

IDENTIFICATION, REFERRAL, AND ASSESSMENT

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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

According to state and federal law, each local educational agency shall actively and systematically seek out all individuals with exceptional needs, ages 0 to 21, including (1) children in private, including religious schools; (2) highly mobile individuals with exceptional needs such as children who are migrant or homeless; (3) children who are advancing from grade to grade even though they are suspected of being an individual with exceptional needs and in the need of special education and related services; and (4) children not enrolled in public school programs, who reside in a district or are under the jurisdiction of a SELPA or a county office. All districts have adopted policies for notifying parents of their rights and for initiating a referral for assessment to identify individuals with exceptional needs. Identification procedures shall include utilization of referrals from teachers, parents, agencies, appropriate professional person, and from other members of the public.

The child find process shall ensure the equitable participation of parentally placed private school children with disabilities, including an accurate count of such children and comparable timelines to that for public school children.

School site procedures and identification procedures are coordinated to provide referral of pupils with needs that cannot be met with modifications of the regular instructional program.

Child Find activities may include but not be limited to:

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; 20 USC 1412(a)(3); 34 CFR 300.111(a).)

1.3 PRE-REFERRAL ACTIVITIES

1.3.A. Pre-Referral Activities

A pupil shall be referred for special educational instruction and services only after the resources of the regular education program have been considered and, where appropriate, utilized. (EC 56303.)

1.3.B. Student Success Team and RTI

The Student Success Team (SST) is a regular education function. It is a process of reviewing individual student issues pertaining to educational performance and planning instructional interventions to be implemented in the regular classroom.

Although specialists, such as school psychologists, speech/language pathologists, and resource specialists may be involved in the SST process, however the SST is not a special education function

The Student Success Team (SST), or the referring instructional personnel, shall document that accommodations/modifications of the regular program have been attempted and that the results of those modifications have not been effective in meeting the student's need for an appropriate education. In most cases, two SST meetings should be convened to assess baseline performance and develop and monitor interventions. Each cycle of intervention generally may be of a six to eight week duration with progress monitoring.

Prior to a referral for special education evaluation, an SST meeting should be convened to identify the child's areas of behavioral and academic difficulty. A SST meeting should be

convened to (1) identify the child's area of behavioral, emotional or academic difficulty; (2) establish a baseline level of performance and (3) develop intervention, which generally will be conducted for 6 to 8 weeks.

The following is a sequence of activities that reflects best practices in addressing a student's needs prior to a referral for a special education assessment:

1. An individual at the school site has a concern about a student's academic progress. That individual begins to access resources available at the school and/or consult with persons knowledgeable about the individual student or available resources
2. The student's parent/guardian is contacted for support, information, and sharing of ideas
3. Attempts are made to accommodate and modify the student's education program in order to address the original concerns. If the concerns remain after such attempts have been made, a referral is initiated to the Student Success Team (SST).
4. A Student Success Team meeting is held, involving the parent/guardian, the pupil, the general education teacher and any necessary community resources. Documentation of targeted academic and/or behavioral interventions maintained. Generally, intervention should be implemented for not less than 6-8 weeks.
5. Should interventions not produce progress, a follow-up SST should be held to modify current interventions.
6. After two SSTs and two intervention rounds without resulting in progress, a referral to special education may be considered.

NOTE: Timelines related to special education assessment apply even if a student is engaged in the SST or RTI process. Applicable timelines commence any time an evaluation request is received by the LEA. Parents and the LEA may mutually agree to extend the timeline for special education assessment, if it is determined that the IEP team requires additional time to evaluate the student. However, such agreement must be in writing signed by the parent and the LEA. (34 CFR 300.309(c); 71 Fed.Reg. 46657-46659 (August 14, 2006).)

1.4 REFERRAL PROCESS

1.4.A. Source of Referrals

Referrals for assessment to determine eligibility for special education and related services may come from teachers, parents, agencies, appropriate professional persons, and from other members of the public.

NOTE: Refer to Chapter 13 Forms for Referral for Consideration of Exceptional Needs Form.

The referrals must be coordinated with school site procedures for referral of students with special needs that cannot be met with modifications of the regular instructional program.

The referral of a pupil for a special education assessment may be initiated or submitted by, or as a result of:

1. School screening program, such as vision, hearing, and speech and language screenings.
2. Student Success Team (SST).
3. Direct referrals from agencies or individuals within the LEA having knowledge of an individual with a suspected disability.
4. Direct referral from parent/legal guardian.

