
CLOVIS UNIFIED SCHOOL DISTRICT

INSTRUCTION

Specialized Programs

INDIVIDUALIZED EDUCATION PROGRAM

At the beginning of each school year, the 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 that is developed, reviewed, and revised by the IEP team to meet the unique educational needs of a student with a disability. (Education Code 56344, 56345; 34 CFR 300.320, 300.323)

A. Members of the IEP Team

Unless excused by written agreement in accordance with Education Code section 56341, the IEP team for any student with a disability shall include the following members: (Education Code 56341, 56341.5; 20 USC 1414; 34 CFR 300.321)

1. One or both of the student's parents/guardians and/or a representative selected by them. (Education Code 56341(b)(1).) This person must meet the definition of a parent pursuant to Education Code section 56028. This person could also meet the provisions related to foster parent pursuant to Education Code section 56055.
2. If the student is or may be participating in the general education program, at least one of the student's general education teachers. (Education Code 56341(b)(2); 20 USC 1414; 34 CFR 300.321)
3. At least one of the student's special education teachers or, where appropriate, special education providers. (Education Code 56341(b)(3).
4. A representative of the District meeting the qualifications in Education Code section 56341(b)(4).
5. An individual who can interpret the instructional implications of assessment results as stated in Education Code section 56341(b)(5). 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, other individuals who have knowledge or special expertise regarding the student, including related services personnel, as appropriate, as stated in Education Code section 56341(b)(6).
7. Whenever appropriate, the student with a disability, who shall be allowed to provide confidential input to any representative of the IEP team. (Education Code 56341(b)(7).)
8. 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

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such as a school psychologist, speech language pathologist, or remedial reading teacher. In accordance with 34 CFR section 300.310, at least one team member other than the student's general education teacher shall observe the student's academic performance and behavior in the areas of difficulty in the student's 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 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 the student in reaching the goals, the following individuals shall be invited to attend: (34 CFR 300.321)
 - a. The student, regardless of the student's 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.
3. If the student was previously served under the Early Education for Individuals with Exceptional Needs (Education Code sections 56425-56432) or the California Early Intervention Services Act (Government Code sections 95000-95004), the Superintendent or designee shall invite, upon request of the student's parent/guardian, 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; 34 CFR 300.321)

IEP members may be excused pursuant to Education Code section 56341(f) and (g). Excusals that meet either of these sections must be in writing.

B. Contents of the IEP

The IEP shall include, but not be limited to, all of the following: (Education Code 56345, 56345.1; 20 USC 1414; 34 CFR 300.320)

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1. A statement of the present levels of the student's academic achievement and functional performance, including:
 - a. The manner in which the disability affects the student's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled students).
 - b. For a preschool student, as appropriate, the manner in which the disability affects the student's 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:
 - a. Meet the student's needs that result from the disability in order to enable the student to be involved in and make progress in the general education curriculum.
 - b. Meet each of the student's other educational needs that result from the 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:
 - 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.
5. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in extracurricular and other nonacademic activities described in the IEP.

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6. A statement of any appropriate individual accommodations necessary to measure the academic achievement and functional performance of the student on state and districtwide assessments. If the IEP team determines that the student shall take an alternate assessment instead of a particular regular state or districtwide assessment, the student's IEP also shall include a statement of the reason that the student cannot participate in the regular assessment and the reason that the particular alternate assessment selected is appropriate.
7. The projected date for the beginning of the services and modifications described in item #4 above and the anticipated frequency, location, and duration of those services and modifications.
8. Beginning not later than the first IEP to be in effect when the student is 16 years of age, or younger if determined appropriate by the IEP team, and updated annually thereafter, the following:
 - 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 section 46392, in which instruction and/or services cannot be provided to the student either 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 aids and services, transition services, and extended school year services.
10. Beginning at least one year before the student reaches age 18, a statement that the student has been informed of the rights, if any, that will transfer to the student upon reaching age 18, pursuant to Education Code section 56041.5.
11. For a student in grades 7-12, any alternative means and modes necessary for the student to complete the District's prescribed course of study and to meet or exceed proficiency standards required for graduation.
12. For a student whose native language is not English, linguistically appropriate goals, objectives, programs, and services.
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).

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14. If the student is to be transferred from a special class or nonpublic, nonsectarian school into a general education program in a public school for any part of the school day, provision for transition into the general education program including descriptions of activities intended to:
 - a. Integrate the student into the general education program, including the nature of each activity and the time spent on the activity each day or week.
 - b. Support the transition of the student from the special education program into the general education program.

15. For a student with low incidence disabilities, specialized services, materials, and equipment consistent with the guidelines pursuant to Education Code section 56136.

To assist a student who is blind, has low vision, or is visually impaired to achieve the student's maximum potential, the IEP team may consider instruction in the expanded core curriculum, including 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. (Education Code 56353)

C. Least Restrictive Environment

In determining the educational placement of a student with a disability, including a preschool child with a disability, the District must ensure that (34 CFR 300.116)

1. The placement decision:
 - a. Is made by a group of persons, including the parents, and other persons knowledgeable about the student, the meaning of the evaluation data, and the placement options; and
 - b. Is made in conformity with the least restrictive environment (LRE) provisions of 34 CFR 300 Subpart B including 34 CFR 300.114 through 300.118.

