

## **Individualized Education Program**

The Curriculum & Instruction Department-Special Education Programs of Newport News Public Schools has the responsibility for ensuring that an IEP is developed and implemented for each child with a disability in its jurisdiction. This includes those students placed in private special education schools by the division itself or if the placement is a noneducational placement by a Comprehensive Services Act team that includes the school division. In CSA cases, Newport News Public Schools' responsibility is limited to special education and related services.

When does an IEP need to be in effect? At the beginning of each school year, the Division shall have an IEP in effect for each child with a disability within Newport News, with the exception of children placed in private school by parents when a free appropriate public education is not at issue.

The Division is responsible for ensuring that an IEP is in effect before special education and related services are provided to an eligible child; and is developed within 30 calendar days of the date of the initial determination that the child needs special education and related services, and is implemented as soon as possible following the IEP meeting.

The Division is responsible for ensuring that the child's IEP is accessible to each general education teacher, special education teacher, related service provider, and other service providers who are responsible for its implementation. The special education teacher/case manager must make certain that other teachers and providers are informed of their specific responsibilities related to implementing the child's IEP; and the specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.

The special education teacher/case manager is responsible for initiating and conducting meetings to develop, review, and revise the IEP of a child with a disability. The building

administrator/case manager ensures that, within 65 business days following the receipt of parental consent for an initial evaluation, the evaluation of the child will be completed. If determined eligible, the special education supervisor/coordinator/building administrator will ensure that special education and related services are provided to the child in accordance with an IEP. An IEP meeting must be conducted within 30 calendar days of the date of a determination that the child needs special education and related services. The special education teacher/case manager shall ensure that the IEP Team reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals are being achieved and to revise its provisions, as appropriate, and to address:

1. Any progress or lack thereof toward the annual goals and in the general curriculum;
2. Any lack of expected progress toward the annual goals and in the general curriculum;
3. The results of any evaluation conducted under this chapter;
4. To mutually exchange information with the parents about the child;
5. The child's academic, developmental and functional needs; and
6. Other matters.

The special education teacher/service provider must provide special education and related services to a child with a disability in accordance with the child's IEP and must make a good faith effort to assist the child to achieve the goals, including benchmarks or objectives listed in the IEP. Nothing in this section

limits a parent's right to ask for revisions of the child's IEP or to invoke due process as described in these operational guidelines if the parent feels that the required efforts are not being met. All IEPs developed, reviewed, or revised must meet the requirements of this section.

**The Newport News Public Schools ensures that the Re-evaluation/IEP Team for each child with a disability includes:**

1. The parent of the child;
2. Not less than one general education teacher of the child (if the child is or may be participating in the general education environment);
3. Not less than one special education teacher of the child or, if appropriate, at least one special education provider of the child. For a child whose only disability is speech/language impairment, the special education provider shall be the speech/language pathologist;
4. A representative of the Division who is:
  - a. Qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of children with disabilities;
  - b. Knowledgeable about the general curriculum; and
  - c. Knowledgeable about the availability of resources of the local educational agency. The Division may designate another member of the IEP Team to serve simultaneously as the agency representative if that individual meets the above criteria;
5. An individual who can interpret the instructional implications of evaluation results.

This individual may be a member of the team serving in another capacity, other than the parent or the child;

6. At the discretion of the parent or Newport News Public School personnel, other individuals who have knowledge or special expertise regarding the child, including related services personnel, as appropriate. The determination of the knowledge or special expertise of any individual shall be made by the party (parent or division representative) who invited the individual to be a member of the IEP Team;
7. If appropriate, the child;
8. For children who are in the custody of a local social services or other child welfare agency, the child's caseworker pursuant to the following conditions:
  - a. The caseworker may not assume the role of the parent at the meeting; and
  - b. If the caseworker is unable to attend the meeting as scheduled, the meeting may be held without the caseworker; and
9. Each IEP team will include all required individuals – including the parent unless:
  - a. The parent and the balance of the IEP team agree in writing that a member's attendance is not necessary because the member's area of the curriculum or related service is not being modified or discussed during the IEP meeting; or
  - b. The parent and the balance of the IEP team agree in writing to excuse a member from the IEP meeting in whole or in part, because even though the member's area of the curriculum or related service is being modified or discussed during the IEP meeting, the member has submitted written input regarding the development of the student's IEP prior to the meeting.

10. Part C Transition Participants

- a. In the case of a child who was previously under Part C, the school division will, at the parent(s)(s') request invite the Part C service coordinator or other representatives of the Part C system to the initial IEP meeting to assist with the smooth transition of services.

10. Secondary Transition Service Participants.

IEP/Transition  
Notice Letter

- a. The teacher/case manager must invite a student with a disability of any age to attend the student's IEP meeting if a purpose of the meeting will be the consideration of:

- (1) The student's transition services needs;
- (2) The needed transition services for the student;
- (3) Both.

