

INDIVIDUAL EDUCATION PROGRAM

At the beginning of each school year, the Perris Union High School District shall have an individualized education program (IEP) in effect for each student with a disability within the District's jurisdiction. The IEP shall be a written statement designed that is developed, reviewed, and revised by the IEP team no less than annually to meet the unique educational needs of a student with a disability. (Education Code 56344 ~~and, 56345~~; and Title 34 C.F.R. 300.320 and , 34 CFR 300.323)

Members of the IEP Team

Unless excused by written agreement in accordance with Education Code 56341, the IEP team for any student with a disability shall include the following members:

1. One or both of the student's parents/guardians, a representative selected by the parents, or both.¹
2. Not less than one general education teacher of the student, if the student is, or may be, participating in the regular general education program environment, at least one of the student's regular general education teachers designated by the Superintendent or designee to represent the student's general education teachers. If the student has more than one general education teacher, one general education teacher may be designated by the District to represent the others.

The regular general 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 appropriate positive behavioral interventions, supports, and other strategies for the student, and the determinations of supplementary aids and services, program modifications, and supports for school personnel that will be provided for the student. ~~, consistent with 34 CFR 300.320. (Education Code 56341; 20 USC 1414(d)(3)(C); 34 CFR 300.324)~~

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

3. At least one of the student's special education teachers or, where appropriate, at least one special education providers.
4. A representative of the District who is:

¹ To the extent permitted by state and federal law, and if the right of the parent/guardians to make educational decisions on behalf of the child were limited by the Juvenile court and the child was placed in a planned permanent living arrangement pursuant to Sections 366.21, 366.22, 366.26, or 727.3 Paragraphs (5) or (6) of subdivision (b) of the Welfare and Institutions Code, a foster parent shall have the same rights relative to a foster child's IEP as a parent/guardian. (Education Code 56055; and W&IC 366.21, 366.22, 366.26, and 727.3.)

- a. ~~a.~~ Qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of the students with disabilities.
- b. ~~b.~~ Knowledgeable about the general education curriculum.
- c. ~~c.~~ Knowledgeable about the availability of District and/or special education local plan area (SELPA) resources.

The District may designate another District IEP team member to service also as the District representative required by #4 above if the requirements of #4 are met. (Education Code 56341)

~~(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 the ~~Superintendent or designee~~ 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 student shall be made by the party who invites the individual to be a member of the IEP team.

- 7. Whenever appropriate, the student with a disability.

In the development, review, or revision of his/her IEP, the student shall be allowed to provide confidential input to any representative of his/her IEP team, regardless of the student's age. ~~(Education Code 56341.5)~~

If the purpose of the meeting is to consider the postsecondary goals for student and needed transition services, the District must invite the Student to the IEP team meeting. If the student does not attend the IEP team meeting, the District must take steps to ensure the Student's preferences and interests are considered by the IEP team.

- 8. To the extent appropriate and with the consent of the student's parent/guardian, for a student who has reached the age of majority, the District must invite a representative of a participating agency that is likely to be responsible for providing or paying for transition services.

- ~~1.~~ 9. When the student is suspected of having a specific learning disability, 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.

In accordance with 34 CFR 300.310, at least one team member other than the student's ~~regular~~ general 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.

In the following circumstances, the ~~Superintendent or designee shall~~ District must invite other specified individuals to an IEP team meeting:

1. When the student has been placed in a group home by the juvenile court, a representative of the group home shall be invited to attend IEP team meetings. (~~Education Code 56341.2~~)

~~2. Whenever the IEP team is meeting to consider the student's postsecondary goals and the transition services needed to assist him/her in reaching those the goals as stated in Education Code 56345(a)(8), the following individuals shall be invited to attend: (34 CFR 300.321)~~

~~a. The student, regardless of his/her age~~

~~If the student does not attend the IEP team meeting, the Superintendent or designee shall take other steps to ensure that the student's preferences and interests are considered.~~

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

2. If the student was previously served under the Early Education for Individuals with Exceptional Needs (Education Code 56425-56432) or the California Early Intervention Services Act (Government Code 95000-95004), and upon request of the student's parent/guardian, the ~~Superintendent or designee shall~~ District must 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)

3. To ensure a general education teacher of the child is anticipated to provide information to the IEP team, if the student attends a private school program, the District must invite a representative from the private school program to attend the IEP team meeting.

