

INDIVIDUALIZED EDUCATION PROGRAM (IEP) - CONTENT

Definition

"Individualized Education Program" means a written document described in §§ 56345 and 56345.1 for a student with disabilities that is developed, reviewed and revised in a meeting in accordance with §§ 300.320 to 300.328, inclusive of Title 34 of the Code of Federal Regulations and this part. An "Individualized Family Service Plan" (IFSP) as described in § 1436 of Title 20 of the United States Code pertains to a student with disabilities younger than three years of age. Because an IFSP has its own guidelines and timelines and is not addressed in this section.

Legal Requirements

Consideration of Student Needs and Special Factors

When developing each student's IEP, the IEP team shall consider the following:

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

The IEP team shall do the following (special factors):

1. In the case of a student whose behavior impedes his or her learning or that of others, consider the use of behavioral interventions and supports and other strategies to address that behavior, and develop at least one related IEP goal to address the behavior/s.
2. In the case of a student with limited English proficiency, consider the language needs of the student as those needs relate to the student's IEP.
3. In the case of a student who is blind or visually impaired, provide for instruction in Braille and the use of Braille, unless the IEP team determines, after an assessment of the student's reading and writing skills, needs and appropriate reading and writing media, including an assessment of the student'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 student.
4. Consider the communication needs of the student and in the case of a student who is deaf or hard of hearing, consider 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.
5. Consider whether the student requires assistive technology devices and services as defined in § 1401(1) and (2) of Title 20 of the United States Code.

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

IEP Contents

The IEP is a written statement for each student with a disability that is developed, reviewed and revised in accordance with this section, as required by § 1414(d) of Title 20 of the United States Code 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 student, as appropriate, the manner in which the disability affects his or her participation in appropriate activities.
 - c. For students with a disability 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 student with a disability to enable the student to be involved in and make progress in the general education curriculum.
 - b. Meet each of the other educational needs of the student that result from the disability of the individual.
3. A description of the manner in which the progress of the student toward meeting the annual goals described in paragraph (2) will be measured and when 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, 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 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 the following:
 - a. To advance appropriately toward attaining the annual goals.
 - b. To be involved in and make progress in the general education curriculum in accordance with paragraph (1) and to participate in extracurricular and other nonacademic activities.
 - c. To be educated and participate with other students with a disability and students with no disability in the activities described in this subdivision.
5. An explanation of the extent, if any, to which the student will not participate with students without disabilities in the general education class and in the activities described in subparagraph (C) of paragraph (4).
6. A statement of individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on state and district wide assessments consistent with § 1412(a)(16)(A) of Title 20 of the United States Code.
 - a. If the IEP team determines that the student shall take an alternate assessment instead of a particular state or district wide assessment of student achievement, a statement of the following:
 - i. The reason why the student cannot participate in the regular assessment.
 - ii. The reason why the particular alternate assessment selected is appropriate for the student.
7. The projected start date, end date, duration, frequency, and location of the services, accommodations, modifications and supports for school personnel described in paragraph (4).
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 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, as defined in § 56345.1, including courses of study, needed to assist the student in reaching those goals.

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

1. For students in grades 7 to 12, inclusive, any alternative means and modes necessary for the student 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. Pursuant to § 300.106 of Title 34 of the Code of Federal Regulations, extended school year services shall be included in the IEP and provided to the student if the IEP team of the student determines, on an individual basis, that the services are necessary for the provision of a free appropriate public education (FAPE) to the student.
4. Provision for the transition into the general class program if the student is to be transferred from a special class or nonpublic, nonsectarian school into a general class in a public school for any part of the school day, including the following:
 - a. A description of activities provided to integrate the student into the general 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 students from the special education program into the general education program.
5. For students with low incidence disabilities, specialized services, materials and equipment consistent with guidelines established pursuant to § 56136. It is the intent of the Legislature in requiring IEPs, that the district is responsible for providing the services delineated in the IEP. However, the Legislature recognizes that some students may not meet or exceed the growth projected in the annual goals and objectives of the IEP of the student.
6. Consistent with § 56000.5 and § 1414(d) (3) (B) (iv) of Title 20 of the United States Code, it is the intent of the Legislature that, in making a determination of the services that constitute an appropriate education to meet the unique needs of a deaf or hard-of-hearing student in the least restrictive environment, the IEP team shall consider the related services and program options that provide the student with an equal opportunity for communication access. The IEP team shall specifically discuss the communication needs of the student, consistent with "Deaf Students Education Services Policy Guidance" (57 Fed. Reg. 49274 (October 1992)), including all of the following:
 - a. The student's primary language mode and language, which may include the use of spoken language with or without visual cues, the use of sign language or a combination of both.
 - 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 § 56361.
 - c. Appropriate, direct and ongoing language access to special education teachers and other specialists who are proficient in the student's primary language mode and language 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 of 1973 (29 U.S.C. Sec. 794 et seq.) and the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.).