Documentation of  
Student's Input

- b. If the student does not attend the IEP meeting, the special education teacher/case manager must take other steps to ensure that the student's preferences and interests are considered.

Documentation of  
Agency Input

- c. In implementing the transition requirements for a student with a disability, beginning at age 16 or younger if determined appropriate by the IEP Team, the special education teacher/case manager also must invite a representative of any other agency that is likely to be responsible for providing or paying for transition services. If an agency invited to send a representative to a meeting does not do so, the special education teacher/case manager must take other steps to obtain the participation of the other agency in the planning of any transition services.

**Parent Notification and Participation**

In the Newport News Public Schools, parents are encouraged to participate fully in all special education processes. Steps must be taken to ensure that one or both of the parents of the child with a disability are present at each IEP meeting or are afforded the opportunity to participate. The special education teacher/case manager must:

IEP Notice Letter

- 1. Notify the parent in writing of the meeting early enough to ensure that they will have an opportunity to attend; and
- 2. Schedule the meeting at a mutually agreed on time and place.
- 3. The special education teacher/case manager shall give notice to the parent. It must be in writing, but may be given initially by telephone or in person with proper documentation. The notice must indicate the purpose, date, time, and location of the meeting, and the title of individuals who will be in attendance; and shall inform the parent of the provisions relating to the participation of other individuals on the IEP Team who have knowledge or special expertise about the child.

IEP/Transition  
Notice Letter

Additional notice requirements shall be provided if transition services are under consideration.

1. For a student with a disability beginning at age 14 or younger, if appropriate, the notice must also:
  - a. Indicate that a purpose of the meeting will be the development of a statement of the transition services needs of the student; and
  - b. Indicate the student is invited to attend.
2. For a student with a disability beginning at age 16 or younger, if appropriate, the notice must:
  - a. Indicate that a purpose of the meeting will be the consideration of needed transition services for the student;
  - b. Indicate that the student is invited; and
  - c. Identify any other agency/agencies that will be invited to send a representative.
3. If neither parent can attend, the teacher/case manager must use other methods to ensure parent participation, including videoconference or individual or conference telephone calls, or audio conference, if the parent and the School Division agree and there is no cost to the parent. A draft of the IEP will be provided to parents in advance when practicable.
4. A meeting may be conducted without a parent in attendance if the teacher/case manager is unable to convince the parent that they should attend. In this case, the teacher/case manager must have a detailed record of all the attempts to arrange a mutually agreed on time and place.

5. The teacher/case manager should take whatever action is necessary to ensure that the parents understand the proceedings at the IEP meeting, including arranging with the appropriate Supervisor of Programs for Developmentally Delayed, Speech/Language, and Hearing Impaired for an interpreter for parents with deafness or whose native language is other than English.
6. The Division permits the use of audio recording devices at IEP meetings. The parent should inform the special education teacher/case manager before the meeting in writing, unless the parents cannot write in English, that they will be audio recording the meeting. If the parent does not inform the special education teacher/case manager, the parent shall provide Newport News Public Schools with a copy of the audio recording. The parent shall provide his/her own audio equipment and materials for audio recording. If the special education teacher/case manager audio records the meetings or receives a copy of an audio recording from the parent, the audio recording becomes part of the child's educational record.
7. The Division may prohibit, limit, or otherwise regulate the use of video recording devices at IEP meetings. If the Division video records the meetings, the video recording becomes part of the child's educational record. If Newport News Public Schools has or, in the future, develops a policy that prohibits or limits the use of video recording devices at IEP meetings:
  - a. That policy must provide for exceptions if they are necessary to ensure that the parents understand the IEP or the IEP process or to implement other guaranteed parental rights; and
  - b. The Division must ensure that the policy is uniformly applied.

Agenda

8. At the IEP meeting, the IEP Team will provide the parent of a child with a disability with a written description of the factors that will be considered during the IEP meeting. The description shall be written in language understandable by the general public and provided in the native language of the parents or other mode of communication used by the parents, unless it is clearly not feasible to do so.
9. The special education teacher/case manager will give the parents a copy of the child's IEP at no cost to the parent at the meeting or within 10 days following the meeting.
10. The special education/case manager will also provide the parents a copy of the Procedural Safeguards at all annual review meetings.