1.4.B. Referral Procedure

1. Referrals for assessments to determine eligibility for special education and related services will be made to the school site principal or designee at the child's school of residence.
2. Referrals may be processed through the school site Student Study Team or other student intervention team to review the referral and document interventions tried prior to referral.
3. All requests for assessments will be submitted in writing. If a parent makes the request verbally, the principal or designee will assist the parent in making the request in writing.
4. If the referral is not coming from the parent, the school site administrator or designee will review the referral. If the information is incomplete the referral source will be contacted to request additional information. If the information is complete, the school site administrator or designee will initiate the assessment process, including notification of parent.
5. An Assessment Plan must be developed and provided to the parents within 15 days of the LEA's receipt of the referral for assessment. (See section 1.6.B. below.).
6. No assessment will be conducted without written parent consent.

1.5 PARENTAL CONSENT

The LEA shall conduct an initial evaluation in every area of suspected disability before the initial provision of special education and related services to a child with a disability.

1.5.A. Request for Initial Evaluation

A parent, LEA, agency, appropriate professional person, and/or other member of the public may initiate a request for an initial evaluation to determine if a child is a child with a disability.

1. The initial evaluation shall assess the child in all areas of suspected disability to determine whether the child is a child with a disability. The assessment and IEP team meeting must be held within 60 calendar days of receiving parental consent for the evaluation.

2. Exception: The relevant timeframe shall not apply to a 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; or
 - b. The parent of a child repeatedly fails or refuses to produce the child for the evaluation.

1.5.B. Parental Consent for Initial Evaluation

1. The LEA proposing to conduct an initial evaluation to determine if the child qualifies as a child with a disability shall obtain informed consent from the parent of a child before conducting the evaluation. Parental consent for evaluation shall not be construed as consent for placement for receipt of special education and related services.
2. Consent for Services: The LEA is responsible for making a free appropriate public education (FAPE) available to a child with a disability and shall seek to obtain informed consent from the parent of a child before providing special education and related services to the child.
3. Absence of Consent for Initial Evaluation: If the parent of a child does not provide consent for an initial evaluation or the parent fails to respond to a request to provide the consent; the LEA may pursue the initial evaluation through due process.
4. Absence of Consent for Initial Services: If the parent of a child does not provide consent to the initial provision of services, the LEA shall **not** provide special education and related to the child by using due process.
5. Effect on LEA Obligation: If the parent of a child refuses to consent to the receipt of special education and related services, or the parent fails to respond to a request to provide such consent:
 - a. The LEA shall not be considered to be in violation of the requirement to make a free appropriate public education to the child for the failure to provide such child with the special education and related services for which the LEA requests such consent; and
 - b. The LEA shall not be required to develop an IEP for the special education and related services for which the LEA requests such consent.
6. If the child is a ward of the State and not residing with the child's parent, the LEA shall make reasonable efforts to obtain such consent from the parent of the child for the initial evaluation to determine whether the child is a child with a disability. (EC 56346)

1.6 ASSESSMENT PROCESS

1.6.A. Initial Assessments

Prior to any action taken with respect to the initial placement of a student with disabilities, an individual assessment of the student's educational needs must be conducted by qualified staff in accordance with requirements specified by the Education Code. No assessment will be conducted without a signed completed Assessment Plan unless the district has prevailed in a due process hearing regarding assessment.

A comprehensive and individual assessment shall be conducted for each child being considered for special education and related services to determine if the child meets eligibility criteria as a child with a disability and to determine the educational needs of the child.

Once a student has been referred for initial assessment, the student will be assessed in all areas of suspected disability. An individualized education program (IEP) meeting shall occur, within 60 calendar days of receiving written parental consent for the assessment, which begins the day the signed assessment plan is received by a staff member, not counting days between the student's regular school sessions, terms or days of school vacation in excess of five school days.

However, an IEP meeting required as a result of an assessment of a student shall be developed within 30 days after the commencement of the subsequent regular school year as determined by each LEA's school calendar for each pupil for whom a referral was made 30 days or less prior to the end of the regular school year. In the case of school vacations, the 60-day time-line shall recommence on the date that student schooldays reconvene. A meeting to develop an IEP for a student shall be conducted within **30 days** of a determination that the student needs special education and related services. (EC 56344; 34 CFR 300.323(c).)

Case managers are responsible for educating staff regarding the time sensitively of assessment timelines to all site staff. The case manager is responsible for distributing copies of the signed Assessment Plan to all persons named as assessors on the plan. (This should be done within 24 hours to allow all assessors ample time to evaluate the student).

The *60 day time period* does not apply if either of the following occurs:

1. The student enrolls in a school served by the LEA after the relevant time period has commenced but prior to determination by his or her previous LEA of whether the student has a disability. This exemption applies only if the subsequent LEA is making sufficient progress to ensure a prompt completion of the assessment, and the parent and subsequent LEA agree to a specific date by which the assessment shall be completed.
2. The parent of a child repeatedly fails or refuses to produce the child for assessment. All attempts made by the LEA to assess the student should be documented in writing.

