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APPENDIX F

§300.235

INTERMEDIATE UNIT 20:

INDIVIDUALIZED EDUCATION PROGRAMS

INDIVIDUALIZED EDUCATION PROGRAMS

The LEA has established and implemented procedures to appoint any Individualized Education Program (IEP) team to review the recommendations of the multidisciplinary team and, if it determines a student is exceptional, to develop an IEP for the student. These procedures for IEP development are described herein.

The IEP team shall include persons who meet the following qualifications:

1. One of both of the student's parents.
2. The student, if 18 years of age or older, or younger if the parents choose to have the student participate.
3. A representative of the LEA, other than the student's teacher, who:
 - (a) Is qualified to provide or supervise the provision of special education.
 - (b) Can ensure that the services specified in the student's IEP will be provided.
 - (c) Will serve as chairperson of the IEP team.
4. One of more of the student's current teachers.
5. The persons who initiated the screening/identification process of the student.
6. A person who is familiar with the placement options of the LEA.
7. One or more members of the MDT which completed the most recent evaluation (or reevaluation) of the student.
8. A person qualified to conduct a diagnostic examination of students if a student is suspected of having a specific learning disability.
9. Other individuals at the discretion of either the parents or the LEA.

A single member of the IEP team may meet two or more of the qualifications specified in the list above. The team may not consist of fewer than two people besides the parents.

The IEP of each exceptional student will contain the following:

1. A statement of the student's present levels of educational performance.
2. A statement of annual goals, including short term instructional objectives.
3. A statement of specific special education services and programs to be provided to the student, the specific placement and the extent to which the student will be able to participate in regular education programs.
4. The projected dates for initiation of services and programs and the anticipated duration of the services and programs.
5. Appropriate objective criteria, including exit criteria-criteria by which it may be determined that the student is no longer in need of special education services-and evaluation procedures and schedules for determining, on at least an annual basis, whether the short term instructional objectives are being achieved.
6. In regards to an Individual Transition Plan.

(a) The IEP of each eligible student shall include a statement of the needed transition services, beginning no later than age 16 and annually thereafter, and when determined appropriate for the individual beginning at age 14 or younger.

(b) The statement of needed transition services shall include, when appropriate, a statement of the interagency responsibilities or linkages, or both, which are to be provided before the student leaves the school setting. It shall:

(1) Establish the student's interests, abilities and aptitudes as well as the results of the instructional evaluation as provided for in §342.25(i) (relating to multidisciplinary evaluation).

(2) Define and project desired post-school outcomes as identified by student, parent and IEP team for these areas: community living, employment or postsecondary education/training, or both.

(3) Specify transition activities in these areas: vocational/career education, work experience, community-referenced and community-based instruction, including specification of:

(i) Sequential activities that support the development of desired post-school outcomes.

(ii) Persons responsible for implementing each activity.

(iii) Support services, such as transportation, case management, vocational counseling and medical services.

(iv) During the student's final school year designate a person or agency responsible for the continuation of transition planning and the formulation of a system to share relevant information.

(4) Specify special education placement as provided in §§342.41--342.46 (relating to educational placement).

(5) Be reviewed and revised as necessary in conjunction with the student's IEP.

(c) If the IEP team determines that services are not needed in one or more of the areas of instruction, community experiences and development of employment and other post-school adult living objectives, the ITP for an eligible student under §342.32(e) (relating to IEP) shall include a statement to that effect and the basis upon which the determination was made.

(d) The ITP shall be developed by an interdisciplinary team comprised of the following:

(1) The student and the student's parents. If the student does not attend, the school district shall take other steps to ensure that the student's preferences and interests are considered.

(2) The appointed district representative and, when appropriate, a representative of the local area vocational/technical school or an approved private school.

(3) Representatives of community agencies likely to be responsible for providing or paying for transition services who, based on the needs of the students, shall be requested to participate on the team, such as the Office of Vocational Rehabilitation, the Office of Social Programs, the Office of Mental Health, the Office of Mental Retardation and the Department of Health. If an agency invited to send a

representative to a meeting does not do so, the school district shall take steps to obtain the participation of the agency in the planning of transition services.

(e) Educational transition activities outlined in the ITP shall be included within the student's IEP. Development of the ITP is subject to the rules governing the development of the IEP.

(f) If a participating agency fails to provide agreed-upon services contained in the ITP of a student with a disability, the school district responsible for the student's education shall, as soon as possible, initiate a meeting for the purpose of identifying alternative strategies to meet the transition objectives, and if necessary, revising the student's ITP.

An IEP must be developed in an IEP meeting and the IEP is developed within 30 calendar days after issuance of an MDT's evaluation or reevaluation report.

The LEA takes whatever action is necessary to insure that the parent understands the proceedings at the IEP team meeting, including arranging for an interpreter for the parents who are deaf or whose native language is other than English.

If all attempts by the LEA to gain parental attendance at the IEP meeting are not successful in arranging for a parent's attendance, the LEA makes efforts to gain parent's participation in the meeting through other methods, such as through telephone conferencing. If the LEA is unable to convince the parents to attend, the LEA maintains records of its attempts to arrange a mutually agreed on time and place. These records describe the results including any response received from telephone calls, copies of correspondence and responses received and records of visits to the parent's home or place of employment.

The LEA will attempt to gain participation of a representative of a private school in IEP team meetings by its use of reasonable methods to gain their attendance, including but not limited to written invitation and telephone invitation. The use of telephone conferencing will be attempted when the private school representative be in attendance at the IEP meeting. Discretion to invite a representative will be exercised by the LEA in the case of initial placements and the presence of a representative will not be a predetermination of placement in advance of the development of the IEP. After a child is placed in a private school by the LEA, a private school representative will be a member of the IEP team. The LEA is responsible for initiating all IEP meetings.

Written parental consent, or the order of a hearing officer or court, must be obtained by the LEA before the initial placement of an exceptional student is made.

The IEP of each student is implemented as soon as possible, but in no later than 10 school days after the completion of the IEP.

The IEP team meeting is convened at least annually, or more frequently if conditions warrant, following an evaluation or reevaluation. An IEP team meeting is convened at the request of a member of the IEP team.

A copy of the IEP shall be provided to the parents along with a notice of parental rights. The LEA will use a verbatim representation of the SEA notice and parent rights letter.