`SEC. 614. EVALUATIONS, ELIGIBILITY DETERMINATIONS, INDIVIDUALIZED EDUCATION PROGRAMS, AND EDUCATIONAL PLACEMENTS.

`(a) EVALUATIONS, PARENTAL CONSENT, AND REEVALUATIONS-

`(1) INITIAL EVALUATIONS-

`(A) IN GENERAL- A State educational agency, other State agency, or local educational agency shall conduct a full and individual initial evaluation in accordance with this paragraph and subsection (b), before the initial provision of special education and related services to a child with a disability under this part.

`(B) REQUEST FOR INITIAL EVALUATION- Consistent with subparagraph (D), either a parent of a child, or a State educational agency, other State agency, or local educational agency may initiate a request for an initial evaluation to determine if the child is a child with a disability.

`(C) PROCEDURES-

`(i) IN GENERAL- Such initial evaluation shall consist of procedures--

`(I) to determine whether a child is a child with a disability (as defined in section 602) within 60 days of receiving parental consent for the evaluation, or, if the State establishes a timeframe within which the evaluation must be conducted, within such timeframe; and

`(II) to determine the educational needs of such child.

`(ii) EXCEPTION- The relevant timeframe in clause (i)(I) shall not apply to a local educational agency if--

`(I) a child enrolls in a school served by the local educational agency after the relevant timeframe in clause (i)(I) has begun and prior to a determination by the child's previous local educational agency as to whether the child is a child with a disability (as defined in section 602), but only if the subsequent local educational agency is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and subsequent local educational agency agree to a specific time when the evaluation will be completed; or

`(II) the parent of a child repeatedly fails or refuses to produce the child for the evaluation.

`(D) PARENTAL CONSENT-

`(i) IN GENERAL-

`(I) CONSENT FOR INITIAL EVALUATION- The agency proposing to conduct an initial

evaluation to determine if the child qualifies as a child with a disability as defined in section 602 shall obtain informed consent from the parent of such child before conducting the evaluation. Parental consent for evaluation shall not be construed as consent for placement for receipt of special education and related services.

`(II) CONSENT FOR SERVICES- An agency that is responsible for making a free appropriate public education available to a child with a disability under this part shall seek to obtain informed consent from the parent of such child before providing special education and related services to the child.

`(ii) ABSENCE OF CONSENT-

`(I) FOR INITIAL EVALUATION- If the parent of such child does not provide consent for an initial evaluation under clause (i)(I), or the parent fails to respond to a request to provide the consent, the local educational agency may pursue the initial evaluation of the child by utilizing the procedures described in section 615, except to the extent inconsistent with State law relating to such parental consent.

`(II) FOR SERVICES- If the parent of such child refuses to consent to services under clause (i)(II), the local educational agency shall not provide special education and related services to the child by utilizing the procedures described in section 615.

`(III) EFFECT ON AGENCY OBLIGATIONS- If the parent of such child refuses to consent to the receipt of special education and related services, or the parent fails to respond to a request to provide such consent--

`(aa) the local educational agency shall not be considered to be in violation of the requirement to make available a free appropriate public education to the child for the failure to provide such child with the special education and related services for which the local educational agency requests such consent; and

`(bb) the local educational agency shall not be required to convene an IEP meeting or develop an IEP under this section for the child for the special education and related services for which the local educational agency requests such consent.

`(iii) CONSENT FOR WARDS OF THE STATE-

`(I) IN GENERAL- If the child is a ward of the State and is not residing with the child's parent, the

agency shall make reasonable efforts to obtain the informed consent from the parent (as defined in section 602) of the child for an initial evaluation to determine whether the child is a child with a disability.

`(II) EXCEPTION- The agency shall not be required to obtain informed consent from the parent of a child for an initial evaluation to determine whether the child is a child with a disability if--

`(aa) despite reasonable efforts to do so, the agency cannot discover the whereabouts of the parent of the child;

`(bb) the rights of the parents of the child have been terminated in accordance with State law; or

`(cc) the rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.

`(E) RULE OF CONSTRUCTION- The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services.

