

If changes are made to the pupil's individualized education program, the local educational agency shall ensure that the pupil's individualized education program team is informed of those changes.

Exit (Ed Code 563801(h)(i))

Before determining that the individual is no longer an individual with exceptional needs, a local educational agency shall assess the individual.

The assessment shall not be required before the termination of a pupil's eligibility due to graduation from secondary school with a regular diploma, or due to exceeding the age eligibility for a free appropriate public education. For a pupil whose eligibility terminates due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for a free appropriate public education, the local educational agency shall provide the pupil with a summary of the academic achievement and functional performance of the pupil, which shall include recommendations on the manner in which to assist the pupil in meeting his or her postsecondary educational goals.

### **7.3 IEP TEAM MEMBERS**

Each meeting to develop, review, or revise the individualized education program of a child with special needs shall be conducted by an IEP Team.

The IEP Team shall include all of the following:

- (1) One or both of the student's parents, a representative selected by a parent, or both
- (2) Not less than one regular education teacher of the student, if the student is, or may be, participating in the regular education environment. If more than one regular education teacher is providing instructional services to the student, one regular education teacher may be designated by the local educational agency to represent the others.

The regular education teacher of a student shall, to the extent appropriate, participate in the development, review, and revision of the student's individualized education program, including assisting in the determination of appropriate positive behavioral interventions and supports, and other strategies for the student, and the determination of supplementary aids and services, program modifications, and supports for school personnel that will be provided for the student.

- (3) Not less than one special education teacher of the student, or if appropriate, not less than one special education provider of the student.
- (4) A representative of the local educational agency who meets all of the following:
  - (a) is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of individuals with exceptional needs.
  - (b) is knowledgeable about the general curriculum.
  - (c) is knowledgeable about the availability of resources of the local educational agency.

A local educational agency may designate another local educational agency member of the individualized education program team to serve also as the representative

- required if the requirements of subparagraphs (a), (b), and (c) of paragraph (4) are met.
- (5) An individual who can interpret the instructional implications of the assessment results. The individual may be a member of the team.
  - (6) At the discretion of the parent, guardian, or the local educational agency, 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 student shall be made by the party who invites the individual to be a member of the individualized education program team.
  - (7) Whenever appropriate, the student.

The LEA shall invite the student to attend his or her IEP team meeting if a purpose of the meeting will be the consideration of the postsecondary goals and the needed transition services for the student. If the student does not attend the IEP meeting, the LEA shall take steps to ensure that the student's preferences and interests are considered. To the extent appropriate, with the consent of the parents or an individual with exceptional needs who has reached the age of majority, the local educational agency shall invite a representative of a participating agency that is likely to be responsible for providing or paying for transition services.

### **7.3.A IEP Team Area of Curriculum Not Being Discussed**

A member of the individualized education program team shall not be required to attend an individualized education program meeting, in whole or in part, if the parent of the individual with exceptional needs and the local educational agency agree 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 in the meeting. A parent's agreement and consent shall be in writing.

### **7.3.B IEP Team Member Area of Curriculum or Related Services Being Discussed**

A member of the individualized education program team may be excused from attending an individualized education program meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, if both of the following occur:

- (1) The parent, in writing, and the local educational agency consent to the excusal after conferring with the member.
- (2) The member submits in writing to the parent and the individualized education program team, input into the development of the individualized education program prior to the meeting. A parent's agreement shall be in writing.

## 7.4 PARENT PARTICIPATION

The LEA shall ensure that the parent of each individual with exceptional needs is a member of any group that makes decisions on the educational placement of the individual with exceptional needs.

The LEA must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP Team meeting or are afforded the opportunity to participate, including -

- (1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
- (2) Scheduling the meeting at a mutually agreed on time and place.

The notice must indicate the purpose, time, and location of the meeting and who will be in attendance and inform the parents of the provisions relating to the participation of other individuals on the IEP Team who have knowledge or special expertise about the child and, as appropriate, relating to the participation of the Part C service coordinator or other representatives of the Part C system at the initial IEP Team meeting for a child previously served under Part C, as appropriate.

If neither parent can attend an IEP Team meeting, the LEA must use other methods to ensure parent participation, including individual or conference telephone calls.

A meeting may be conducted without a parent in attendance if the LEA is unable to convince the parents that they should attend. In this case, the LEA shall keep a record of its attempts to arrange a mutually agreed on time and place, such as -

- (1) Detailed records of telephone calls made or attempted and the results of those calls;
- (2) Copies of correspondence sent to the parents and any responses received; and
- (3) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

The LEA shall take whatever action is necessary to ensure that the parents understands the proceedings of the IEP Team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.

