

SANTA CLARA COUNTY  
NORTH WEST SPECIAL EDUCATION LOCAL PLAN AREA

## IDENTIFICATION, REFERRAL AND ASSESSMENT

### 1.1 PURPOSE AND SCOPE

All individuals with suspected disabilities from birth through age 21 will be identified and referred to the appropriate agency to be assessed. Each individual will receive a full and individual evaluation to identify the disability, determine eligibility and identify educational needs.

The assessment information will provide the basis for an Individualized Education Program (IEP) or Individualized Family Service Plan (IFSP) to ensure the individual receives a Free Appropriate Public Education (FAPE).

### 1.2 IDENTIFICATION

#### 1.2.A Child Find

1. A comprehensive screening program, including health, vision, hearing, speech and language.
2. Distribution of written information, including brochures and pamphlets describing the referral procedure.
3. Public awareness campaign, including public service announcements.
4. Annual notices to local newspapers.
5. Consultation with representatives of private schools, including religious schools on how to carry out activities to identify children with suspected disabilities.
6. Coordination with preschools, Head Start and other childcare facilities.
7. Communication with hospitals, pediatricians, obstetricians, and other health professionals.
8. Coordination with parent resource centers and support groups.
9. Presentations to local professional groups and organizations established to inform and/or to serve culturally diverse populations.
10. Coordination with activities of the SELPA Community Advisory Committee (CAC); and,
11. Coordination with school site procedures, including referrals from the school site student intervention teams (e.g., Student Study Teams, etc.).

(EC 56300, 56301; CFR 300.451)



developed or a Prior Written Notice letter will be prepared listing reasons that the district will not assess.

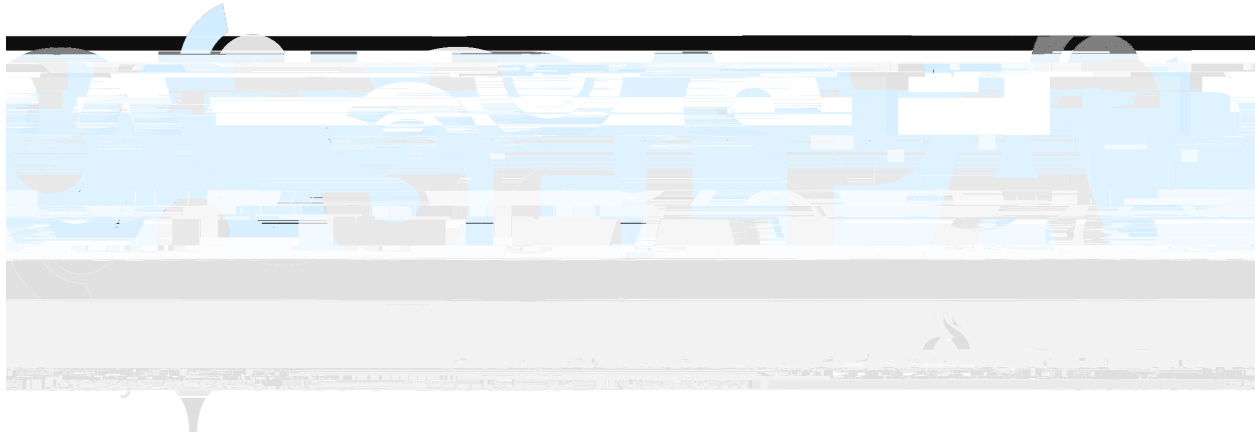
6. No assessment will be conducted without written parent consent.
7. The district office special education administrator will assist, whenever necessary to process referrals.

(EC 56302-56303; 5 CCR 3021)

### 1.3.C Inappropriate Referrals

If, after reviewing all relevant information, the administrator and assessment planning team consider the referral inappropriate and decline to move forward with assessment within 15 days of receiving the referral the parents must receive a Prior Written Notice.

