

## **IDENTIFICATION OF INDIVIDUALS FOR SPECIAL EDUCATION**

The Board of Trustees recognizes the need to actively seek out and evaluate District residents from birth to 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 establish 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)

### District

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

The Superintendent or designee shall establish a 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](#))

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)

## **IDENTIFICATION OF INDIVIDUALS FOR SPECIAL EDUCATION**

Legal Reference:

**EDUCATION CODE**

44265.5 Professional preparation for teachers of impaired students

56000-56885 Special education programs, especially:

56195.8 Adoption of policies

56300-56304 Identification of individuals with disabilities

56320-56331 Assessment

56333-56338 Eligibility criteria for specific learning disabilities

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 ages 3-5

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

300.1-300.818 Individuals with Disabilities Education Act, especially:

300.301-300.306 Evaluations and reevaluations

**COURT DECISIONS**

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/about/offices/list/osers/osep>

Policy adopted: 11/24/81;

Policy reference revised: 6/20/90; Revised: 11/03

Revised: 9/06

Revised: August 14, 2007