`(2) REEVALUATIONS-

`(A) IN GENERAL- A local educational agency shall ensure that a reevaluation of each child with a disability is conducted in accordance with subsections (b) and (c)--

`(i) if the local educational agency determines that the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or

`(ii) if the child's parents or teacher requests a reevaluation.

`(B) LIMITATION- A reevaluation conducted under subparagraph (A) shall occur--

`(i) not more frequently than once a year, unless the parent and the local educational agency agree otherwise; and

`(ii) at least once every 3 years, unless the parent and the local educational agency agree that a reevaluation is unnecessary.

`(b) EVALUATION PROCEDURES-

`(1) NOTICE- The local educational agency shall provide notice to the parents of a child with a disability, in accordance with subsections (b)(3), (b)(4), and (c) of section 615, that describes any evaluation procedures such agency proposes to conduct.

`(2) CONDUCT OF EVALUATION- In conducting the evaluation, the local educational agency shall--

`(A) use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information, including information provided by the parent, that may assist in determining--

`(i) whether the child is a child with a disability; and

`(ii) the content of the child's individualized education program, including information related to enabling the child to be involved in and progress in the general education curriculum, or, for preschool children, to participate in appropriate activities;

`(B) not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability or determining an appropriate educational program for the child; and

`(C) use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

`(3) ADDITIONAL REQUIREMENTS- Each local educational agency shall ensure that--

`(A) assessments and other evaluation materials used to assess a child under this section--

`(i) are selected and administered so as not to be discriminatory on a racial or cultural basis;

`(ii) are provided and administered in the language and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is not feasible to so provide or administer;

`(iii) are used for purposes for which the assessments or measures are valid and reliable;

`(iv) are administered by trained and knowledgeable personnel; and

`(v) are administered in accordance with any instructions provided by the producer of such assessments;

`(B) the child is assessed in all areas of suspected disability;

`(C) assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child are provided; and

`(D) assessments of children with disabilities who transfer from 1 school district to another school district in the same academic year are coordinated with such children's prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of full evaluations.

`(4) DETERMINATION OF ELIGIBILITY AND EDUCATIONAL NEED- Upon completion of the administration of assessments and other evaluation measures--

`(A) the determination of whether the child is a child with a disability as defined in section 602(3) and the educational needs of the child shall be made by a team of qualified professionals and the parent of the child in accordance with paragraph (5); and

`(B) a copy of the evaluation report and the documentation of determination of eligibility shall be given to the parent.

`(5) SPECIAL RULE FOR ELIGIBILITY DETERMINATION- In making a determination of eligibility under paragraph (4)(A), a child shall not be determined to be a child with a disability if the determinant factor for such determination is--

`(A) lack of appropriate instruction in reading, including in the essential components of reading instruction (as defined in section 1208(3) of the Elementary and Secondary Education Act of 1965);

`(B) lack of instruction in math; or

`(C) limited English proficiency.

`(6) SPECIFIC LEARNING DISABILITIES-

`(A) IN GENERAL- Notwithstanding section 607(b), when determining whether a child has a specific learning disability as defined in section 602, a local educational agency shall not be required to take into consideration whether a child 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.

`(B) ADDITIONAL AUTHORITY- In determining whether a child has a specific learning disability, a local educational agency may use a process that determines if the child responds to scientific, research-based intervention as a part of the evaluation procedures described in paragraphs (2) and (3).

`(c) ADDITIONAL REQUIREMENTS FOR EVALUATION AND REEVALUATIONS-

`(1) REVIEW OF EXISTING EVALUATION DATA- As part of an initial evaluation (if appropriate) and as part of any reevaluation under this section, the IEP Team and other qualified professionals, as appropriate, shall--

`(A) review existing evaluation data on the child, including--

`(i) evaluations and information provided by the parents of the child;

`(ii) current classroom-based, local, or State assessments, and classroom-based observations; and

`(iii) observations by teachers and related services providers; and

`(B) on the basis of that review, and input from the child's parents, identify what additional data, if any, are needed to determine--

`(i) whether the child is a child with a disability as defined in section 602(3), and the educational needs of the child, or, in case of a reevaluation of a child, whether the child continues to have such a disability and such educational needs;

`(ii) the present levels of academic achievement and related developmental needs of the child;

`(iii) whether the child needs special education and related services, or in the case of a reevaluation of a child, whether the child continues to need special education and related services; and

`(iv) whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the individualized education program of the child and to participate, as appropriate, in the general education curriculum.

