

# Individualized Education Program (IEP) Checklist - April 21, 1999

The IEP checklist has been updated to include not only the references from the 1997 IDEA, but also the updated Code of Federal Regulations (CFR) Section 34 Part 300 citations as well as citations from the *1999 California Special Education Programs: A Composite of Laws*. New requirements in **bold type**.

## I. IEP CONTENT

A. In General, the IEP for each child includes:

1. \_\_\_ a statement of the child's present levels of performance including **how the disability affects the child's involvement and progress in the general curriculum**. [20 USC 1414(d)(1)(A)(i)(I); EC 56345(a)(1)(A)]
2. \_\_\_ **for preschool children, how the disability affects the child's participation in appropriate activities**. [20 USC 1414(d)(1)(A)(i)(II); EC 56345(a)(1)(B) ]
3. \_\_\_ **measurable annual goals and benchmarks (short term objectives) related to the child's needs resulting from the disability that will enable the child to be involved in and progress in the general curriculum**. [20 USC 1414 (d)(1)(A)(ii)(I); EC 56345(a)(2)(A)]
4. \_\_\_ a direct relationship between the present levels of performance, any assessments and the educational services to be provided and the student's goals and benchmarks. [5 CCR 3040(c) ]
5. \_\_\_ **a statement of the special education, related services and supplementary aids and services to be provided to or on behalf of the child**. [20 USC 1414(d)(1)(A)(iii); 34 CFR 300.347(a)(3)] and
6. \_\_\_ **descriptions of program modifications and supports for school personnel that will be provided to enable the child to**
  - \* **advance toward attaining annual goals**
  - \* **be involved and progress in the general education curriculum and participate in extracurricular activities**
  - \* **be educated and participate with other children with disabilities and with nondisabled children**. [20 USC 1414(d)(1)(A)(iii) (I), (II), and (III); 34 CFR 300.347 (a)(3); EC 56345(a)(3)]
7. \_\_\_ **an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and activities in #6**. [20 USC 1414 (d)(1)(A)(iv); 34 CFR 300.347(a)(4); EC 56345 (a)(4)]
8. \_\_\_ **a statement of how the child's parents will be regularly informed (perhaps periodic report cards) at least as often as are parents of nondisabled children regarding their child's progress toward annual goals, and the extent to which that progress will enable the child to achieve the annual goals by year's end**. [20 USC 1414(d)(1)(A)(viii); 34 CFR 300.347(a)(7); EC 56345(a)(10)]
9. \_\_\_ **a statement of whether the child will take district, state-wide achievement tests without accommodations or modifications or with such accommodations**. [20 USC 1414(d)(1)(A)(v)(I); 34 CFR 300.347(a)(5); EC 56345(a)(5)]
10. \_\_\_ **an explanation of why the child will not participate in such assessment if the IEP team makes that decision**. [20 USC 1414(d)(1) (A)(v)(II); 34 CFR 300.347.(5)(A); EC 56345(a)(5)]

11. \_\_\_ **a statement of how that student will be tested if state-wide or district tests are not used.** (20 USC 1414(d)(1)(A)(v)(II); 34 CFR 300.347(5)(ii); EC 56345 (a)(5)(B)]
12. \_\_\_ the projected date for initiating services and modifications. (20 USC 1414(d)(1)(A)(vi); 56345(a)(6); 34 CFR 300.347(a)(6)]
13. \_\_\_ the anticipated frequency, duration **and location** of the recommended services and modifications. (20 USC 1414(d)(1)(A)(vi); EC 56345(a)(6); 34 CFR 300.347(a)(6)]
14. \_\_\_ the need for extended school year services. (EC 56345(b)(3)]
15. \_\_\_ whether differential graduation standards for the student will be developed.(If so, they are included with the IEP.) [EC 56345(d)]
16. \_\_\_ for newly referred pupils, documentation of the consideration of and prior use of regular education resources and that parents are aware of the full continuum of program options. [EC 56303]
17. \_\_\_ documentation that the IEP considered
- \* **the strengths of the child and parent concerns**
  - \* the results of the initial or most recent evaluation of the child.
  - \* the results of state or district-wide assessment
  - \* consider the special factors listed in Item 28. [20 USC 1414(d)(3)(A); 34 CFR 300.346(a)]
18. \_\_\_ For students determined to have a specific learning disability, the IEP team certifies
- \* the disability is not of visual, hearing, motor impairment, mental retardation or emotional disturbance
  - \* observations of relevant behavior of the student
  - \* the relationship of that behavior to the student's academic functioning
  - \* the existence of a severe discrepancy between intellectual ability and academic achievement in oral and written language, reading, or mathematics which cannot be corrected through regular or categorical services
  - \* the existence of a psychological processing disorder.
  - \* the disability is not due to environmental cultural, or economic factors
  - \* educationally relevant medical findings are reviewed. [34 CFR 300.541, 300.542, 300.543; Title 5 CCR Section 3030 (j); EC 56337]