The Prior Written Notice must include 2h1(n 4.6 J -ot)-v .1 (P)7 (211.7 ( 260.7 ( 260o (w)15.5 (i)-



1. Such initial evaluation shall consist of procedures to determine whether a child is a child with a disability within 60 days of receiving parental consent for the evaluation and to determine the educational needs of the child.
2. Exception - The relevant timeframe shall apply to an LEA if:
  - (a) a child enrolls in a school served by the LEA after the relevant timeframe has begun and prior to a determination by the child's previous LEA as to whether the child is a child with a disability but only if the subsequent LEA is making sufficient progress to ensure prompt completion of the evaluation, and the parent and the subsequent LEA agree to a specific time when the evaluation will be completed.

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The *proposed assessment plan* given to the parents or guardians shall meet the following requirements:

1. Be in language easily understood by the general public
2. Be provided in the native language of the parent or guardian or other mode of communication used by the parent or guardian, unless to do so is not clearly feasible.
3. Explain the types of assessments to be conducted.
4. State that no individualized education program will result from the assessment without the consent of the parent.

The LEA proposing to conduct an initial assessment to determine if the child qualifies as an individual with exceptional needs shall obtain informed consent from the parent of the child before conducting the assessment. If the parent of the child does not provide consent for an initial assessment, or the parent fails to respond to a request to provide consent, the LEA may pursue the initial assessment through due process.

The LEA shall not be required to obtain informed consent from the parent of a child for an initial assessment to determine whether the child is an individual with exceptional needs under any of the following circumstances:

1. Despite reasonable efforts to do so, the LEA cannot discover the whereabouts of the parent of the child.
2. The rights of the parent have been terminated in accordance with state law.
3. The rights of the parent to make educational decisions have been subrogated by a judge in accordance with state law and consent for initial assessment has been given by an individual appointed by the judge to represent the child.

Parental consent is not required before reviewing existing data as part of an assessment or reassessment, or before administering a test or other assessment that is administered to all children unless before administration or reassessment, or before administration of that test or reassessment, consent is required of the parents of all children.

The screening of a pupil by a teacher or specialist to determine

No assessment will be conducted unless the written consent of the parent is obtained prior to the assessment. The parent shall have at least 15 days from the receipt of the proposed assessment plan to arrive at a decision. Assessment may begin immediately upon receipt of the consent. The assessments will be completed and an IEP meeting scheduled within 60 calendar days from the date of the receipt of the parent's consent for assessment.

Parent consent for assessment shall not be construed as consent for placement or for receipt of special education and related services.

Personal contact with the parents to explain the process and forms is strongly recommended.

If a parent refuses to sign permission for an assessment, the school district may file for mediation/due process hearing. If the district prevails in a due process hearing, the assessment can be conducted without parent consent.

(EC 56321, 5 CCR 3022)

