

# SECTION F

## Eligibility and IEP Development



(SPECIAL EDUCATION LOCAL PLAN AREA)

## Introduction

The law limits eligibility for special education services. The Individualized Education Program (IEP) team must determine that a student meets the three criteria noted in the next section for an IEP to be written and services provided.

## Eligibility

### Eligibility Criteria

To qualify for special education services, the child must be eligible under one of the following conditions **and** the disability must adversely affect a child's educational performance. Modifications and services in general education **must** have been utilized and documented to ensure that all other means of instruction cannot meet the child's needs without special education.

IDEA categories are limited to the following:

*Autism (AUT):* Autism means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, and adversely affecting a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. Autism does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance.

*Deaf (DEAF):* A hearing impairment that is so severe that the student is impaired in processing linguistic information through learning, with or without amplification.

*Deaf-Blindness (DB):* Concomitant hearing and visual impairments, the combination of which causes severe communication, developmental, and educational problems.

*Emotionally Disturbed (ED):* A condition exhibiting one or more of the following characteristics over a period of time and to a marked degree:

1. An inability to learn which intellectual, sensory, or health factors cannot explain
2. An inability to build or maintain satisfactory interpersonal relationships with peers and teachers
3. Inappropriate types of behavior or feelings under normal circumstances
4. A general pervasive mood of unhappiness or depression
5. A tendency to develop physical symptoms or fears associated with personal or school problems
6. The term ED includes students who are schizophrenic

## Section F Eligibility and IEP Development

The term ED does not include students who are socially maladjusted, unless it is determined that they exhibit one or more of the characteristics listed above.

*Established Medical Disability (EMD) - ages 3-5 only:* A disabling medical condition or congenital syndrome that the IEP team determines has a high predictability of requiring special education and services.

*Hard of Hearing (HH):* A hearing impairment, whether permanent or fluctuating, which adversely affects a student's educational performance, but which is not included under the definition of "Deaf" in this section.

*Intellectual Disability (ID):* Student has significantly below average general intellectual functioning existing concurrently with deficits in adaptive behavior manifested during the developmental period.

*Multiple Disabilities (MD):* Concomitant impairments (e.g., intellectually disabled-blind, intellectually disabled-orthopedically impaired, etc.), the combination of which causes severe educational problems. The term does not include deaf-blind students.

*Orthopedic Impairment (OI):* A severe orthopedic impairment which adversely affects a student's educational performance. The term includes impairments caused by congenital abnormalities, impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.), and impairments from other causes (e.g., cerebral palsy, amputations, etc.).

*Other Health Impairment (OHI):* Student has limited strength, vitality, or alertness due to chronic or acute health problems (e.g., heart condition, tuberculosis, rheumatic fever, AIDS, asthma, ADD/ADHD sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes, etc.).

*Specific Learning Disability (SLD):* A specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or perform mathematical calculations. The term "specific learning disability" includes conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

In determining whether a pupil has a specific learning disability a local educational agency is not required to take into consideration whether a pupil has a severe discrepancy between achievement and intellectual ability in oral expression, listening comprehension, written expression, basic reading skill, reading comprehension, mathematical calculation, or mathematical reasoning.

## *Section F Eligibility and IEP Development*

In determining whether a pupil has a specific learning disability, a local educational agency may use a process that determines if the pupil responds to scientific, research-based intervention as a part of the assessment procedures.

A pupil who is assessed as being dyslexic and meets eligibility criteria for specific learning disability is entitled to special education and related services. If a pupil who exhibits the characteristics of dyslexia or another related reading dysfunction is not found to be eligible for special education and related, the pupil's instructional program shall be provided in the regular education program.

The basic psychological processes include attention, visual processing, auditory processing, sensory-motor skills, and cognitive abilities including association, conceptualization and expression.