2. The student's placement:
 - a. Is determined at least annually.
 - b. Is based on the student's IEP.
 - c. Is as close as possible to the student's home.

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3. Unless the IEP of a student with a disability requires some other arrangement, the student is educated in the school that he or she would attend if nondisabled.
4. In selecting the LRE for a student with a disability, the IEP team shall give consideration to any potential harmful effect on the student or on the quality of services that he or she needs.
5. A student with a disability shall not be removed from the education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

The District ensures that a continuum of program options is available to meet the needs of students with disabilities in the District for special education and related services as required by the Individuals with Disabilities Education Improvement Act (IDEA) and federal regulations implementing the IDEA. (Education Code 56360; 34 CFR 300.115) The continuum of programs shall include, but not necessarily be limited to, all of the following or any combination of the following (Education Code 56361):

1. Regular education programs consistent with 20 USC 1412.
2. Resource specialist program pursuant to Education Code section 56362.
3. Designated instruction and services pursuant to Education Code section 56363.
4. Special classes pursuant to Education Code section 56364.2.
5. Nonpublic, nonsectarian school services pursuant to Education Code section 56365.
6. State special schools pursuant to Education Code section 56367.
7. Instruction in settings other than classrooms where specially designed instruction may occur.
8. Itinerant instruction in classrooms, resource rooms, and settings other than classrooms where specially designed instruction may occur to the extent required by federal law or regulation.
9. Instruction using telecommunication, and instruction in the home, in hospitals, and in other institutes to the extent required by federal law or regulation.

Students with disabilities shall have access to general education as specified by their IEPs through the following:

1. Enrollment in general education classes based on the student's age.
2. Participation in core curriculum, co-curricular, and extra-curricular activities.

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3. Use of general education textbooks and materials.
4. Special education programs and services shall be housed on general education school campuses and dispersed throughout the District, and, as appropriate, within the community or through online resources.
5. The physical location of programs and services shall be located in such a way as to promote social interaction with non-disabled students. Special education classrooms shall be located close to general education classrooms whenever possible. When portable facilities must be used, they shall be located close to general education classrooms and grouped according to appropriate grade levels.
6. Long-range plans and commitment for physical housing on specified school sites shall be made by the District. Such planning shall, to the maximum extent possible, provide students with disabilities with opportunities to develop and maintain continuing relationships with non-disabled peers and a sense of inclusion within the school. Changes in program locations shall be made with the input of the SELPA Administrator.

A student with a disability may be placed at a specified school site other than the student's home school to receive special education programs and/or services within the District consistent with the requirements of the students' IEP when programs and services are not available at the student's home school, or when the level of services at the student's home school are not appropriate for the student to receive a FAPE.

A student may be placed in programs operated by other local educational agencies and non-public, nonsectarian schools or agencies as determined by the student's IEP team.

D. Development of the IEP

Within 30 days of a determination that a student needs special education and related services, the Superintendent or designee shall ensure that a meeting to develop an initial IEP is conducted. (Education Code 56043 and 56044; 34 CFR 300.323)

Any IEP required as a result of an assessment of a student shall be developed within 60 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 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 56043, 56344)

However, when the IEP is required as a result of an assessment of a student for whom a referral has been made 30 days or less prior to the end of the preceding regular school year, the IEP shall

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be developed within 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; 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 the student's 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, needs, and appropriate reading and writing media, including an assessment of future needs for instruction in Braille or the use of Braille.
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 section 56345.
9. Whether the student requires assistive technology devices and services. If, in considering the special factors in items #1-9 above, the IEP team determines that the student needs a particular device or service, including an intervention, accommodation, or other program modification, in order to receive FAPE, the team shall include a statement to that effect in the student's IEP. (Education Code 56341.1)

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E. Provision of Special Education and Related Services

The District shall 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 the IEP. (Education Code 56344; 34 CFR 300.323)

The Superintendent or designee shall ensure that the student's IEP is accessible to each 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 ensure that such teachers and providers are informed of their specific responsibilities related to implementing the IEP and the specific accommodations, modifications, and supports that must be provided to the student in accordance with the IEP. (34 CFR 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 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; 5 CCR 3051.3)

F. Review and Revision of the IEP

The Superintendent or designee shall ensure that the IEP team reviews the IEP periodically, but at least annually, in order to: (Education Code 56043, 56341.1, 56380; 20 USC 1414; 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 section 56381.
 - c. Information about the student provided to or by the parents/guardians regarding review of evaluation data pursuant to 34 CFR section 300.305 and Education Code section 56381.
 - d. The student's anticipated needs.
 - e. Any other relevant matter.

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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.

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 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. If the review indicates a need for change in the student’s placement, instruction, and/or related services, the Superintendent or designee shall convene an IEP team meeting, which shall be held within 30 days of the Superintendent or designee’s review, not counting days when school is not in session, unless the student’s parent/guardian consents in writing to an extension of time.

