

# United States Code

## 20 U.S.C. § 1414(d)

### Individualized Education Programs

#### 20 U.S.C. § 1414(d)

##### (1) Definitions.--As used in this title:

(A) **Individualized education program.**--The term ‘individualized education program’ or ‘IEP’ means a written statement for each child with a disability that is **developed, reviewed, and revised** in accordance with this section and that includes--

(i) **a statement of the child’s present levels of educational performance**, including--

(I) how the child’s disability affects the child’s involvement and **progress** in the **general curriculum**; or

(II) for preschool children, as appropriate, how the disability affects the child’s participation in appropriate activities;

(ii) **a statement of measurable annual goals**, including **benchmarks or short-term objectives**, related to--

(I) 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 curriculum; and

(II) meeting each of the child’s other educational needs that result from the child’s disability;

(iii) **a statement of the special education and related services and supplementary aids and services to be provided to 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--

(I) to advance **appropriately** toward attaining the annual goals;

(II) to be involved and progress in the general curriculum in accordance with clause (i) and to participate in extracurricular and other nonacademic activities; and

(III) to be educated and participate with other children with disabilities and nondisabled children in the activities described in this paragraph;

(iv) **an explanation of the extent, if any**, to which the child will not participate with nondisabled children in the regular class and in the activities described in clause (iii);

(v)

(I) a statement of any individual modifications in the administration of State or districtwide assessments of student achievement that are needed in order for the child to participate in such assessment; and

(II) if the IEP Team determines that the child will not participate in a particular State or districtwide assessment of student achievement (or part of such an assessment), a statement of

(aa) why that assessment is not appropriate for the child; and

(bb) how the child will be assessed;

(vi) **the projected date for the beginning of the services and modifications** described in clause (iii), and the anticipated **frequency, location, and duration** of those services and modifications;

(vii)

**(I) beginning at age 14**, and updated annually, a **statement of the transition service needs** of the child under the applicable components of the child's IEP that focuses on the child's courses of study (such as participation in advanced-placement courses or a vocational education program);

**(II) beginning at age 16** (or younger, if determined appropriate by the IEP Team), a statement of **needed transition services** for the child, including, when appropriate, a statement of the **interagency responsibilities** or any needed linkages; and

(III) beginning at least one year before the child reaches the age of majority under State law, a statement that **the child has been informed of his or her rights** under this title, if any, that will transfer to the child on reaching the age of majority under section 615(m); and

**(viii) a statement of--**

(I) **how the child's progress toward the annual goals described in clause (ii) will be measured**; and

(II) how the child's parents will be regularly informed (by such means as periodic report cards), at least as often as parents are informed of their nondisabled children's progress, of--

(aa) their child's progress toward the annual goals described in clause (ii); and

(bb) the extent to which that **progress is sufficient** to enable the child to achieve the goals by the end of the year.

**(B) Individualized education program team.**--The term 'individualized education program team' or 'IEP Team' means a group of individuals composed of--

(i) the **parents** of a child with a disability;

(ii) at least one **regular education teacher** of such child (if the child is, or may be, participating in the regular education environment);

(iii) at least **one special education teacher**, or where appropriate, at least one special education provider of such child;

(iv) a **representative** of the local educational agency who--

(I) is **qualified to provide, or supervise the provision of, specially designed instruction** to meet the unique needs of children with disabilities;

(II) is **knowledgeable** about the general curriculum; and

(III) is **knowledgeable about the availability of resources** of the local educational agency;

(v) an individual who can **interpret the instructional implications of evaluation results**, who may be a member of the team described in clauses (ii) through (vi);

(vi) at the **discretion of the parent** or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and

(vii) whenever appropriate, the **child** with a disability.

**(2) Requirement that program be in effect.**--

**(A) In general.**--At the beginning of each school year, each local educational agency, State educational agency, or other State agency, as the case may be, shall have in effect, for each child with a disability in its jurisdiction, an individualized education program, as defined in paragraph (1)(A).