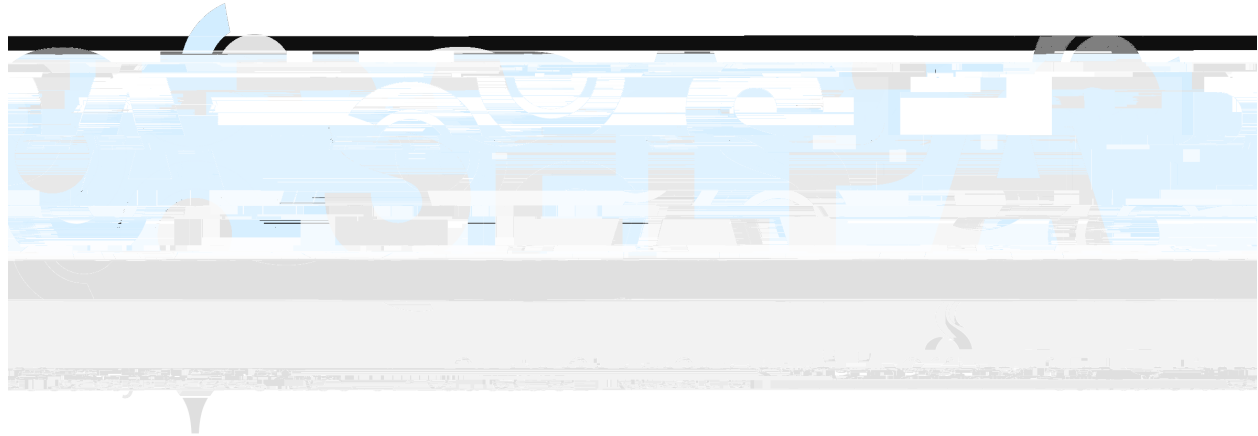
### 1.5.C Assessment Requirements

~~Tests and other assessment materials must all the following requirements:~~

1. Are provided and administered in the language and form most likely to yield accurate information on what the pupil knows and can do academically, developmentally, and functionally, unless is not feasible to provide or administer.
2. Are used for purposes for which the assessments or measures are valid and reliable.
3. Are administered by trained and knowledgeable personnel and are administered in accordance with any instructions provided by the producer of the assessments, except that individually administered tests of intellectual or emotional functioning shall be administered by a credentialed school psychologist.

8. The assessment of a pupil, including the assessment of a pupil with a suspected low incidence disability, shall be conducted by persons knowledgeable of that disability. Special attention shall be given to the unique educational needs, including, but not limited to, skills and the need for specialized services, materials, and equipment.

As part of an initial evaluation the IEP team will review existing evaluation data on the child, including evaluations and information provided by the parents of the child, current classroom







Students who have been diagnosed with Dyslexia or Attention Deficit Disorder (ADD) or Attention Deficit/Hyperactivity Disorder (AD/HD) may qualify for special education services if they also meet eligibility under one of the above thirteen categories, such as Specific Learning Disability, Other Health Impaired or Emotional Disturbance.

Refer to Chapter 4 in the Special Education Procedural Supplements for specific eligibility criteria and IEP implementation guidelines.

#### 1.6.B Special Rule for Eligibility Determination

In making a determination of eligibility, a child shall not be determined to be a child with a disability if the determinant factor for such determination is:

1. lack of appropriate instruction in reading, including the essential components of reading instruction.
2. lack of instruction in math; or
3. limited English proficiency

(EC 56333-56339; 5 CCR 3030; CFR 300.7, 300.534)

#### 1.6.C Evaluations before Change in Eligibility

1. An LEA shall evaluate a child with a disability before determining that the child is no longer a child with a disability.

2. Exception

The evaluation shall not be required before the termination of a child's eligibility due to graduation from secondary school with a regular diploma, or due to exceeding the age eligibility for a free appropriate public education

3. Summary of Performance

For a child whose eligibility terminates due to g (k of)d.3 (/TT4 1 Tf ( )T) (/TT4 16.3 (i)-42 (on



3. Whether the pupil continues to need special education and related services; and,
4. Whether any additions or modifications to the special education and related services are needed to enable the pupil to meet the measurable annual goals set out in the IEP of the child and to participate as appropriate in the general curriculum.

If the team determines that additional tests or other evaluation material is needed to provide the necessary data identified above, the district will administer tests and other assessment materials as may be needed.

If the team determines no additional data is needed, the district will notify the parents of that determination and the reason for it and the right of the parents to request an assessment.

The district is not required to conduct the assessment unless requested to do so by the pupil's parents.

(EC 56380, 56381; CFR 300.533, 300.536)

#### 1.7.B State and Federally Mandated Behavioral Assessments

Following is a description of the behavioral assessment that is required for specific student under State and/or Federal regulations. A functional behavior assessment (FBA) is required by Federal and C(s)-2.3 nsc -0.005 Tw fdatda6d207 0 Tdd (if)8.3 Td0 Td [(a)-2 (nd )D 1

