

***[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]***

## **Instruction**

**Policy 6159**

### **Individualized Education Program/Special Education Program**

[Individualized Education Program/Special Education Program Current Language

Any child, whether a student of the district, of pre-school age, or between the ages of three and twenty years of age, inclusive, but not attending district schools, who is identified as being in need of a special education programs shall be referred to a “Special Education Planning and Placement Team (PPT) which shall make and evaluative study to determine whether special education is required and to establish the scope of the special education program.]

Any child, whether a student of the school district, of pre-school age, or between the ages of three and 22 years of age, inclusive, but not attending district schools, who is identified as being in need of a special education program shall be referred to a “special education planning and placement team” (PPT) which shall make an evaluative study to determine whether the child is a child with a disability as defined in state and federal statutes and if special education is required and to establish the scope of the special education program.

Students receiving special education services under the Individuals with Disabilities Act (IDEA) remain eligible for such service up until their 22nd birthday or until they graduate from high school with a regular high school diploma, whichever comes first. The adult student or his/her parent/guardian will be asked by the district if the student wishes to receive the special education and related services outlined in their individualized education program (IEP) until they turn 22 years of age or they graduate with a regular high school diploma, whichever comes first.

### **Planning and Placement Team or Individualized Education Program Team**

The term "Individualized Education Program team" or "IEP Team" means a group of individuals composed of

- (i) the parents of a child with a disability;
- (ii) at least one regular education teacher of such child (if the child is, or may be, participating in the regular education environment);
- (iii) at least one special education teacher, or where appropriate, at least one special education provider of such child;
- (iv) a representative of the local educational agency who -
  - (I) is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
  - (II) is knowledgeable about the general curriculum; and

- (III) is knowledgeable about the availability of resources of the local educational agency;
- (v) an individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in clauses (ii) through (vi);
- (vi) at the discretion of the parent of the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
- (vii) whenever appropriate, the child with a disability.

(Note: All of the above are required by 34 CFR 300.344)

In addition to the above, the special education specialist, school psychologist, school nurse, school social worker, counselor, or other student service worker who has conducted an assessment of the student shall participate whenever the results or recommendations based on such assessment are significant to the development of the student's individualized education program and placement. Where the student or parent is limited or non-English speaking, a district representative who is fluent in the student's primary language and who is knowledgeable about the process of second-language acquisition and competent in the assessment of limited English and non-English speaking individuals should be included.

For transition services, the district shall invite a representative of any other agency that is likely to be responsible for providing or paying for transition Services.

**(a) General.** The IEP for each child must include -

- (1) A statement of the child's present levels of educational performance, including
  - (i) How the child's disability affects the child's involvement and progress in the general curriculum; or
  - (ii) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;
- (2) A statement of measurable annual goals, including benchmarks or short-term objectives, related to -
  - (i) Meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum; and
  - (ii) Meeting each of the child's other educational needs that result from the child's disability.
- (3) A statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child and a statement of the program modifications or supports for school personnel that will be provided for the child -
  - (i) To advance appropriately toward attaining the annual goals;

(ii) To be involved and progress in the general curriculum in accordance with paragraph (a)(1) of this section and to participate in extracurricular and other nonacademic activities; and

(iii) To be educated and participate with other children with disabilities and non-disabled children in the activities described in this paragraph;

(4) An explanation of the extent, if any, to which the child will not participate with non-disabled children in the regular class and in the activities described in paragraph (a)(3) of this section;

(5) (i) A statement of any individual modifications in the administration of State or district-wide assessments of student achievement that are needed in order for the child to participate in the assessment; and

(ii) If the IEP team determines that the child will not participate in a particular State or district-wide assessments of student achievement (or part of an assessment), a statement of -

(A) Why that assessment is not appropriate for the child; and

(B) How the child will be assessed;

(6) The projected date for the beginning of the services and modifications described in paragraph (a)(3) of this section, and the anticipated frequency, location, and duration of those services and modifications; and

(7) A statement of -

(i) How the child's progress toward the annual goals described in paragraph (a)(2) of this section will be measured; and

(ii) How the child's parents will be regularly informed (through such means as periodic report cards), at least as often as parents are informed of their non-disabled children's progress, of -

(A) Their child's progress toward the annual goals; and

(B) The extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year.

**(b) Transition services**

(1) The IEP must include -

(i) For each student beginning at age 14 and younger if appropriate, and update annually, a statement of the transition service needs of the student under the applicable components of the student's IEP that focuses on the student's courses of study (such as participation in advanced-placement courses or a vocational education program); and

(ii) For each student beginning at age 16 (or younger, if determined appropriate by the IEP team), a statement of needed transition services for the student, including, if appropriate, a statement of the interagency responsibilities or any needed linkages.

(2) If the IEP team determines that services are not needed in one or more of the areas specified in §300.27(c)(1) through (c)(4), the IEP must include a statement to that effect and the basis upon which the determination was made.

**(c) Transfer of rights.**

Beginning at least one year before a student reaches the age of majority under State law, the student's IEP must include a statement that the student has been informed of his or her rights under Part B of the Act, if any, that will transfer to the student on reaching the age of majority, consistent with §300.517.

**(d) Students with disabilities convicted as adults and incarcerated in adult prisons.**

Special rules concerning the content of IEP's for students with disabilities convicted as adults and incarcerated in adult prisons are contained in §300.311(b) and (c).

## **Transfers**

When an individual has been on an IEP in another school district, the PPT shall make an evaluative study of the student and develop an IEP for the student as though the student were newly referred, but the PPT may use the previous IEP (if available) in developing the new one. If a student who is on an IEP transfers from this district to another, or to a private school, the written IEP and any additional records relating to the student's program and achievement shall be forwarded to the receiving school on the request of the receiving school and the individual's parent or guardian.

## **Independent Educational Assessment**

If an independent educational assessment is necessary, it shall be conducted by a Connecticut credentialed or licensed professional examiner who is not employed by and does not routinely provide assessment for the State Department of Education or this district.

Legal Reference: Connecticut General Statutes

[10-76a](#) Definitions (as amended by P.A. 06-18).

[10-76b](#) State supervision of special education programs and services. Regulations. (as amended by P.A. 12-173).

[10-76d](#) Duties and powers of Boards of Education to provide special education programs and services.

[10-76ff](#) Procedures for determining if a child requires special education (as amended by P.A. 06-18).

[10-76g](#) State aid for special education.

[10-76h](#) Special education hearing and review procedure.

State Board of Education Regulations

34 C.F.R. 300 et seq. Assistance to States for Education of Handicapped Children.

P.A. 06-18 An Act Concerning Special Education.

P.A. 12-173 An Act Concerning Individualized education programs and other issues relating to special education.

300.503 Independent educational assessment.

300.533 Placement procedures.

300.550-556 Least restrictive environment.

P.L. 108-446 The Individuals with Disabilities Education Improvement Act of 2004.

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**DERBY PUBLIC SCHOOLS**

**Revised:**

Derby, Connecticut