

**CLOVIS UNIFIED  
SCHOOL DISTRICT****INSTRUCTION**

Alternative/Specialized Programs

**INDIVIDUALIZED EDUCATION PROGRAM**

**PURPOSE:** To establish District policy regarding the placement of students with disabilities in the educational placement, programs, and services in accordance with their individualized education programs and applicable laws.

The Board desires to provide full educational opportunities to all students with disabilities. Students with disabilities shall receive a free appropriate public education (FAPE) and, to the maximum extent possible, shall be educated in the least restrictive environment with students who are nondisabled.

Least restrictive environment means that, to the maximum extent appropriate, students with disabilities, including children in public or private institutions or other care facilities, are educated with students who are nondisabled. In providing or arranging for the provision of nonacademic and extracurricular services and activities, the District shall ensure that each student with a disability participates with students who are nondisabled in the extracurricular services and activities to the maximum extent appropriate to the needs of that child. (34 C.F.R. 104.34, 300.107, 300.114, 300.117, Education Code 56040.1) Special classes, separate schooling, or other removal of students with disabilities from the regular educational environment shall occur only if the nature or severity of the disability is such that education in the regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. (34 C.F.R. 300.107, 300.114, 300.117, Education Code 56040.1)

The District shall ensure that a continuum of program options is available to meet the needs of students with disabilities for special education and related services. The continuum shall include but not be limited to instruction in regular education classes, special classes, special schools, home instruction, and instruction in hospitals and institutions, as appropriate. (34 C.F.R. 300.115, Education Code 56361)

For each student with a disability, an individualized education program (IEP) shall be developed which identifies the special education instruction and related services to be provided to the student. The Superintendent or designee shall develop administrative regulations regarding the membership of the IEP team, the team's responsibility to develop and regularly review the IEP, the contents of the IEP, and the development, review, and revision processes.

The District shall make a FAPE available to students with disabilities ages 3-21 who reside in the District and meet eligibility under the law.

Adopted: 06/1990

Reviewed: 12/06/2005

Amended: 05/13/1992, 02/10/1993, 06/21/1995, 11/19/2003, 12/13/2006, 03/24/2010,  
11/18/2020 (BP 3506 renumbered as BP 6159)

**CLOVIS UNIFIED  
SCHOOL DISTRICT**

## EDUCATION CODE

46392 Emergencies  
51225.3 Requirements for high school graduation and diploma  
56040 Free appropriate public education  
56040.3 Assistive technology  
56055 Rights of foster parents pertaining to foster child's education  
56136 Guidelines for low incidence disabilities areas  
56195.8 Adoption of policies  
56321 Development or revision of IEP  
56321.5 Notice to include right to electronically record  
56340-56347 Instructional planning and individualized education program  
56350-56354 IEP for visually impaired students  
56360-56369 Implementation  
56380 IEP reviews; notice of right to request  
56390-56392 Certificate of completion, special education  
56500-56509 Procedural safeguards  
60640-60649 California Assessment of Student Performance and Progress

## FAMILY CODE

6500-6502 Age of majority  
7911-7912 Interstate Compact

## GOVERNMENT CODE

7570-7587 Interagency responsibilities for providing services to disabled children

## WELFARE AND INSTITUTIONS CODE

300 Children subject to jurisdiction  
601 Minors habitually disobedient  
602 Minors violating law defined as crime

## CODE OF REGULATIONS, TITLE 5

853 State assessments, accommodations  
3021-3029 Identification, referral and assessment  
3040-3043 Instructional planning and the individualized education program  
3051-3053 Implementation of the individualized education program

## UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974  
1400-1482 Individuals with Disabilities Education Act

## CODE OF FEDERAL REGULATIONS, TITLE 34

300.1-300.818 Individuals with Disabilities Education Act

## **CLOVIS UNIFIED SCHOOL DISTRICT**

### **COURT DECISIONS**

Marshall v. Monrovia Unified School District (9th Circuit, 2010) 627 F.3d 773

Schaffer v. Weast (2005) 125 S. Ct. 528

Sacramento City School District v. Rachel H. (9th Cir. 1994) 14 F.3d 1398

Andrew F. v. Douglas County School District Re-1, 137 S. Ct. 988

### **ATTORNEY GENERAL OPINIONS**

85 Ops.Cal.Atty.Gen. 157 (2002)

Doc# 43575-11 (10/2020, 07/2020)