- e. In accordance with § 300.113 of Title 34 of the Code of Federal Regulations, each public agency shall ensure that hearing aids worn in school by student with hearing impairments, including deafness, are functioning properly.
 - f. Subject to paragraph (7), each public agency, pursuant to § 300.113(b) of Title 34 of the Code of Federal Regulations, shall ensure that external components of surgically implanted medical devices are functioning properly.
 - g. For a student with a surgically implanted medical device who is receiving special education and a service under § 56363, a public agency 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. Beginning not later than one year before the student reaches the age of 18 years (age 17), a statement that the student has been informed of the student's rights under this part, if any, that will transfer to the student upon reaching the age of 18 years pursuant to § 56041.5.

Note: The IEP team is not required to include information under one component of a student's individualized education program that is already contained under another component of the IEP. This section does not require that additional information, beyond that explicitly required by § 1414 of Title 20 of the United States Code and this part, be included in IEP of a student.

Transition Services

The term "transition services," as defined in § 1401(34) of Title 20 of the United States Code and as used in subparagraph (B) of paragraph (8) of subdivision (a) of § 56345, means a coordinated set of activities for a student with a disability that does all of the following:

- 1. Is designed within a results-oriented process, is focused on improving the academic and functional achievement of the students to facilitate the movement of the student 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 student, taking into account the strengths, preferences and interests of the student.
- 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.

In accordance with § 300.43(b) of Title 34 of the Code of Federal Regulations, transition services for students with a disability may be special education, if provided as specially designed instruction or a designated instruction and service, if required to assist a student to benefit from special education.

When appropriate, other agencies may participate in the services for students. In the event that agency fails to provide the transition services described in the IEP of the student in accordance with § 1414(d) (6) of Title 20 of the United States Code and paragraph (8) of subdivision (a) of § 56345, the district shall reconvene the IEP team to identify alternative strategies to meet the transition service needs for the student set out in the program.

Special Education Transportation

The IDEA defines "transportation" as including:

1. Travel to and from school and between schools;
2. Travel in and around school buildings; and
3. Specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a student with a disability.

Services Based on Peer-Reviewed Research

To the extent practicable, services for students with disabilities will be supported by peer reviewed research. Although this is always best professional practice, IEP teams are not restricted in the use of services with lesser research support.

Legal References

EC 41850; EC 56032; EC 56043; EC 56341.1; EC 56345; EC 56345 (a)(4); EC 56345.1, GC 7572, 34CFR 300:22; 34CFR 300:34; 34CFR 300:320; CFR 300.320 (a)(4); 34CFR 300:324

Timelines

An IEP required as a result of an assessment of a student shall be developed within a total time not to exceed 60 calendar days (45 calendar days from referral for Early Start), not counting days between the student's general school sessions, terms or days of school vacation in excess of five school days, from the date of receipt of the parent's or guardian's written consent for assessment, unless the parent or guardian agrees in writing to an extension, pursuant to § 56344.

Local Procedures

In order for an IEP to be considered compliant, it MUST contain the necessary elements described above. If any of the required elements are missing, the resulting document does not meet the definition of an IEP and will not be considered compliant.

