SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION

Agenda Item# 11.1

Meeting Date: November 18, 2021

Subject: Public Hearing: First Reading of Revised Board Policy 6159, Individualized Education Plan

- ☐ Information Item Only
- ☐ Approval on Consent Agenda
- ☐ Conference (for discussion only)
- ☒ Conference/First Reading (Action Anticipated: _____)
- ☐ Conference/Action
- ☐ Action
- ☒ Public Hearing

Division: Legal Services and Academic Office

Recommendation: Approve revisions to Board Policy 6159

Background/Rationale: In accordance with the California Department of Education (CDE) Significant Disproportionality Comprehensive Coordinated Early Intervening Services (CCEIS) four-phase Programmatic Improvement Process, SCUSD is conducting a review and, if appropriate, revisions of the policies, practices, and procedures used in identification, placement in particular education settings, and disciplinary actions. SCUSD is reviewing special education related board policies as a part of our CCEIS plan. The goal is to review and revise policies, practices, and procedures which may be contributing to our significant disproportionality.

The CCEIS Stakeholder team will be reviewing Special Education board policies throughout the fall and winter. The team will transition to reviewing and revising Administrative Regulations in the Spring.

Documents Attached:
1. Executive Summary
2. Draft – BP 6159

Estimated Time of Presentation: 5 minutes
Submitted by: Geovanni Linares, Director SELPA
Approved by: Raoul Bozio, In-House Counsel

Board of Education Executive Summary

Special Education

Proposed Board Policy (BP) 6159 Individualized Education Plan

November 18, 2021

I. Overview/History of Department or Program

The Sacramento City Unified School District is required to adopt and implement a board policy on the education of students with disabilities. Board Policy 6159 (Individualized Education Plan) is meant to serve as a frame for the education of students with disabilities received special education services.

As a part of the District's efforts to address and eliminate disproportionality, the Comprehensive Coordinated Early Intervening Services (CCEIS) Plan adopted in September of 2021, identifies that the CCEIS team will review, and if needed, revise policies, practices, and procedures that may contribute to the District's Significant Disproportionality.

The current version of BP 6159 was originally adopted in November of 1998 and last revised in April of 2002. With a number of significant changes in special education laws, regulations, and practices over the last 19 years, a revision of this policy is needed.

The revisions to this policy have been reviewed by our CCEIS team as well as our legal partners.

II. Driving Governance:

Pursuant to California Education Code 56345:

(a) The individualized education program is a written statement for each individual with exceptional needs that is developed, reviewed, and revised in accordance with this section, as required by Section 1414(d) of Title 20 of the United States Cod , and that includes the following:

(1) A statement of the individual's present levels of academic achievement and functional performance, including the following:

(A) The manner in which the disability of the individual affects his or her involvement and progress in the general education curriculum.

(B) For preschool children, as appropriate, the manner in which the disability affects his or her participation in appropriate activities.

(C) For individuals with exceptional needs who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives.

(2) A statement of measurable annual goals, including academic and functional goals, designed to do the following:

(A) Meet the needs of the individual that result from the disability of the individual to enable the pupil to be involved in and make progress in the general education curriculum.

(B) Meet each of the other educational needs of the pupil that result from the disability of the individual.

(3) A description of the manner in which the progress of the pupil toward meeting the annual goals described in paragraph (2) will be measured and when periodic reports on the progress the pupil is making toward meeting the annual goals, such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards, will be provided.

(4) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the pupil, or on behalf of the pupil, and a statement of the program modifications or supports for school personnel that will be provided to enable the pupil to do the following:

(A) To advance appropriately toward attaining the annual goals.

(B) To be involved in and make progress in the general education curriculum in accordance with paragraph (1) and to participate in extracurricular and other nonacademic activities.

(C) To be educated and participate with other individuals with exceptional needs and nondisabled pupils in the activities described in this subdivision.

(5) An explanation of the extent, if any, to which the pupil will not participate with nondisabled pupils in the regular class and in the activities described in subparagraph (C) of paragraph (4).

(6)(A) A statement of individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the pupil on state and districtwide assessments consistent with Section 1412(a)(16)(A) of Title 20 of the United States Code .

