

Mt. Diablo USD

Board Policy

Identification And Evaluation Of Individuals For Special Education

BP 6164.4

Instruction

Referrals for Special Education Services

The Governing Board recognizes the need to actively seek out and evaluate residents from birth to age 21 ~~within the district~~ 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)

(cf. 6164.41 - Children with Disabilities Enrolled by Their Parents in Private School)

~~The Superintendent or designee shall develop a method to ensure that all children residing within the district, including children with disabilities who are homeless, wards of the State or attending private schools including religious, elementary and secondary schools, regardless of the severity of their disabilities are identified, located and assessed.~~ establish a comprehensive system that includes procedures for the identification, screening, referral, and regular and triennial assessment of individuals eligible for special education, as well as procedures for the planning, implementation and review of the education and related services provided to such individuals

The district's identification procedures shall include methods for utilizing referrals from parents/guardians, teachers, appropriate professionals, and others, 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 child find process shall ensure the equal participation in special education and related services for parentally placed private school children with disabilities. Child find activities for private school children shall be similar to those activities undertaken for pupils in public schools. The cost of the child find activities in private schools is not considered in determining whether the district met its obligations under the proportionate funding provisions.~~

~~The Superintendent or designee shall establish a means whereby parents/guardians, teachers, appropriate professionals and others may request screening for any child they believe to have a disability that significantly interferes with his/her ability to access regular education curriculum. The Superintendent or designee shall identify systematic methods of utilizing referrals of pupils~~

~~from teachers, parents, agencies and other appropriate professional persons to determine when an individual's academic, behavioral or other difficulties may be related to disabilities. Identification procedures shall be coordinated with school site procedures for referral of pupils with needs that cannot be met with accommodations in the regular instructional program.~~

~~For assessment purposes, qualified, trained and knowledgeable staff shall use appropriate tests for which the assessments or measures are valid and reliable to identify specific information about the student's abilities in skill areas. Testing and assessment materials and procedures shall not be racially, culturally or sexually discriminatory and shall be provided in the pupil's native language or mode of communication (unless clearly not feasible). Tests and assessment materials must be provided and administered in the language and form most likely to yield accurate information on what the pupil knows and can do academically, developmentally and functionally unless not feasible. In addition, staff shall use multiple measures, including direct observation, to study the effect of interventions or modifications to the regular instructional program. Staff also may consider the student's personal history, development and adaptive behavior.~~

The Superintendent or designee shall notify parents/guardians in writing of their rights related to identification, screening, referral, assessment, instructional planning, implementation, review ~~and the triennial assessment~~ including the right to consent to any assessment concerning their child. ~~The policies and procedures shall include written notification of all parents of their special education rights and the procedures to initiating a referral for assessment to identify individuals who need special education services. In addition, the superintendent or designee shall notify parents/guardians of the procedures for initiating a referral for assessment to identify individuals who need special education services.~~ The district shall provide parents with a copy of their rights and procedural safeguards once per year in addition to initial referral, parental request for assessment, the first filing for a due process hearing or upon parental request. (Education Code [56301](#))

(cf. [1312.3](#) - Uniform Complaint Procedures)

(cf. [3541.1](#) - 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. [6159.51](#) – State Academic Achievement Tests)

(cf. [6162.52](#) – High school Exit Examination Student Assessment)

Legal Reference:

EDUCATION CODE

[44265.5](#) Professional preparation for teachers of impaired students

[56000-56885](#) Special education programs, especially:

[56195.8](#) Adoption of policies

[56300-56304](#) Identification of individuals with disabilities

[56320-56331](#) Assessment

[56333-56338](#) Eligibility criteria for specific learning disabilities

[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

[300.1-300.818](#) Individuals with Disabilities Education Act, especially:

[300.301-300.306](#) Evaluations and reevaluations

Management Resources:

FEDERAL REGISTER

Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845

WEB SITES

California Department of Education, Special Education: <http://www.cde.ca.gov/sp/se>

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