The general directions for writing an IEP can be found in the Refer to State SELPA Forms Manual Writing IEPS for Education Benefit in the SEIS Document Library. If the directions in the manual are followed correctly and the IEP is filled out in its entirety, the IEP will be compliant.

While the main purpose of the IEP Manual is to teach a person to write a computerized IEP, it also does a good job explaining the required contents of the IEP and the various state and federal reporting requirements. The following information is designed to supplement the manual.

Present Levels of Performance

Refer to State SELPA Forms Manual Writing IEPS for Education Benefit in the SEIS Document Library.

Special Factors

Refer to State SELPA Forms Manual Writing IEPS for Education Benefit in the SEIS Document Library.

Behavior

The IEP team must decide whether the behavior impedes the student's learning or the learning of others. If it does not, the team should check the 'no' box and go to the next factor. If it does impede learning,

the team should check ‘yes’ and indicate the types of interventions, strategies or supports the student will require, e.g., classroom incentive system, highly structured environment, reduced academic demands, increased adult attention, special cues/prompts, etc.

In order to address this special factor, the IEP team will need to determine whether the behavior in question rises to the level of serious behavior problem that would necessitate a Functional Behavior Analysis (FBA) and a related Behavior Intervention Plan (BIP). Example behaviors would be behaviors that are self-injurious, assaultive, or cause serious property damage, and other severe behavior problems that are pervasive and maladaptive for which instructional/behavioral approaches specified in the student’s IEP are found to be ineffective (be specific identifying behavior in the IEP). The team also has the option of including a BIP and/or behavioral objectives to address the behavior. Goals and objectives are usually the first level of intervention, followed by a FBA and/or a BIP if the behavior continues over time

Caution: Unless the IEP team provides a logical explanation to the contrary, if a student’s behavior impedes learning of self or others, it is imperative that the team address the behavior with goals/objectives, interventions and/or a behavior plan.

English Learners

Each district should ensure that all staff employed to teach English learners possess the appropriate authorization from the Commission on Teacher Credentialing, including any necessary supplementary authorization to provide English language development and primary language support.

If a student is limited English proficient, the team will have to consider the language needs of the student and indicate what interventions/services the student requires. This is recorded in the Special Factors section of the IEP. Indicate the types of interventions, strategies or supports the student will require such as test in small groups, simplify instructions, use picture dictionary, pre-teach vocabulary, use additional explanation and examples to draw the connection between new material and their existing knowledge bases, use objects, photographs, or other materials as examples to build on student’s language, use visual organizers and graphics to organize, illustrate, and point out key points, use demonstrations or role playing to illustrate a concept, provide this student with notes or an outline of the lesson for their later review of what was presented, and allow time for students to discuss what they learn and generate questions in areas that require clarification.

Each district should maintain procedures for the accurate identification of English learners and an assessment of their proficiency and needs in the areas of listening, speaking, reading, and writing in English. Once identified as an English learner, a student shall be annually assessed for language proficiency until he/she is reclassified based on criteria specified in the current law, using the English Language Proficiency Assessments for California (ELPAC).

EC 56305, as added by AB 2785 (Ch. 579, Statutes of 2016), requires the CDE to develop, by July 1, 2018, a manual providing guidance on identifying, assessing, supporting, and reclassifying English learners with disabilities.

The team must determine and record if the student will be taking the ELPAC with or without accommodations or taking an alternate test to determine language proficiency.

Visually Impaired Students - Refer to State SELPA Forms Manual Writing IEPS for Education Benefit in the SEIS Document Library.

Communication Needs - Refer to State SELPA Forms Manual Writing IEPS for Education Benefit in the SEIS Document Library.

Assistive Technology (AT)

This special factor applies to all students regardless of disability. Devices can be as simple as a pencil grip for a student with fine motor problems to sophisticated communication system for a student with Cerebral Palsy. For students with low incidence disabilities (visually impaired, hearing impaired and severely orthopedically impaired), however, the IEP team will have to include the appropriate low incidence teacher. Refer to State SELPA Forms Manual Writing IEPS for Education Benefit in the SEIS Document Library.

Annual Goals/Objectives

Refer to State SELPA Forms Manual Writing IEPS for Education Benefit in the SEIS Document Library.

