**24:05:27:01.03.  Content of individualized education program.** Each student's individualized education program shall include:

 (1)  A statement of the student's present levels of academic achievement and functional performance, including:

 (a)  How the student's disability affects the student's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled students); or

 (b)  For preschool student, as appropriate, how the disability affects the student's participation in appropriate activities;

 (2)  A statement of measurable annual goals, including academic and functional goals, designed to:

 (a)  Meet the student's needs that result from the student's disability to enable the student to be involved in and progress in the general education curriculum; and

 (b)  Meet each of the student's other educational needs that result from the student's disability;

 For students with disabilities who take alternate assessments aligned to alternate achievement standards, each student's IEP shall provide a description of benchmarks or short-term objectives;

 (3)  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 student, or on behalf of the student, and a statement of the program modifications or supports for school personnel that will be provided to enable the student:

 (a)  To advance appropriately toward attaining the annual goals;

 (b)  To be involved and make progress in the general education curriculum in accordance with this section and to participate in extracurricular and other nonacademic activities; and

 (c)  To be educated and participate with other students with disabilities and nondisabled students in the activities described in this section;

 (4)  An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in activities described in this section;

 (5)  A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the student on state and district-wide assessments consistent with § 24:05:14:14. If the IEP team determines that the student shall take an alternate assessment instead of a particular regular state or district-wide assessment of student achievement, a statement of why:

 (a)  The student cannot participate in the regular assessment; and

 (b)  The particular alternate assessment selected is appropriate for the student;

 (6)  The projected date for the beginning of the services and modification described in this section and the anticipated frequency, location, and duration of those services and modifications;

 (7)  A description of how the student's progress toward the annual goals described in this section will be measured and when periodic reports on the progress the student 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;

 (8)  Beginning not later than the first IEP to be in effect when the student turns 16, or younger if determined appropriate by the IEP team, and updated annually thereafter, the IEP shall include:

 (a)  Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, if appropriate, independent living skills; and

 (b)  The transition services (including courses of study) needed to assist the student in reaching those goals; and

 (9)  Beginning not later than one year before a student reaches the age of majority under state law, the student's individualized education program must include a statement that the student has been informed of his or her rights under Part B of the Individuals with Disabilities Education Act, if any, that will transfer to the student on reaching the age of majority consistent with § 24:05:30:16.01.

 **Source:** 26 SDR 150, effective May 22, 2000; 32 SDR 41, effective September 11, 2005; 33 SDR 236, effective July 5, 2007.

 **General Authority:** SDCL 13-37-1.1.

 **Law Implemented:** SDCL 13-37-1.1.