



Chapter 1: Identification & Referral

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Introduction

The referral for special education assessment is the first step taken when it is suspected that a child will require special education supports and services to be successful in the educational system. Parents, guardians, teachers, agencies, appropriate professionals, and other members of the public can make referrals. Once submitted, the referral initiates timelines that are specified in the California Education Code. The purpose of the referral process is to afford the assessment team the opportunity to review the referring party's identified areas of concern, previous attempts in program modification, relevant educational history, and other pertinent information regarding the child to determine areas in need of assessment.

The California Association of Health and Education Linked Professions, Joint Powers Authority (CAHELP JPA) Governance Council of the Desert/Mountain Special Education Local Plan Area (SELPA) assures an ongoing effort to identify all individuals with disabilities including infants, children for whom English is not a primary language, children with low incidence disabilities, children attending private schools, children from families that are highly mobile, and children who are suspected of having a disability and in need of special education even though they are advancing from grade to grade.

The SELPA works closely with public agencies such as Inland Regional Center (IRC), Head Start, California Children's Services (CCS), Department of Behavioral Health (DBH), and others as appropriate in the identification of individuals with disabilities. Materials are distributed to pediatricians, health care professionals, and other agencies within the SELPA.

Each Local Education Agency (LEA) within the SELPA has established procedures for the identification, location, and evaluation of children who may require special education services. Information regarding Child Find activities is included in the annual notice that is distributed to parents of all children.

Section A - Child Find

California Education Code § 56300. A local educational agency shall actively and systematically seek out all individuals with exceptional needs, from birth to 21 years of age, inclusive, including children not enrolled in public school programs, who reside in a school district or are under the jurisdiction of a special education local plan area or a county office of education.

California Education Code § 56301(a). All children with disabilities residing in the state, including children with disabilities who are homeless children or are wards of the state and children with disabilities attending private, including religious, elementary and secondary schools, regardless of the severity of their disabilities, and who are in need of special education and related services, shall be identified, located, and assessed and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services as required by Section 1412(a)(3) and (10)(A)(ii) of Title 20 of the United States Code. A child is not required to be classified by his or her disability so long as each child who has a disability listed in Section 1401(3) of Title 20 of the United States Code and who, by reason of that disability, needs special education and related services as an individual with exceptional needs defined in Section 56026.

It is the policy of the SELPA that children with disabilities ages birth through 21, be actively sought and identified by public schools. The Child Find process includes a section of the LEA's annual notice to all parents that references the referral of children with disabilities. In cooperation with the Local Interagency Coordination Area, Early Start, ages birth to three, information is distributed to hospitals, doctors' offices, and pertinent agencies. All individuals with disabilities and their parents are guaranteed their procedural safeguards with regard to identification, assessment, and placement in special education programs.

School personnel, parents, outside agencies working with the child, guardians and/or surrogate parents who show legal documentation of educational rights may all serve as sources of referral for a child for possible identification as a child with a disability. Such identification procedures shall be coordinated with school site and LEA procedures for referral of children with disabilities that cannot be met with modification of the general education instructional program.

Infants, birth to three years, are referred directly by the LEA, parent, doctor, or agency to the Early Start Program at IRC. Intake information precedes the assignment of staff for assessment and the coordination with other agencies. If an infant has a solely low incidence disability, such as hearing loss, vision loss, or orthopedic disability, the infant should be referred directly to San Bernardino County operated programs. An Early Start Program Referral Form is completed, which begins the assessment process timeline.

Section B - Parent Referrals

California Education Code § 56301(d)(1). Each special education local plan area shall establish written policies and procedures pursuant to Section 56205 for use by its constituent local agencies for a continuous child find system that addresses the relationships among identification, screening, referral, assessment, planning, implementation, review, and the triennial assessment. The policies and procedures shall include, but need not be limited to, written notification of all parents of their rights under

this chapter, and the procedure for initiating a referral for assessment to identify individuals with exceptional needs.

All referrals for special education and related services shall initiate the process to determine if an assessment is warranted and shall be documented. When a verbal referral is made, staff of the LEA shall offer assistance to the parent or any other individual to make a request in writing. The SELPA shall annually distribute information regarding Child Find activities to private schools for dissemination to parents.