- A. Specific learning disabilities do not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of intellectual disability, of emotional disturbance, or of environmental, cultural, or economic disadvantage.
- B. In determining whether a pupil has a specific learning disability, the LEA may consider whether a pupil has a severe discrepancy between intellectual ability and achievement in oral expression, listening comprehension, written expression, basic reading skill, reading comprehension, mathematical calculation, or mathematical reasoning. The decision as to whether or not a severe discrepancy exists shall take into account all relevant material which is available on the pupil. No single score or product of scores, test or procedure shall be used as the sole criterion for the decisions of the IEP team as to the pupil's eligibility for special education. In determining the existence of a severe discrepancy, the IEP team shall use the following procedures:
  - a. When standardized tests are considered to be valid for a specific pupil, a severe discrepancy is demonstrated by: first, converting into common standard scores, using a mean of 100 and standard deviation of 15, the achievement test score and the intellectual ability test score to be compared; second, computing the difference between these common standard scores; and third, comparing this computed difference to the standard criterion which is the product of 1.5 multiplied by the standard deviation of the distribution of computed differences of students taking these achievement and ability tests. A computed difference which equals or exceeds this standard criterion, adjusted by one standard error of measurement, the adjustment not to exceed 4 common standard score points, indicates a severe discrepancy when such discrepancy is corroborated by other assessment data which may include other tests, scales, instruments, observations and work samples, as appropriate.

## Section F Eligibility and IEP Development

- b. When standardized tests are considered to be invalid for a specific pupil, the discrepancy shall be measured by alternative means as specified on the assessment plan.
  - c. If the standardized tests do not reveal a severe discrepancy as above, the IEP team may find that a severe discrepancy does exist, provided that the team documents in a written report that the severe discrepancy between ability and achievement exists as a result of a disorder in one or more of the basic psychological processes. The report shall include a statement of the area, the degree, and the basis and method used in determining the discrepancy. The report shall contain information considered by the team which shall include, but not be limited to:
    - i. Data obtained from standardized assessment instruments
    - ii. Information provided by the parent
    - iii. Information provided by the pupil's present teacher
    - iv. Evidence of the pupil's performance in the regular and/or special education classroom obtained from observations, work samples, and group test scores
    - v. Consideration of the pupil's age, particularly for young children; and
    - vi. Any additional relevant information
  - d. A severe discrepancy shall not be primarily the result of limited school experience or poor school attendance.
- C. Whether or not a pupil exhibits a severe discrepancy, a pupil may be determined to have a specific learning disability if:
- a. The pupil does not achieve adequately for the pupil's age or to meet State-approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the pupil's age or State-approved grade-level standards:
    - i. Oral expression
    - ii. Listening comprehension
    - iii. Written expression
    - iv. Basic reading skill
    - v. Reading fluency skills
    - vi. Reading comprehension
    - vii. Mathematics calculation
    - viii. Mathematics problem solving, and
  - b. The team determines:
    - i. The pupil does not make sufficient progress to meet age or State-approved grade-level standards in one or more of the areas identified when using a process based on the pupil's response to scientific, research-based intervention; or
    - ii. The pupil exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade-level

## Section F Eligibility and IEP Development

- standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability, using appropriate assessments; and
- c. The findings are not primarily the result of: (i) A visual, hearing, or motor disability; (ii) Intellectual disability; (iii) Emotional disturbance; (iv) Cultural factors; (v) Environmental or economic disadvantage; or (vi) Limited English proficiency.
  - d. To ensure that underachievement in a pupil suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, the group making the decision must consider:
    - i. Data that demonstrate that prior to, or as a part of, the referral process, the pupil was provided appropriate instruction in regular education settings, delivered by qualified personnel; and
    - ii. Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the pupil's parents.
  - e. In determining whether a pupil has a specific learning disability, the public agency must ensure that the pupil is observed in the pupil's learning environment. In the case of a child of less than school age or out of school, a qualified professional must observe the child in an environment appropriate for a child of that age.