(Education Code 56341, 56341.2 and 56341.5; 20 U.S.C. 1414(d)(1) and (3)(C); and Title 34 C.F.R. 300.320, 300.321, and 300.324.)

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 and the District agree, 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~~ If the meeting involves a discussion of the IEP team member's area of ~~the~~ curriculum or related service, the member may be excused from the meeting if the parent/guardian, ~~in writing,~~ and the District consent to the excusal, ~~in writing, and -after conferring with the member and-~~ the member submits to the parent/guardian and the IEP team written input into the development of the IEP prior to the meeting.

(Education Code 56341; 20 U.S.C. 1414(d)(1)(C); and Title 34 C.F.R. 300.321)

Contents of the IEP

The IEP 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 a student with a disability who takes 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 both of 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.
3. A description of the manner in which the student's progress 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 special education ~~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 do all of the following:
 - 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 students with disabilities and nondisabled students in the activities described in the IEP

(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~~ general education class and in extracurricular and other nonacademic activities described in the IEP.
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 must 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.

(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, both of the following:
 - 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. A description of the means by which the IEP will be provided under emergency conditions as described in Education Code 46392, in which instruction and/or services cannot be provided to the student ~~with~~ at the school or in person for more than 10 school days. The description shall take into account public health orders and shall include special education and related services, supplementary aides and services, transition services, and extended school year.
10. Beginning at least one year before the student reaches age 18, a statement that the student has been informed of his/her rights, if any, that will transfer to him/her upon reaching age 18, ~~pursuant to Education Code 56041.5.~~

~~Where appropriate, the IEP shall also include: (Education Code 56345)~~

11. For a student in grades 7-12, inclusive, 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)
12. Linguistically appropriate goals, objectives, programs, and services for a student whose native language is not English
- (cf. 6174 - Education for English Language Learners)
13. 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) to the student with a disability.
- (cf. 5148.2 - Before/After School Programs)
(cf. 6177 - Summer School)
14. Provision for transition into the regular education program if the student is to be transferred from a special education class ~~or center~~ or nonpublic, nonsectarian school into a ~~regular~~ general education program in a public school for any part of the school day, including descriptions of activities intended to:
- a. Integrate the student into the ~~regular~~ general education program, including ~~indications of~~ the nature of each activity and the time spent on the activity each day or week

- b. Support the transition of the student from the special education program into the ~~regular~~ general education program

(cf. 6176 - Weekend/Saturday Classes)
(cf. 6178 - Career Technical Education)
(cf. 6181 - Alternative Schools/Programs of Choice)

15. Specialized services, materials, and equipment for a student with low incidence disabilities, consistent with the guidelines ~~established pursuant to Education Code 56136~~

To assist a student who is blind, has low vision, or is visually impaired, the IEP team may consider instruction in the expanded core curriculum that is defined to include all of the following: compensatory skills such as Braille, concept development, or other skills needed to access the core curriculum; orientation and mobility; social interaction skills; career technical education; assistive technology, including optical devices; independent living skills; recreation and leisure; self-determination; and sensory efficiency. When appropriate such services may be offered before or after school hours. (Education Code 56353)

(Education Code 56043, 56136, 56345, and 56345.1; 20 U.S.C. 1414(d)(1)(A); and Title 34 C.F.R. 300.320)

Development of the IEP

Within 30 days of a determination that a student needs special education and related services, the ~~Superintendent or designee shall~~ District must ensure that a meeting to develop an initial IEP is conducted. (Education Code 56403 and; 56344; and 34 C.F.R. 300.323)

Any IEP required as a result of an assessment of a student shall be developed within 60 calendar 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. Days between the student's regular school sessions, terms, or vacation of more than five (5) school days shall not be counted. In the case of school vacations, the 60-day time limit shall recommence on the date that the student's school days reconvene. (Education Code 56344)

However, when the IEP is required as a result of an assessment of a student for whom a referral has been made thirty (30) days or less prior to the end of the ~~preceeding~~ regular school year, the IEP ~~shall~~ must be developed within thirty (30) days after the commencement of the subsequent regular school year. (Education Code 56344)

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 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 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.~~

9. Whether the student requires assistive technology devices and services.

If, in considering the special factors identified in items #1-9 above, the IEP team determines that the student needs a particular device or service, including an intervention, accommodation, or other program modification, in order to receive FAPE, the team ~~shall~~ must include a statement to that effect in the student's IEP. ~~(Education Code 56341.1)~~

(Education Code 56341.1 and 56345; 20 U.S.C. 1414(d)(3)(A); and Title 34 C.F.R. 300.324)

IEP team meetings are meant to be non-adversarial and convened solely for the purpose of making educational decisions for the good of the student with a disability.

