



EDUCATION		
4420.04 Special Education: Individualized Education Programs (IEP)	Effective	01/31/2019
	Replaces	4420.04
	Dated	07/30/2008

The Arizona Department of Juvenile Corrections (ADJC) PEA Designee ensures an Individualized Education Program (IEP) is in effect for each student with a disability every year [34 CFR §300.323]. Meetings shall be initiated and conducted for the purpose of developing, reviewing and revising the IEP of a student with a disability [34 CFR §300.300, 300.321, 300.324, 300.328 and 300.102]. An IEP shall be developed and implemented for each eligible student served by the (ADJC) Education Division [34 CFR §300.320-325].

A student with a disability will be invited to each IEP meeting and will be afforded the opportunity to participate [34 CFR §300.321-322].

The PEA Designee shall designate each special education teacher a student caseload with specific duties assigned.

AUTHORITY	
Arizona Revised Statutes (A.R.S.)	
41-2804	Duties and Powers of Director
15-761	Definitions
15-763.01	Surrogate parent; notification; appointment
15-764 (A)(5)	Powers and duties of the school district governing board or county school superintendent
15-765	Special Education in rehabilitation, corrective or other state and county supported institutions, facilities or homes
15-766	Evaluation of child for placement in special education program; due process hearing procedures
15-828 (F-G)	Birth certificate; school records; exception
15-1181	Definitions
Code of Federal Regulations	
34 CFR 300	Education
Arizona Administrative Code (AAC)	
R7-2-401	Special Education Standards for Public Agencies Providing Educational Services
R7-2-405	State Board of Education

PROCEDURES

1. **Contents of the IEP: [34 CFR §300.320]** The contents of each IEP will include a statement of:
 - a. The student's present levels of academic achievement and functional performance, including:

- i. How the student's disability affects the student's involvement and progress in the general curriculum.
- b. Measureable annual goals, including academic and functional goals designed to meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the general education curriculum:
 - i. Meet each of the student's other educational needs that result from the student's disability.
- c. How the student's progress toward meeting the IEP goals will be measured and when periodic reports on the student's progress toward the goals will be provided;
- d. The special education and related services to be provided to the student, the supplementary aids and services to be provided to the student or on behalf of the student, the program modifications or supports for school personnel that will be provided to enable the student:
 - i. To advance appropriately toward attaining the annual goals; and
 - ii. To be involved in and progress in the general education curriculum and to participate in extracurricular and other non-academic activities with other students with disabilities and nondisabled students.
- e. The extent, if any, to which the student will not participate with nondisabled students in the regular class and in extracurricular and non-academic activities;
- f. Any individual accommodations that are needed to measure the academic achievement and functional performance of the student on state and district-wide assessments;
- g. If the IEP team determines that the student must take an alternate assessment instead of a particular regular state or district-wide assessment of student achievement, a statement of why:
 - i. The student cannot participate in the regular assessment; and
 - ii. The particular alternate assessment selected is appropriate for the student.
- h. The projected date for the beginning of the services and modifications and the anticipated frequency, location, and duration of those services and modifications;
- i. Beginning not later than the first IEP to be in effect when the student turns 16, or younger if determined appropriate by the IEP team, and updated annually, the IEP will also include a statement of:
 - i. Appropriate measureable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate independent living skills;
 - ii. Transition services (including course of study) needed to assist the student in reaching those goals; and
 - iii. Transition services shall be documented through IEP quarterly progress monitoring and service logs.
- j. Beginning not later than one year and a month before a student reaches the age of 18, the IEP will include a statement that the parents/guardians and the student have been informed of the rights under Part B, if any, that will transfer to the student on reaching the age of 18.

