

## Board Policy

### Instruction

BP 6159

### Individualized Education Program

\*\*\*Note: This policy and the accompanying regulation should be revised for consistency with the policies and regulations of the Special Education Local Plan Area (SELPA) in which the district participates.\*\*\*

The Governing Board desires to provide educational alternatives that afford students with disabilities full educational opportunities. Students with disabilities shall receive a free, appropriate public education and be placed in the least restrictive environment which meets their needs to the extent provided by law.

(cf. 0430 - Comprehensive Local Plan for Special Education)

(cf. 1312.3 - Uniform Complaint Procedures)

(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 of Individuals for Special Education)

(cf. 6164.6 - Identification and Education under Section 504)

The Superintendent or designee shall develop administrative regulations regarding the appointment of the individualized education program team (IEP), the contents of the IEP and the development, review and revision of the IEP.

\*\*\*Note: Education Code 56055 provides that a foster parent, to the extent permitted by federal law, shall have the same rights relative to his/her foster child's education as a parent/guardian. As amended by AB 490 (Ch. 862, Statutes of 2003), Education Code 56055 clarifies that this right only applies when the juvenile court has limited the right of the parent/guardian to make educational decisions on behalf of the child and the child has been placed in a planned permanent living arrangement. Education Code 56055, as amended, defines "foster parent" as a licensed person, relative caretaker or nonrelative extended family member.\*\*\*

\*\*\*Note: Because the rights granted to parents/guardians under the Individuals with Disabilities Education Act (IDEA) are often complex, legal counsel should be consulted as appropriate.\*\*\*

To the extent permitted by federal law, a foster parent shall have the same rights relative to his/her foster child's IEP as a parent/guardian. (Education Code 56055)

#### Legal Reference:

##### EDUCATION CODE

51225.3 Requirements for high school graduation and diploma

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  
56350-56352 IEP for visually impaired students  
56380 IEP reviews; notice of right to request  
56390-56393 Certificate of completion, special education  
56500-56508 Procedural safeguards  
60640-60649 Standardized Testing and Reporting Program  
60850 High school exit examination, students with disabilities  
FAMILY CODE  
6500-6502 Age of majority  
GOVERNMENT CODE  
7572.5 Seriously emotionally disturbed child, expanded IEP team  
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  
852-853 Standardized Testing and Reporting Program, accommodations for students with disabilities  
1216-1218 High School Exit Examination, accommodations for students with disabilities  
3021-3029 Identification, referral and assessment  
3040-3043 Instructional planning and 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  
300.1-300.756 Individuals with Disabilities Education Act  
COURT DECISION  
Shapiro v. Paradise Valley Unified School District, No. 69 (9th Circuit, 2003) 2003 US.App. LEXIS 1395  
Sacramento City School District v. Rachel H, 14 F.3d 1398 (9th Cir. 1994)  
Management Resources:  
FEDERAL REGISTER  
34 CFR 300.a Appendix A to Part 300 - Questions and Answers  
34 CFR 300.a1 Attachment 1: Analysis of Comments and Changes  
WEB SITES  
CDE: <http://www.cde.ca.gov>  
US Department of Education, Office of Special Education and Rehabilitative Services:  
<http://www.ed.gov/offices/OSERS>  
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GRAVENSTEIN UNION SCHOOL DISTRICT  
Sebastopol, California