(B) If the individualized education program team determines that the pupil shall take an alternate assessment instead of a particular state or districtwide assessment of pupil achievement, a statement of the following:

(i) The reason why the pupil cannot participate in the regular assessment.

(ii) The reason why the particular alternate assessment selected is appropriate for the pupil.

(7) The projected date for the beginning of the services and modifications described in paragraph (4), and the anticipated frequency, location, and duration of those services and modifications.

(8) Beginning not later than the first individualized education program to be in effect when the pupil is 16 years of age, or younger if determined appropriate by the individualized education program team, and updated annually thereafter, the following shall be included:

(A) Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and where appropriate, independent living skills.

(B) The transition services, as defined in Section 56345.1, including courses of study, needed to assist the pupil in reaching those goals.

III. Budget:
The proposed revision to this board policy is intended to provide a frame for the development, implementation, and updates of IEPs for students with disabilities receiving special education services.

IV. Goals, Objectives and Measures:
The goal for the District is to update an integral board policy for the equitable education of students with disabilities.

V. Major Initiatives:
This IEP board policy is critical for implementation of evidence- based and legally compliant supports and services for students with disabilities.

VI. Results:
Adopt Board Policy 6159. Support CCEIS plan to review & revise policies, practices, and procedures that may contribute to our significant disproportionality

VII. Lessons Learned/Next Steps:
Adoption of Board Policy 6159. Information and guidance will be provided as necessary.

Policy 6159: Individualized Education Program **Status:** ADOPTED

Original Adopted Date: 11/16/1998 | **Last Revised Date:** 04/15/2002

Students with disabilities shall be placed in the least restrictive environment which enables the student to make appropriate progress based on students assessed needs~~meets their needs~~. The Governing Board provides a full continuum of supports and services~~range of educational alternatives~~ to facilitate ~~this~~ placement ~~so that~~ and provide ~~these~~ students with disabilities ~~may~~ with access to the general education curriculum and the opportunity to be educated and to interact with students without disabilities in an understanding, cooperative and mutually respectful environment. Students with disabilities shall only be placed outside of the regular classroom only when the student's specific needs cannot be met in that setting.

Upon the identification of a student's disabilities, the Superintendent or designee shall appoint an individualized education program (IEP) team, which shall include the students parent(s)/guardians(s). This team shall consider the student's needs, determine the content of his/her IEP and make placement decisions based on their assessed needs. Students and parent(s)/guardian(s) shall have the right to meaningful participation~~participate~~ as full members of the IEP team, including in the development of the IEP.

The IEP team shall consider all ~~the~~ factors specified in law and administrative regulations, as well as the academic ~~educational~~ and nonacademic benefits of placing the student in a general~~regular~~ class and shall determine what support services would be needed in order to maintain this placement. All placement decisions should promote maximum social interaction between students with disabilities and their nondisabled peers, in a manner that is appropriate to the needs of each.

Each IEP developed will enable the student to be involved in and make progress in the general education curriculum ~~shall be consistent with the curriculum and course of study pursued in the regular education program~~. Students with disabilities should also receive instruction which fosters their independence and integration into the community.

(cf. 6143 - Courses of Study)

Students and parents/guardians shall have the right to approve the student's placement in a special education program, and written parental consent shall be obtained before any such placement is made unless a due process hearing officer authorizes the placement. Once an IEP team has determined an appropriate placement with the parent/guardian's input and approval, that placement remains in effect unless the parties agree otherwise or a due process hearing officer so orders. The IEP, including placement shall be reviewed and revised as appropriate periodica;ly, but no less than annually.

A special education or regular education teacher, or the student's parent(s)/ guardian(s) may request a review of the classroom assignment of an individual with disabilities in accordance with procedures set forth in administrative regulations.