### *Speech or Language Impairment (SLI):*

A pupil has a language or speech disorder as defined in Education Code section 56333, and it is determined that the pupil's disorder meets one or more of the following criteria:

#### (A) Articulation disorder

- a. The pupil displays reduced intelligibility or an inability to use the speech mechanism which significantly interferes with communication and attracts adverse attention. Significant interference in communication occurs when the pupil's production of single or multiple speech sounds on a developmental scale of articulation competency is below that expected for his or her chronological age or developmental level, and which adversely affects educational performance.
- b. A pupil does not meet the criteria for an articulation disorder if the sole assessed disability is an abnormal swallowing pattern.

(B) Abnormal Voice. A pupil has an abnormal voice which is characterized by persistent, defective voice quality, pitch, or loudness.

(C) Fluency Disorders. A pupil has a fluency disorder when the flow of verbal expression including rate and rhythm adversely affects communication between the pupil and listener.

## Section F Eligibility and IEP Development

(D) Language Disorder. The pupil has an expressive or receptive language disorder when he or she meets one of the following criteria:

- a. The pupil scores at least 1.5 standard deviations below the mean, or below the 7th percentile, for his or her chronological age or developmental level on two or more standardized tests in one or more of the following areas of language development: morphology, syntax, semantics, or pragmatics. When standardized tests are considered to be invalid for the specific pupil, the expected language performance level shall be determined by alternative means as specified on the assessment plan, or
- b. The pupil scores at least 1.5 standard deviations below the mean or the score is below the 7th percentile for his or her chronological age or developmental level on one or more standardized tests in one of the areas listed in subdivision (A) and displays inappropriate or inadequate usage of expressive or receptive language as measured by a representative spontaneous or elicited language sample of a minimum of 50 utterances. The language sample must be recorded or transcribed and analyzed, and the results included in the assessment report. If the pupil is unable to produce this sample, the language, speech, and hearing specialist shall document why a fifty utterance sample was not obtainable and the contexts in which attempts were made to elicit the sample. When standardized tests are considered to be invalid for the specific pupil, the expected language performance level shall be determined by alternative means as specified in the assessment plan.

*Traumatic Brain Injury (TBI):* Traumatic brain injury means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. Traumatic brain injury applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. Traumatic brain injury does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.

*Visually Impaired (VI):* A visual impairment which, even with correction, adversely affects a student's educational performance. The term includes both partially seeing and blind students.

## The Individualized Education Program (IEP)

### IEP General Information

The IEP team is responsible for reviewing the assessment results, determining eligibility, determining the content of the IEP if special education services are required, and making recommendations for appropriate service (appropriate services must commence on the date

## Section F Eligibility and IEP Development

determined by the IEP Team). In making these determinations, all general and categorical programs must have been considered, and where appropriate, used to meet a student's educational needs.

The IEP (if required) includes a direct relationship between the present levels of performance, the goals and objectives (if required), and the specific educational services to be provided. The contents of the IEP must be made available to the student's teachers and other educational service providers.

It is the LEA's responsibility to assist the parents in fully participating in the IEP process. This includes, but is not limited to, provision of parent rights, explanation of rights as necessary, and arranging for interpreters for parents whose primary language is other than English or for parents who are deaf. A copy of the IEP is provided to the parents at no cost, and **when requested**, it is in the primary language of the parents.

The IEP offers students educational opportunities that promote maximum interaction with nondisabled peers in the **least restrictive environment (LRE) to the extent that the student with a disability can demonstrate educational benefit**. Special and general education staff coordinates instruction and curriculum.

An IEP meeting must be convened by LEA staff prior to the discontinuation of current services, including those provided by an outside agency. A report must also be developed as a means to document assessment rationale to discontinue service.