Progress Reports

Refer to State SELPA Forms Manual Writing IEPS for Education Benefit in the SEIS Document Library.

Services

Special education and related services, including frequency, intensity, duration and location, are to be provided in accordance with the IEP. Refer to State SELPA Forms Manual Writing IEPS for Education Benefit in the SEIS Document Library.

Service providers should record and document all services to confirm that the special services were provided as indicated on the IEP.

Be sure to include specialized physical health care services when needed by an eligible student. The plan should indicate which staff is responsible and provide for instructions regarding medication administration and other medically necessary services during school hours, on the school bus, and at extracurricular activities or school sponsored activities such as field trips.

Assistive technology services (AT) should almost always be written in the IEP as Supplementary Aids and Services. Assistive technology (AT) services are usually indirect support activities affecting how the student communicates and interacts in the educational environment. Assistive technology (AT) is rarely a related service and only when the assistive technology services directly and regularly provide instruction for a student. Assistive technology (AT) should never be written in the notes section of an IEP.

Intensive Individual Instruction

Intensive individual instruction is a special education service. The IEP Manual defines it as follows: IEP team determination that student requires additional support for all or part of the day to meet his or her IEP goals. This is also known as a one-on-one instructional assistant or aide or a Special Circumstance Instructional Assistant (SCIA).

OAH has consistently found that a placement in general education with a 1:1 aide and that one-on-one support is often not the Least Restrictive Environment for a student. For this reason, the IEP team should, as with any other IEP related decision, make their determination based on an assessment. The Humboldt - Del Norte SELPA has written guidelines for determining if a Special Circumstance Instructional Assistant is needed and districts are strongly encouraged to use this procedure when determining the level of additional supports for students. Contact the Humboldt - Del Norte SELPA for guidelines in determining if a SCIA is necessary. APPENDIX G

Participation with Students with no disability needs

Refer to State SELPA Forms Manual Writing IEPS for Education Benefit in the SEIS Document Library.

Testing Accommodations

Refer to State SELPA Forms Manual Writing IEPS for Education Benefit in the SEIS Document Library.

Transition Plans (For Students 16 Years and Older)

See Transition Plan and Transition Services sections of the IEP Manual.

Note: Requirements pertaining to the California High School Exit Exam (CAHSEE) are subject to change. Staff should check the CDE website (www.cde.ca.gov) or contact the SELPA for current information.

Alternative Means/Modes

There is a section in the IEP titled Promotion Criteria located on the Educational Setting page that allows the IEP team to write alternative methods for students in grades 7-12 to meet district graduation criteria. The team can select to use district standards, student progress on IEP goals or write some other means for a student to meet graduation criteria. Alternative means/modes pertain strictly to the district course of study and district graduation standards, not the California High School Exit Exam (CAHSEE). The CAHSEE is addressed under Transition Services.

Linguistically Appropriate Goals and Objectives

Refer to State SELPA Forms Manual Writing IEPS for Education Benefit in the SEIS Document Library.

Transition into General Education

When a student is transitioning from a special day class (SDC) or NPS to a general education classroom, the law requires that the IEP include a plan for that transition. In other words, who is going to do what, for how long, to ensure that the student is successful in the new environment? Students who move from a more restrictive to a less restrictive environment need additional supports for a period of time to prevent them from regressing behaviorally or academically. Although the law only addresses these two examples, it is a good idea to consider and, when appropriate, develop transition strategies for students when they move from SDC to services in specialized academics instruction (SAI), elementary to secondary, preschool to kindergarten, etc.

Extended School Year

Extended school year (ESY) is not the general education summer school program. Extended school year is a special education service in excess of the general school year provided to identify students with

disabilities solely based on need. The IEP team must determine ESY based on each individual's unique needs. According to the California Code of Regulations, students eligible for ESY shall have disabilities which are likely to continue indefinitely or for a prolonged period of time, where interruption of the educational programming may cause regression, which is coupled with limited recoupment capacity, rendering it impossible or unlikely that the students will attain the level of self-sufficiency and independence that would otherwise be expected in view of their disabilities. Most students show some degree of regression especially after long school breaks. Regression becomes a problem when combined with recoupment difficulties. All students go through a period of recoupment at the beginning of each school year. Teachers spend the first couple of weeks or so reviewing information until the students catch back up and are ready for new information. But when a student takes an inordinate amount of time, at least beyond two weeks, to relearn previously learned information, it is safe to say that recoupment is a problem. Teachers should, therefore, monitor student performance with work samples and/or curriculum based data before and after school breaks like winter break and spring break to present to the IEP team as evidence of any regression/recoupment problem.

