



**DATE:** March 20, 2024

**TO:** Board of Education

**FROM:** Mrs. Kerstin Kramer, Superintendent Chief Learning Officer

**SUBJECT:** Approve Proposed Revisions of Board Policy and Administrative Regulation 6164.4, Identification and Evaluation of Individuals for Special Education Children with Disabilities Enrolled by their Parents in Private School

**PRESENTED BY:** Dr. Annamarie Cohen, Executive Director of Student Service

---

### **ACTION REQUESTED**

Approve Proposed Revisions of Board Policy and Administrative Regulation 6164.4, Identification and Evaluation of Individuals for Special Education Children with Disabilities Enrolled by their Parents in Private School

### **BACKGROUND INFORMATION**

Policy updated to reorganize and clarify material.

Policy updated to reference the U.S. Department of Education's (USDOE) Return to School Roadmap: Child Find Under Part B of the Individuals with Disabilities Education Act which reaffirms the obligation to fully implement the Individuals with Disabilities Education Act (IDEA) during the COVID-19 pandemic, including the requirement to meet child find obligations, and encourages districts to reexamine the efficacy of existing child find practices in light of the educational disruptions caused by the COVID-19 pandemic.

Regulation updated to reference USDOE's Return to School Roadmap: Child Find Under Part B of the Individuals with Disabilities Education Act which recommends that districts undertake new child find activities in light of the educational disruptions caused by the COVID-19 pandemic and emphasizes that students who are experiencing long-term COVID effects be referred for special education evaluation if their symptoms are adversely impacting their ability to participate and learn in the general curriculum. Regulation also updated to provide that the child find process includes the collection and screening of data to determine if students are making adequate progress, to include the district's obligation to ensure that evaluations of children suspected of having a disability are not delayed or denied because of the implementation of response to intervention strategies, clarify material regarding referrals for initial evaluations, evaluation plans and informed parent/guardian consent, reflect the timeline for the determination of whether the student is eligible for special education and the educational needs of the student and when an Individualized Education Program (IEP) meeting and the development of an IEP occurs, clarify the qualifications of personnel who administer evaluations and reevaluations, add that the normal process of second-language acquisition as well as manifestations of dialect and social linguistic variance not be



diagnosed as a disabling condition, and clarify material regarding Independent Educational Evaluations. Regulation also updated to reference M.M. v. Lafayette School District, a Ninth Circuit Court of Appeals decision which held that the district violated IDEA when it failed to provide parents with their child's response to instruction (RTI) data when seeking informed consent for an initial evaluation.

Regulation updated to reflect NEW LAW (SB 188, 2022), requiring each district to designate a main point of contact for coordinating and completing the transition of a child and family from Part C (Early Intervention Program for Infants and Toddlers with Disabilities) to Part B (Assistance for Children with Disabilities) of IDEA.

**RESOURCES REQUIRED:** N/A

**PREPARED BY:** Becca Wing, Administrative Assistant, for Dr. Annamarie Cohen, Executive Director of Student Services

Attachment: BP/AR 6164.4, Identification and Evaluation of Individuals for Special Education Children with Disabilities Enrolled by their Parents in Private School