### Mandatory IEP Meetings

The IEP team meets when any of the following occurs:

1. The student has been formally assessed
2. The student demonstrates a lack of anticipated progress
3. The teacher requests a meeting to develop, review, or revise the IEP
4. The parent requests an IEP meeting. This meeting must be held within 30 calendar days of receipt of parent's written request, not counting school breaks of more than five (5) days.
5. At least annually to review the child's progress, the IEP, and the appropriateness of placement, and to make any necessary revisions
6. When a student with an existing IEP transfers into a LEA from **outside** San Luis Obispo County. The prior IEP must be reviewed and updated within 30 calendar days, and the student is provided services similar to those in the prior LEA for up to 30 calendar days.
7. When an eligible special education student has been suspended for more than a total of ten (10) days within a school year (see suspension explanation *Section I*)
8. When an eligible special education student is being considered for expulsion
9. When discontinuing a service



## Section F Eligibility and IEP Development

### IEP Meeting Notification

1. All attempts must be made to schedule a student's IEP team meeting at a time that is mutually convenient for the parent/legal guardian and school personnel.
2. Parents must be notified of the reason, time and place of the IEP meeting in writing prior to the meeting date.
3. The IEP notice is to be in the language or means of communication understood by the parent, to the extent possible.
4. All IEP team members, including DIS staff, are provided a copy of the written *Notice of Meeting* form and notified of any changes.
5. The *Notice of Meeting* is filed in the student's record.
6. More than one *Notice of Meeting* form and multiple telephone calls may be needed to get the IEP team member together.

**Please note:** Initial placement and changes of placement cannot occur without the parent/legal guardian's signature. If a student is presently in a program, that program continues until a new IEP is developed and signed by the parent/legal guardian.

7. If several **documented** meetings have been scheduled and the parent/legal guardian has been unable to attend, other team member may meet to complete the IEP. A member of the IEP team is designated to obtain the parent/legal guardian's signature in a timely manner.
8. Participation may be by phone/teleconference.

### IEP Team Membership

Each IEP team shall include, but not be limited to, the following people:

1. The parents (including surrogate parent, legal guardian, or representative designated by the parent) of the student
2. At least one special education teacher, or where appropriate, at least one special education provider
3. A representative of the LEA who is qualified to provide, or supervise the provision of specially designed instruction to meet the needs of children with disabilities; is knowledgeable about the general curriculum and the availability of resources of the local agency
4. At least one regular education teacher if the child is, or may, participate in the general education setting
5. When a Transition Plan is being developed, the student shall be invited but not required to participate in the IEP team meeting

When appropriate, the team may also include:

1. The student for whom the meeting is held
2. Staff conducting the assessment of the student or knowledgeable of the assessment procedures used and capable of interpreting the results

## Section F Eligibility and IEP Development

3. At the discretion of the parent or the LEA, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate. The determination of this knowledge/expertise shall be made by the party who invites the individual to be a member of the IEP team
4. A team member who has observed the child in an age-appropriate setting, if the child is younger than five years and/or is not enrolled in any school
5. A representative from Behavioral Health Services to discuss recommendations based on that agency's assessment of the student to assist the team in determining that the student qualifies for Educationally Related Social-Emotional Supports and Services and develop goals and services
6. Representatives of other public agencies who provide, or may provide, services to the student to participate in the coordination of appropriate services (e.g., Tri-Counties Regional Center, Probation, Department of Rehabilitation, Department of Social Services)

### Excusal from IEP Meetings

Although the Education Code allows for excusal of individual members of the IEP team from all or part of an IEP meeting, this practice is expected to be the exception, not the rule.

Members can only be excused if:

1. Their area of curriculum or related services is not being modified or discussed
2. Consultation with the member has occurred and the member submits written input prior to the meeting and,
3. The parents and the LEA designee agree in writing to this excusal (See Appendix in this section for *IEP Team Excusal form*.)

In the vast majority of the IEPs it is expected that a general education representative will be in attendance. The general education representative is the student's teacher unless the student does not access the general education environment, and then it is a teacher who is knowledgeable of the mainstreamed environment. If the student has more than one general education teacher only one is required to be in attendance.

If a general education teacher is not in attendance at a meeting and general education is discussed then the meeting should be adjourned and continued when the appropriate general education representative can be present. If the administrative designee is in doubt whether a general education representative should be in attendance it is most defensible to require such attendance.

