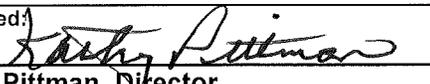


**MISSISSIPPI DEPARTMENT OF HUMAN SERVICES
DIVISION OF YOUTH SERVICES
JUVENILE INSTITUTIONS**

Subject: Individualized Education Program (IEP) New/Updated	Policy Number: 11
Number of Pages: 22	Section: XII
Attachments IEP Schedule Receipt of IEP Documentation Form Initial Parent Contact Form Parent Notification of Special Education IEP/Placement/Eligibility Committee Meeting Form Second Parent Notification Form Consent for Placement for Special Education Services Form Notice to Parent Not In Attendance at IEP/Eligibility Meeting Notice of Continued Services Parental Response to IEP Meeting Contact Log IEP Form	Related Standards & References Individuals with Disabilities Education Act (IDEA '97) and Regulations Individuals with Disabilities Education Improvement Act (IDEIA '04) Section 504 of the Rehabilitation Act of 1973 Performance-based Standards (Revised, November, 2004) Mississippi Department of Education Framework Standards Mississippi Nonpublic School Accountability Standards, 2004 Mississippi Department of Education, Office of Special Education Policies and Procedures (2003)
Effective Date: 06/09/2006 Revised: 12/15/2009	Approved:  Kathy Pittman, Director

I. POLICY

It is the policy of the Mississippi Department of Human Services, Division of Youth Services (MDHS/DYS), that students are entitled to receive a free and appropriate public education (FAPE) in the least restrictive environment (LRE) and that it provides for the student to receive special education services that may be reasonably predicted to benefit the student. In order to provide these services an individualized education program (IEP) for students eligible for special education services is developed.

II. DEFINITIONS

As used in this policy, the following definitions apply:

- A. Administrator or Agency Representative-** is an individual who is qualified to provide resources, make decision on behalf of the agency or supervise others. This individual should also be familiar with the provision of specially designed instruction to meet the unique needs of children with disabilities; is knowledgeable about the general curriculum; and is knowledgeable about the availability of the agency's resources.
- B. Free and Appropriate Public Education –** Special education and related services provided to students with disabilities in conformity with an IEP at public expense and under public supervision at cost to the parents/ guardians or students.
- C. Individualized Education Program (IEP) -** An individualized education program is a written

statement for a student with a disability that is developed, implemented, reviewed, and revised in accordance with Mississippi Special Education Rules and required procedures of the Mississippi Department of Education. The IEP evidences that the student is receiving a Free and Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE). The IEP ensures that the student receives educational services – regular and special education that may be reasonably predicted to benefit the student.

- D. Individualized Education Program Committee** – The Individualized Education Program Committee is the group responsible for the determination of a student’s special education programming. Members of the team include the following individuals: at least one special education teacher, a regular education teacher (if the student is participating in the general education curriculum, parent/ guardian, and an agency representative. Other disciplines including counselors, representatives from community agencies, and related service providers may be members of the IEP Team. The team designs the student’s educational program to address specific educational needs, accommodations and modifications needed, and transition goals. The committee is responsible for determining the student’s least restrictive environment, whether the student will participate in state testing and to what degree and related services needed. The IEP Committee utilizes information documented in the Assessment Team Report, state testing reports, classroom observations and parental input to develop an IEP.
- E. Least Restrictive Environment (LRE)** – Least Restrictive Environment is a federal mandate that requires education programs, to the maximum extent appropriate, to educate students with disabilities with their non-disabled peers.
- F. Inclusion**-implies that all students will be taught inside the regular education classroom. Inclusion in the regular education class provides disabled students the opportunity to be educated with their non-disabled peers. The regular education teacher may receive support with modifying assignments, etc. from the inclusion teacher.
- G. Resource**-implies that students are pulled out of their educational programs for remediation and support that address their learning deficiencies. The goal of this option is to remediate the area of disability through the use of learning strategies and best teaching practices using content materials and re-teaching.
- H. Self Contained**- The self-contained programs provide small group instruction to classified students who require special education classes for more than half of their instructional day as determined by their Individualized Educational Program (IEP). These programs may address the academic, emotional, and social needs of students whose disabilities require subjects replaced in special education classes. These classes provide the students with strategies and curriculum modifications which address their individualized needs so that they may reach their potential. Self-contained programs provide a base for core content instruction with the understanding that students are provided every opportunity to participate in a least restrictive environment whenever the student will receive education / social / emotional benefit.

III. PROCEDURE

Parent(s)/legal guardian(s) and the student shall be invited to participate in IEP activities and provide input.

- A. Scheduling an Individualized Education Plan (IEP) Meeting:

The principal or designee is responsible for scheduling IEP meetings in a timely manner and without undue delay.

1. New MDHS/DYS IEPs

- a. Upon verification (within 48 hours of admission) that a student is eligible for special education services, an IEP meeting is scheduled for the eligible student.
- b. The IEP meeting shall be scheduled and conducted within thirty (30) days of the student's date of admission to the MDHS/DYS facility.
- c. The Notice of Meeting is also forwarded to the regular and special education teacher(s), school administrators, agency representatives, related service providers, counselors, surrogate parents or anyone who has been asked to participate in the IEP meeting via memo.

