

## **Section 6 Individualized Education Programs**

### **A. Development of IEP**

1. An IEP meeting will be conducted within 30 days (and no later than 60 school days from the date the School District receives the informed written consent for the evaluation or reevaluation from the Parent(s)) after a child is determined to be eligible. The child receiving special education and related services must have an IEP developed in compliance with these procedures and in effect at the beginning of each subsequent school year.
2. The specified group of persons responsible for the development of the IEP (IEP Team) includes:
  - a. A representative of the School District (other than the child's teacher) who is qualified to provide or supervise the provision of special education, is knowledgeable about the general curriculum, is knowledgeable about the School District's resources, has the authority to make commitments for the provision of resources set forth in the IEP, and is able to ensure that the services in the IEP will be implemented.
  - b. At least one of the child's special education teachers, or where appropriate, at least one special education provider of the child. If the child is receiving only speech and language services, the speech and language pathologist shall fulfill this role.
  - c. At least one general education teacher of the child (if the child is, or may be, participating in general education environment) who is, or may be, responsible for implementing a portion of the IEP.
  - d. For a child age three through five who has not yet entered the primary grades, an individual qualified to teach preschool children without disabilities.
  - e. One or both of the child's Parents.
  - f. If appropriate, the child may be invited by either the School District or the Parent(s). The School District shall invite the child when the purpose of the IEP meeting is to consider and plan transition services or when the child has reached the age of 18. When the child does not

attend the IEP meeting where transition services are discussed, the School District shall take other steps to ensure that the child's preferences and interests are considered.

- g. Other individuals, at the discretion of the Parent(s) or School District, who have knowledge or special expertise regarding the child, including related services personnel as appropriate.
  - h. An individual who is qualified to interpret the instructional implications of the evaluation results (who may be one of the individuals listed herein).
  - i. A qualified bilingual specialist or bilingual teacher (who may be one of the individuals listed herein), if needed to assist meeting participants in understanding the child's language or cultural factors as related to the child's instructional needs. If documented efforts to locate such a person are unsuccessful, the School District shall meet the requirements for nondiscriminatory evaluations (see Section 5, B, 1 (d)).
  - j. In those cases where the child's behavior impedes his/her learning or the learning of others, a person knowledgeable about positive behavior strategies.
  - k. If transition services will be discussed and with the informed written consent of the Parents (or child who has reached the age of majority), the School District shall invite representative(s) of any participating agencies that are likely to be responsible for providing or paying for transition services.
  - l. For a child who was previously served under Part C of the IDEA, upon request of the Parent, the Part C service coordinator or other representative of the Part C system shall be invited to the initial IEP meeting to assist with the smooth transition of services.
3. IEP Team Attendance
- a. A member of the IEP Team described above is not required to attend an IEP meeting, in whole or in part, if the Parent(s) and the School District agree in writing that the attendance of the Team member is not

necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting.

- b. If an IEP meeting involves a modification to or discussion of an IEP Team member's area of the curriculum or related services, that IEP Team member may be excused from attending the meeting, in whole or in part, if (1) the Parent(s) and the School District consent to the excusal in writing and (2) the IEP Team member submits, in writing to the Parent(s) and the IEP Team, input into the development of the IEP prior to the meeting.
4. The School District will take the following steps to encourage parental participation in the IEP process:
    - a. The School District will schedule each IEP meeting at a mutually agreed upon time and place, whenever possible;
    - b. The School District will notify Parents at least 10 days prior to any IEP meeting of the purpose, time and location of the meeting, the titles of the persons who will be in attendance, and the Parents' right to invite other individuals with knowledge or special expertise regarding the child;
    - c. The School District may conduct an IEP meeting without a Parent in attendance if the School District is unable to convince the Parents that they should attend;
    - d. If neither Parent is present at an IEP meeting, the School District will maintain a record of its attempts to arrange a mutually agreed on time and place;
    - e. The Parent(s) and School District may agree to use alternative means of meeting participation, such as video conferences and conference telephone calls; and
    - f. The School District will take whatever action is necessary and reasonable to facilitate the Parent(s)' understanding of and participation in the IEP meeting, including arranging and paying for the expense of an interpreter for Parent(s) who are deaf or whose native language is other than English.