**(B) Program for child aged 3 through 5.**--In the case of a child with a disability aged 3 through 5 (or, at the discretion of the State educational agency, a 2 year-old child with a disability who will turn age 3 during the school

year), an individualized family service plan that contains the material described in section 636, and that is developed in accordance with this section, may serve as the IEP of the child if using that plan as the IEP is--

- (i) consistent with State policy; and
- (ii) agreed to by the agency and the child's parents.

### (3) Development of IEP.--

(A) **In general.**--In developing each child's IEP, the IEP Team, subject to subparagraph (C), **shall** consider--

- (i) the **strengths** of the child and the **concerns of the parents for enhancing the education of their child**; and
- (ii) the **results** of the initial evaluation or **most recent evaluation** of the child.

(B) **Consideration of special factors.**--The IEP Team **shall**--

- (i) in the case of a child **whose behavior impedes his or her learning or that of others**, consider, when appropriate, strategies, including **positive behavioral interventions**, strategies, and supports to address that behavior;
- (ii) in the case of a child with limited English proficiency, consider the language needs of the child as such needs relate to the child's IEP;
- (iii) in the case of a child who is blind or visually impaired, 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;
- (iv) consider the **communication needs of the child**, and in the case of a child who is deaf or hard of hearing, 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
- (v) consider whether the child requires assistive technology devices and services.

(C) **Requirement with respect to regular education teacher.**--The regular education teacher of the child, as a member of the IEP Team, **shall, to the extent appropriate, participate** in the development of the IEP of the child, including the determination of appropriate **positive behavioral interventions and strategies** and the determination of supplementary aids and services, program modifications, and support for school personnel consistent with paragraph (1)(A)(iii).

### (4) Review and revision of IEP.--

(A) **In general.**--The local educational agency **shall** ensure that, subject to subparagraph (B), the IEP Team--

- (i) **reviews** the child's IEP periodically, **but not less than annually** to determine whether the annual goals for the child are being achieved; and
- (ii) **revises** the IEP as appropriate to address--
  - (I) any **lack of expected progress** toward the annual goals and in the general curriculum, where appropriate;
  - (II) the **results of any reevaluation** conducted under this section;

(III) information about the child provided to, or by, the parents, as described in subsection (c)(1)(B);

(IV) the **child's anticipated needs**; or

(V) **other matters**.

**(B) Requirement with respect to regular education teacher.**--The regular education teacher of the child, as a member of the IEP Team, shall, to the extent appropriate, participate in the review and revision of the IEP of the child.

**(5) Failure to meet transition objectives.**--If a participating agency, other than the local educational agency, fails to provide the transition services described in the IEP in accordance with paragraph (1)(A)(vii), the local educational agency shall reconvene the IEP Team to identify alternative strategies to meet the transition objectives for the child set out in that program.

**(6) Children with disabilities in adult prisons.**--

**(A) In general.**--The following requirements do not apply to children with disabilities who are convicted as adults under State law and incarcerated in adult prisons:

(i) The requirements contained in section 612(a)(17) and paragraph (1)(A)(v) of this subsection (relating to participation of children with disabilities in general assessments).

(ii) The requirements of subclauses (I) and (II) of paragraph (1)(A)(vii) of this subsection (relating to transition planning and transition services), do not apply with respect to such children whose eligibility under this part will end, because of their age, before they will be released from prison.

**(B) Additional requirement.**--If a child with a disability is convicted as an adult under State law and incarcerated in an adult prison, the child's IEP team may modify the child's IEP or placement notwithstanding the requirements of sections 612(a)(5)(A) and 614(d)(1)(A) if the State has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated.

**(e) Construction.**--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 such IEP.

**(f) Educational Placements.**--Each local educational agency or State educational agency shall ensure that the parents of each child with a disability are members of any group that makes decisions on the educational placement of their child.

## END OF STATUTE

[Home](#)