Parents whose primary language is not English shall be informed of the need to file a written request when a verbal request is made. They shall be informed both verbally and in writing in their primary language, unless to do so is clearly not feasible. Assistance in providing a written request will be provided as needed. Written referrals in languages other than English will be accepted.

If a parent requests, in writing, an assessment for possible special education services, the LEA will develop an Assessment Plan (D/M 66) and present it to the parent within 15 days. A copy of the Parental Rights and Procedural Safeguards (D/M 77) are reviewed and given to the parents at the time the assessment plan is presented. The parent has at least 15 days from receipt of the assessment plan to provide permission to complete the assessment process. Assessments will begin upon receipt of the signed assessment plan by the LEA.

Infant: Birth to Three Years

If a parent refers an infant, birth to three years, to a LEA for possible special education services, they are referred directly to the Early Start Program at Inland Regional Center. If it is clearly evident that the infant has a solely low incidence disability, such as hearing loss, vision loss, or orthopedic disability, the parent is referred directly to San Bernardino County operated programs. Once an Early Start Program Referral Form is completed, timelines for the referral process begin.

Section 504

Children may be referred for assessment under Section 504 of the Rehabilitation Act of 1973 by parents, guardians, school staff, or agencies. Each LEA has defined written Section 504 procedures to assess and meet the educational needs of general education students who are otherwise disabled due to a physical or mental impairment, which substantially limits one or more major life activities.

Procedures for Processing Referrals

All referrals for special education and related services shall initiate the assessment process and shall be documented. When a verbal referral is made, staff of the LEA, SELPA, or county office shall offer assistance to the individual to make a request in writing and shall assist the individual if the individual requests such assistance (*Title 5 of the Code of California Regulations § 3021*).

SELPA forms are available on the website for member LEAs to use upon receipt of a referral for special education assessment (*SELPA forms, 51, 56, 57, 58, 59, 63, and 79*).

All initial referrals resulting from Child Find of children ages 3-5, shall be processed through the LEA special education office. The Informed Parental Consent for Assessment (D/M 66) shall be completed by the person interacting with the parent and forwarded to the appropriate member of the LEA preschool assessment team (i.e., psychologist, nurse, speech-language pathologist).

For a preschool-aged child, a member of the LEA preschool assessment team will contact the parent to discuss concerns, or arrange a home visit for observation.

For a school-aged child, the referral for special education assessment may include a referral to the Student Study Team (SST) and/or the scheduling of a parent conference to discuss the concerns and possible interventions.

If the parent specifically requests, in writing, that their child be assessed to determine eligibility for special education program services, a proposed Assessment Plan (D/M 66) and a copy of the Parental Rights and Procedural Safeguards (D/M 77) shall be presented to the parent within 15 days of their request for assessment. The proposed assessment may include a classroom observation, review of records, informal screening, and/or a referral for a formal evaluation in suspected areas of disability, such as, but not limited to, vision/hearing, speech-language, academic skills, cognition, adaptive behavior, psychological processing skills, or social-emotional-behavioral status. Parents have at least 15 days from receipt of the plan to give consent to assess. The timelines for assessment begin when the LEA receives the signed assessment plan.

Section C - Student Study Team (SST)

California Education Code § 56303. 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.

Procedures have been developed in individual LEAs for the receipt and processing of referrals for special education assessment. In all LEAs, the school site SST meets regarding children for whom there are concerns. The team addresses the implementation and level of success of the general education classroom program modifications and available general education resources and programs, including categorical programs. When the SST determines that all possible modifications have been exhausted or the modifications available are not appropriate, the SST or classroom teacher refers the child for an assessment for possible special education services. The parent is informed and encouraged to be a part of the SST process. Parents are notified if a referral for a special education assessment is made by the team.

