

Policy 6164.4: Identification And Evaluation Of Individuals For Special Education

Status: ADOPTED

Original Adopted Date: 03/01/2007 | **Last Revised Date:** 09/23/20132021 | **Last Reviewed Date:** 1/24/2003

The Governing Board recognizes the need to actively seek out and evaluate district residents from birth to 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. 6164.41 - Children with Disabilities Enrolled by Their Parents in Private School)~~

~~(cf. 6164.6 - Identification and Education Under Section 504)~~

The Superintendent Chief Learning Officer or designee shall establish a comprehensive child find system that includes procedures for the identification, screening, referral, ~~and regular~~assessment, and triennial assessment of individuals eligible for special education, as well as procedures for the planning, implementation, and review of the special education and related services provided to such individuals. (Education Code 56301)

The district's identification procedures shall include systematic methods for utilizing referrals from parents/guardians, teachers, agencies, appropriate professionals, and ~~others~~other members of the public, and shall be coordinated with school site procedures for referral of students whose needs cannot be met with modifications to the regular instructional program. (Education Code 56302)

The Superintendent Chief Learning Officer or designee shall notify parents/guardians, in writing, of their rights related to identification, referral, assessment, instructional planning, implementation, and review, including the right to consent to any assessment concerning their child. In addition, the Superintendent Chief Learning Officer or designee shall notify parents/guardians of procedures for initiating a referral for assessment to identify individuals ~~who need~~for special education services. (Education Code 56301)

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~~(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)

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

5 CCR 3021-3029

Description

Identification, referral and assessment

5 CCR 3030-3031

Eligibility criteria

Ed. Code 44265.5

Professional preparation for teachers of impaired students

Ed. Code 56000-56885

Special education programs

Ed. Code 56043

Special education; timelines

Ed. Code 56195.8

Adoption of policies

Ed. Code 56300-56305

Identification of individuals with disabilities

Ed. Code 56320-56330

Assessment

Ed. Code 56333-56338

Eligibility for specific learning disabilities

Ed. Code 56340-56347

Individualized education program teams

Ed. Code 56381

Reassessment of students

Ed. Code 56425-56432

Early education for individuals with disabilities

Ed. Code 56441.11

Eligibility criteria; children ages 3-5

Ed. Code 56445

Transition to grade school; reassessment

Ed. Code 56500-56509

Procedural safeguards

Gov. Code 95000-95029.5

California Early Intervention Services Act

Federal

20 USC 1232g

Description

Family Educational Rights and Privacy Act (FERPA) of 1974

20 USC 1400-1482	Individuals with Disabilities Education Act
20 USC 1412	State eligibility
20 USC 1415	Procedural safeguards
34 CFR 104.35	Evaluation and placement
34 CFR 104.36	Procedural safeguards
34 CFR 300.1-300.818	Individuals with Disabilities Education Act
34 CFR 300.301-300.306	Evaluations and reevaluations
34 CFR 300.323	When IEPs must be in effect
34 CFR 300.502	Independent educational evaluation of student with disability
34 CFR 303.1-303.734	Early Intervention Program for Infants and Toddlers with Disabilities
Management Resources	Description
California Department of Education Publication	California Practitioners' Guide for Educating English Learners with Disabilities, 2019
Court Decision	N.B. and C.B. v. Hellgate Elementary School District (9th Cir. 2008) 541 F.3d 1202
Court Decision	Compton Unified School District v. Addison (9th Cir. 2010) 598 F.3d 1181
Court Decision	Timothy O. v. Paso Robles Unified School District (9th Cir. 2016) 822 F.3d 1105
Court Decision	M.M. v. Lafayette School District (9th Cir. 2014) 767 F.3d 842
Court Decision	Hood v. Encinitas Union School District (2007) 486 F.3d 1099
Federal Register	Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845
U.S. Department Of Education Publication	Long COVID under Section 504 and the IDEA: A Resource to Support Children, Students, Educators, Schools, Service Providers, and Families, July 2021
U.S. Department Of Education Publication	Return to School Roadmap: Child Find Under Part B of the Individuals with Disabilities Education Act, August 2021
U.S. Department of Education Publication	A Response to Intervention (RTI) Process Cannot Be Used to Delay Deny an Evaluation for Eligibility under the Individuals with Disabilities Education Act (IDEA): Memorandum 11-07, January 2011
Website	<u>CSBA District and County Office of Education Legal Services</u>
Website	<u>California Department of Education, Special Education</u>
Website	<u>U.S. Department of Education, Office of Special Education Programs</u>
Website	<u>CSBA</u>

Cross-References

Code	Description
0410	<u>Nondiscrimination In District Programs And Activities</u>
0430	<u>Comprehensive Local Plan For Special Education</u>
0430	<u>Comprehensive Local Plan For Special Education</u>
0460	<u>Local Control And Accountability Plan</u>
0460	<u>Local Control And Accountability Plan</u>
0470	<u>COVID-19 Mitigation Plan</u>
1312.3	<u>Uniform Complaint Procedures</u>
1312.3	<u>Uniform Complaint Procedures</u>
3541.2	<u>Transportation For Students With Disabilities</u>
3552	<u>Summer Meal Program</u>
3552	<u>Summer Meal Program</u>
4112.23	<u>Special Education Staff</u>
5144.2	<u>Suspension And Expulsion/Due Process (Students With Disabilities)</u>
5145.6	<u>Parent/Guardian Notifications</u>
5145.6-E PDF(1)	<u>Parent/Guardian Notifications</u>
5145.6-E PDF(2)	<u>Parent/Guardian Notifications</u>
5148	<u>Child Care And Development</u>
5148	<u>Child Care And Development</u>
5148.3	<u>Preschool/Early Childhood Education</u>
5148.3	<u>Preschool/Early Childhood Education</u>
6120	<u>Response To Instruction And Intervention</u>
6146.4	<u>Differential Graduation And Competency Standards For Students With Disabilities</u>
6159	<u>Individualized Education Program</u>
6159	<u>Individualized Education Program</u>
6159.1	<u>Procedural Safeguards And Complaints For Special Education</u>
6159.1	<u>Procedural Safeguards And Complaints For Special Education</u>
6159.2	<u>Nonpublic, Nonsectarian School And Agency Services For Special Education</u>
6159.2	<u>Nonpublic, Nonsectarian School And Agency Services For Special Education</u>

6159.3	<u>Appointment Of Surrogate Parent For Special Education Students</u>
6159.3	<u>Appointment Of Surrogate Parent For Special Education Students</u>
6162.5	<u>Student Assessment</u>
6162.51	<u>State Academic Achievement Tests</u>
6162.51	<u>State Academic Achievement Tests</u>
6163.2	<u>Animals At School</u>
6163.2	<u>Animals At School</u>
6164.41	<u>Children With Disabilities Enrolled By Their Parents In Private School</u>
6164.41	<u>Children With Disabilities Enrolled By Their Parents In Private School</u>
6164.5	<u>Student Success Teams</u>
6164.5	<u>Student Success Teams</u>
6164.5-E PDF(1)	<u>Student Success Teams</u>
6164.6	<u>Identification And Education Under Section 504</u>
6164.6	<u>Identification And Education Under Section 504</u>
6173.1	<u>Education For Foster Youth</u>
6173.1	<u>Education For Foster Youth</u>
6173.2	<u>Education Of Children Of Military Families</u>
6173.2	<u>Education Of Children Of Military Families</u>
6183	<u>Home And Hospital Instruction</u>