(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 Individuals with Exceptional Needs)

(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)

Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
5 CCR 1215.5-1218	High School Exit Examination, accommodations for students with disabilities
5 CCR 3021-3029	Identification, referral and assessment
5 CCR 3040-3043	Instructional planning and the individualized education program
5 CCR 853-853.5	State assessments, accommodations
Ed. Code 51225.3	High school graduation
Ed. Code 56055	Rights of foster parents pertaining to foster child's education
Ed. Code 56136	Guidelines for low incidence disabilities areas
Ed. Code 56195.8	Adoption of policies
Ed. Code 56321	Notice of parental rights; consent of parents
Ed. Code 56321.5	Notice to include right to electronically record
Ed. Code 56340.1-56347	Instructional planning and individualized education program
Ed. Code 56350-56352	IEP for visually impaired students
Ed. Code 56380	IEP reviews; notice of right to request
Ed. Code 56390-56392	Recognition for educational achievement, special education
Ed. Code 56500-56509	Procedural safeguards
Ed. Code 60640-60649	California Assessment of Student Performance and Progress
Fam. Code 6500-6502	Age of majority
Gov. Code 7572.5	Seriously emotionally disturbed child, expanded IEP team
W&I Code 300	Minors subject to jurisdiction
W&I Code 601	Minors habitually disobedient
W&I Code 602	Minors violating law; ward of court

Federal	Description
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1400-1482	Individuals with Disabilities Education Act
34 CFR 300.1-300.818	Individuals with Disabilities Education Act

Management Resources	Description
Attorney General Opinion	85 Ops.Cal.Atty.Gen. 157 (2002)
Court Decision	Marshall v. Monrovia Unified School District, (9th Circuit, 2010) 327 f.3d 773

Court Decision	Marshall v.Monrovia Unified School District, (9th Circuit, 2010) 327 f.3d 773
Court Decision	Sacramento City School District v. Rachel H. (9th Cir. 1994) 14 F.3d 1398
Court Decision	Schaffer v. Weast (2005) 125 S. Ct. 528
Court Decision	Shapiro v. Paradise Valley Unified School District, No. 69 (9th Circuit, 2003) 317 F.3d 1072
Federal Register	Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845
Website	U.S. Department of Education, Office of Special Education and Rehabilitative Services
Website	California Department of Education

Cross References

Code	**Description**
0200-E(1)	Goals For The School District
0430	Comprehensive Local Plan For Special Education
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
3541	Transportation Routes And Services
3541.2	Transportation For Students With Disabilities
3541.2	Transportation For Students With Disabilities
4112.23	Special Education Staff
5125	Student Records
5125	Student Records
5126	Awards For Achievement
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5144.2-E(1)	Suspension And Expulsion/Due Process (Students With Disabilities)
5145.6	Parental Notifications
5145.6-E(1)	Parental Notifications
6000	Concepts And Roles
6112	School Day
6117	Year-Round Schedules
6141	Curriculum Development And Evaluation

~~6142.1 E(1)~~	~~Sexual Health And HIV/AIDS Prevention Instruction - Family Life/Sex Education~~
~~6146.1~~	~~High School Graduation Requirements~~
~~6146.1~~	~~High School Graduation Requirements~~
~~6146.11~~	~~Alternative Credits Toward Graduation~~
~~6146.11~~	~~Alternative Credits Toward Graduation~~
~~6146.4~~	~~Differential Graduation And Competency Standards For Students With Disabilities~~
~~6151~~	~~Class Size~~
~~6151~~	~~Class Size~~
~~6158~~	~~Independent Study~~
~~6158~~	~~Independent Study~~
~~6159.1~~	~~Procedural Safeguards And Complaints For Special Education~~
~~6159.1~~	~~Procedural Safeguards And Complaints For Special Education~~
~~6159.3~~	~~Appointment Of Surrogate Parent For Special Education Students~~
~~6159.3~~	~~Appointment Of Surrogate Parent For Special Education Students~~
~~6159.4~~	~~Behavioral Interventions For Special Education Students~~
~~6163.2~~	~~Animals At School~~
~~6163.2~~	~~Animals At School~~
~~6164.6~~	~~Identification And Education Under Section 504~~
~~6164.6~~	~~Identification And Education Under Section 504~~
~~6173~~	~~Education For Homeless Children~~
~~6173~~	~~Education For Homeless Children~~
~~6173.1~~	~~Education For Foster Youth~~
~~6181 E(1)~~	~~Alternative Schools/Programs Of Choice~~
~~6184~~	~~Continuation Education~~
~~6184~~	~~Continuation Education~~
~~6185~~	~~Community Day School~~
~~6185~~	~~Community Day School~~