`(2) SOURCE OF DATA- The local educational agency shall administer such assessments and other evaluation measures as may be needed to produce the data identified by the IEP Team under paragraph (1)(B).

`(3) PARENTAL CONSENT- Each local educational agency shall obtain informed parental consent, in accordance with subsection (a)(1)(D), prior to conducting any reevaluation of a child with a disability, except that such informed parental consent need not be obtained if the local educational agency can demonstrate that it had taken reasonable measures to obtain such consent and the child's parent has failed to respond.

`(4) REQUIREMENTS IF ADDITIONAL DATA ARE NOT NEEDED- If the IEP Team and other qualified professionals, as appropriate, determine that no additional data are needed to determine whether the child continues to be a child with a disability and to determine the child's educational needs, the local educational agency--

`(A) shall notify the child's parents of--

`(i) that determination and the reasons for the determination; and

`(ii) the right of such parents to request an assessment to determine whether the child continues to be a child with a disability and to determine the child's educational needs; and

`(B) shall not be required to conduct such an assessment unless requested to by the child's parents.

`(5) EVALUATIONS BEFORE CHANGE IN ELIGIBILITY-

`(A) IN GENERAL- Except as provided in subparagraph (B), a local educational agency shall evaluate a child with a disability in

accordance with this section before determining that the child is no longer a child with a disability.

`(B) EXCEPTION-

`(i) IN GENERAL- The evaluation described in subparagraph (A) shall not be required before the termination of a child's eligibility under this part due to graduation from secondary school with a regular diploma, or due to exceeding the age eligibility for a free appropriate public education under State law.

`(ii) SUMMARY OF PERFORMANCE- For a child whose eligibility under this part terminates under circumstances described in clause (i), a local educational agency shall provide the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals.

`(d) INDIVIDUALIZED EDUCATION PROGRAMS-

`(1) DEFINITIONS- In this title:

`(A) INDIVIDUALIZED EDUCATION PROGRAM-

`(i) IN GENERAL- 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 academic achievement and functional performance, including--

`(aa) how the child's disability affects the child's involvement and progress in the general education curriculum;

`(bb) for preschool children, as appropriate, how the disability affects the child's participation in appropriate activities; and

`(cc) for children with disabilities who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives;

`(II) a statement of measurable annual goals, including academic and functional goals, designed to--

`(aa) 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 education curriculum; and

`(bb) meet each of the child's other educational needs that result from the child's disability;

`(III) a description of how the child's progress toward meeting the annual goals described in subclause (II) 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;

`(IV) a statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, 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--

`(aa) to advance appropriately toward attaining the annual goals;

`(bb) to be involved in and make progress in the general education curriculum in accordance with subclause (I) and to participate in extracurricular and other nonacademic activities; and

`(cc) to be educated and participate with other children with disabilities and nondisabled children in the activities described in this subparagraph;

`(V) 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 subclause (IV)(cc);

`(VI)(aa) a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and districtwide assessments consistent with section 612(a)(16)(A); and

`(bb) if the IEP Team determines that the child shall take an alternate assessment on a particular State or districtwide assessment of student achievement, a statement of why--

`(AA) the child cannot participate in the regular assessment; and

`(BB) the particular alternate assessment selected is appropriate for the child;

`(VII) the projected date for the beginning of the services and modifications described in subclause (IV), and the anticipated frequency, location, and duration of those services and modifications; and

`(VIII) beginning not later than the first IEP to be in effect when the child is 16, and updated annually thereafter--

`(aa) appropriate measurable postsecondary goals based upon age appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills;

`(bb) the transition services (including courses of study) needed to assist the child in reaching those goals; and

`(cc) beginning not later than 1 year before the child reaches the age of majority under State law, a statement that the child has been informed of the child's rights under this title, if any, that will transfer to the child on reaching the age of majority under section 615(m).

