

**IDENTIFICATION OF INDIVIDUALS WITH DISABILITIES**

The Governing Board recognizes the District's responsibility to identify and evaluate students with disabilities in order to provide them with appropriate educational opportunities. Such individuals may be eligible for educational and related services under Education Code 56000-56885 and the federal Individuals with Disabilities Education Act.

In addition, the District is committed to the implementation of state and federal mandates regarding the use of interventions in regular education before special education assessment and the implementation of a screening process for referrals to special education.

**Referral and Assessment Procedures**

A student shall be referred for special educational instruction and services only after the resources of the regular education program have been considered and used where appropriate. The Student Study Team (SST) at each school site, composed of regular education staff and special education staff as appropriate, shall document the use of interventions before referral for special education assessment. The SST also shall accept referrals for special education assessment and provide a screening process to determine when a student's academic, behavioral or other difficulties may be related to disabilities. The SST then shall refer a student for assessment for special education eligibility, as appropriate.

All referrals from school staff shall include a brief reason for the referral and describe the regular program resources that were considered and/or modified for use with the student, and their effect.

Within 15 days of a referral for assessment, the student's parent/guardian shall receive a notice of parental rights and a written proposed assessment plan explaining the types of assessments to be conducted and stating that no individualized education program will result from the assessment without parental consent.

Upon receiving the proposed assessment plan, the parent/guardian shall have at least 15 days to decide whether or not to consent to the assessment. The assessment may begin as soon as parental consent is given.

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Personnel assessing the student shall prepare a written report of assessment results which specifies:

1. Whether the student may need special education and related services.
2. The basis for making this determination.
3. Relevant behavior noted while observing the student in an appropriate setting.
4. The relationship of the student's behavior to his/her academic and social functioning.
5. Educationally relevant health, development and medical findings, if any.
6. For students with learning disabilities, whether the discrepancy between achievement and ability cannot be corrected without special education and related services.
7. Where appropriate, a determination concerning the effects of environmental, cultural or economic disadvantage.
8. The need for specialized services, materials and equipment for students with low incidence disabilities, consistent with California Department of Education guidelines.

The parent/guardian shall receive written notice that he/she may obtain a copy of the assessment report upon request. This notice shall also inform the parent/guardian that an Individualized Education Program (IEP) team conference shall be scheduled and shall provide a list of District staff attending. The IEP team includes by mandate the parent/guardian, a teacher, and an administrator and is supplemented as appropriate by assessment personnel and other knowledgeable individuals, invited by the District or parent. The IEP team meeting shall be scheduled to discuss the assessment, educational recommendations, and reasons for these recommendations. The notice also shall inform the parent/guardian of his/her rights related to obtaining an independent educational assessment.

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After consideration of the assessment results, the Individualized Education Program (IEP) team shall determine a student's eligibility for special education. The IEP team meeting shall be held within no more than 50 days from the date of receiving parental consent for assessment, unless the parent/guardian agrees in writing to an extension.

Students with exceptional needs shall be reassessed at least every three years, or more frequently if requested by the parent/guardian or teacher. Before entering kindergarten or first grade, identified special education children with an IEP who are in a preschool program shall be reassessed to determine if they still need special education and services. Individualized education program teams shall identify a means of monitoring the continued success of children who are determined to be eligible for less intensive special education programs.

**Procedural Safeguards**

All parents/guardians shall receive written notification of their rights related to identification, referral, assessment, instructional planning, implementation and review, including the district's procedures for initiating a referral for assessment to identify individuals with exceptional needs. In addition, parents/guardians shall be informed of their right to initiate a due process hearing in the event they disagree with the district's recommendations.

Students and parents/guardians shall have the right to initiate a referral of a child for special education services pursuant to Education Code 56303, the right to obtain an independent educational assessment pursuant to Education Code 56329, and the right to allow or prohibit any assessment of the student unless the district or SELPA prevails in a state due process hearing relating to the assessment.

Before a student is assessed for the development or revision of an individualized education program, his/her parent/guardian shall receive a proposed assessment plan and full notice of parental rights. The district shall then obtain written parental consent or authorization by a due process hearing officer. Upon receiving this consent or authorization, trained personnel shall assess referred students' needs and eligibility for special education.

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Besides using appropriate tests in accordance with law for this assessment, staff may observe the student in the classroom and study the effect of interventions or modifications to the regular instructional program.

*Legal Reference*

EDUCATION CODE

*56301 Continuous Child - Find*

*56303 Consider Regular Education Program Resources*

*56321 Proposed Assessment Plan*

*56327 Written Assessment Report*

*56329 Written Notice Provided to Parent*

*56381 Reassessment*

*56445 Reassessment Prior to Transitioning to Kindergarten or First Grade*

*56506 Additional Due Process Rights*