1.6.B. Assessment Plan

After a review of the referral, pupil records and/or other immediately available material, the assessment team will meet to develop a proposed assessment plan.

A *proposed assessment plan* shall be developed within 15 calendar days of referral for assessment, not counting calendar days between the student's regular school sessions or terms or calendar days of school vacation in excess of five school days from the receipt of the referral, unless the parent or guardian agrees, in writing, to an extension. The appropriate IEP assessment team member(s) shall prepare and mail or personally deliver to the parent/guardian the following:

1. The completed Assessment Plan; and
2. A copy of the Notice of Procedural Safeguards and Parent's Rights.

The assessment plan shall be developed within 10 days after the commencement of the subsequent regular school year when the referral has been made 10 days or less prior to the end of the regular school year. In the case of student's school vacations, the 15-day time shall commence on the date that the regular school days reconvene. (EC 56321.)

The *proposed assessment plan* given to the parents or guardians shall meet all 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 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 assessment, consent is required of the parents of all children.

The *screening* of a pupil by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an assessment for eligibility for special education and related services. (EC 56321(e); 34 CFR 300.302.)

As part of the assessment plan, the parents will be provided with a written notice that upon completion of the administration of tests and other assessment material, an Individualized Education Program (IEP) team meeting will be convened. The IEP team will discuss the assessment results, review any additional information, discuss the educational recommendations, and the reasons for these recommendations. Parents will receive a copy of the assessment report and the documentation of determination of eligibility.

Included with the assessment plan will be a copy of Parents' Rights and Procedural Safeguards. The parents will be informed that they have a right to obtain, at public expense, an independent educational assessment of the pupil from qualified specialists, if the parent disagrees with an assessment completed by the district.

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 may be conducted without parent consent. (EC 56321.)

1.6.C. Assessment Requirements

Tests and other assessment materials must meet all of 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.

4. Tests and other assessment materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient.
5. Tests are selected and administered to best ensure that when a test is administered to a pupil with impaired sensory, manual, or speaking skills produces test results that accurately reflect the pupil's aptitude, achievement level, or any other factors the test purports to measure and not the pupil's impaired sensory, manual or speaking skills unless those skills are the factors that the test purports to measure.
6. No single measure or assessment is used as a sole criterion for determining whether a pupil is an individual with exceptional needs or determining an appropriate educational program for the pupil.
7. The pupil is assessed in all areas of the suspected disability including, if appropriate, health and development, vision, including low vision, hear, motor abilities, language function, general intelligence, academic performance, communicative status, self-help, orientation and mobility skills, career and vocational abilities and interests, social and emotional status. A developmental history shall be obtained when appropriate. For pupils with residual vision, a low vision assessment shall be provided.
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.
9. 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-based assessments and observations, and observations by teachers and related services providers. (EC 56320, 56324)

1.6.D. Assessment of African American Children under Larry P Decision

The Larry P v. Riles (1979) court case is the basis for law that disallows the administration of standardized intelligence quotient (IQ) tests to African American students. To ensure compliance with the Larry P, mandate, the CDE has established compliance review procedures to evaluate how well school districts are meeting this mandate in their African American students. The following areas are monitored to ensure compliance with this mandate:

1. Does the plan include a description of alternative means that will be used to assess language impairment or specific learning disabilities when standard tests are considered invalid?
2. Is there evidence that the assessment will be comprehensive? Do tests and other assessment materials meet the following requirements:
 - a. Are materials selected and administered that are not racially or culturally discriminatory?

- b. Do assessment procedures ensure that IQ tests are not administered to African American students?
 - c. Do assessments result in a written report which includes the findings of each assessment and contain required information?
3. To what extent is the assessment varied from standard conditions?
 4. What effects do environmental, cultural, or economic conditions have on the child's performance?

1.6.E. Assessment Report

The personnel who assess the pupil shall prepare a written report, or reports, as appropriate, of the results of each **assessment**. The report shall include, but not be limited to, all the following:

1. Whether the child may need special education and related services.
2. The basis for making the determination.
3. The relevant behavior noted during the observation of the child in an appropriate setting.
4. The relationship of that behavior to the child's academic and social functioning.
5. The educationally relevant health and development, and medical findings, if any.
6. A determination concerning the effects of environmental, cultural, or economic disadvantage, where appropriate.
7. The need for specialized services, materials, and equipment for pupils with low incidence disabilities.

If an assessment is not conducted under standard conditions, a description of the extent to which it varied from standard conditions must be included in the assessment report. (EC 56327)

1.7 REASSESSMENTS

A reassessment of a pupil shall occur not more frequently than once a year, unless the parent and the LEA agree otherwise in writing, and shall occur at least once every three years, unless the parent and the LEA agree in writing, that a reassessment is unnecessary. (EC 56381.)