**Development, review, and revision of the IEP**

1. In developing each child's IEP, the IEP Team shall consider:
  - a. The strengths of the child and the concerns of the parents for enhancing the education of their child;
  - b. The results of the initial or most recent evaluation/formal/informal educational assessment of the child; and
  - c. As appropriate, the results of the child's performance on any general state or division-wide assessment programs.
2. The IEP Team also shall:
  - a. In the case of a child whose behavior impedes the child's learning or that of others, consider, if appropriate, strategies, including positive behavioral interventions and supports to address that behavior;
  - b. In the case of a child with limited English proficiency, consider the language needs of the child as those needs relate to the child's IEP;

- c. In the case of a child with blindness or visual impairment, provide for instruction in Braille and the use of Braille unless the IEP Team determines after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media, including an evaluation of the child'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 child;
- d. Consider the communication needs of the child;
- e. In the case of a child with deafness or hearing impairment, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode; and
- f. Consider and document the need for short term objectives or benchmarks for the student to receive FAPE regardless of whether the student is participating in the Virginia Alternate Assessment Program.
- g. Consider whether the child may require assistive technology devices and services, and, if appropriate, make a referral to the Assistive Resource Center, using the proper form.

ATRC Referral Form

3. If, in considering the special factors, the IEP Team determines that a child needs a particular device or service, including an intervention, accommodation, or other program modification in order for the child to receive a free appropriate public education, the IEP Team must include a statement to that effect in the child's IEP.
4. The general education teacher of a child with a disability, as a member of the IEP Team, must, to the extent appropriate, participate in the development, review, and revision of the child's IEP, including assisting in the determination of:
  - a. Appropriate positive behavioral interventions, supports and strategies for the child; and
  - b. Supplementary aids and services, accommodations, program modifications or supports for school personnel that will be provided for the child.
5. Nothing in this section shall be construed to require the IEP Team to include information under one component of a child's IEP that is already contained under another component of the child's IEP.
6. The IEP Team must consider all factors identified under a free appropriate public education in the IEP section of these operational guidelines and work toward consensus. The teacher/case manager shall provide the parent with prior written notice (Notice of Intent) of the IEP Team's proposals or refusals, or both, regarding the child's educational placement or provision of a free appropriate public education.

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**Content of the individualized education program**

An IEP must provide a statement of the child's present levels of academic achievement and developmental and functional performance, including how the child's disability affects the child's involvement and progress in the general education curriculum or, for preschool children, as appropriate, how the disability affects the child's participation in appropriate activities.

- a. The statement should be written in objective measurable terms, to the extent possible. Test scores, if appropriate, should be self-explanatory or an explanation should be included.
  - b. The present level of performance should directly relate to the other components of the IEP.
2. An IEP must include a statement of measurable annual academic, developmental and functional goals, including benchmarks or short-term objectives, related to:
- a. 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 education curriculum, or for preschool children, as appropriate, to participate in appropriate activities; and
  - b. Meeting each of the child's other educational needs that result from the child's disability.
3. An IEP must include 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 for 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:

- a. To advance appropriately toward attaining the annual goals;
  - b. To be involved and progress in the general education curriculum and to participate in extra-curricular and other nonacademic activities; and
  - c. To be educated and participate with other children with disabilities and children without disabilities in the activities described in this section.
4. An IEP must include an explanation of the extent, if any, to which the child will not participate with children without disabilities in the general education class and in the activities described in this section.

IEP Testing Accommodations Page
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5. The IEP must address state and division-wide assessments to include:
- a. A statement of any individual appropriate accommodations or modifications, in accordance with the guidelines approved by the Board of Education, in the administration of state assessments of academic achievement and functional performance that are needed in order for the child to participate in the assessment;
  - b. A statement why the child will not participate in the regular state and division-wide assessments of student achievement (or part of an assessment) explaining:
    - (1) Why that assessment is not appropriate for the child;
    - (2) How the child will be assessed, including participation in the alternate assessment for those students who meet the criteria for the alternate assessment;
    - (3) Why the particular alternate assessment is appropriate; and

- (4) How the child's nonparticipation in the assessment will impact the child's promotion; graduation with a modified standard, standard, or advanced studies diploma; or other matters; and
    - c. A statement that the child will participate in either the state assessment for all children that is part of the state assessment program or the state's alternate assessment.
- 6. The IEP must include the projected dates (month, day, and year) for the beginning of the services and modifications, and the anticipated frequency, location, and duration of those services and modifications. Location refers to the continuum of alternative placements.
- 7. The IEP must include:
  - a. How the child's progress toward the annual goals will be measured; and
  - b. How the child's parent will be regularly informed (through such means as periodic report cards), at least as often as the parent is informed of the progress of their children without disabilities, concerning:
    - (1) Their child's progress toward the annual goals; and
    - (2) The extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year.
  - c. Initial Transition Services
    - (1) In the case of a preschool-aged child with a disability age two (on or before September 30) through age 5 (on or before September 30) whose parent(s) elect to receive services under Part B of the Individuals with Disability Education Act the school division will develop an IEP.

