

Liberty Union High School District

Board Policy

Classification: Instruction

Policy No. **BP 6159**

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Effective 3/3/86

Subject: Individualized Education Program

Revised 6/9/2021

The Governing 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 nondisabled students.

(cf. 0430 – Comprehensive Local Plan for Special Education)
(cf. 3541.2 – Transportation for Students with Disabilities)
(cf. 4112.23 – Special Education Staff)
(cf. 5144.2 – Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 6146.4 – Differential Graduation and Competency Standards for Students with Disabilities)
(cf. 6159.1 – Procedural Safeguards and Complaints for Special Education)
(cf. 6159.2 – Nonpublic, Nonsectarian School and Agency Services for Special Education)
(cf. 6159.3 – Appointment of Surrogate Parent for Special Education Students)
(cf. 6164.4 – Identification and Evaluation of Individuals for Special Education)
(cf. 6164.6 – Identification and Education under Section 504)

For each student with disabilities, 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 individualized education program team (IEP), 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 FAPE available to individuals with disabilities ages 13-21 who reside in the district, including: (Education Code 56040; 20 USC 1412; 34 CFR 300.17, 300.101, 300.104)

1. Students who have been suspended or expelled from school
2. Students who are placed by the district in a nonpublic, nonsectarian school
3. Individuals age 18-21 years who are incarcerated in an adult correctional facility and were identified as being an individual with disabilities or had an IEP in their prior educational placement

Legal Reference:

EDUCATION CODE

46392 Emergencies

51225.3 Requirements for high school graduation and diploma

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

56340.1-56346 Instructional planning and individualized education program

56350-56354 IEP for visually impaired students

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

GOVERNMENT CODE

[7572.5](#) Seriously emotionally disturbed child, expanded IEP team

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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

[853-853.5](#) 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

COURT DECISIONS

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

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

Shapiro v. Paradise Valley Unified School District, No. 69 (9th Circuit, 2003) 317 F.3d 1072

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)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Frequently Asked Questions: Promotion, Retention, and Grading (Students with Disabilities)

California Practitioners' Guide for Educating English Learners with Disabilities, July 2019

WEB SITES

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education, Office of Special Education and Rehabilitative Services:

<http://www.ed.gov/about/office/list/osers/osep>

(6/99 3/02 3/03 9/03)