

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.

(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 practical method to ensure that all eligible individuals residing within the district are currently receiving needed special education and related services. The district's process shall ensure that private school children with disabilities residing within the district are accurately counted and are able to participate equitably in the district's program. The Superintendent or designee shall consult with appropriate representatives of private school students with disabilities on how to identify, locate, and evaluate these students. (Education Code 56301; 20 USC 1412(a)(3))

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 56302)

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 parents/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)

Identification Of Individuals For Special Education (continued)

- (cf. 1312.3 - Uniform Complaint Procedures)*
- (cf. 3541.2 - Transportation for Students with Disabilities)*
- (cf. 4112.23 - Special Education Staff)*
- (cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))*
- (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 for Special Education Students)*
- (cf. 6162.51 - Standardized Testing and Reporting Program)*
- (cf. 6162.52 - High School Exit Examination)*

Legal Reference:

EDUCATION CODE

- 44265.5 Professional preparation for teachers of impaired students*
- 56000-56885 Special education programs, especially:*
 - 56026 Individuals with disabilities*
 - 56170-56177 Children in private schools*
 - 56195.8 Adoption of policies*
 - 56300-56304 Identification of individuals with disabilities*
 - 56320-56331 Assessment*
 - 56340-56347 Instructional planning and individualized education program*
 - 56381 Reassessment of students*
 - 56425-56432 Early education for individuals with disabilities*
 - 56441.11 Eligibility criteria, children 3 to 5 years old*
 - 56445 Transition to grade school; reassessment*
 - 56500-56509 Procedural safeguards*

GOVERNMENT CODE

- 95000-95029.5 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*
- 1415 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*

Management Resources:

FEDERAL REGISTER

- 34 CFR 300.a Appendix A to Part 300 - Questions and Answers*
- 34 CFR 300a1 Attachment 1: Analysis of Comments and Changes*

Management Resources

WEB SITES

- California Department of Education: <http://www.cde.ca.gov>*
- U.S. Department of Education, Office of Special Education Programs:
<http://www.ed.gov/about/offices/list/osers/osep>*