### Changes to the IEP

After the annual IEP is completed, changes may be made to the IEP by means of an Amendment. These changes may be agreed upon in two manners. Most often the IEP team reconvenes and agrees on the changes. In this case, notification of an IEP meeting must be sent out following the standard procedure and excusal of members must follow the standard

## Section F Eligibility and IEP Development

processes of mutual agreement. Amendment to the IEP may also be accomplished if both the LEA and the parent agree in writing by a meeting between the LEA special education administrator or designee and the parent. Teachers or school personnel if not designated by the special education administrator, or designee, are not allowed to amend IEPs by this process. Whether the IEP changes are made with a full team or by a meeting between the parents and LEA, changes are documented on the SELPA Amendment form.

### Exit Criteria

A student may no longer qualify for special education services when the IEP team determines that one or more of the following criteria exist:

1. The needs, which were originally identified when the student was found eligible, have been addressed to the extent that the student can adequately function in the general school program without special education instruction or service (Evaluation report required)
2. The student no longer meets eligibility criteria for special education services as determined by a complete evaluation (Evaluation report required)

Evaluation report is not needed when:

1. The student graduates from high school with a regular diploma
2. The students turn 22 years of age during the months of January to June, inclusive. (They may continue in their educational program to the end of the fiscal year, including any extended year program.)
3. The students turn 22 years of age during the month of July and up to the day prior to the first day of school for the subsequent school year. (They may continue their educational program to the end of the extended year program only.)
4. The students turn 22 years of age after extended school year and up to December 31<sup>st</sup>. (The educational program may continue until December 31<sup>st</sup> of that year.)
5. The student would otherwise complete their IEP at the end of the current fiscal year or has not had an individual transition plan in place from the age of 20. (In these cases the student may continue in their educational program until the end of the fiscal year.)

### IEP Contents

The IEP shows a direct relationship between the present levels of performance, the goals (and objectives, if required), and the specific educational services to be provided. The IEP includes, but is not limited to, all of the following:

1. Statement of eligibility

*Section F Eligibility and IEP Development*

2. The present levels of the child's educational performance including how the child's disability affects the child's involvement and progress in the general curriculum
3. The annual goals, including short-term instructional objectives (if required)
4. The specific services, and supplementary aids and services required for the child
5. The extent to which the child will be able to participate in general education programs
6. The projected date for initiation and the anticipated duration of such programs and services
7. Appropriate goal criteria, statewide assessment procedures, and (if required) dates to determine if objectives have been achieved
8. Physical education needs
9. Means of reporting progress
10. A statement of the transition needs of the child which is focused on courses of study
11. Beginning when the Individual Transition Plan is developed, or younger if determined appropriate by the IEP team, a statement of needed transition services, including, when appropriate, a statement of the interagency responsibilities or needed linkages
12. Parental consent to all parts of the IEP
13. A statement of the special factors or supports required

When appropriate, the IEP will also include, but not be limited to, all of the following:

1. Pre-vocational career education for children in kindergarten and grades one to six
2. Vocational education, career education or work experience education, or any combination of these, in preparation for paid employment, including independent living skills training for children in grades seven to twelve
3. For children whose primary language is other than English, linguistically appropriate goals, objectives (if required), programs, and services
4. Extended school year eligibility
5. Provisions for the transition into regular class program if the child is to be transferred from a special class or center, or nonpublic, nonsectarian school into a regular class in a public school for any part of the school day
6. Appropriate specialized services, materials, and equipment for students with low incidence disabilities
7. A behavioral intervention plan and or/behavioral goals, when behavior impedes student learning

## Individual Transition Plan (ITP)

### Transition Planning to Post-Secondary

State and Federal laws require additional content shall be included in the IEP no later than the first IEP to be in effect when a student is 16 years old. This additional content shall include:

1. Appropriate measurable postsecondary goals based upon age-appropriate transition assessment relating to training, education, employment, and when appropriate independent living skills, and
2. Transition services including courses of study

Transition goals designed to support post-secondary goals shall be documented on the SELPA IEP goal forms. Transition goals must contain the components required of all goals including a measurement standard. At least one goal must be written in the areas of Training/Education and Employment. Additional transition goals for Independent Living may be written at the discretion of the IEP team.

