

Identification of Individuals for Special Education

When a child experiences health, academic, behavioral and/or emotional problems the **Regular Education Teacher** will follow board policy (see attached Board Policy AR 6164.4(a) and implement appropriate interventions).

SST (Student Study/Success Team): As a function of **Regular Education**, the SST process varies from school site to school site. Check with your site administrator and/or SST chairperson regarding SST procedures and forms for your school site.

Determining When to Test: After all appropriate interventions have been exhausted, a referral for special education evaluation shall be initiated if the SST believes the student's difficulties may be the result of a learning disability or other handicapping condition (*based on Board Policy.*)

Non-Identified Students (guests) to Special Education Programs: Guests should be seen only with parent permission (documented on SST notes.) There should be pre-test information and an agreement regarding what they will do while visiting and what exit criteria will be used. When teachers complete CUMS at the end of the year they should not state that the "guest" student is a Special Education student. Only students with IEPs are Special Education students.

IDENTIFICATION OF INDIVIDUALS FOR SPECIAL EDUCATION

The Governing Board recognizes that each individual is unique, and that while for most students, the conventional school program is appropriate, a number of individuals have exceptional abilities and/or needs which must be addressed. The Board adopts as policy the regulations and procedures of the SELPA. The Board, therefore, directs the Superintendent to see that all SELPA regulations and procedures are observed in identifying district residents meeting Federal and State and Local age eligibility requirements as defined in Education Code 56026. Such regulations and procedures shall be consistent with the requirement of Federal and State laws and regulations for such assessment.

The Superintendent or designee shall develop a method to ensure that all children residing within the district are currently receiving needed special education and related services. In addition, the Superintendent or designee shall, in conjunction with the SELPA director, consult with appropriate representatives of private school children regarding locating, identifying and evaluating these children. (20 USC 1412(a)(3); 34 CFR 300.451)

The Superintendent or designee shall establish a means whereby parents/guardians, teachers, appropriate professionals and others may request evaluation for any child they believe to have a disability that significantly interferes with his/her learning.

A student shall be referred for special education instruction and services only after the resources of the general education program have been considered and used where appropriate (Education Code 56303). Providing support for students in the general education environment is fundamentally important to ensure student success and adherence to special education regulations and laws.

The Superintendent or designee shall identify evaluation procedures to determine when an individual's academic, behavioral or other difficulties may be related to disabilities and shall establish systematic procedures for special education referral, assessment, identification, planning, placement, implementation, review and triennial assessment.

For assessment purposes, staff shall use appropriate tests to identify specific information about the student's abilities in skill areas. In addition, staff shall use multiple measures, including direct observation, to study the effect of interventions or modifications to the general education 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, 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)

Assignment of Students with Exceptional Needs

The district special education administrator (or designee) shall determine program placement of students eligible for special education based on goals and objectives developed by the Individualized Education Program (IEP) team. Goals and objectives are developed based on the IEP team's assessment findings. Assessments are conducted according to Education Code 56320 and 56321. No student may be assessed nor placed in a special education program without the written consent of the parents/guardians unless the district or SELPA prevails in a due process hearing related to such assessment or placement. (Education Code 56506(e))

Legal Reference: (see next page)

IDENTIFICATION OF INDIVIDUALS FOR SPECIAL EDUCATION (continued)

Legal Reference:

EDUCATION CODE

- 44265.5 Professional preparation for teachers of impaired students
- 56000-56001 Special education programs
- 56026 Individuals with disabilities
- 56026.5 Low incidence disability
- 56029 Referral for assessment
- 56136 Guidelines for low disability areas
- 56300-56303 Identification of individuals with disabilities
- 56320-56329 Assessment
- 56333-56338 Eligibility criteria
- 56339 Attention deficit and hyperactivity disorders
- 56340-56347 Instructional planning and individualized education program
- 56350-56352 IEP for visually impaired students
- 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
- 56500-56508 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

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

Policy
adopted: March 9, 1988
revised: February 26, 2003

SANTA MARIA-BONITA SCHOOL DISTRICT
Santa Maria, California

IDENTIFICATION OF INDIVIDUALS FOR SPECIAL EDUCATION

The principal is the key person in ensuring that students receive appropriate, effective and meaningful support in the general education classroom. The principal is responsible for ensuring that accommodations and modifications are implemented as outlined by the Student Study and the 504 Teams.

When a child experiences health, academic, behavioral and/or emotional problems the teacher is to work with the parent, talk with former teachers, talk with appropriate support staff, review the cumulative file and implement appropriate interventions.

Should the child continue to experience difficulties, the teacher is responsible for initiating a conference with the principal or assistant principal to discuss areas of concerns, review accommodations and modifications implemented and, when possible, to identify additional supports for the child. Support staff may be invited to this conference when there is a relationship between the student's needs and the responsibilities of the support staff. Representatives from other agencies may be invited to these problem-solving meetings.

Grade-level team meetings are an additional resource for a teacher seeking to problem solve strategies, interventions and supports for a student. Problem solving meetings, recommended interventions and their outcome are to be clearly documented by the teacher and the principal.