The SST is a regularly scheduled, structured meeting of general educators, supported by special education and other staff as appropriate. Their purpose is to provide an effective support system in general education that will generate effective interventions for children who are experiencing challenges in learning or behavior difficulties at school. The SST process is designed to meet the needs of all children and results in a team action plan to ensure student success. The structure of the SST may be designed to fit the needs of individual school sites. Team membership varies according to the needs of the child, but should include the people that can best support the child and the classroom teacher. The majority of the team membership must be composed of general education teachers and should include the following team members: the child's classroom teacher, an administrator, the parent, the child, an upper grade teacher, and a lower grade teacher. The SST should also serve as a peer support system, so the more teacher participation the greater the benefits. Specialists should be included based on the potential needs of the child, the classroom teacher, and any others providing support to the child.

The following describes the flow of the **SST Process**:

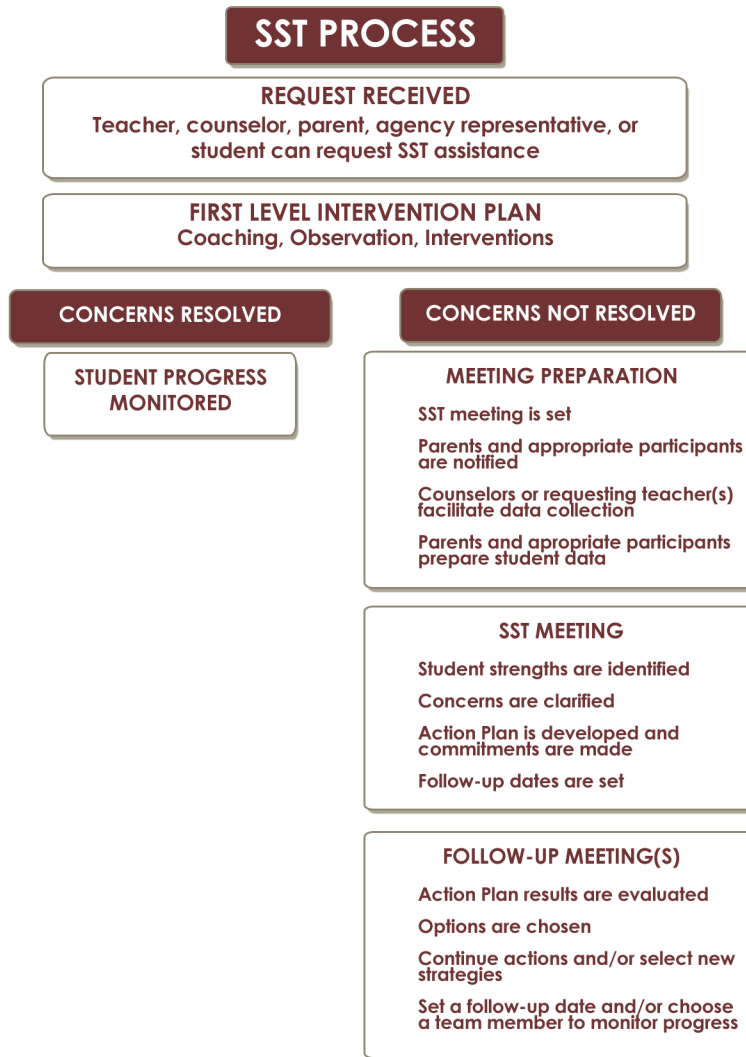


Figure 1 - Student Study Team (SST) Flow Chart

The process begins with a request from a teacher, counselor, parent, agency representative, or student that a concern has been identified. Once the request is made, the school’s first-level intervention plan is implemented. It is important to note that a request does not automatically initiate a SST meeting. If the concerns can be resolved without an SST meeting, then the child is monitored for successful progress. If the concerns are not resolved, SST meeting preparation is started. For the team to have optimum information to work with, the child’s teacher should provide essential information about the child to the team. In Section E of this chapter the information provided under Student Record Review offers a format for teachers/counselors to prepare information that would be beneficial to the SST. During the meeting, an effective practice to utilize is a group memory format to assist the team in efficient documentation of ideas generated during the meeting. On the action plan that is developed, a follow-up date should be set to review the progress of the child for whom there are concerns. The action plan should be evaluated at this meeting and determination made if any further follow-up is necessary.