2. Annual Review IEPs

- a. Annual Review IEPs must be reviewed and scheduled thirty (30) days before the anticipated expiration date.
- b. Annual Review IEPs must be conducted and implemented prior to the anticipated expiration date.
- c. An IEP review may be requested at any time by the student's parent(s)/legal guardian, teachers or the student at age 18 years or older.
- d. The MDHS/DYS may schedule an IEP meeting any time it believes that a change in the IEP may be necessary to ensure a free appropriate public education (FAPE) to the student.
- e. The Notice of Meeting is also forwarded to the regular and special education teacher(s), school administrators, agency representatives, related service providers, counselors, surrogate parents or anyone who has been asked to participate in the IEP meeting via memo.

3. Parent Participation

Parent(s)/legal guardian must be given the opportunity and should be encouraged to participate in the IEP committee meeting for their child.

- a. IEP meetings should be scheduled at a time and location convenient to parent(s)/legal guardian.
- b. If the parent(s)/legal guardian cannot attend the meeting, arrangements should be made for them to participate by telephone or other means.
- c. Reasonable efforts should be made to contact the student's parent(s)/legal guardian to schedule the meeting before the Notice of Meeting is sent to the parent.
- d. The Notice of Meeting is sent to the parent(s)/legal guardian minimally seven (7) to ten (10) days in advance of the scheduled meeting. A copy of the Procedural Safeguards, Parent Response to Notice of IEP meeting and Notice of Continued Services form are also mailed (if appropriate) to the parent(s)/legal guardian.
- e. The meeting can be scheduled with the parent via telephone. In this case, the parent waives his/her right to the 7-10 day notice requirement. A notification is sent to the parent via certified mail verifying and confirming the scheduled meeting.
- f. Parent(s)/legal guardian are asked to respond to the Notice of Meeting within five (5) days. If the parent(s)/legal guardian agree for the meeting to be held without their participation, they must return the Parental Response to IEP Meeting Form indicating this on the form. A statement should be included in the IEP minutes stating that the parent(s)/legal guardian agrees that the IEP meeting can be held without their participation.
- g. If contact has not been made and the Notice of Meeting has been sent out, at least two (2) efforts should be made to contact the parent(s)/legal guardian to confirm receipt of the notice, determine the parent(s)/legal guardian's desire to participate in the meeting and if

the meeting needs to be rescheduled. A Second Notice for IEP meeting shall be mailed to the parent or legal guardian.

h. All parental contacts should be documented on the Contact Log and maintained in the student's educational record.

i. Parents may request a meeting at any time to review or revise the IEP if they believe that the district has not acted in good faith in developing or implementing the IEP

j. When the parent requests a meeting the district will either: Schedule a meeting within a reasonable time or provide written notice of the district's refusal to hold a meeting.

B. IEP Team:

The IEP team is composed of a multi-disciplinary group of individuals that includes minimally the following:

1. The parent(s)/legal guardian of the student
2. At least one of the student's special teachers
3. At least one of the student's regular education teachers
4. Administrator or Agency Representative
5. The student when appropriate
6. An individual who can interpret the instructional implications of the evaluation results (This individual may also serve in another capacity on the committee)
Other individuals that may be included on the IEP Team include the following:
7. Any individuals who have knowledge or expertise regarding the child, including related service personnel, and MDHS/DYS facility personnel
8. Other qualified personnel, as necessary, when addressing the child's behavior, including functional behavioral specialist or counselor.
9. Community agencies that can assist in providing transition supports and services to the students.

C. IEP Meeting

1. The special education teacher or a designee chairs the IEP Meeting
2. In developing, reviewing and revising the IEP, the IEP team considers:
 - a. The strengths and weaknesses of the student
 - b. Input from the student and his/her parent(s)/legal guardian
 - c. Results of the initial or most recent evaluation of the student
 - d. The results of the student's performance on any general state or district wide assessments
 - e. The academic, developmental and functional needs of the student
 - f. Present Level of Academic Achievement and Functional Performance
 - g. Progress toward goals/objectives (if annual review)
 - h. The communication needs of the student and the need for assistive technology services and/ or devices.
 - i. Appropriate classroom placement (i.e. regular education, self-contained, resource, etc.) in the student's least restrictive environment.
 - j. Behavioral Issues
 - k. Related Services
 - l. Transportation issues
 - m. Transition planning (if 16 years or older)
 - n. Input from the regular education teacher(s) and related service providers
 - o. Accommodations and modifications needed to be successful in the classroom
 - p. Determine whether the student will participate in state and/or district testing and what accommodation and modifications, if any, are needed.

3. If the parent is not present at the IEP meeting, a copy of the of the IEP including minutes and any other supporting documents of the meeting is sent to the parent by mail with notification that the IEP will be implemented 7-10 days following the IEP meeting unless the parent objects or has questions regarding recommendations.
4. The parent is provided a copy of assessment reports and eligibility reports that may have been reviewed and/or developed at the meeting and a copy or the Procedural Safeguards.

D. IEP Implementation

1. IEPs should be implemented within ten (10) school days following the IEP meeting unless there is parent(s)/legal guardian objection or services must be contracted from outside the MDHS/DYS facility.
2. The IEP may be implemented immediately if the parent participates in the IEP meeting and agrees with the decisions of the IEP Committee.