

# MODESTO CITY SCHOOLS

## Board Policy

BP 6159

### INSTRUCTION

#### Individualized Education Program

→ The Governing Board desires to provide ~~educational alternatives that afford students with disabilities~~ 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 and be placed** 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** ~~which meets their needs to the extent~~ provided **to the student. by law.**

→ The Superintendent or designee shall develop administrative regulations regarding the **membership appointment** of the ~~individualized education program~~ (IEP) team, the **team's responsibility to develop and regularly review the IEP, the** contents of the IEP, and the development, review, and revision **processes of the IEP.**

**Bold Black Underline = MCS Language**

**Bold Red = CSBA Language**

Regular Black = Common Language

→ Denotes changes being suggested

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**The district shall make FAPE available to individuals with disabilities ages 3-21 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**

→ ~~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 References:

##### 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

56340.1-56347 Instructional planning and individualized education program

56350-56352 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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BP 6159 (b)

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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

#### 1215.5-1218 High School Exit Examination, accommodations for students with disabilities

3021-3029 Identification, referral and assessment  
3040-3043 Instructional planning and the individualized education program

#### **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

#### ATTORNEY GENERAL OPINIONS

85 Ops.Cal.Atty.Gen. 157 (2002)

#### COURT DECISIONS

Marshall v. Monrovia Unified School District, (9th Circuit, 2010) **627 F 327 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**

#### 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/offices/list/osep>**

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**ADOPTED: June 25, 2018**

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