Reassessment may also be conducted whenever conditions warrant a reassessment including the following:

1. If a parent or teacher requests a reevaluation;
2. When a preschool child with a disability transitions to kindergarten or first grade; or
3. Before determining a child is no longer eligible for special education.

1.7.A. Three Year Reassessments

The three-year reassessments will consider the following in determining the need for additional information:

1. A review of existing data including evaluations and information proved by the parents of the pupil.
2. Current classroom-based assessments and observations by teachers and related services providers.
3. Observations by teachers and related service providers.

On the basis of that review, and input from the pupil's parents, the team will identify what additional data, if any, are needed to determine, including

1. Whether the pupil continues to have a disability;
2. The present levels of performance and educational needs of the pupil;
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. An assessment plan will be developed and presented to the parent for consent.

When a parent does not respond to a request for consent to conduct the triennial assessment, it is possible to proceed with the assessment after the following documented steps are completed:

Make three attempts to obtain parent consent to proposed Assessment Plan.

- The first attempt is through whatever communication method you usually use (keep a dated copy of the assessment plan).
- The second and third attempts are both done using the Parental Notice of Triennial Assessment Plan letter template. (Keep a copy of each dated assessment plan)
- Allow at least five school days between each attempt.
(EC 56506(e).)

Initial assessment plans always require affirmative parent/guardian consent.

Refer to Chapter ### Forms for Parent Notice of Triennial Assessment Plan Form.

If the IEP team, including the parent, 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 56381(d); 34 CFR 300.305.)

1.7.B. State and Federally Mandated Behavioral Assessments

Following are descriptions of two different behavioral assessments that are required for specific students under state or federal regulations. A functional behavioral assessment (FBA) is required by federal law and is part of the disciplinary process. A functional analysis assessment (FAA) is required by California State law to address serious behavior not yet responsive to previous plans.

Functional Behavioral Assessment (FBA)

A functional behavior assessment may utilize review of records, interviews, behavior assessment scales, and may include observation of pupil behavior and/or environmental conditions. A functional behavior assessment shall be conducted under the following circumstances.

1. The pupil's behavior has resulted in disciplinary suspension beyond 10 cumulative days in a school year.
2. An interim alternative educational setting or involuntary change in placement is being considered in a disciplinary context.
3. A manifestation determination in response to a violation of a rule or code of conduct is occurring.

Following the functional behavior assessment the IEP team will develop a behavior intervention or behavior support plan. This behavior intervention plan shall be part of the pupil's IEP and shall specify environmental instructional changes and other techniques and strategies including positive behavioral interventions, strategies and supports.

If a behavior intervention plan is not effective, the IEP team shall either request a functional analysis assessment (FAA), as described below in section 4.8.2, or continue modifications to the behavior intervention plan until success is attained. (34 CFR 300.530)

Functional Analysis Assessment (FAA)

A functional analysis assessment (FAA) is a California State requirement to address severe behavior not yet responsive to previous plans to address behavior that impedes learning. Immediately contact your Program Specialist or Program Coordinator when an FAA is requested by a parent or when the IEP team may consider recommending an FAA. The FAA is a more comprehensive assessment that results in the development of a Positive Behavioral Intervention Plan.

A functional analysis assessment will be conducted when an IEP team determines that the instructional/behavioral approaches specified in the student's IEP have been ineffective and the student is exhibiting severe behaviors. A parent may request that a functional analysis assessment be performed.

The assessment must be conducted by, or be under the supervision of a person who has documented training in behavior analysis with an emphasis on positive behavioral interventions.

Functional analysis assessment personnel shall gather information from three sources: direct observation, interviews with significant others, and review of available data such as assessment reports prepared by other professionals and other individual records. Prior to conducting the assessment, parent notice shall be given and parental consent obtained.

A functional analysis assessment procedure shall include all of the following:

1. Systematic observation of the occurrence of the targeted behavior for an accurate definition and description of the frequency, duration, and intensity;
2. Systematic observation of the immediate antecedent event associated with each instance of the display of the targeted inappropriate behavior;
3. Systematic observation and analysis of the consequences following the display of the behavior to determine the function the behavior serves for the individual;
4. An analysis of the settings in which the behavior occurs most frequently;
5. Review of records for health and medical factors which may influence behaviors; and,
6. Review of the history of the behavior to include the effectiveness of previously used behavioral interventions.

Following the assessment, a written report of the assessment results shall be prepared and a copy shall be provided to the parent. The report shall include all of the following:

1. A description of the nature and severity of the targeted behavior(s) in objective and measurable terms;
2. A description of the targeted behavior(s) that includes baseline data and an analysis of the antecedents and consequences that maintain the targeted behavior, and a functional analysis of the behavior across all appropriate settings in which it occurs; and
3. Recommendations for consideration by the IEP team which may include a proposed Positive Behavioral Intervention Plan.

(5 CCR 3052.)

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