

## **INSTRUCTION**

### **SUBJECT: Identification and Evaluation of Individuals for Special Education**

The County Board of Education and County Superintendent of Schools recognize the need to actively seek out and evaluate residents from birth to age 21 within the jurisdiction of the County Office of Education 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 County Superintendent or designee shall develop a method to ensure that all children residing within the jurisdiction of the County Office of Education are currently receiving needed special education and related services. (20 USC 1412(a)(3); 34 CFR 300.451)

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

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 regular instructional program. Staff also may consider the student's personal history, development and adaptive behavior.

The County Superintendent or designee shall notify parents/guardians in writing of their rights related to identification, referral, assessment, instructional planning, implementation and review, including the County Office of Education's 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)  
(cf. 6162.5 - Student Assessment)

Legal Reference:

**EDUCATION CODE**

44265.5 Professional preparation for teachers of impaired students  
56000-56001 Special education programs  
56026 Individuals with disabilities  
56170-56177 Children in private schools  
56195.8 Adoption of policies  
56300-56303 Identification of individuals with disabilities  
56320-56329 Assessment  
56333-56338 Eligibility criteria  
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  
56500-56508 Procedural safeguards

**GOVERNMENT CODE**

95000-95030 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

**WEB SITES**

CDE: <http://www.cde.ca.gov>

U.S. Department of Education, Office of Special Education Programs:  
<http://www.ed.gov/offices/OSERS/OSEP>