The LEA shall give the parent or guardian a copy of the Individualized Education Program, at not cost to the parent or guardian.

When no parent can be located or if the court has specifically limited the rights of the parent or guardian to make educational decisions for the child, a surrogate parent will be appointed.

**7.4.A Opportunity to Examine Records**

The parents of a child with a disability must be afforded an opportunity to inspect and review all educational records with respect to-

- (1) The identification, evaluation and educational placement of the child; and
- (2) The provision of FAPE to the child.

**7.4.B Parent Participation in Meetings**

The parents of a child with a disability must be afforded an opportunity to participate in meetings with respect to -

- (i) The identification, evaluation, and educational placement of the child; and
- (ii) The provision of FAPE to the child.

The LEA must provide notice to ensure that parents of children with disabilities have the opportunity to participate in meetings. A meeting does not include informal or unscheduled conversations involving LEA personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision. A meeting also does not include preparatory activities that LEA personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

**7.5 IEP MEETING TIMELINES**

The primary timelines affecting special education programs are as follows:

Assessment

A proposed assessment plan shall be developed within 15 calendar days of referral for assessment, not counting calendar days between the pupil's regular school sessions or terms or calendar days of school vacation in excess of five schooldays, from the date of receipt of the referral.

A parent or guardian shall have at least 15 calendar days from the receipt of the proposed assessment plan to arrive at a decision. .

Note: When a referral has been made 10 calendar days or less prior to the end of the regular school year, the assessment plan shall be developed within 10 calendar days after the commencement of the subsequent regular school year or the pupil's regular school term as determined by each district's school calendar.

IEP Notice of Meeting

A parent or guardian shall be notified of the individualized education program team meeting early enough to ensure an opportunity to attend.

IEP Implementation

A pupil's individualized education program shall be implemented as soon as possible following the individualized education program team meeting.

Initial IEP

Once a child has been referred for an initial assessment to determine whether the child is an individual with exceptional needs and to determine the educational needs of the child, these determinations shall be made, and an individualized education program team meeting shall occur within 60 calendar days of receiving parental consent for the assessment.

Notes:

The 60-day time period does not apply to a local educational agency if either of the following occurs:

1. A child enrolls in a school served by the local educational agency after the relevant time period has commenced but prior to a determination by his or her previous local educational agency of whether the child is an individual with exceptional needs. The exemption applies only if the subsequent local educational agency is making sufficient progress to ensure a prompt completion of the assessment, and the parent and subsequent local educational agency agree to a specific date by which the assessment shall be completed.
2. The parent of a child repeatedly fails or refuses to produce the child for the assessment.

When a referral has been made 30 calendar days or less prior to the end of the regular school year, an individualized education program required as a result of an assessment of a pupil shall be developed within 30 calendar days after the commencement of the subsequent regular school year as determined by each local educational agency's school calendar for each pupil. In the case of pupil school vacations, the 60-day time shall recommence on the date that pupil school days reconvene.

IEP Review

The individualized education program team shall review the pupil's individualized education program periodically, but not less frequently than annually.

An individualized education program team shall meet at least annually to review a pupil's progress, the individualized education program, including whether the annual goals for the pupil are being achieved, the appropriateness of the placement, and to make any necessary revisions.

Reassessment

A reassessment of a pupil shall occur not more frequently than once a year, unless the parent and the local educational agency agree otherwise in writing, and shall occur at least once every three years, unless the parent and the local educational agency agree, in writing, that a reassessment is unnecessary.

Parent Request for IEP Meeting

A meeting of an individualized education program team requested by a parent or guardian to review an individualized education program shall be held within 30 calendar days, not counting days between the pupil's regular school sessions, terms, or days of

school vacation in excess of five schooldays, from the date of receipt of the parent's or guardian's written request.

#### Other Pertinent Timelines

Beginning not later than the first individualized education program to be in effect when the pupil is 16 years of age, or younger if determined appropriate by the individualized education program team, and updated annually thereafter, the individualized education program shall include appropriate measurable postsecondary goals and transition services needed to assist the pupil in reaching those goals

The individualized education program for pupils in grades 7 to 12, inclusive, shall include any alternative means and modes necessary for the pupil to complete the district's prescribed course of study and to meet or exceed proficiency standards for graduation.

Beginning not later than one year before the pupil reaches 18 years of age, the individualized education program shall contain a statement that the pupil has been informed of the pupil's rights, if any, that will transfer to the pupil upon reaching 18 years of age.

