

ASSEMBLY BILL

No. 2361

Introduced by Assembly Member Daucher

February 19, 2004

An act to amend Section 56341 of the Education Code, relating to special education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2361, as introduced, Daucher. Individualized education program team: representatives.

Existing law requires each meeting held to develop, review, or revise the individualized education program of an individual with exceptional needs to be conducted by an individualized education program team that is comprised of certain individuals, including a representative selected by a parent.

This bill would provide that a person who is an employee of a nonpublic school, or serves on the board of directors of a nonpublic school, is ineligible to act as a representative.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 56341 of the Education Code is
2 amended to read:
3 56341. (a) Each meeting to develop, review, or revise the
4 individualized education program of an individual with
5 exceptional needs shall be conducted by an individualized
6 education program team.

1 (b) The individualized education program team shall include
2 all of the following:

3 (1) One or both of the pupil’s parents, a representative selected
4 by a parent, or both, in accordance with the Individuals with
5 Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.). *A person*
6 *who is an employee or who serves on the board of directors of a*
7 *nonpublic school is ineligible to act as a representative.*

8 (2) At least one regular education teacher of the pupil, if the
9 pupil is, or may be, participating in the regular education
10 environment. If more than one regular education teacher is
11 providing instructional services to the individual with exceptional
12 needs, one regular education teacher may be designated by the
13 district, special education local plan area, or county office to
14 represent the others.

15 The regular education teacher of an individual with exceptional
16 needs shall, to the extent appropriate, participate in the
17 development, review, and revision of the pupil’s individualized
18 education program, including assisting in the determination of
19 appropriate positive behavioral interventions and strategies for the
20 pupil and supplementary aids and services, and program
21 modifications or supports for school personnel that will be
22 provided for the pupil, consistent with paragraph (3) of subsection
23 (a) of Section 300.347 of Title 34 of the Code of Federal
24 Regulations.

25 (3) At least one special education teacher of the pupil, or if
26 appropriate, at least one special education provider of the pupil.

27 (4) A representative of the district, special education local plan
28 area, or county office who meets all of the following:

29 (A) Is qualified to provide, or supervise the provision of,
30 specially designed instruction to meet the unique needs of
31 individuals with exceptional needs.

32 (B) Is knowledgeable about the general curriculum.

33 (C) Is knowledgeable about the availability of resources of the
34 local educational agency.

35 (5) An individual who conducted an assessment of the pupil or
36 who is knowledgeable about the assessment procedures used to
37 assess the pupil, and is familiar with the assessment results or
38 recommendations. The individual shall be qualified to interpret
39 the instructional implications of the assessment results. The



1 individual may be a member of the team described in paragraphs
2 (2) to (6), inclusive.

3 (6) At the discretion of the parent, guardian, or the district,
4 special education local plan area, or county office, other
5 individuals who have knowledge or special expertise regarding the
6 pupil, including related services personnel, as appropriate. The
7 determination of whether the individual has knowledge or special
8 expertise regarding the pupil shall be made by the party who
9 invites the individual to be a member of the individualized
10 education program team.

11 (7) Whenever appropriate, the individual with exceptional
12 needs.

13 (c) For a pupil suspected of having a specific learning
14 disability, at least one member of the individualized education
15 program team shall be qualified to conduct individual diagnostic
16 examinations of children, such as a school psychologist,
17 speech-language pathologist, or remedial reading teacher. At least
18 one team member other than the pupil's regular teacher shall
19 observe the pupil's academic performance in the regular
20 classroom setting. In the case of a child who is less than schoolage
21 or out of school, a team member shall observe the child in an
22 environment appropriate for a child of that age.

23 (d) (1) In the case of transition services, the district, special
24 education local plan area, or county office shall invite an
25 individual with exceptional needs of any age to attend his or her
26 individualized education program meeting if a purpose of the
27 meeting will be the consideration of either, or both, of the
28 following:

29 (A) The individual's transition service needs under subdivision
30 (a) of Section 56345.1.

31 (B) The needed transition services for the individual under
32 subdivision (b) of Section 56345.1.

33 (2) If the individual with exceptional needs does not attend the
34 individualized education program meeting, the district, special
35 education local plan area, or county office shall take steps to ensure
36 that the individual's preferences and interests are considered.

37 (3) When implementing the requirements of subdivision (b) of
38 Section 56345.1, the district, special education local plan area, or
39 county office also shall invite to the individualized education
40 program team meetings a representative that is likely to be



1 responsible for providing or paying for transition services. If an
2 agency invited to send a representative to a meeting does not do so,
3 the district, special education local plan area, or county office shall
4 take other steps to obtain participation of the other agency in the
5 planning of any transition services.

6 (e) A district, special education local plan area, or county office
7 may designate another local educational agency member of the
8 individualized education program team to serve also as the
9 representative required pursuant to paragraph (4) of subdivision
10 (b) if the requirements of subparagraphs (A), (B), and (C) of
11 paragraph (4) of subdivision (b) are met.

