

IDENTIFICATION OF INDIVIDUALS FOR SPECIAL EDUCATION

The Governing Board recognizes the need to actively seek out and evaluate District residents from birth through age 21 who have disabilities in order to provide them with appropriate educational opportunities in accordance with state and federal law. Such students may be eligible for educational and related services under Education Code 56000-56885 and the federal Individuals with Disabilities Education Act (IDEA) and subsequent amendments.

(cf. 0430 - Comprehensive Local Plan for Special Education)
(cf. 6164.6 – Identification and Education under Section 504)

The Superintendent or designee shall develop processes to determine when an individual is eligible for special education services and shall establish systematic procedures for special education program identification, screening, referral, assessment, planning, implementation, review, and triennial assessment. (Education Code 56301)

The Superintendent or designee shall develop a method to ensure that all eligible individuals resident within the district are currently receiving needed special education and related services. In addition, the Superintendent or designee shall consult with appropriate representatives of private school students with disabilities on how to identify, locate and evaluate these students.

Assessment for Special Education

The Superintendent or designee shall establish a method whereby parents/guardians, teachers, appropriate professionals and others may refer an individual for assessment for special education services. Identification procedures shall be coordinated with school site procedures for referral of students with needs that cannot be met with modifications to the regular instructional program (Education Code 56320).

For assessment purposes, staff shall use appropriate tests to identify specific information about the individual's abilities in accordance with Education Code 56320. The Superintendent or designee shall notify parent/guardians in writing 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 who need special education services (Education Code 56301)

(cf. 5145.6 - Notifications Required by Law)
(cf. 1312.3 Uniform Complaint Procedures)
(cf. 3541.2 Transportation for Students with Disabilities or Handicaps)
(cf. 4112.23 Special Education Staff)
(cf. 5144.2 Suspension and Expulsion/Due Process (Individuals with Exceptional Needs)
(cf.5145.6 Parental Notifications)
(cf. 6159 – Individualized Education Program)
(cf.6159.1 – Procedural Safeguards and Complaints for Special Education)
(cf. 6159.2 Nonpublic Nonsectarian School and Agency Services for Special Education)
(cf. 6159.3 Appointment of Surrogate Parent)
(cf. 6162.51 – Standardized Testing and Reporting Program)
(cf.6162.52 High School Exit Examination)

IDENTIFICATION OF INDIVIDUALS FOR SPECIAL EDUCATION (cont.)

Legal Reference:

EDUCATION CODE

44265.5 Professional preparation for teachers of impaired students

56000-56001 Special education programs

56026 Individuals with disabilities

56170-56177 Children in private schools

56300 -~~56304~~ Identification of individuals with disabilities

56320-56330 Assessment

56340-56347 Instructional planning and individualized education program

56381 Reassessment of students

56425-56435 Early education for individuals with disabilities

56441.11 Eligibility criteria, children 3 to 5 years old

56445 Transition to grade school; reassessment

56500-56504~~8~~ Procedural safeguards

GOVERNMENT CODE

95000-95029 California Early Intervention Services Act

CODE OF REGULATIONS, TITLE 5

3021-3029 Identification, Referral and Assessment

3030-3031 Eligibility criteria

UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

1412 State eligibility

4115 Procedural safeguards

CODE OF FEDERAL REGULATIONS, TITLE 34

104.35 Evaluation and Placement

104.36 Procedural Safeguards

300.1-300.756 Assistance to states for the education of students with disabilities

COURT DECISIONS

Agostini v. Felton, (1997) 521 U.S. 203, 117 S.Ct. 1997

Policy

adopted: February 8, 1999

revised: May 23, 2005

CAPISTRANO UNIFIED SCHOOL DISTRICT

San Juan Capistrano, California