

IDENTIFICATION OF INDIVIDUALS WITH EXCEPTIONAL NEEDS

A student shall be referred for special educational instruction and services only after the resources of the regular education program have been considered and used where appropriate. (Education Code 56303)

All referrals from school staff shall include a brief reason for the referral and describe the regular program resources that were considered and/or modified for use with the student, and their effect. (5 CCR 3021)

Within 15 days of a referral for assessment, the student's parent/guardian shall receive a notice of parental rights and a written proposed assessment plan explaining the types of assessments to be conducted and stating that no individualized education program will result from the assessment without parental consent. (Education Code 56321)

Upon receiving the proposed assessment plan, the parent/guardian shall have at least 15 days to decide whether or not to consent to the assessment. The assessment may begin as soon as parental consent is given. (Education Code 56321)

Personnel assessing the student shall prepare a written report of assessment results which specifies: (Education Code 56327)

1. Whether the student may need special education and related services
2. The basis for making this determination
3. Relevant behavior noted while observing the student in an appropriate setting
4. The relationship of the student's behavior to his/her academic and social functioning
5. Educationally relevant health, development and medical findings, if any
6. For students with learning disabilities, whether the discrepancy between achievement and ability cannot be corrected without special education and related services
7. Where appropriate, a determination concerning the effects of environmental, cultural or economic disadvantage
8. The need for specialized services, materials and equipment for students with low incidence disabilities, consistent with California Department of Education guidelines

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The parent/guardian shall receive written notice that he/she may obtain a copy of the assessment findings upon request. This notice shall inform the parent/guardian that an individualized education program team conference, including the parent/guardian and his/her representatives, shall be scheduled to discuss the assessment, education recommendations, and reasons for these recommendations. The notice also shall inform the parent/guardian of his/her rights related to obtaining an independent educational assessment. (Education Code 56329)

Students with exceptional needs shall be reassessed at least every three years, or more frequently if requested by the parent/guardian or teacher. (Education Code 56381)

Before entering kindergarten or first grade, children with exceptional needs who are in a preschool program shall be reassessed to determine if they still need special education and services. Individualized education program teams shall identify a means of monitoring the continued success of children who are determined to be eligible for less intensive special education programs. (Education Code 56445)