Beginning at the age of 16 years or younger, and annually thereafter, a statement of needed transition services shall be included in the pupil's individualized education program.

The parent or guardian shall have the right and opportunity to examine all school records of the child and to receive complete copies within five business days after a request is made by the parent or guardian, either orally or in writing, and before any meeting regarding an individualized education program of his or her child or any hearing or resolution session.

When a child with a disability reaches the age of majority under State law (except for a child with a disability who has been determined to be incompetent under State law) – (1) the LEA shall provide any notice to both the individual and the parents, (2) all other rights accorded to parents transfer to the child, (3) the LEA shall notify the individual and the parents of the transfer of rights, and (4) all rights accorded to parents transfer to children who are incarcerated in an adult or juvenile Federal, State, or local correctional institution. Exception: If, under State law, a child with a disability who has reached the age of majority under State law, who has not been determined to be incompetent, but who is determined not to have the ability to provide informed consent with respect to the educational program of the child, the State shall establish procedures for appointing the parent of the child, or if the parent is not available, another appropriate individual, to represent the educational interests of the child throughout the period of eligibility of the child.

## 7.6 INDIVIDUALIZED EDUCATION PROGRAM: CONTENT

The individualized education program is a written statement for each individual with exceptional needs that is developed, reviewed, and revised, and includes the following:

- (1) A statement of the individual's present levels of academic achievement and functional performance, including the following:
  - (A) The manner in which the disability of the individual affects his or her involvement and progress in the general education curriculum.
  - (B) For preschool children, as appropriate, the manner in which the disability affects his or her participation in appropriate activities.
  - (C) For individuals with exceptional needs 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 needs of the individual that result from the disability of the individual to enable the pupil to be involved in and make progress in the general education curriculum.
  - (B) Meet each of the other educational needs of the pupil that result from the disability of the individual.
  
- (3) A description of the manner in which the progress of the pupil toward meeting the annual goals will be measured and when periodic reports on the progress the pupil 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, will be provided.
  
- (4) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the pupil, or on behalf of the pupil, and a statement of the program modifications or supports for school personnel that will be provided to enable the pupil to do the following:
  - (A) To advance appropriately toward attaining the annual goals.
  - (B) To be involved in and make progress in the general education curriculum and to participate in extracurricular and other nonacademic activities.
  - (C) To be educated and participate with other individuals with exceptional needs and nondisabled pupils in extracurricular and other nonacademic activities.
  
- (5) An explanation of the extent, if any, to which the pupil will not participate with nondisabled pupils in the regular class and in extracurricular and other nonacademic activities.
  
- (6) A statement of individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the pupil on state and district-wide assessments.

If the individualized education program team determines that the pupil shall take an alternate assessment instead of a particular state or district-wide assessment of pupil achievement, a statement of the following:

- (i) The reason why the pupil cannot participate in the regular assessment.
  - (ii) The reason why the particular alternate assessment selected is appropriate for the pupil.
- (7) The projected date for the beginning of the services and modifications, and the anticipated frequency, location, and duration of those services and modifications.
  - (8) Beginning not later than the first individualized education program to be in effect when the pupil is 16 years of age, or younger if determined appropriate by the individualized education program team, and updated annually thereafter, the following shall be included:
    - (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 pupil in reaching those goals.

If appropriate, the individualized education program shall also include, but not be limited to, all of the following:

- (1) For pupils in grades 7 to 12, inclusive, any alternative means and modes necessary for the pupil to complete the prescribed course of study of the district and to meet or exceed proficiency standards for graduation.
- (2) For individuals whose native language is other than English, linguistically appropriate goals, objectives, programs, and services
- (3) Extended school year services shall be included in the individualized education program and provided to the pupil if the individualized education program team of the pupil determines, on an individual basis, that the services are necessary for the provision of a free appropriate public education to the pupil.
- (4) Provision for the transition into the regular class program if the pupil is to be transferred from a special class or nonpublic, nonsectarian school into a regular class in a public school for any part of the school day, including the following:
  - (A) A description of activities provided to integrate the pupil into the regular education program. The description shall indicate the nature of each activity, and the time spent on the activity each day or week.
  - (B) A description of the activities provided to support the transition of pupils from the special education program into the regular education program.

- (5) Beginning not later than one year before the pupil reaches the age of 18 years, a statement that the pupil has been informed of the pupil's rights under this part, if any, that will transfer to the pupil upon reaching the age of 18 years.
- (6) For pupils with low-incidence disabilities, specialized services, materials, and equipment.