(Education Code 56341.1)

Provision of Special Education and Related Services

The ~~D~~istrict ~~shall~~must 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; and Title 34 C.F.R. 300.323)

The ~~Superintendent or designee shall~~District must ensure that the student's IEP is accessible to each ~~regular~~ general education teacher, special education teacher, related service provider, and any other service provider who is responsible for its implementation. The ~~Superintendent or designee also shall~~District must also ensure that such teachers and providers are informed of their specific responsibilities related to the implementation of the IEP and the specific accommodations, modifications, and supports that must be provided to the student in accordance with the IEP.

(Title 34 C.F.R. 300.323)

If an orientation and mobility evaluation is determined to be needed for a student who is blind, has low vision, or is visually impaired, the evaluation shall be conducted by a person who is appropriately certified as an orientation and mobility specialist and shall occur in familiar and unfamiliar environments, in varying lighting conditions, and in the home, school, and community as appropriate. The Superintendent or designee District may require annual written parent/guardian consent to provide orientation and mobility services when such services are provided before or after school and when they are provided away from the school site.

(Education Code 56354; and Title 5 C.C.R. 3051.3)

If a student's IEP requires the provision of assistive technology devices or services, the District shall must provide such devices or services and shall, on a case-by-case basis, provide for the use of school-purchased devices in the student's home or other settings if the IEP team determines that the student needs access to those devices in order to receive a FAPE. If a student who requires the use of an assistive technology device transfers to another local educational agency, the District shall provide the student with continued access to that device or a comparable device for two months from the date the student ceased to be enrolled in the District or until alternative arrangements can be made to provide access to the device, whichever occurs first.

(Education Code 56040.3; 34 CFR 300.105)

Review and Revision of the IEP

The IEP team shall also meet whenever the following occurs: (~~Education Code 56343~~)

1. The student has received an initial formal assessment.
2. The student demonstrates a lack of anticipated progress.
3. The parent or teacher requests a meeting to develop, review, or revise the IEP.

4. At least annually, to review the student's progress, the IEP, including whether the annual goals for the student are being achieved, and the appropriateness of placement, and to make any necessary revisions.

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 (5) school days.

If a parent/guardian makes an oral request, the District must notify the parent/guardian of the need for a written request and the procedure for filing such a request.

(Education Code 56043, 56343, and 56343.5)

~~The Superintendent or designee shall~~The District must ensure that the IEP team reviews the IEP in accordance with the meeting time specified above, periodically, but at least annually, in order to: ~~(Education Code 56043, 56341.1, 56380; 20 USC 1414(d)(4); 34 CFR 300.324)~~

1. Determine whether the annual goals for the student are being achieved
2. Revise the IEP, as appropriate, to address:
 - a. Any lack of expected progress toward the annual goals and in the general education curriculum, where appropriate.
 - 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 300.305(a)(2) and Education Code 56381(b).
 - d. The student's anticipated needs.
 - e. Any other relevant matter.
3. Consider the special factors listed in items #5-9 above under "Development of the IEP," when reviewing the IEP of any student with a disability to whom one of those factors may apply.

(Education Code 56043, 56341.1, and 56380; 20 U.S.C. 1414(d)(4); and Title 34 C.F.R. 300.324)

~~The IEP team shall also meet at any other time upon request by the student's parent/guardian or teacher to review or revise the IEP. (Education Code 56343)~~

~~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~~ general education or special education teacher may request a review of the classroom assignment of a 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 or, for year-round schools, days when the school is off track. If the review indicates a need for change in the student's placement, instruction, and/or related services, the ~~Superintendent or designee shall~~ District must 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 or days when school is off track, unless the student's parent/guardian consents in writing to an extension of time.