Transition services (EC 56345.1) refer to a coordinated set of activities for a student that:

1. Are designed within an outcome-oriented process that promotes movement from school to post-school activities
2. Are based upon the student's needs taking into account the student's preferences and interests
3. Include instruction, related services, community experiences, the development of employment and other post-school independent living objectives (if required)

Agencies other than a LEA or the SLOCOE may participate in providing the transition services. However if such an agency fails to provide transition services described in the IEP, the LEA shall reconvene the IEP team meeting to identify alternative strategies to meet the transition services needs.

### Transition from Preschool to Elementary School (EC 56455)

Prior to transitioning a student from a preschool program to kindergarten or first grade, a reassessment of the student shall be conducted to revisit present levels and progress. If additional evidence is needed, an Assessment Plan is developed.

### Transition Planning from Early Start to Preschool Settings (EC 56426.9)

An IEP shall be developed by the LEA of residence in conjunction with the Early Start personnel, TCRC staff, and if appropriate, the SLOCOE for students enrolled in Early Start services prior to their third birthday. This planning should start at age 2.6 to 2.9 and culminate with an IEP team meeting before the 3<sup>rd</sup> birthday to review assessments and determine eligibility and special education goals and services.

*Section F Eligibility and IEP Development*

See Section C and the Birth to Three Interagency Agreement with Tri Counties Regional Center.

Revised and approved by Governing Council on March 10, 2017

## **APPENDIX**



**IEP TEAM MEMBER EXCUSAL**  
**From A Meeting In Whole Or In Part**

Student's Name: \_\_\_\_\_  
 Date of Meeting \_\_\_\_/\_\_\_\_/\_\_\_\_

By mutual agreement between the parent/adult student, and designated representative of the local education agency, the presence and participation of the Individual Education Program team member(s) identified below is/are not necessary and has/have been excused from being present and participating in the meeting scheduled on \_\_\_\_/\_\_\_\_/\_\_\_\_ because (1) the member's area of the curriculum or related services is not being modified or discussed in the meeting or (2) the meeting involves a modification to or discussion of the member's area of curriculum or related services and the member submitted, in writing to the parent and the IEP team, input into the development of the IEP prior to the meeting.

Individual Education Program Team Member(s)	Area Of Curriculum Or Related Services	Check appropriate column explaining why the IEP team member is being mutually excused from the IEP meeting in <input type="checkbox"/> whole or <input type="checkbox"/> in part:	
		Area Of Curriculum Or Related Services is Not Being Discussed Or Modified	Written input has been submitted to the parent and the IEP team prior to the meeting regarding Area Of Curriculum Or Related Services

By mutual agreement the IEP team members identified above, have been excused from being present and participating in my child's IEP meeting.

Circle relationship to student, sign, and date below.

Signature of Parent/Guardian/Surrogate: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Signature of Parent/Guardian/Surrogate: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Signature of Adult Student (ages 18-21): \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Signature of Designated District Representative: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Title/Position: \_\_\_\_\_

*IDEA Section 614 (d) (1) (c) IEP TEAM ATTENDANCE-*

*'(i) ATTENDANCE NOT NECESSARY – A member of the IEP team shall not be required to attend an IEP meeting, in whole or in part, if the parent of a child with a disability and the local educational agency agree that the attendance of such a member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting, '(ii) EXCUSAL- A member of the IEP Team may be excused from attending an IEP meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of curriculum or related services, if—'(I) the parent and the local educational agency consent to the excusal; and '(II) the member submits, in writing to the parent and the IEP team, input into the development of the IEP prior to the meeting. '(iii) WRITTEN AGREEMENT AND CONSENT REQUIRED- A parent's agreement under clause (i) and consent under clause (ii) shall be in writing."*