`(ii) RULE OF CONSTRUCTION- Nothing in this section shall be construed to require--

`(I) that additional information be included in a child's IEP beyond what is explicitly required in this section; and

`(II) the IEP Team to include information under 1 component of a child's IEP that is already contained under another component of such IEP.

`(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) not less than 1 regular education teacher of such child (if the child is, or may be, participating in the regular education environment);

`(iii) not less than 1 special education teacher, or where appropriate, not less than 1 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 education 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.

`(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 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 the 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.

`(D) IEP TEAM TRANSITION- In the case of a child who was previously served under part C, an invitation to the initial IEP meeting shall, at the request of the parent, be sent to the part C service coordinator or other representatives of the part C system to assist with the smooth transition of services.

`(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 the agency's 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), the IEP Team shall consider the individualized family service plan that contains the material described in section 636, and that is developed in accordance with this section, and the individualized family service plan 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.

`(C) PROGRAM FOR CHILDREN WHO TRANSFER SCHOOL DISTRICTS-

`(i) IN GENERAL-

`(I) TRANSFER WITHIN THE SAME STATE- In the case of a child with a disability who transfers school districts within the same academic year, who enrolls in a new school, and who had an IEP that was in effect in the same State, the local educational agency shall provide such child with a free appropriate public education, including services comparable to those described in the previously held IEP, in consultation with the parents until such time as the local educational agency adopts the previously held IEP or develops, adopts, and implements a new IEP that is consistent with Federal and State law.

`(II) TRANSFER OUTSIDE STATE- In the case of a child with a disability who transfers school districts within the same academic year, who enrolls in a new school, and who had an IEP that was in effect in another State, the local educational agency shall provide such child with a free appropriate public education, including services comparable to those described in the previously held IEP, in consultation with the parents until such time as the local educational agency conducts an evaluation pursuant to subsection (a)(1), if determined to be necessary by such agency, and develops a new IEP, if appropriate, that is consistent with Federal and State law.

`(ii) TRANSMITTAL OF RECORDS- To facilitate the transition for a child described in clause (i)--

`(I) the new school in which the child enrolls shall take reasonable steps to promptly obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of special education or related services to the child, from the previous school in which the child was enrolled, pursuant to section 99.31(a)(2) of title 34, Code of Federal Regulations; and

`(II) the previous school in which the child was enrolled shall take reasonable steps to promptly respond to such request from the new school.

`(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;

`(ii) the concerns of the parents for enhancing the education of their child;

`(iii) the results of the initial evaluation or most recent evaluation of the child; and

`(iv) the academic, developmental, and functional needs of the child.

`(B) CONSIDERATION OF SPECIAL FACTORS- The IEP Team shall--

`(i) in the case of a child whose behavior impedes the child's learning or that of others, consider the use of positive behavioral interventions and supports, and other strategies, 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 needs assistive technology devices and services.

`(C) REQUIREMENT WITH RESPECT TO REGULAR EDUCATION TEACHER- A 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 supports, and other strategies, and the determination of supplementary aids and services, program modifications, and support for school personnel consistent with paragraph (1)(A)(i)(IV).

`(D) AGREEMENT- In making changes to a child's IEP after the annual IEP meeting for a school year, the parent of a child with a disability and the local educational agency may agree not to convene an IEP meeting for the purposes of making such changes, and instead may develop a written document to amend or modify the child's current IEP.

`(E) CONSOLIDATION OF IEP TEAM MEETINGS- To the extent possible, the local educational agency shall encourage the consolidation of reevaluation meetings for the child and other IEP Team meetings for the child.

`(F) AMENDMENTS- Changes to the IEP may be made either by the entire IEP Team or, as provided in subparagraph (D), by amending the IEP rather than by redrafting the entire IEP. Upon request, a parent shall be provided with a revised copy of the IEP with the amendments incorporated.

`(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 frequently 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 education 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- A regular education teacher of the child, as a member of the IEP Team, shall, consistent with paragraph (1)(C), participate in the review and revision of the IEP of the child.