2. The **IEP TEAM: [34 CFR §300.321]**

- a. The **IEP TEAM** for each student with a disability shall include:
 - i. The parents/guardians of the student;
 - ii. A minimum of one regular education teacher of the student (if the student is, or may be, participating in the regular education environment);
 - iii. A minimum of one special education teacher of the student, or where appropriate, not less than one special education provider of the student; A representative of the PEA who is:
 - (1) Qualified to provide, or supervise the provision of, specifically designed instruction to meet the unique needs of children with disabilities;
 - (2) Knowledgeable about the general education curriculum;
 - (3) Knowledgeable about the availability of resources of the public education agency; and

- (4) May be a public education agency team member described in iii-v above if the above criteria are met.
- iv. An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described above; and
- v. At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the student, including related services personnel as appropriate;
- vi. Whenever appropriate, the child with a disability:
 - (1) A child of any age if the purpose of the meeting is to consider postsecondary goals and transition services needed to assist the child in reaching the IEP goals; and
 - (2) If the student does not attend the IEP meeting, the public education agency will take other steps to ensure that the student's preferences and interests are considered.
- b. To the extent appropriate and with written consent of the parents/guardian the **PEA DESIGNEE** shall invite a representative of any participating agency that is likely to be responsible for providing or paying for transition services;
- c. **A MEMBER OF THE IEP TEAM** described in (1)(b) through (1)(e) may be excused from attending the IEP meeting in whole or part:
 - i. When the meeting involves a modification to or discussion of the member's area of the curriculum or related services; or
 - ii. If the parents/guardians, in writing and the agency consent to the excusal, and the member of the IEP Team submits, in writing to the IEP team, input into the development of the IEP prior to the meeting.

3. **Parent participation: [34 CFR §300.322]**

- a. The **PEA DESINGEE** shall take steps to ensure parents/guardians of a student with a disability are present at each IEP meeting or are afforded the opportunity to participate by:
 - i. Notifying parent/guardians of the meeting early enough to ensure that they will have an opportunity to attend;
 - ii. Scheduling the meeting at a mutually agreed on time and place;
 - iii. The meeting notice will:
 - (1) Indicate the purpose, time, and location of the meeting and who will be in attendance; and
 - (2) Inform the parents/guardians of the provisions relating to the participation of other individuals, such as the Education Principal and/or Teacher who have knowledge or special expertise about the student.
 - iv. Beginning no later than the first IEP to be in effect when the student turns 16, the notice will also:
 - (1) Indicate that a purpose of the meeting will be the consideration of postsecondary goals and transition services;
 - (2) Indicate that the **PEA DESINGEE** shall invite the student; and
 - (3) Identify any other Education personnel that will be invited and to send a representative.
- b. If neither parents/guardians can attend, the **PEA DESIGNEE** shall use other methods to ensure parents/guardians participation, including individual or conference telephone calls;
- c. A meeting may be conducted without the parents/guardians in attendance if the **PEA DESIGNEE** is unable to convince the parents/guardians that they should attend:
 - i. In this case, the **PEA DESIGNEE** shall maintain a record of the attempts to arrange a mutually agreed on time and place, such as:
 - (1) Detailed records of telephone calls made or attempted and the results of those calls;
 - (2) Copies of correspondence sent to the parents/guardian's and any responses received; and