## B. Transition Requirements

19. \_\_\_ **For students beginning at age 14 and on an annual basis thereafter, the IEP contains a statement of the transition service needs of the student that focuses on his/her courses of study.**[USC 10 1414 (d)(1)(A)(vii)(I); 34 CFR300.347(b)]
20. \_\_\_ For students at age 16, or younger if appropriate, the IEP describes a set of activities designed within an outcome oriented process and reviewed annually which promotes movement of the student from school to post-school activities [34 CFR 300.29(a)(2); EC 56345.1(c)] and
- \* takes into account the student's interests, preferences, and needs. [34 CFR 300.29(a)(2); EC 56345.1(c)]
  - \* **states the interagency responsibilities or any needed linkages to implement the transition activities** [20 USC 1414(d)(1)(A)(vii)(II); EC 56345.1(b)]

21. \_\_\_ Related services continue to be considered and recommended by the IEP team, if needed, for students in every program and age group [California Federal Corrective Action Plan 1998: 34 CFR 300.29]
22. \_\_\_ For students for whom an agency fails to provide transition services, an IEP meeting is called to develop alternative strategies to meet transition objectives set out in the IEP. [20 USC 1414(d)(5); EC 56345.1(d)]
23. \_\_\_ If an invited agency representative cannot attend the IEP meeting, steps are taken to obtain agency participation in planning transition services. [34 CFR 300.344(b)(3)]
24. \_\_\_ **Beginning at least one year before the student reaches the age of 18, the IEP states that the student has been informed of the IDEA rights that will transfer to the student upon turning 18.** [20 USC 1414(d)(1)(A)(vii)(III), 34 CFR 300.347(c); EC 56345 (a)(8)]
25. \_\_\_ **For an eligible child moving from an infant program who turns three, the public education agency (PEA - includes not only public schools, but also the California Youth Authority, state hospitals, developmental centers and mental health, among others) conducts, attends the IFSP to establish a transition plan.** [EC 56426.9;20 USC 1427(a)(8)(ii)(III)' 34 CFR 300.132]
26. \_\_\_ Transition language in the IEP supports the movement of students from special to general education classrooms, from middle to high school, and from infant to preschool to kindergarten to first grade programs. [EC 56345(b)(4); EC 56445(a)]

### C. Consideration of Special Factors

27. \_\_\_ The IEP team considers the following: [20 USC 1414 (d)(3)(B); 34 CFR 300.346(a)(2) unless otherwise noted]
- \* for a student with a low incidence disability, considers specialized services, equipment and materials consistent with state guidelines [EC 56345(b)(5); EC 56136]]
  - \* for a student whose behavior impedes her or his learning or that of others, provides for positive behavioral interventions, strategies and supports to address the behavior
  - \* for a student with limited English proficiency, considers the language needs of the child
  - \* for a student who is visually impaired, determines the appropriate medium/media for the child in accordance with state guidelines [EC56352(d) and 56136]
  - \* **provides for instruction in Braille and the use of Braille unless the team determines, after evaluation, that Braille instruction or use is not appropriate for the child.**
  - \* **for a child who is deaf or hard of hearing, considers the child's communication needs, opportunities for direct communication with peers and professional personnel in the child's language/communication mode that meets all the child's needs, is at his or her academic level, and meets the child's needs for direct instruction** [EC 56345(e)]
  - \* **for any child, considers whether the the child requires assistive and services.**

### D. IEP Meeting Notice Requirements

28. \_\_\_ The PEA makes every effort to ensure that one or both parents of the child with a disability attend the IEP meeting. [34 CFR 300.345(a)]
29. \_\_\_ The meeting notice indicates the meeting's purpose (transition, pre-expulsion, change of placement, three year review, etc.), the location, the time of the meeting and lists who will attend. [34 CFR 300.345(b); EC 56341.5]]

30. \_\_ If the team considers transition services for students of any age, the IEP notice must state this is the purpose of the meeting and
- \* \_\_ invite the student to the meeting
  - \* \_\_ identify and invite any other agency involved to send a representative. [34 CFR 300.345 (b)(2) and 300.344( b); 20 USC 1414(d)(vii); EC 56341.5(d)]
31. \_\_ For IEP meetings held without the parent, documentation of phone calls, correspondence, or parent visits made to establish a mutually agreeable and place for the IEP meeting.[34 CFR 300.345 (d); EC 56341.5(g)]
32. \_\_ A copy of the Parent Rights Notice is provided to parents along with the meeting notice. [20 USC 1415(d)(1)(B)]
33. \_\_ The meeting notice, parent rights and IEP are in the primary language of the parent unless clearly not feasible to do so. [5 CCR 3040(b); 20 USC 1415(b)(4) and (d)(2)]