In making a determination of the services that constitute an appropriate education to meet the unique needs of a deaf or hard-of-hearing pupil in the least restrictive environment, the individualized education program team shall consider the related services and program options that provide the pupil with an equal opportunity for communication access. The individualized education program team shall specifically discuss the communication needs of the pupil, including all of the following:

- (1) The pupil's primary language mode and language, which may include the use of spoken language with or without visual cues, or the use of sign language, or a combination of both.
- (2) 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.
- (3) Appropriate, direct, and ongoing language access to special education teachers and other specialists who are proficient in the pupil's primary language mode and language consistent with existing law regarding teacher training requirements.
- (4) Services necessary to ensure communication-accessible academic instructions, school services, and extracurricular activities.
- (5) The LEA shall ensure that hearing aids worn in school by children with hearing impairments, including deafness, are functioning properly.
- (6) The LEA shall ensure that external components of surgically implanted medical devices are functioning properly.
- (7) For a child with a surgically implanted medical device who is receiving special education and a service, a LEA is not responsible for the postsurgical maintenance, programming, or replacement of the medical device that has been surgically implanted, or of an external component of the surgically implanted medical device.

## **7.7 INDIVIDUALIZED EDUCATION PROGRAM: TRANSITIONS**

### **7.7.A Transition from Preschool to Elementary School**

Prior to transitioning a child with disabilities from a preschool program to kindergarten, or first grade as the case may be, an appropriate reassessment of the child shall be conducted to determine if the child is still in need of special education and services.

It is important that the gains made in special education program are not lost by too rapid a removal of individualized programs and supports for these children.

As part of the transition process, a means of monitoring the continued success of the child who is determined to be eligible for less intensive special education programs.

As part of the exit process from special education, the present performance levels and learning style shall be noted by the IEP Team. This information shall be made available to the assigned regular education teacher upon the child's enrollment in kindergarten or first grade as the case may be.

#### **7.7.B Transition from Special Class or Center or from Non-Public, Nonsectarian School to the General Education Classroom in the Public School**

When a pupil transfers from a special class or nonpublic, nonsectarian school into a regular class in a public school for any part of the school day, the IEP will include the following:

- (A) A description of activities provided to integrate the pupil into the regular education program. The description shall indicate the nature of each activity, and the time spent on the activity each day or week.
- (B) A description of the activities provided to support the transition of pupils from the special education program into the regular education program.

#### **7.7.C Transitions from Elementary School District to High School District**

When a pupil enrolls in a high school district from an elementary district, the elementary district shall invite the high school district to the IEP team meeting prior to the last scheduled review. If the authorized high school personnel participate with the elementary district personnel in the IEP team meeting, the IEP shall specify the appropriate high school placement.

If the authorized representative of the high school district has not participated in the IEP development prior to transfer from the elementary program, the elementary school district shall notify the high school district of those individuals with exceptional needs who require special education and related services. For each pupil listed who enrolls in the high school district, the administrator shall make an interim placement or shall immediately convene an IEP team meeting.

#### **7.7.D Transition from Secondary to Post-secondary Education**

The goal of transition services is planned movement from secondary education to adult life that provides opportunities which maximize economic and social independence in the least restrictive environment for individuals with exceptional needs. Planning for transition from school to postsecondary environments should begin in the school system well before the student leaves the system

Transition services means a coordinated set of activities for an individual with exceptional needs that does all of the following:

- (1) Is designed within an results-oriented process, that is focused on improving the academic and functional achievement of the individual with exceptional needs to facilitate the movement of the pupil from school to post-school activities, including

postsecondary education, vocational education, integrated employment, including supported employment, continuing and adult education, adult services, independent living, or community participation.

- (2) Is based upon the individual needs of the pupil, taking into account the strengths, preferences, and interests of the pupil.
- (3) Includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, if appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

Transition services for individuals with exceptional needs may be special education, if provided as specially designed instruction, or a designated instruction and service, if required to assist a pupil to benefit from special education.

If a participating agency, other than the local educational agency, fails to provide the transition services described in the individualized education program of the pupil, the local educational agency shall reconvene the individualized education program team to identify alternative strategies to meet the transition service needs for the pupil set out in the program.

**Summary of Performance:** For a child whose eligibility terminates due to graduation with a regular diploma or due to exceeding the age of eligibility, the LEA must provide the child with a summary of the child's academic achievement and functional performance that shall include recommendations on how to assist the child in meeting the child's postsecondary goals.

**Post-Secondary Follow-up:** The State requires districts to seek information from students who have graduated from high school to collect data on post school outcomes.