If a participating agency other than the District fails to provide the transition services described in the student's IEP, the IEP 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 U.S.C. 1414(d); and Title 34 C.F.R. 300.324)

If 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 ~~Superintendent or designee shall~~ District must 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 the case progress, the continuing need for out-of-home placement, the extent of compliance with the IEP, and progress toward alleviating the need for out-of-home care. (Education Code 56043)~~

To the extent possible, the ~~Superintendent or designee shall~~ District must encourage the consolidation of reassessment meetings and other IEP team meetings for a student, while ensuring the applicable timelines are met. (20 U.S.C. 1414(d)(3)(A); and Title 34 CFR 300.324)

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 ~~Superintendent or designee~~ District may convene an IEP Amendment meeting or agree not to convene an IEP team meeting for the purpose of making the change and instead may develop a written document, signed by parent/guardian and a District representative, to amend or modify the student's current IEP. The IEP team shall be

informed of any such changes. ~~Upon request, the Superintendent or designee shall~~ District must provide the parent/guardian with a revised copy of the IEP with the incorporated amendments.

(20 USC 1414(d)(3)(D); [Title 34 C.F.R. 300.324](#))

Audio Recording of IEP Team Meetings

Parents/guardians and the ~~Superintendent or designee shall~~ District have the right to audio 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 ~~Superintendent or designee~~ District gives notice of intent to audio record a meeting and the parent/guardian objects or refuses to attend because the meeting would be audio recorded, the meeting shall not be audio recorded.

[\(Education Code 56341.1\)](#)

Parents/guardians also have the right to: ~~(Education Code 56341.1)~~

- [1. Present information to the IEP team in person or through a representative;](#)
- [2. The right to participate in meetings related to eligibility for special education and related services, recommendations, and program planning.](#)
- [3. Inspect and review the audio recordings,](#)
- [4. Request that an audio recording be amended if they believe it contains information that is inaccurate, misleading, or in violation of the student's privacy rights or other rights; and](#)
- [5. 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.](#)

[\(Education Code 56341.1\)](#)

Parent/Guardian Participation and Other Rights

The ~~Superintendent or designee shall~~ District must take steps to ensure that one or both of the parents/guardians of the student with a disability are present at each IEP team meeting or are afforded the opportunity to participate. These steps shall include notifying the parents/guardians of the meeting 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; [and Title 34 C.F.R. 300.322](#))

The ~~Superintendent or designee shall~~ District must 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; and

3. Inform them of:

a. ~~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)~~

b.

(Education Code 56341.5, 56425-56432; Gov. Code 95000-95004; and Title 34 C.F.R. 300.322)

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 older, or younger than 16 if deemed appropriate by the IEP team, the ~~Superintendent or designee's~~ IEP team meeting notice to the student's parents/guardians ~~shall~~ must include the following: ~~(Education Code 56341.5)~~

1. An indication that a purpose of the meeting will be the consideration of postsecondary goals and transition services for the student; and pursuant to Education Code 56345.1, 20 USC 1414(d)(1)(A)(i)(VIII), and 34 CFR 300.320(b)

2. An indication that the student is invited to the IEP team meeting.

a. If the student does not attend the IEP meeting, the District shall take steps to ensure that the student's preferences and interests are considered.

(Education Code 56341.5)

~~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, ~~or~~ the District administrator ~~or specialist representative~~ 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, before any IEP meeting, and in connection with any hearing or resolution

session on matters affecting his/her child, including, but not limited to, initial formal assessment, procedural safeguards, and due process. Upon receipt of an oral or written request, the ~~Superintendent or designee shall~~ District must provide complete copies of the records within five (5) business days.

(Education Code 56043 and; 56504)

(cf. 5125 - Student Records)

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 neither parent/guardian can attend the meeting, the ~~Superintendent or designee shall~~ District must 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 ~~Superintendent or designee~~ District is unable to convince the parent/guardian that he/she should attend. In such a case, the ~~Superintendent or designee shall~~ District must maintain a record of the attempts to arrange a mutually agreed upon time and place for the meeting, including such as: ~~(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; and
3. Detailed records of visits made to the parent/guardian's home or place of employment and the results of those visits.

(Education Code 56341.5; and Title 34 C.F.R. 300.322)

The ~~Superintendent or designee shall~~ District must 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 56341.5; and Title 34 C.F.R. 300.322)

The ~~Superintendent or designee shall~~ District must provide ~~give~~ the parents/guardians of a student with a disability a copy of his/her child's IEP at no cost.

(Education Code 56341.5; and Title 34 C.F.R. 300.322)

The District shall ensure that the parent of each student with a disability is a member of any group that makes decision on the educational placement of the student with a disability.