## II. THE IEP PROCESS

### A. In General

34. \_\_ To the maximum extent possible, children with disabilities including children in public or private institutions or other care facilities are educated with children who are not disabled, and special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. [ 20 USC 1412(a)(5)(A)]
35. \_\_ By the third birthday of a child eligible for services, the IEP is implemented. [20 USC 1412(a)(9); 34 CFR 300.121(c)]
36. \_\_ An IEP is developed and implemented for each child served by the agency; **a services plan is developed for parent-placed private school children eligible for special education and related services from the agency.** [20 USC 1412(a)(3)(A); See also 20 USC1412(a)(10)(A); 34 CFR 300.452(b) and 300.454]
37. \_\_ The IEP is in effect before special education and related services are provided to a child and at the beginning of each school year. [20 USC 1414(d)(2)(A); 34 CFR 300.342]
38. \_\_ The IEP meeting is nonadversarial and held to make educational decisions for the good of the child with the disability.[EC 56341(h)]
39. \_\_ The IEP is implemented as soon as possible after the IEP meeting. [5 CCR 3040(a)]
40. \_\_ **The general education teacher participates as appropriate in IEP, including the determination of**
- \* **positive behavior interventions and strategies**
  - \* **supplementary aids and services**
  - \* **program modifications**
  - \* **supports for school personnel.** [20 USC 1414(d)(3)(C); 34 CFR 300.346(d)]

41. \_\_\_ The IEP is reviewed at least annually
- \* to consider whether annual goals being achieved
  - \* to address any lack of progress annual goals and in the general curriculum
  - \* to consider the results of any reevaluation
  - \* to consider information provided by parents
  - \* to consider the child's anticipated needs
  - \* to consider other matters as appropriate. [20 USC 1414(d)(4);34 CFR 300.343(c)]
42. \_\_\_ The IEP team includes:
- \* the parents of the child
  - \* **at least one general education teacher if the child is in or may be participating in general education** (the student's teacher)
  - \* a special education teacher/specialist
  - \* a representative of the PEA who is qualified to provide or supervise specially designed instruction for children with disabilities, **is knowledgeable about the general curriculum** and the resources of the PEA.
  - \* an individual who can interpret the instructional implications of the evaluations
  - \* other individuals with knowledge expertise regarding the child
  - \* other individuals as the parent/PEA wishes
  - \* the child, when appropriate (must be invited to all IEP meetings that consider post secondary transition). [20 USC 1414(d)(1)(B); 34 CFR 300.344]
43. \_\_\_ Interpreters for the IEP meeting are obtained for parents who are deaf or whose primary language is other than English. [34 CFR 300.345(e)]
44. \_\_\_ The PEA gives the parent a copy of the IEP at no cost, and when requested in the primary language of the parent. [5 CCR 3040(b)]
45. \_\_\_ **The parent is provided with a copy of the evaluation report and the documentation that formed the basis for the determination of eligibility.** [20 USC 1414(a)(4)(B)]
46. \_\_\_ For students newly referred to special education, an assessment plan is developed and given to the parents along with a copy of the Parent Rights within 15 days from the time the referral was made. [EC 56321(a)]
47. \_\_\_ Assessments are completed and the IEP meeting held within 50 calendar days of obtaining the parent signature agreeing to the student's assessment plan. (EC 56344]
48. \_\_\_ All service providers, the school site, and any outside agencies who will provide services are given a copy of the IEP or are knowledgeable of its content. [EC 56347]
49. \_\_\_ The district or PEA appoints a surrogate parent where no parent can be located or if the court has specifically limited the right of a parent or guardian to make decisions for the child. [Ca GC Chapter 26.5 Section 7579.5]
50. \_\_\_ The parents are informed in the Parent Rights document of their right to record IEP meeting. [EC 56341(g)]
51. \_\_\_ The district or PEA ensures that parents are members of any group that makes decisions on the educational placement of the individual with exceptional needs. [20 USC 1414(f)]

52. \_\_\_ If neither parent can attend the IEP meeting, the PEA uses other means to ensure parent participation including individual or conference telephone calls. [34 CFR 300.345( c);EC 56342.5(f)]
53. \_\_\_ The IEP team reviews the student's progress toward previous annual goals, benchmarks (short term objectives) and in the general curriculum when developing new goals, benchmarks, short term objectives. [20 USC 1414(d)(4)(A)(i) and (ii)]
54. \_\_\_ An IEP meeting is held with 30 days of receipt of a written request from a parent. EC 56343.5]