## **7.8 TRANSFERS**

To facilitate the transition for an individual with exceptional needs, the new school in which the individual with exceptional needs enrolls shall take reasonable steps to promptly obtain the pupil's records, including the individualized education program and supporting documents and any other records relating to the provision of special education and related services to the pupil, from the previous school in which the pupil was enrolled. The previous school in which the individual with exceptional needs was enrolled shall take reasonable steps to promptly respond to the request from the new school.

### **7.8.A Transfers from District to District within the State**

For an individual with exceptional needs who has an individualized education program and transfers into a district from a district not operating programs under the same local plan in which he or she was last enrolled in a special education program within the same academic year, the local educational agency shall provide the pupil with a free appropriate public education, including services comparable to those described in the previously approved individualized education program, in consultation with the parents, for a period not to exceed 30 days, by which time the local educational agency shall

adopt the previously approved individualized education program or shall develop, adopt, and implement a new individualized education program consistent with federal and state law.

### **7.8.B Transfers from District to District within the Same SELPA**

For an individual with exceptional needs who has an individualized education program and transfers into a district from a district operating programs under the same special education local plan area of the district in which he or she was last enrolled in a special education program within the same academic year, the new district shall continue, without delay, to provide services comparable to those described in the existing approved individualized education program, unless the parent and the local educational agency agree to develop, adopt, and implement a new individualized education program that is consistent with federal and state law.

### **7.8.C Transfers from District to District from Outside of State**

For an individual with exceptional needs who transfers from an educational agency located outside the State of California to a district within California within the same academic year, the local educational agency shall provide the pupil with a free appropriate public education, including services comparable to those described in the previously approved individualized education program, in consultation with the parents, until the local educational agency conducts an assessment, if determined to be necessary by the local educational agency, and develops a new individualized education program, if appropriate, that is consistent with federal and state law.

## **7.9 STUDENTS BETWEEN NINETEEN AND TWENTY-TWO YEARS**

Between the ages of 19 and 21 years, inclusive, enrolled in or eligible for a program under this part or other special education program prior to his or her 19th birthday, and has not yet completed his or her prescribed course of study or who has not met proficiency standards or has not graduated from high school with a regular high school diploma.

- (A) Any person who becomes 22 years of age during the months of January to June, inclusive, while participating in a program may continue his or her participation in the program for the remainder of the current fiscal year, including any extended school year program.
- (B) Any person otherwise eligible to participate in a program shall not be allowed to begin a new fiscal year in a program if he or she becomes 22 years of age in July, August, or September of that new fiscal year. However, if a person is in a year-round school program and is completing his or her individualized education program in a term that extends into the new fiscal year, then the person may complete that term.
- (C) Any person who becomes 22 years of age during the months of October, November, or December while participating in a program under this act shall be terminated

from the program on December 31 of the current fiscal year, unless the person would otherwise complete his or her individualized education program at the end of the current fiscal year.

No local educational agency may develop an individualized education program that extends these eligibility dates, and in no event may a pupil be required or allowed to attend school under the provisions of this part beyond these eligibility dates solely on the basis that the individual has not met his or her goals or objectives.

## **7.10 EDUCATIONAL BENEFIT AND FREE APPROPRIATE PUBLIC EDUCATION**

Board of Education v. Rowley 1982 was decisive in defining the term *educational benefit*. The Supreme Court concluded that the IDEA does not require that LEAs maximize the potential of students with disabilities. The intent of the IDEA was more to open the door of public education to students with disabilities rather than guarantee any particular level of education once inside.

### **7.11.A Components of Educational Benefit Analysis**

Based on procedural requirements, including:

1. The assessment is complete and the child is assessed in all areas of suspected disability.
2. The IEP team identifies needs related to:
  - The child's disability
  - Involvement and progress in the general curriculum
3. Goals are established in each need area
  - Objectives are developed for students taking alternate assessments (CAA)
4. Services are planned to support:
  - Progress towards all goals
  - Progress in the general curriculum
  - Participation in the general education environment
  - Education with other students with disabilities and typically developing peers
5. The IEP team reviews the student's progress and adjusts the IEP if progress was not made or to address other needs.

### **7.11.B Definition of FAPE**

Free Appropriate Public Education (FAPE) means special education and related services that:

1. Are provided at public expense, under public supervision and direction, and without charge;
2. Meet the standards of the State;
3. Include pre-school, elementary or secondary school and education through the 22<sup>nd</sup> birthday if appropriate; and
4. Are provided in conformity with the IEP.