While recoupment/regression is a reliable standard for determining ESY, it is not the only one. Sometimes this information is not available and the IEP team cannot postpone a decision until the student actually demonstrates regression or failure. In these instances, the IEP team should consider other variables such as:

1. The severity of the student's behavioral/physical problems.
2. Areas of the student's curriculum that require continuous attention.
3. Whether the student requires the service in order to make adequate progress toward the goals and objectives on the IEP.

Based on this information, is ESY necessary in order for the student to make progress in their educational program? If the answer is yes, the student is entitled to ESY.

Determination of Services

The IEP team must then decide what services the student requires during ESY. The team must focus only on the critical skills or areas that are necessary for the student to maintain a reasonable readiness to begin the next school year. The student may not require all or the same services listed in the IEP. For example, a student may be making excellent progress in speech but is not making adequate progress toward his/her academic goals. The team may decide to only provide specialized academic instruction during ESY. The student is not entitled to any specific placement during ESY. State regulations require the ESY session to be at least 20 days, including legal holidays; however, determination of the length of the ESY session should be individualized for each student. If the team only checks the box indicating the student requires ESY but does not specify the services, the student is entitled to the same level and type of services in the IEP.

SELPA has ESY checklists for IEP teams to determine necessity of ESY. These can be found in the SEIS document library as well as each student's list of IEP forms in SEIS.

Low Incidence Materials and Equipment

Refer to State SELPA Forms Manual Writing IEPS for Education Benefit in the SEIS Document Library.

Transportation

Whenever possible, students with disabilities should ride the regular school bus to and from school. When the disabling condition of a student is such that the student requires special transportation services in order to benefit from their educational program, the IEP team has the responsibility to include transportation services in the IEP.

Definition

Specialized transportation services are determined by the IEP team. Generally, this refers to any transportation arrangement in excess of riding the regular school bus to and/or from a regularly scheduled school bus stop. Specialized transportation services may include but are not limited to the following:

1. To and from home or the neighborhood school and the school of attendance.
2. Between schools for purposes specified in the IEP.
3. To and from work stations when specified in the IEP.
4. To and from a California Children's Service Medical Therapy Unit.
5. To and from a mental health service.

Team Decisions

It is the responsibility of the IEP team to determine when transportation services should be included in the IEP as a related service. The decision must be made on a case-by-case basis and be based on the unique needs of the student and the basic concept of least restrictive environment.

Residential Placement Requirements

Students who are in residential placements and attend NPSs are entitled to transportation services to and from their parent's home at specified times during the year. Whether the student is allowed to visit home during school breaks is dependent in part on rules established by the residential placement and limitations imposed by the court or placing agency. While there is no specific requirement with regard to the frequency of these visits, IEP teams should give primary consideration to major school breaks during the school year based on the NPS school calendar. When students are not allowed to leave the residential placement, the IEP team will consider providing transportation for the parents to make a reasonable number of visits to the student based on the NPS school calendar. See the SELPA Residential Treatment Center Guidelines for more information. APPENDIX I

Service Delivery

It is the responsibility of the DOR to make arrangements for all transportation services described in the student's IEP. The district may provide service themselves, through contract arrangement with another public or private agency or by paying the parent for providing in lieu services.

Mode of Service

The district providing transportation service will determine the method of providing transportation services.

Scheduling

Students with disabilities are entitled to arrive at and depart school at the same time as general education students. The use of alternative starting times for a student with a disability at a site can lead to program compliance concerns. Students receiving special education and related services must be provided with an educational program in accordance with their IEP for at least the same length of time as the general school day for their chronological peer group, unless otherwise stated in a student's IEP.

