

IDENTIFICATION AND EVALUATION OF INDIVIDUALS FOR SPECIAL EDUCATION

Note: Identification, evaluation, assessment, and instructional planning procedures for children younger than age three must conform with Education Code 56425-56432 and the California Early Intervention Services Act (Government Code 95000-95029). The California Department of Education and local education agencies are responsible for providing early intervention services to infants and toddlers who have visual, hearing, or severe orthopedic impairment; the Department of Developmental Services and its regional centers must provide services to all other eligible children in this age group. The law also requires regional centers and local education agencies to coordinate family service plans for infants and toddlers and their families. Education Code 56441.11 sets forth eligibility criteria for preschool children ages three to five.

The Charter LEA Governing Board recognizes the need to actively seek out and evaluate school age Charter LEA residents who have disabilities in order to provide them with appropriate educational opportunities in accordance with state and federal law.

Charter schools are currently authorized to serve school-aged students (grades k-12). If at any time the authorization changes, the Charter schools would follow all state and federal laws regarding children from age 0-2 and Child Find. Charter schools will assist families and make appropriate referrals for any students they find who would be outside the age or area of responsibility of the Charter schools.

The Charter Chief Executive Officer or designee shall implement the designated SELPA process to determine when an individual is eligible for special education services and shall implement the SELPA procedures for special education program identification, screening, referral, assessment, planning, implementation, review, and triennial assessment. (Education Code 56301) The Charter LEA process shall prevent the inappropriate disproportionate representation by race and ethnicity of students with disabilities.

Note: The Individuals with Disabilities Education Act (IDEA), 20 USC 1412(a)(3), requires that the Charter LEA's "child find" identification system include identification of students with disabilities resident in the Charter LEA as well as highly mobile children with disabilities, such as migrant and homeless children.

Note: Services for a private school student, in accordance with an individualized education program (IEP), must be provided by the Charter LEA at no cost to the parent/guardian, unless the Charter LEA makes a free appropriate public education available to the student and the parent/guardian chooses to enroll the student in that private school. If the public school is providing services to the student, these services may be provided on the premises of the private school, including a parochial school, to the extent consistent with other provisions of law. 34 CFR 300.451 requires the Charter LEA to consult with appropriate representatives for private school students on how to carry out the "child find" requirement.

The Charter Chief Executive Officer or designee shall implement the designated SELPA's method whereby parents/guardians, teachers, appropriate professionals, and others may refer an individual for assessment for special education services. 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 individual's abilities in accordance with Education Code 56320.

The Charter Chief Executive Officer or designee shall notify parents/guardians in writing of their rights related to identification, referral, assessment, instructional planning, implementation, and review, including the SELPA's procedures for initiating a referral for assessment to identify individuals who need special education services. (Education Code 56301)

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
56320-56331 Assessment
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

300.1-300.756 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

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education, Office of Special Education Programs:

<http://www.ed.gov/about/offices/list/osers/osep>