

ADMINISTRATIVE

Individualized Education Program

Adopted: 10/22/2025

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Each member Local Education Agency (LEA) within the Tuolumne County Special Education Local Plan Area (SELPA) shall initiate and conduct Individualized Education Program (IEP) team meetings for the purpose of developing, reviewing, and revising the educational program of each individual student with exceptional needs in accordance with the Individuals with Disabilities Education Act (IDEA) and California Education Code.

This policy aligns with the SELPA's Notice of Procedural Safeguards and is intended to ensure consistent implementation of IDEA timelines, notice, consent, evaluation, and participation requirements across member LEAs.

IEP Meeting Requirements and Timelines

An IEP team shall meet whenever any of the following occurs:

- The student has received an initial assessment, and for all subsequent assessments;
- The student demonstrates a lack of anticipated progress;
The parent/guardian or teacher requests a meeting to develop, review, or revise the IEP;
and
- At least annually, to review the student's progress, annual goals, and the appropriateness of placement.

An IEP team meeting requested by a parent shall be held within thirty (30) days (excluding breaks longer than five school days) of the written request. Oral requests shall be acknowledged, and parents provided instructions for submitting a written request.

An IEP required due to assessment shall be held within sixty (60) days of receiving written consent for assessment (excluding long breaks). Referrals made within thirty (30) days of the end of the school year shall result in an IEP within thirty (30) days of the next school year's start.

Each LEA shall ensure an IEP is in effect for each eligible student at the beginning of each school year.

Prior Written Notice (PWN)

Before proposing or refusing to initiate or change identification, evaluation, placement, or the provision of FAPE, the LEA shall provide Prior Written Notice (PWN) to the parent/guardian.

PWN must include:

1. A description of the proposed or refused action;
2. An explanation of the reasons for the proposal/refusal;
3. A description of each assessment, record, or report relied upon;
4. Other options considered and reasons for rejection;

5. Other relevant factors;
6. A statement that parents have protections under IDEA and how to obtain a copy; and
7. Contact information for resources to assist parents.

PWN shall be provided in the parent's native language or other primary mode of communication, unless clearly not feasible.

IEP Meeting Notice, Access, and Participation

The LEA shall take steps to ensure one or both parents/guardians are present or offered alternative means (e.g., teleconference).

Notices must include:

- Purpose, time, and location of the meeting;
- Titles (not names) of individuals expected to attend;
- Notification of the right to bring individuals with knowledge or expertise about the child.
- Efforts to schedule meetings shall be documented through phone logs, correspondence, or home visits.
- Interpreters shall be provided as needed to ensure understanding.
- Parents/guardians shall be provided a copy of the IEP at no cost immediately following the meeting or within five (5) days of conclusion.

IEP Team Composition

Required participants include:

- One or both parents/guardians (or their representative);
- At least one regular education teacher;
- At least one special education teacher/provider;
- A qualified LEA representative;
- An individual who can interpret assessment results;
- Others at the discretion of the parent or LEA with knowledge of the student;
- The student, when appropriate (mandatory at age 16 or for transition planning).
- For students suspected of a specific learning disability, a team member qualified to conduct diagnostic examinations (e.g., school psychologist) and an observation in the learning environment are required.
- When transitioning from Part C to Part B, the infant/toddler coordinator shall be invited.

Excusals and Waivers

An IEP team member may be excused:

- When the parent and LEA agree in writing the member's area is not being discussed, or
- When written consent and written input are provided if the area is being discussed.

IEP Contents

When developing the IEP, the team shall consider:

- The student's strengths and parent concerns;
- Results of the most recent assessments;
- Academic, developmental, and functional needs.

- Additional required considerations include:
- Positive behavioral interventions/supports where behavior impedes learning;
- Language needs of English learners;
- Braille instruction for blind/visually impaired students unless determined inappropriate;
- Communication needs for students who are deaf or hard of hearing;
- Assistive Technology (AT) needs and continuity of AT devices for up to two (2) months following disenrollment;
- Accommodations for state/district assessments.

Parent Consent

- Initial Evaluation: Requires written informed consent.
- Initial Services: Requires separate written consent; LEA cannot compel through due process.
- Partial Consent: LEA implements consented portions and may file due process for declined components.
- Reevaluation: Requires consent unless reasonable efforts to obtain it have failed.
- Revocation: Parents may revoke consent in writing; LEA must issue PWN and discontinue services.
- No placement or services shall be implemented without parent consent unless ordered by an Administrative Law Judge (ALJ).

Educational Records and Confidentiality

Parents/guardians have the right to inspect, review, and request copies of educational records within five (5) business days of request.

LEAs must protect personally identifiable information, maintain access logs, and follow FERPA and IDEA confidentiality standards.

Procedures and Independent Educational Evaluations (IEE)

Assessments shall be completed within sixty (60) days of consent and use validated, nondiscriminatory tools administered by qualified personnel.

Parents may request an Independent Educational Evaluation (IEE) at public expense if they disagree with a LEA evaluation. The LEA must either:

1. Fund the IEE consistent with criteria, or
2. File for due process to defend its evaluation.

Parents are entitled to one publicly funded IEE per LEA evaluation. Evaluators shall be provided the same observation access as LEA personnel.

Discipline, Stay-Put, and Interim Settings

During disciplinary removals exceeding ten (10) days, services must continue to enable progress toward IEP goals.

The student remains in the current placement (“stay-put”) during disputes unless changed by agreement or court order.

LEAs may use Interim Alternative Educational Settings (IAES) for up to forty-five (45) days in cases involving weapons, drugs, or serious bodily injury.

Transition Services

Beginning no later than the IEP in effect at age sixteen (16), the IEP must include measurable postsecondary goals and transition services.

One year before turning eighteen (18), the student must be informed of rights transfer.

Agencies likely responsible for postsecondary services must be invited with parent consent.

Extracurricular and Nonacademic Activities

LEAs shall provide necessary supplementary aids and services to ensure students with disabilities can participate equally in extracurricular and nonacademic activities with nondisabled peers.

Dispute Resolution Options

Parents and LEAs may pursue:

- Alternative Dispute Resolution (ADR);
- Mediation-only through CDE;
- State compliance complaints (resolved within sixty (60) days); or
- Due process hearings through OAH (two-year filing window).

If a due process complaint is filed, the LEA shall hold a resolution meeting within fifteen (15) days, unless both parties waive it in writing.

Parties may appeal an ALJ decision through civil action within ninety (90) days.

Implementation

Each LEA shall maintain procedures documenting timely notices, scheduling attempts, interpreter provision, record requests/responses, and compliance with all timelines and safeguards described in this policy and the SELPA Procedural Safeguards.

References: EC 56195.7
EC 56195.8
EC 56205;
EC 56341;
EC 56341.1
EC 56345
EC 56346
EC 56041.5
EC 56042.5
EC 56043
EC 56043.5
EC 56044
EC 56329
EC 56330
EC 56346
EC 56381
34 C.F.R. §§ 300.300–300.324
34 C.F.R. §§ 300.502
34 C.F.R. §§ 300.503
34 C.F.R. §§ 300.610–300.625