If a participating agency other than the District fails to provide the transition services described in the student’s IEP, the team shall reconvene to identify alternative strategies to meet the transition service objectives set out for the student in the IEP. (Education Code 56345.1; 20 USC 1414; 34 CFR 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 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)

To the extent possible, the Superintendent or designee shall encourage the consolidation of reassessment meetings and other IEP team meetings for a student. (20 USC 1414; 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 may agree not to convene an IEP team meeting for the purpose of making the change and instead may develop a written document to amend or modify the student’s current IEP. The IEP team shall be informed of any such changes. Upon request, the Superintendent or designee shall provide the parent/guardian with a revised copy of the IEP with the incorporated amendments. (Education Code 56380.1; 20 USC 1414; 34 CFR 300.324)

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G. Audio Recording of IEP Team Meetings

Parents/guardians and the Superintendent or designee shall 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 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. Parents/guardians also have the right to: (Education Code 56341.1)

1. Inspect and review the audio recordings.
2. 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.
3. Challenge, in a hearing, information that the parents/guardians believe is inaccurate, misleading, or in violation of the student's privacy rights or other rights.

H. Parent/Guardian Participation and Other Rights

The Superintendent or designee shall take steps to ensure that one or both of the parents/guardians of the 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; 34 CFR 300.322)

The Superintendent or designee shall send parents/guardians notices of IEP team meetings that: (Education Code 56341.5; 34 CFR 300.322)

1. Indicate the purpose, time, and location of the meeting.
2. Indicate who will be in attendance at the meeting.
3. Inform them of:
 - a. Their right to bring to the meeting other individuals who have knowledge or special expertise about the student, pursuant to Education Code section 56341.
 - b. The provision of Education Code section 56341 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)

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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 notice to the student's parents/guardians shall 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 pursuant to Education Code section 56345.1, 20 USC section 1414, and 34 CFR section 300.320.
2. An indication that the student is invited to the IEP team meeting.

At each IEP team meeting convened by the District, the District administrator or specialist on the team shall inform the parent/guardian and student of the federal and state procedural safeguards included in the notice of parental rights provided pursuant to Education Code section 56321. (Education Code 56500.1)

The parent/guardian shall have the right and opportunity to examine all of the student's school records upon request, before any IEP meeting, and in connection with any hearing or resolution session on matters affecting the student, 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 provide complete copies of the records within five business days. (Education Code 56043, 56504)

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 use other methods to ensure parent/guardian participation, including video conferences or individual or conference telephone calls. (Education Code 56341.5; 20 USC 1414; 34 CFR 300.322)

An IEP team meeting may be conducted without a parent/guardian in attendance if the Superintendent or designee is unable to convince the parent/guardian to attend. In such a case, the Superintendent or designee shall maintain a record of the attempts to arrange a mutually agreed upon time and place for the meeting, including: (Education Code 56341.5; 34 CFR 300.322)

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

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The Superintendent or designee shall take any action necessary to ensure that the parents/guardians understand the proceedings of the meeting, including arranging for an interpreter for parents/guardians with deafness or whose native language is not English. (Education Code 56341.5; 34 CFR 300.322)

The Superintendent or designee shall give the parents/guardians of a student with a disability a copy of the IEP at no cost. (Education Code 56341.5; 34 CFR 300.322)

I. 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, the Superintendent or designee shall seek to obtain informed consent of the student's parent/guardian. (Education Code 56346)

If the parent/guardian fails to respond or refuses to consent to the initiation of services, the District shall not use the due process hearing procedures pursuant to 20 USC 1415 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 be implemented so as not to delay providing instruction and services to the student. If the Superintendent or designee determines that a part of a proposed IEP to which the parent/guardian does not consent is necessary to provide the student with FAPE, a due process hearing shall be initiated in accordance with 20 USC 1415. 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 provide prior written notice within a reasonable time before ceasing to provide services to the student. The Superintendent or designee shall not request a due process hearing or pursue mediation in order to require an agreement or ruling that services be provided to the student. (Education Code 56346; 34 CFR 300.300, 300.503)

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.

J. Transfer Students

To facilitate the transition of a student with a disability who is transferring into the District, the Superintendent or designee shall take reasonable steps to promptly obtain the student's records, including the IEP and the supporting documents related to the provision of special education services. (Education Code 56325; 34 CFR 300.323)

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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 existing IEP, unless the student's 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; 34 CFR 300.323)

If the student transfers into the District from a school district outside of the District's SELPA during the school year, the District shall provide the student with a FAPE, including services comparable to those described in the previous district's IEP in consultation with the student's parent/guardian, for a period not to exceed 30 days. By the end of that period, the District shall either adopt the previous District's IEP or shall develop, adopt, and implement a new IEP that is consistent with state and federal law. (Education Code 56325; 34 CFR 300.323)

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

K. Staff Providing Special Education and Related Services

Special education teachers and related services providers must be appropriately credentialed or qualified to provide the instruction and/or services included in student IEPs.

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