

Instruction

Board Policy No. 6164.4

Policy adopted: May 19, 2011

Policy Reviewed: February 8, 2024

IDENTIFICATION OF INDIVIDUALS FOR SPECIAL EDUCATION

The Governing Board recognizes the need to actively seek out and evaluate district residents from birth to eighth grade within the district, 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)

The Superintendent or designee shall establish a comprehensive child find system that includes procedures for the identification, screening, referral, assessment, and triennial assessment of individuals eligible for special education, as well as procedures for the planning, implementation, and review of the special education and related services provided to such individuals. (Education Code 56301)

The district's identification procedures shall include systematic methods for utilizing referrals from parents/guardians, teachers, agencies, appropriate professionals, and other members of the public, and shall be coordinated with school site procedures for referral of students whose needs 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 for special education services. (Education Code 56301)

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Legal Reference:

State Code

5 CCR 3021-3029 Identification, referral and assessment

5 CCR 3030-3031 Eligibility criteria

Education Code

Ed. Code 44265.5 Professional preparation for teachers of impaired students

Ed. Code 56000-56885 Special education programs

Ed. Code 56043 Special education; timelines

Ed. Code 56195.8 Adoption of policies

Ed. Code 56300-56305 Identification of individuals with disabilities

Ed. Code 56320-56330 Assessment

Ed. Code 56333-56338 Eligibility for specific learning disabilities

Ed. Code 56340-56347 Individualized education program teams

Ed. Code 56381 Reassessment of students
Ed. Code 56425-56432 Early education for individuals with disabilities
Ed. Code 56441.11 Eligibility criteria; children ages 3-5
Ed. Code 56445 Transition to grade school; reassessment
Ed. Code 56500-56509 Procedural safeguards
Gov. Code 95000-95029.5 California Early Intervention Services Act

Federal Code:

20 USC 1232g Family Educational Rights and Privacy Act (FERPA) of 1974
20 USC 1400-1482 Individuals with Disabilities Education Act
20 USC 1412 State eligibility
20 USC 1415 Procedural safeguards
34 CFR 104.35 Evaluation and placement
34 CFR 104.36 Procedural safeguards
34 CFR 300.1-300.818 Individuals with Disabilities Education Act
34 CFR 300.301-300.306 Evaluations and reevaluations
34 CFR 300.323 When IEPs must be in effect
34 CFR 300.502 Independent educational evaluation of student with disability
34 CFR 303.1-303.734 Early Intervention Program for Infants and Toddlers with Disabilities

Management Resources

California Department of Education Publication California Practitioners' Guide for Educating English Learners with Disabilities, 2019
Court Decision N.B. and C.B v. Hellgate Elementary School District (9th Cir. 2008) 541 F.3d 1202
Court Decision Compton Unified School District v. Addison (9th Cir. 2010) 598 F.3d 1181
Court Decision Timothy O. v. Paso Robles Unified School District (9th Cir. 2016) 822 F.3d 1105
Court Decision M.M. v. Lafayette School District (9th Cir. 2014) 767 F.3d 842
Court Decision Hood v. Encinitas Union School District (2007) 486 F.3d 1099
Federal Register Rules and Regulations, August 14, 2006, Vol. 71, Number 156, pages 46539-46845
U.S. Department Of Education Publication Long COVID under Section 504 and the IDEA: A Resource to Support Children, Students, Educators, Schools, Service Providers, and Families, July 2021
U.S. Department Of Education Publication Return to School Roadmap: Child Find Under Part B of the Individuals with Disabilities Education Act, August 2021
U.S. Department of Education Publication A Response to Intervention (RTI) Process Cannot Be Used to Delay-Deny an Evaluation for Eligibility under the Individuals with Disabilities Education Act (IDEA): Memorandum 11-07, January 2011
Website CSBA District and County Office of Education Legal Services
Website California Department of Education, Special Education
Website U.S. Department of Education, Office of Special Education Programs
Website CSBA

Cross References

0410 Nondiscrimination In District Programs And Activities
0430 Comprehensive Local Plan For Special Education
0430 Comprehensive Local Plan For Special Education
0460 Local Control And Accountability Plan
0460 Local Control And Accountability Plan
0470 COVID-19 Mitigation Plan
1312.3 Uniform Complaint Procedures
1312.3 Uniform Complaint Procedures
1312.3-E(1) Uniform Complaint Procedures
1312.3-E(2) Uniform Complaint Procedures
3541.2 Transportation For Students With Disabilities

3552 Summer Meal Program
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4112.23 Special Education Staff
5144.2 Suspension And Expulsion/Due Process (Students With Disabilities)
5145.6 Parent/Guardian Notifications
5145.6-E(1) Parent/Guardian Notifications
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5148 Child Care And Development
5148.3 Preschool/Early Childhood Education
5148.3 Preschool/Early Childhood Education
6120 Response To Instruction And Intervention
6146.4 Differential Graduation And Competency Standards For Students With Disabilities
6159 Individualized Education Program
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6159.1 Procedural Safeguards And Complaints For Special Education
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6159.2 Nonpublic, Nonsectarian School And Agency Services For Special Education
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6159.3 Appointment Of Surrogate Parent For Special Education Students
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6162.5 Student Assessment
6162.51 State Academic Achievement Tests
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6163.2 Animals At School
6163.2 Animals At School
6164.41 Children With Disabilities Enrolled By Their Parents In Private School
6164.41 Children With Disabilities Enrolled By Their Parents In Private School
6164.5 Student Success Teams
6164.5 Student Success Teams
6164.6 Identification And Education Under Section 504
6164.6 Identification And Education Under Section 504
6173.1 Education For Foster Youth
6173.1 Education For Foster Youth
6173.2 Education Of Children Of Military Families
6173.2 Education Of Children Of Military Families
6183 Home And Hospital Instruction