5. In developing a child's IEP, the IEP Team shall consider the strengths of the child, the concerns of the Parent(s) regarding the child's education, the results of the most recent evaluation, and the academic, developmental, and functional needs of the child. The IEP Team also shall consider the following factors:
  - a. Positive behavior strategies, interventions, and supports for children with behavior that impedes their learning or that of others;
  - b. Language needs of children with limited English proficiency as those needs relate to the IEP;
  - c. Instruction in Braille and the use of Braille, unless the IEP Team determines that, after an evaluation of the child's reading and writing skills, needs and appropriate reading and writing media, it is not needed, for children who are blind or visually impaired;
  - d. Communication needs;
  - e. Assistive technology devices and services; and
  - f. For a child who is deaf or hard of hearing, the child's language and communication needs, opportunities for direct communication with peers and professionals 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.
  - g. For students eligible for services on the autism spectrum, the IEP team shall also consider all of the following factors:
    - (1) The verbal and nonverbal communication needs of the child.
    - (2) The need to develop social interaction skills and proficiencies.
    - (3) The needs resulting from the child's unusual responses to sensory experiences.
    - (4) The needs resulting from resistance to environmental change or change in daily routines.
    - (5) The needs resulting from engagement in repetitive activities and stereotyped movements.

- (6) The need for any positive behavioral interventions, strategies, and supports to address any behavioral difficulties resulting from autism spectrum disorder.
- (7) Other needs resulting from the child's disability that impact progress in the general curriculum, including social and emotional development.
- h. If the student may be eligible to participate in the Home Based Support Services Program for Mentally Disabled Adults authorized under the Developmental Disability and Mental Disability Services Act upon becoming an adult, the student's individualized education program shall include plans for:
  - (1) Determining the student's eligibility for those home based services,
  - (2) Enrolling the student in the program of home based services, and
  - (3) Developing a plan for the student's most effective use of the home based services after the student becomes an adult and no longer receives special educational services under this Article. The plans developed under this paragraph shall include specific actions to be taken by specified individuals, agencies, or officials.
- 6. The IEP shall include the following components:
  - a. A statement of the child's present levels of academic achievement and functional performance. This must include: (1) a statement of how the child's disability affects his/her involvement and progress in the general curriculum; or (2) for preschool children, as appropriate, how the disability affects the child's participation in appropriate activities.
  - b. A statement of measurable annual goals that reflect consideration of the State Goals for Learning and the Illinois Learning Standards, as well as benchmarks or short-term objectives, developed in accordance with the child's present levels of educational performance, designed to:
    - (1) Meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general

- curriculum, or for preschool children to participate in age appropriate activities; and
- (2) Meet each of the child's other educational needs that result from the child's disability.
- c. A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, and program modifications or supports that will be provided for the child to:
- (1) Advance appropriately toward attaining the annual goals; and
- (2) Be involved in and make progress in the general curriculum and participate in extracurricular and other nonacademic activities; and
- (3) Be educated and participate with other children with and without disabilities.
- d. A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and district-wide assessments, or a statement of why the child cannot participate in such assessments and why the particular alternate assessment selected is appropriate (see Section 12).
- e. The projected beginning date for the beginning of the services and modifications, and the amount, frequency, and anticipated duration of those services and modifications.
- f. An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in extracurricular and nonacademic activities.
- g. A statement as to whether the child requires extended school year services and, if so, a description of those services that includes their amount, frequency, duration, and location.
- h. A description of how the child's progress towards annual goals will be measured, and when periodic reports on the progress the child 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.