When interventions have been implemented and the student continues to experience difficulties, the teacher is to request a Student Study Team meeting.

The Student Study Team is a regular education problem-solving team. The team is comprised of the principal or other administrative representative, regular education teacher(s), support service personnel and the parent/guardian. Team members are to adopt roles in order to ensure consistency of record keeping and meeting of timelines.

The principal or administrative representative shall serve as the chairperson of this pre-special education intervention process. The principal shall facilitate meetings and shall assign clerical staff or the assistant principal to schedule meetings and follow-up assignments.

Student Study Team members shall review the effectiveness of prior interventions and make recommendations for additional interventions or special education evaluation. Evaluation of the effectiveness of interventions shall be based on pre-post test information and observational data. Findings shall be brought to the Student Study Team meeting and evaluation findings documented in the Student Study Team minutes.

Suggested intervention programs shall be implemented for approximately six to nine weeks after which time the Student Study Team reconvenes to review outcomes of interventions.

IDENTIFICATION OF INDIVIDUALS FOR SPECIAL EDUCATION (continued)

After all appropriate interventions have been exhausted a referral for special education evaluation shall be initiated if the Student Study Team believes the student's difficulties may be the result of a learning disability or other handicapping condition. The special education assessment procedures will be implemented as specified in the Education Code.

All referrals from school staff shall include a brief reason for the referral and describe the regular program resources that were implemented and/or modified for use with the student, and their effect. (5 CCR 3021)

Within 15 days of a referral for assessment, the student's parent/guardian shall receive a notice of parental rights and a written proposed assessment plan explaining the types of assessments to be conducted and stating that no individualized education program (IEP) will result from the assessment without parental consent. The 15-day period does not include days between the student's regular school session or term or days of school vacation in excess of five school days unless, the parent/guardian agrees in writing to an extension. (Education Code 56321)

Upon receiving the proposed assessment plan, the parent/guardian shall have at least 15 days to decide whether or not to consent to the assessment. The assessment may begin as soon as informed parental consent is given. (Education Code 56321; 34 CFR 300.505)

Informed parental consent means that the parent/guardian: (34 CFR 300.500)

1. Has been fully informed of all information relevant to the activity for which consent is sought, in his/her native language or other mode of communication.
2. Understands that the granting of consent is voluntary on the part of the parent/guardian and may be revoked at any time.

Personnel assessing the student shall prepare a written report of assessment results, which specifies: (Education Code 56327)

1. Whether the student may need special education and related services.
2. The basis for making this determination.
3. Relevant behavior noted while observing the student in an appropriate setting.
4. The relationship of the student's behavior to his/her academic and social functioning.
5. Educationally relevant health, development and medical findings, if any.

IDENTIFICATION OF INDIVIDUALS FOR SPECIAL EDUCATION (continued)

6. For students with learning disabilities, whether the discrepancy between achievement and ability cannot be corrected without special education and related services.
7. Where appropriate, a determination concerning the effects of environmental, cultural or economic disadvantage.
8. The need for specialized services, materials and equipment for students with low incidence disabilities, consistent with California Department of Education guidelines.

The parent/guardian shall receive written notice of the following: (Education Code 56329; 34 CFR 300.502))

1. Upon completion of the administration of tests and other assessment materials, an IEP team meeting that includes the parent/guardian or his/her representative shall be scheduled pursuant to Education Code 56341. At this meeting, the team shall determine whether or not the student is a student with disabilities as defined in Education Code 56026, whether the student requires instruction that cannot be provided in regular education, and shall discuss the assessment, the educational recommendations and the reasons for these recommendations. The team shall determine whether the student is eligible for special education and related services. A copy of the assessment report shall be given to the parent/guardian.
2. If the parent/guardian disagrees with an assessment conducted by the district, a parent/guardian has the right to obtain, at public expense, an independent educational assessment of the student from qualified specialists, as defined by district regulations.

However, the district shall, without unnecessary delay, either initiate a state due process hearing to show that its assessment is appropriate or pay for an independent educational evaluation. If this hearing results in a decision that the district's assessment is appropriate, the parent/guardian still has the right to obtain an independent education assessment, but not at public expense. The results of an assessment obtained at private expense must be considered by the district and may be presented as evidence at a due process hearing.
3. When the parent disagrees with the recommendations for services or the diagnosis, the parent shall sign an IEP stating their disagreement(s) and outlining services requested to meet the student's needs.

Students with disabilities shall be reassessed at least every three years or more frequently if conditions warrant a reassessment or if requested by the parent/guardian or teacher. (Education Code 56381)

IDENTIFICATION OF INDIVIDUALS FOR SPECIAL EDUCATION (continued)

Before entering kindergarten or first grade, children with disabilities who are in a preschool program shall be reassessed to determine if they still need special education and services. IEP teams shall identify a means of monitoring the continued success of children who are determined to be eligible for less intensive special education programs. (Education Code 56445)