

IDENTIFICATION OF INDIVIDUALS FOR SPECIAL EDUCATION

The Board of Trustees 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. 6164.41 – Children with Disabilities Enrolled by their Parents in Private School)
(cf. 6164.6 - Identification and Education under Section 504)

The Superintendent or designee shall develop 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. (Education Code 56301)

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 with needs that cannot be met with modifications to the regular instructional program. (Education Code 56302)

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 right to consent to any assessment concerning their child. In addition, the Superintendent or designee shall notify parents/guardians of procedures for initiating a referral for assessment to identify individuals who need special education services. (Education Code 56301)

(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

Instruction

BP 6164.4(b)

56320-56330 *Assessment*
56333-56338 *Eligibility criteria for specific learning disabilities*
56340-56347 *Instructional planning and individualized education program*
56381 *Reassessment of students*
56425-56435 *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*
300.301-300.306 *Evaluations and reevaluations*
COURT DECISIONS
Agostini v. Felton, (1997) 521 U.S. 203, 117 S.Ct. 1997
Hood v. Encinitas Union School District (2007) 486 F.3d 1099

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/offices/OSERS/OSEP>

Policy Adopted: 04/13/2011

ORCUTT UNION SCHOOL DISTRICT
Orcutt, California