

Instruction

IDENTIFICATION OF INDIVIDUALS FOR SPECIAL EDUCATION

The Governing Board recognizes that each individual child is unique, and that while for most students the regular school program is appropriate, a substantial number of individuals have exceptional abilities and/or needs which cannot be met solely through regular education programs. The Governing Board recognizes the need to actively seek out and evaluate residents from birth to age twenty-one within the District who have disabilities in order to provide them with appropriate educational opportunities in accordance with state and federal law.

The Board directs the Superintendent or designee to ensure that all efforts are made in identifying District residents from birth through age twenty-one with exceptional needs and abilities as defined by Education Code 56026. Such identification and assessment procedures shall be consistent with the requirements of federal and state laws and regulations and the procedures contained in the plan for the Special Education Local Plan Area (SELPA) plan. In addition, the Superintendent or designee shall consult with appropriate representatives of private school children with disabilities on how to identify, locate, and evaluate these children. (20 USC 1412(a)(3); 34 CFR 300.451)

(cf. 0430 - Comprehensive Plan for Special Education)

(cf. 6164.6 - Identification and Education under Section 504)

The placement of students eligible for Special Education will be determined by each student's Individualized Education Program team (IEP team) following assessment of the student's educational needs according to the provisions of Education Codes 56320 and 56321. No student may be assessed or placed in a Special Education program without the written consent of the parents/guardians.

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 learning. The 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.

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IDENTIFICATION OF INDIVIDUALS FOR SPECIAL EDUCATION (continued)

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 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 563010)

- (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
- 56320-56330 Assessment
- 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

- 95000-95030 California Early Intervention Services Act

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IDENTIFICATION OF INDIVIDUALS FOR SPECIAL EDUCATION (continued)

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 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 300.a1 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>

Policy

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CHULA VISTA ELEMENTARY SCHOOL DISTRICT
Chula Vista, California