Transportation to and from related services, e.g., occupational therapy, physical therapy, mental health counseling, etc., will be scheduled during the school day to the maximum extent possible. When related services cannot be provided during the school day, transportation will be provided before or after the school day.

IEP Team Meeting Notes

1. Before the IEP meeting, the district should identify the Note Taker, which should be a district employee and member of the team.
2. Focus on writing IEP meeting comments that document compliance with procedural obligations, including parental participation.
3. Document IEP team member attendance, excusal, opinions, agreement, dissent and participation.
4. Clarify offer of placement and services when necessary.
5. Summarize comments with regard to assessments and progress towards goals.
6. Provide prior written notice (PWN) if not done before or after the IEP meeting.
7. The Note Taker should:
 - a. Generally, paraphrase comments.
 - b. Write contemporaneously.
 - c. Use neutral, non-inflammatory language.
 - d. Avoid acronyms.
 - e. Proofread comments for accuracy and consistency with the entire IEP team.
 - f. Identify next steps and parking-lot items.
 - g. Obtain prior approval / direction from the special education administrator when writing reimbursement, compensatory education, stay put and settlement, as well as when the IEP was convened pursuant to an order, ruling or settlement agreement.
 - h. Note parent concern and write district response to those concerns.
 - i. Summarize Offer of FAPE and whether consent was obtained in part or whole.
8. The Note Taker is generally not required to:
 - a. Specify providers by name.
 - b. Identify a particular methodology.
 - c. Describe staff qualifications.
 - d. Write redundant information.

Local Forms

IEPs must be written on SELPA approved forms. IEP forms must be completed through the web-based IEP system, SEIS. Hard copies of the forms can be found in the SEIS Document Library or on the SELPA website www.hdnselpa.org

FAQs

What do we put down for ESY if the student is going to go to general summer school?

If that is really the case, meaning that the student does not need ESY services and is just going to attend general education summer school, indicate "No" the student does not require ESY, because general summer school is not ESY. If, however, the student is going to attend the general summer school but will receive special education services at summer school, check the 'yes' box and indicate the services the student will receive. Students should receive needed accommodations and services to access the general summer school so as to ensure they are not discriminated against based on their disability.

How should we address ‘transportation’ in the IEP for our students with disabilities if they ride the school bus?

Regardless of their disability, if they ride the regular school bus from a regular bus stop, you should check the ‘no’ box. You are providing general education transportation.

Can we provide specialized transportation without putting it in the IEP?

In order for the IEP to constitute a good offer of FAPE, it must include all of the services necessary in order for the student to benefit from their educational program. To leave a service out of the IEP when you know a student requires it jeopardizes the IEP’s offer as an appropriate offer of FAPE.

If we write an IEP to monitor a student, do we have to include goals and objectives?

An IEP should not be written to monitor a student. If a student does not have special education needs, then he/she is ineligible. Every IEP needs goals (and objectives for some students) in order to be legally compliant, and those goals should address the ways the student’s disability affects his/her access to the general school program.

Should the areas of parent disagreement be written into the IEP?

It is appropriate to list certain areas of disagreement but not necessarily every area of disagreement. If the parent consents to part of the IEP but not all parts of the IEP, their areas of disagreement are recorded in the parent consent section. If the parent wants to express disagreement about matters outside the scope of the IEP, it is not appropriate to include that in the IEP. Remember, federal law clearly states that the IEP team is not required to include information in an IEP that is not required by law.

REMINDERS

- In order to meet the legal requirements of an IEP, you must always complete each section of the IEP (addendums excluded).
- The IEP team must address the assistive technology needs for every student, regardless of disability.
- Never check ‘yes’ a student’s behavior impedes learning without including interventions, goals and/or a BIP as appropriate.
- ESY is not an entitlement. Always address ESY based on eligibility and include services as necessary.
- General education summer school is not ESY.
- Only put special transportation in the IEP when it is required in order for the student to benefit from their educational program.
- SCIA support should never be included in an IEP without conducting an assessment of the student and the learning environment.