- (3) Detailed records of visits made to the parents/guardian's home or place of employment and the results of those visits.
 - d. The **PEA DESIGNEE** shall take whatever action is necessary to help the parents/guardian understand the proceedings at the IEP meeting, including arranging for an certified interpreter for parents/guardians who are deaf or whose native language is other than English; and
 - e. The **PEA DESIGNEE** shall provide the parent/guardian a copy of the student's IEP at no cost to the parents/guardian.
- 4. **When IEPs must be in effect: [34 CFR §300.323]**
 - a. On an annual basis, the **PEA DESIGNEE** shall have in effect for each student with a disability in its jurisdiction, an IEP as defined in §300.320;
 - b. The **PEA** shall ensure that:
 - i. A meeting to develop an IEP for an eligible student is conducted within 30 days of a determination of eligibility for special education and related services; and
 - ii. As soon as possible following the development of the IEP, the services indicated in the IEP are made available to the student. An IEP will be in effect on a scheduled annual basis.
 - c. The **PEA DESIGNEE** shall ensure that each student's IEP is accessible to each regular education teacher, special education teacher, related service provider and any other service provider who is responsible for implementing the IEP:
 - i. Each teacher and related service provider will be informed of his/her specific responsibilities in implementing the IEP; and
 - ii. The specific accommodations, modifications, and supports that must be provided for the student in accordance with the IEP.
 - d. For the student with an IEP who transfers into ADJC from another public agency in Arizona, the **PEA DESIGNEE**, in consultation with the parents/guardians, shall provide a Free Appropriate Public Education (FAPE) (including services comparable to the services described in the existing IEP) until it:
 - i. Reviews and adopts the student's IEP from the previous public agency; or
 - ii. Develops, adopts, and implements a new IEP.
 - e. For a student with an IEP who transfers into ADJC from another state, the **EDUCATION DIVISION**, in consultation with the parents/guardians, shall provide a FAPE (including services comparable to the services described in the existing IEP) until it:
 - i. Conducts an evaluation for eligibility for special education in Arizona, or determines that such an evaluation is unnecessary; and
 - ii. Develops, adopts, and implements a new IEP, if appropriate.
 - f. To facilitate the transition of a student enrolling from another public education agency, either from within or outside of Arizona, the **PEA DESIGNEE** shall take reasonable steps to promptly obtain the student's education records, including all records pertaining to special education, from the previous public agency in which the student was enrolled; and
 - g. When a records request is received from another public agency, from either within or outside of Arizona, the **PEA** shall promptly respond to the request.
- 5. **Development, review and revision of an IEP: [34 CFR §300.324]**
 - a. In developing each student's IEP, the IEP team shall consider:
 - i. The strengths of the student and the concerns of the parents/guardians for enhancing the education of their son or daughter;
 - ii. The results of the initial or most recent evaluation of the student; and
 - iii. The academic, developmental, and functional needs of the student.
 - b. In consideration of special factors, the **IEP TEAM** shall:
 - i. In the case of a student whose behavior impedes his or her learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies to address that behavior;
 - ii. In the case of a student with limited English proficiency, consider the language needs of the student as those needs relate to the student's IEP;

- iii. In the case of a student who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP Team determines, after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the student's future needs for instruction in Braille or the use of Braille) that instruction in Braille or the use of Braille is not appropriate for the student;
 - iv. Consider the communication needs of the student, and in the case of a student who is deaf or hard of hearing, consider the student's language and communication needs, opportunities for direct communication with peers and professional personnel in the student's language and communication mode, academic level and full range of needs, including opportunities for direct instruction in the student's language and communication mode; and
 - v. Consider whether the student requires assistive technology devices and services.
 - c. The **REGULAR EDUCATION TEACHER OF A STUDENT WITH A DISABILITY**, as a member of the IEP team, shall, to the extent appropriate, participate in the development, review, and revision of the student's IEP, including the determination of:
 - i. Appropriate positive behavioral interventions and strategies for the student; and
 - ii. Supplementary aids and services, program modifications, and/or supports for school personnel that will be provided for the student, consistent with §300.320(a)(4).
 - d. In making changes to the IEP after the annual IEP meeting, the **PARENTS/GUARDIANS, THE PEA DESIGNEE** may agree to amend the IEP without a meeting for the purpose of making those changes and, instead, develop a written document to amend or modify the student's current IEP;
 - e. The **PEA DESIGNEE** shall:
 - i. Inform all members of the student's IEP team of those changes;
 - ii. Upon request, provide the parents/guardians with the revised copy of the IEP;
 - iii. To the extent possible, encourage the consolidation of evaluation, reevaluation and IEP meetings for a student;
 - iv. Ensure that the IEP team reviews the student's IEP periodically, but not less than annually, to determine if goals are being achieved, and revise the IEP, when appropriate, to address:
 - (1) Any lack of expected progress toward the annual goals and in the general education curriculum, if appropriate;
 - (2) The results of any reevaluation;
 - (3) Information about the student provided to, or by the parent/guardians; and
 - (4) The student's anticipated needs, or other matters.
 - f. If the PEA designee fails to provide the transition services in an IEP, **THE PEA** shall reconvene the IEP team to identify alternative strategies and activities to meet the student's transition outcomes.
6. **Educational placements: [34 CFR §300.327]**
- a. The **PEA** shall ensure that the parents/guardians of a student with a disability are members of any group that makes the educational placement decisions of their son or daughter at ADJC.

Signature Date

01/29/2019

Signature Date

01/30/2019

Effective Date

01/31/2019

Approved by

Original Signature on File

Dr. Kim Eger, Education Superintendent

Approved by

Original Signature on File

Jeff Hood, Director