`(5) MULTI-YEAR IEP DEMONSTRATION-

`(A) PILOT PROGRAM-

`(i) PURPOSE- The purpose of this paragraph is to provide an opportunity for States to allow parents and local educational agencies the opportunity for long-term planning by offering the option of developing a comprehensive multi-year IEP, not to exceed 3 years, that is designed to coincide with the natural transition points for the child.

`(ii) AUTHORIZATION- In order to carry out the purpose of this paragraph, the Secretary is authorized to approve not more than 15 proposals from States to carry out the activity described in clause (i).

`(iii) PROPOSAL-

`(I) IN GENERAL- A State desiring to participate in the program under this paragraph shall submit a proposal to the Secretary at such time and in such manner as the Secretary may reasonably require.

`(II) CONTENT- The proposal shall include--

`(aa) assurances that the development of a multi-year IEP under this paragraph is optional for parents;

`(bb) assurances that the parent is required to provide informed consent before a comprehensive multi-year IEP is developed;

`(cc) a list of required elements for each multi-year IEP, including--

`(AA) measurable goals pursuant to paragraph (1)(A)(i)(II), coinciding with natural transition points for the child, that will enable the child to be involved in and make progress in the general education curriculum and that will meet the child's other needs that result from the child's disability; and

`(BB) measurable annual goals for determining progress toward meeting the goals described in subitem (AA); and

`(dd) a description of the process for the review and revision of each multi-year IEP, including--

`(AA) a review by the IEP Team of the child's multi-year IEP at each of the child's natural transition points;

`(BB) in years other than a child's natural transition points, an annual review of the child's IEP to determine the child's current levels of progress and whether the annual goals for the child are being achieved, and a requirement to amend the IEP, as appropriate, to enable the child to continue to meet the measurable goals set out in the IEP;

`(CC) if the IEP Team determines on the basis of a review that the child is not making sufficient progress toward the goals described in the multi-year IEP, a requirement that the local educational agency shall ensure that the IEP Team carries out a more thorough review of the IEP in accordance with paragraph (4) within 30 calendar days; and

`(DD) at the request of the parent, a requirement that the IEP Team shall conduct a review of the child's multi-year IEP rather than or subsequent to an annual review.

`(B) REPORT- Beginning 2 years after the date of enactment of the Individuals with Disabilities Education Improvement Act of 2004, the Secretary shall submit an annual report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate regarding the effectiveness of the program under this paragraph and any specific recommendations for broader implementation of such program, including--

`(i) reducing--

`(I) the paperwork burden on teachers, principals, administrators, and related service providers; and

`(II) noninstructional time spent by teachers in complying with this part;

`(ii) enhancing longer-term educational planning;

`(iii) improving positive outcomes for children with disabilities;

`(iv) promoting collaboration between IEP Team members; and

`(v) ensuring satisfaction of family members.

`(C) DEFINITION- In this paragraph, the term `natural transition points' means those periods that are close in time to the transition of a child with a disability from preschool to elementary grades, from elementary grades to middle or junior high school grades, from middle or junior high school grades to secondary school grades, and from secondary school grades to post-secondary activities, but in no case a period longer than 3 years.

`(6) 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)(i)(VIII), the local educational agency shall reconvene the IEP Team to identify alternative strategies to meet the transition objectives for the child set out in the IEP.

`(7) CHILDREN WITH DISABILITIES IN ADULT PRISONS-

`(A) IN GENERAL- The following requirements shall 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)(16) and paragraph (1)(A)(i)(VI) (relating to participation of children with disabilities in general assessments).

`(ii) The requirements of items (aa) and (bb) of paragraph (1)(A)(i)(VIII) (relating to transition planning and transition services), do not apply with respect to such children whose eligibility under this part will end, because of such children's age, before such children 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 paragraph (1)(A) if the State has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated.

`(e) 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.

`(f) ALTERNATIVE MEANS OF MEETING PARTICIPATION- When conducting IEP team meetings and placement meetings pursuant to this section, section 615(e), and section 615(f)(1)(B), and carrying out administrative matters under section 615 (such as scheduling, exchange of witness lists, and status conferences), the parent of a child with a disability and a local educational agency may agree to use alternative means of meeting participation, such as video conferences and conference calls.