## B. Interim/Administrative Placements

55. \_\_\_ A student transferring into the district is immediately placed in a district or agency program in conformity with the student's IEP (unless the parent agrees otherwise) for a period not to exceed 30 days. [EC 56325(a)]
56. \_\_\_ Before the expiration of the 30 day placement, the IEP team meets, reviews information, records, reports, any evaluations, and makes a final recommendation for placement. All the usual requirements for holding IEP meetings are followed. [EC 56325(b)]

## C. IEP Process to Consider or Expulsion

57. \_\_\_ **When a disciplinary action removal of a student from placement for more than 10 days in a school year occurs, the student is provided all IEP services on the 11th day.** [20 USC 1412(a)(1)(A); OSEP letter of Sept. 19, 1997; 34 CFR 300.121]
58. \_\_\_ If disciplinary action is considered to change a student's placement for 10 days or more because the student has violated a rule or code of conduct applying to all children,
- \* **the parents are notified on the same day this decision is made and given copy of their Parent Rights.** [20 1415(k)(4)]
  - \* the IEP meeting is held on or before the 10th day of suspension to consider if the behavior was a manifestation of the child's disability and if placement was appropriate
  - \* **a functional behavioral assessment and a behavioral plan are drawn up to address the behavior that resulted in the suspension if such a plan is not already in place.** [20 USC 1415(k)(1)(B); 34 CFR 300.520(b)]
59. \_\_\_ In making the manifestation determination, the IEP team considers whether:
- \* **services including the behavior intervention strategies plan, were provided consistent with the IEP**
  - \* **the disability impaired the child's ability to understand the impact and consequences of the behavior in question and**
  - \* **the disability impaired the child's ability to control the behavior led to the disciplinary action.** [20 USC 1415(k)(5); 34 CFR 300.523 ]
60. \_\_\_ **The IEP team, in making the manifestation determination, considers all evaluations, parent input, health records, observations, discipline records, implementation of the IEP, and the student's placement.** [20 USC 1415(k)(4)(C); EC 48915.5(e)]
61. \_\_\_ If a parent is unable to attend the IEP-meeting, a telephone conference may be used for the IEP meeting to consider expulsion. [EC 48915.5(d)]

62. \_\_\_ If a parent has received proper notice of the meeting, chooses not to participate in the IEP meeting or to consent to an extension beyond 20 consecutive school days, the meeting may be conducted without the parent. [EC 48915.5(d)]
63. \_\_\_ The education program specified in the IEP must be provided to the pupil during the period of the expulsion. [20 USC 1415(k)(3)(B); 34 CFR 300.300(a)]
64. \_\_\_ Parents are to make the student available without delay at a site determined by the district for the preexpulsion assessment required prior to the IEP meeting held to consider expulsion . [EC 48915.5(e)]
65. \_\_\_ Parents are allowed to request a postponement of the IEP meeting of up to three school days. [EC 48915.5(d)]
66. \_\_\_ Parents are informed at least 48 hours before the IEP meeting of their right to participate in the IEP meeting held to consider initiation of expulsion proceedings. [EC 48915.5(d)]
67. \_\_\_ Parents have the right to pursue a due process hearing if they disagree with the decisions of the IEP team regarding expulsion. (EC 48915.5(g)]
68. \_\_\_ The expulsion hearing is conducted only after the pre-expulsion assessment is completed, the IEP team convenes and finds that the behavior was not a manifestation of the student's disability (EC 48915.5(e), that placement was appropriate, that IEP-driven behavior plan interventions were tried, and any due process proceedings were completed. [EC 48915.5(h); 20 USC 1415(k)]
69. \_\_\_ Relevant disciplinary procedures applicable to all children may be carried out only when all conditions in Item 68 are met. (20 USC 1415(k)(5)(A)]

#### D. Behavioral Intervention Plans (Hughes Act)

70. \_\_\_ The IEP team specifies the development of a functional analysis assessment if it determines that other behavioral/instructional approaches specified in the student's IEP have been ineffective. [5 CCR 3052(b)]
71. \_\_\_ Parents may request that a functional analysis assessment be performed. [5 CCR 3052(b)]
72. \_\_\_ The case manager for behavioral intervention is a member of the IEP team that reviews the functional analysis and develops the behavioral intervention plan which becomes part of the IEP. [5 CCR 3052(c)]

In order to fully implement Hughes Act requirements for Behavioral Intervention Plans, refer to local procedures or guidelines developed for this purpose in accordance with 5 CCR 3052 .