(Education Code 56342.5)

Parent/Guardian Consent for Provision of Special Education and Services

Before providing special education and related services to any student pursuant to 20 USC 1414(a)(1), the ~~Superintendent or designee shall~~ District must seek to obtain informed consent of the student's parent/guardian ~~pursuant to 20 USC 1414(a)(1)~~.

(Education Code 56346)

~~The district shall not provide services by utilizing the due process hearing procedures pursuant to 20 USC 1415(f). The District shall~~ must make reasonable efforts to obtain informed consent from the parent/guardian for the initial provision of special education and related services to the student. ~~If the parent/guardian refuses to consent to the initiation of services, the District shall not use~~ is prohibited from using the due process hearing procedures pursuant to 20 USC 1415(f) to obtain agreement or a ruling that the services may be provided to the student. In such circumstances, the District shall not be required to convene an IEP team or develop an IEP for the student.

(Education Code 56346)

If the parent/guardian consents in writing to the receipt of special education and related services for the student, but does not consent to all of the components of the IEP, then those components to which the parent/guardian has consented shall ~~must~~ be implemented so as not to delay providing instruction and services to the student.

Except when a parent/guardian fails to respond or refuses consent to the initiation of services for their child, if the District believes that the part[s] of the IEP to which parent/guardian did not agree are necessary for the child to receive a FAPE, a due process hearing shall ~~must~~ be initiated in accordance with 20 USC 1415(f). While the due process hearing is pending, the student shall ~~must~~ remain in the current placement unless the parent/guardian and the Superintendent or designee agree otherwise.

(Education Code 56346 (e) and (f))

~~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)~~

~~Except for a parent who fails to respond or refuses consent to the initiation of services, If the Superintendent or designee 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 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 Superintendent or designee agree otherwise. (Education Code 56346)~~

If, at any time subsequent to the initial provision of services, the student's parent/guardian, in writing, revokes consent for the continued provision of special education services, the ~~Superintendent or designee shall~~ District must provide prior written notice within a reasonable time ~~before and thereafter, cease the provision of~~ ceasing to provide all special education and related services to the student. The ~~Superintendent or designee shall~~ District may 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~~ District 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.

(Education Code 56346; and Title 34 C.F.R. 300.300 and 300.503)

Transfer Students

To facilitate the transition of a student with a disability who is transferring into the District, the ~~Superintendent or designee shall~~ District must take reasonable steps to promptly obtain the student's records, including his/her IEP and the supporting documents related to the provision of special education services from the previous school in which the student was enrolled.

(Education Code 56325; and Title 34 C.F.R. 300.323)

When a student with a disability is transferring out of the District, the District shall take reasonable steps to promptly respond to the request for student records from the new school.

(Education Code 56325)

If the student transfers into the District from another school district within the same Special Education Local Plan Area (SELPA) during the school year, the District shall continue to provide services comparable to those described in the student's last agreed-upon and implemented existing IEP, unless his/her parent/guardian and the District agree to develop, adopt, and implement a new IEP that is consistent with state and federal law.

(Education Code 56325; and Title 34 C.F.R. 300.323)

If the student transfers into the ~~D~~istrict from a school district outside of the ~~district's~~-District's SELPA during the school year, the ~~district~~-District ~~shall~~-must provide the student with FAPE, including services comparable to those described in the previous school district's last agreed-upon and implemented IEP, in consultation with student's parent/guardian for a period not to exceed 30 days. Within 30 days, the ~~Superintendent or designee shall~~District must either, ~~in consultation with the student's parents/guardians~~, adopt the previous school district's IEP or ~~shall~~-develop, adopt, and implement a new IEP that is consistent with state and federal law.

(Education Code 56325; and Title 34 C.F.R. 300.323)

If the student transfers into the district from an out-of-state school district during the school year, the ~~district~~-District ~~shall~~-Must provide the student with FAPE, including services comparable to the out-of-state school district's last agreed-upon and implemented IEP, in consultation with the parent/guardian, until such time as the ~~Superintendent or designee~~ District conducts an assessment, if it is determineds that such an assessment is necessary, and develops, adopts, and implements a new IEP, if appropriate.

(Education Code 56325; and Title 34 C.F.R. 300.323)

PERRIS UNION HIGH SCHOOL DISTRICT
Perris, California

Regulation Approved: July 18, 2012
Revised: September 15, 2021 (pending board approval)