- (2) The IEP team will consider an IFSP that contains the IFSP content described under Part C;
- (3) A statement regarding natural environments, and
- (4) A component that promotes school readiness and incorporates pre-literacy, language and numeric skills

8. Secondary Transition Services

- a. A statement of the needed transition services for the student, beginning at age 14 (or younger, if determined appropriate by the IEP Team). If appropriate, the statement must include interagency responsibilities or any needed linkages and must be updated annually.
- b. Appropriate measurable post-secondary goals based upon age-appropriate transition assessments related to training, education, employment and where appropriate, independent living skills, and the transition services (including courses of study) needed to assist the student in reaching these goals.
- c. Transition services shall be based on the individual student's needs, taking into account the student's preferences and interests, and include:
  - a. Instruction;
  - b. Related services;
  - c. Community experiences;
  - d. The development of employment and other post-school adult living objectives; and
  - e. If appropriate, acquisition of daily living skills and functional vocational evaluation.

9. The IEP must include, beginning at least one year before a student reaches the age of 18 years, a statement that the student has been informed of the rights, if any, that will transfer upon reaching the age of 18 years.

**10. If the parent does not attend the IEP meeting,**

- a. The special education teacher must contact the parent to:
  - (1) Supply the parent with Notice of Intent proposing any changes brought about by the IEP and/or denial of changes sought by the parents;
  - (2) Discuss the content of the IEP with the parents;
  - (3) Obtain the parents' permission to implement the IEP. This can be accomplished by:
    - (a) Calling the parent to schedule a conference;
    - (b) Sending a written request for a conference to the parent; or
    - (c) If the parent does not attend the scheduled conference, a home visit may be needed. Often, the school guidance counselor, school social worker, peer partner or special education specialist/lead will accompany the teacher to the home.
- b. If a home visit is inappropriate or unsuccessful, a copy of the IEP, along with the signature page, may be mailed to the parent along with the Notice of Intent proposing a change in the IEP and a copy of the Procedural Safeguards booklet if this is an annual review IEP.
  - (1) Call the parent to explain that a copy of the IEP is being mailed. Write explicit directions as to where to sign and ask the parent to return the entire IEP with signature page to you.

- (2) Mail a complete copy of the IEP to the parent along with the original signature page (keep a copy of the signature page in the student file). Use registered mail. Enclose a stamped self-addressed envelope for returning the IEP to you.
  - (3) Mail a complete signed copy to the parent after the process has been completed.
11. An IEP may be amended after the annual review IEP without calling a new meeting if the parents and the School Division agree (i.e., by phone or by mail).
- a. The amendment or modification must be in writing.
  - b. The student's teacher must confirm the parent's agreement that the amendment did not necessitate an IEP meeting and document that decision on the IEP amendment form. The parent must then be provided with a revised copy of the IEP with the amendments incorporated.
  - c. If any member of the IEP team contemplates significant changes, an IEP meeting with the full team must be held.
  - d. The amendment should not change the annual review IEP date.
  - e. The Notice of Intent is still required with such amendments, prior to implementing the change.
  - f. The School Division participants involved in making such changes must be representative(s) who can commit School Division resources.
  - g. All team members must sign off on changes made through this addendum procedure.

**Newport News Public Schools' Responsibilities For Transition Services**

1. A summary of academic achievement and functional performance, including recommendation on how to assist the student in meeting post-secondary goals, will be provided to each student graduating or exceeding the age of eligibility.
2. If a participating agency, other than the division, fails to provide the transition services described in the IEP of a student with a disability, the special education teacher/case manager shall reconvene the IEP Team to identify alternative strategies to meet the transition objectives for the student set out in the IEP.
3. Nothing in this part relieves any participating agency, including a state vocational rehabilitation agency, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

**Additional Requirements For Eligible Students With Disabilities In State, Regional, Or Local Adult Or Juvenile Correctional Facilities**

1. A representative from a state, regional, or local adult or juvenile correctional facility may participate as a member of the IEP Team.
2. All requirements in this section apply to students with disabilities in state, regional or local adult or juvenile correctional facilities, with the exception that the IEP Team of a student with disabilities, who is convicted as an adult under state law, may modify the student's IEP or placement, if the state has demonstrated to the IEP Team a bona fide security or compelling penological interest that cannot be otherwise accommodated

- a. All requirements regarding IEP development, review, and revision in this section shall apply.
- b. If such modifications are made by the IEP Team, the requirements related to least restrictive environment in this section of the operational guidelines manual do not apply.
- c. IEP requirements regarding participation in state assessments, including alternate assessments, do not apply. Assessment requirements to graduate (SOL) with a modified standard, standard, or advanced studies diploma shall apply.
- d. IEP requirements regarding transition planning and transition services do not apply to students whose eligibility for special education and related services will end because of their age before they will be eligible for release from the correctional facility based on consideration of their sentence and their eligibility for release.