- i. A statement as to the languages or modes of communication in which special education and related services will be provided, if other than or in addition to English,
  - j. Beginning not later than the first IEP to be in effect when the child turns age 14 1/2, and updated annually thereafter, the IEP shall include (1) appropriate, measurable, postsecondary goals based upon age-appropriate assessments related to employment, education or training, and, as needed, independent living; (2) the transition services that are needed to assist the child in meeting those goals, including courses of study and any other needed services to be provided by entities other than the School District; and (3) any additional requirements contained in Section 14-8.03 of The School Code [105 ILCS 5/14-8.03].
  - k. Beginning not later than one year before the child reaches the age of 18, the IEP must include a statement that the child has been informed of the rights under IDEA that will transfer to the child when he or she reaches the age of 18.
  - l. The IEP of a student who may, after reaching age 18, become eligible to participate in the home-based support services program for adults with intellectual disabilities that is authorized by the Developmental Disability and Mental Disability Services Act [405 ILCS 80] shall set forth specific plans related to that program pursuant to the requirements of Section 14-8.02 of The School Code [105 ILCS 5/14-8.02].
7. The IEP of a student who requires a behavioral intervention plan shall:
- a. Summarize the findings of the functional behavioral assessment;
  - b. Summarize prior interventions implemented;
  - c. Describe any behavioral interventions to be used, including those aimed at developing or strengthening alternative or more appropriate behaviors;

- d. Identify the measurable behavioral changes expected and methods of evaluation;
  - e. Identify a schedule for a review of the interventions' effectiveness; and
  - f. Identify provisions for communicating with the Parents about their child's behavior and coordinating school-based and home-based interventions.
8. When an IEP Team determines that no less restrictive setting on the continuum of alternative placements will meet a child's needs, the child may be placed in a State-operated or nonpublic special education facility. In such a case, the use of a State-operated program should be given first consideration if appropriate. The determination shall be based on recent diagnostic assessments and other pertinent information and made in light of other factors such as proximity to the child's home. Before the School District places a child or refers a child to such a facility:
- a. The School District will convene an IEP meeting and invite representative(s) of the State-operated or nonpublic school to attend to assist in identifying or verifying the appropriate placement for that child. If one or more needed representatives cannot attend, the School District will use other methods to ensure their participation.
  - b. With respect to the annual review and revision of the IEP of a child with a disability placed or referred to a State-operated or nonpublic school by the School District, the School District may permit the nonpublic school to initiate IEP meetings which will be conducted as described above, provided that the Parent(s) of the child and a representative of the School District are invited to participate in any decision about the child's IEP and agree to any proposed changes in the IEP. The School District remains responsible for the development and implementation of the child's IEP and for convening any needed IEP meetings, including annual reviews.
9. The IEP shall state the placement the IEP Team has determined to be appropriate for the child. The IEP Team shall take into consideration the

student's eligibility for other educational programs and services such as bilingual education, career and technical education, gifted education, and federal Title I programs. The placement determination shall be reviewed at least annually or at any time the IEP is revised.

10. Each initial IEP must be completed by the IEP Team no later than 30 days after the determination of eligibility and in no case later than 60 school days from the date of the School District's receipt of informed written consent from the Parent(s) to perform the needed assessments. When a child is referred for an evaluation with fewer than 60 days of pupil attendance left in the school year, the eligibility determination shall be made and, if the child is eligible, an IEP shall be in effect prior to the first day of the next school year.
11. The School District shall provide special education and related services to eligible children in accordance with their IEPs.
12. The School District shall provide the Parent(s) with a copy of the IEP at the conclusion of the IEP Team meeting at no cost to the Parent(s).

**B. Determination of Related Services**

1. Participants in IEP Team meetings held to develop, review, or revise the IEP shall determine what related services are necessary to assist a child in benefiting from special education, as defined in 34 C.F.R. 300.34.
2. Related services do not include a medical device that is surgically implanted, the optimization of that device's functioning (e.g., mapping), maintenance or replacement of that device.

**C. Implementation of the IEP**

1. Implementation of the IEP shall occur no later than 10 days after the Parent(s) have been provided notice of the placement unless otherwise agreed by the IEP Team.
2. Informed written parental consent is required at least 10 days prior to the initial provision of special education and related services to a child. Parent(s) may waive the 10-calendar-day interval before placement.

3. The IEP must be accessible to all staff members who are responsible for implementing the IEP; each shall be informed of his/her specific responsibilities relating to the IEP and the specific accommodations, modifications and supports to be provided to the child in accordance with the IEP.

D. Review and Revision of the IEP

1. The IEP of each child with a disability currently receiving special education and related services must be reviewed at least annually to determine whether the annual goals are being achieved. The IEP should be revised as appropriate to address any lack of expected progress toward the annual goals; the results of a reevaluation; information about the child provided to, or by, the Parent(s); the child's anticipated needs; or other matters.
2. A child's teacher or Parent(s) may request a review of the child's IEP at any time. Within 10 days after receipt of such request, the School District will either agree and notify the Parent(s) of the meeting, or notify the Parent(s) in writing of its refusal to meet. Notice of a refusal will include an explanation of the reason no meeting is necessary to ensure a FAPE to the child. Parents may revoke their consent for special education services in accordance with their procedural safeguards. (See Section 10, G, H)
3. After the annual review IEP Team meeting, the Parent(s) and the School District may agree not to convene an IEP Team meeting for the purpose of making changes to a child's IEP and instead may develop a written document to amend or modify the current IEP, rather than redrafting the entire IEP. The School District must ensure that the child's IEP Team is informed of those changes. Upon request, a Parent must be provided with a revised copy of the IEP with the amendments incorporated.
4. If a participating agency other than the School District, fails to provide the transition services described in the IEP, the IEP Team must reconvene to identify alternative strategies to meet the transition objectives for the child set out in the IEP.

E. Transfer Children

1. If a child receiving special education transfers into the School District, the School District will ensure FAPE in consultation with the Parent(s) by providing special education and related services in conformity with an IEP.
  - a. For transfers from within Illinois, the School District shall enroll the child and provide FAPE, including education services comparable to those in the IEP from the former School District, until the School District either: (1) adopts the IEP from the former School District, or (2) develops, adopts and implements a new IEP.
  - b. For transfers from another state, the School District shall enroll the child and provide FAPE, including services comparable to those in the IEP from the former School District, until the School District: (1) conducts an evaluation, if determined to be necessary, and (2) develops, adopts and implements a new IEP, if appropriate.
  - c. If the School District does not adopt the former IEP and plans to develop a new one, within 10 days after the date of the child's enrollment the School District must provide written notice to the Parent(s), including the proposed date of the IEP meeting. While the new IEP is under development, the School District shall implement services comparable to those described in the IEP from the former district.
2. The School District must take reasonable steps to obtain the child's records, including the IEP, from the former School District. If the School District does not receive a copy of the transfer child's IEP or verbal or written confirmation of requirements of the IEP from the former School District, the child will be enrolled and served in the setting that the School District believes will meet the child's needs until the current IEP is obtained or a new IEP is developed.

F. Children Aged Three Through Five

1. For a child with a disability aged three through five, an Individualized Family Service Plan (IFSP) may serve as the child's IEP if using that plan is

agreed to by the School District and the Parent(s). If the School District proposes to use an IFSP, it shall:

- a. Provide a detailed explanation of the differences between an IFSP and an IEP to the Parents(s);
- b. Obtain informed, written parental consent for the use of an IFSP; and
- c. Ensure that the IFSP is developed in accordance with IEP requirements.

LEGAL REF.: 20 U.S.C.§§ 1400(c), 1412(a)(4), 1414(d).

34 C.F.R. §§ 300.34, 300.39, 300.114-117, 300.320-325, 300.328, 300.503.

105 ILCS 5/2-3.64, 5/14-8.02, 8.02(b).

23 Ill. Admin. Code §§ 226.50 (requirements for a FAPE), 226.200 (general requirements), 226.210 (IEP team), 226.220 (development, review and revision of the IEP), 226.230 (content of the IEP), 226.240 (determination of placement), 226.250 (child aged 3 through 5), 226.260 (child reaching age 3), 226.300 (continuum of placement options), 226.310 (related services), 226.330 (placement by school district in state-operated or nonpublic special education facilities), 226.530 (Parents' participation).

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