Section D - Interim Placement (Students Transferring into LEA)

California Education Code § 56325(a)(1). *As required by subclause (I) of clause (i) of subparagraph (C) of paragraph (2) of subsection (d) of Section 1414 of Title 20 of the United States Code, the following shall apply to special education programs for individuals with exceptional needs who transfer from district to district within the state. In the case of an individual with exceptional needs who has an individualized education program and transfers into a district from a district not operating programs under the same local plan in which he or she was last enrolled in a special education program within the same academic year, the local educational agency shall provide the pupil with a free appropriate public education, including services comparable to those described in the previously approved individualized education program, in consultation with the parents, for a period not to exceed 30 days, by which time the local educational agency shall adopt the previously approved individualized education program or shall develop, adopt, and implement a new individualized education program that is consistent with federal and state law.*

California Education Code § 56325(a)(2). *In the case of an individual with exceptional needs who has an individualized education program and transfers into a district from a district operating programs under the same special education local plan area of the district in which he or she was last enrolled in a special education program within the same academic year, the new district shall continue, without delay, to provide services comparable to those described in the existing approved individualized education program, unless the parent and the local educational agency agree to develop, adopt, and implement a new individualized education program that is consistent with federal and state law.*

California Education Code § 56325(a)(3). *As required by subclause (II) of clause (i) of subparagraph (C) of paragraph (2) of subsection (d) of Section 1414 of Title 20 of the United States Code, the following shall apply to special education programs for individuals with exceptional needs who transfer from an educational agency located outside the State of California to a district within California. In the case of an individual with exceptional needs who transfers from district to district within the same academic year, the local educational agency shall provide the pupil with a free appropriate public education, including services comparable to those described in the previously approved individualized education program, in consultation with the parents, until the local educational agency conducts an assessment pursuant to paragraph (1) of subsection (a) of Section 1414 of Title 20 of the United States Code, if determined to be necessary by the local educational agency, and develops a new individualized education program, if appropriate, that is consistent with federal and state law.*

California Education Code § 56325(b)(1). *To facilitate the transition for an individual with exceptional needs described in subdivision (a), the new school in which the individual with exceptional needs enrolls shall take reasonable steps to promptly obtain the pupil's records, including the individualized education program and supporting documents and any other records relating to the provision of special education and related services to the pupil, from the previous school in which the pupil was enrolled, pursuant to paragraph (2) of subsection (a) of Section 99.31 of Title 34 of the Code of Federal Regulations.*

Whenever a child with an existing individualized education program (IEP) transfers into a district, the local educational agency (LEA) shall provide a free appropriate public education, including services comparable to those described in the last consented-to IEP. To facilitate the transition from one LEA to another, the new LEA in which the student enrolls shall take reasonable steps to promptly obtain the pupil's records, including his/her IEP and the supporting documents related to the provision of special education and related services to the pupil, from the previous school in which the pupil was enrolled (Title 34 of the Code of Federal Regulations § 300.323; Education Code § 56325).

In order to meet the California Longitudinal Pupil Achievement Data System (CALPADS) requirements for **ALL** students with an IEP transferring into an LEA pursuant to Education Code § 56325, the receiving LEA, in consultation with the parent/guardian, shall complete the Interim Placement (IP) packet within the Web IEP System. The Interim Placement packet includes:

- the demographics page documenting all relevant information concerning the child,
- the offer of FAPE page documenting their educational program,
- the final page documenting any Special Factors listed on the current IEP from the previous LEA, and
- a signature by a school or district administrator acknowledging the Interim Placement.

A copy of the Interim Placement packet is given to the parent/guardian and forwarded to all related service providers and relevant staff members for implementation of the child's special education program. A copy of the previously approved IEP should be given to the teacher(s), uploaded into the Web IEP system, and placed in the special education pupil file.

If a child with a disability transfers to the LEA during the school year from a LEA within the Desert/Mountain SELPA, the LEA shall continue, without delay, to provide services comparable to those described in the existing IEP, unless the child's parent and LEA agree to develop, adopt, and implement a new IEP that is consistent with state and federal laws (Title 34 of the Code of Federal Regulations § 300.323; Education Code § 56325).

If a child with a disability transfers to the LEA during the school year from a California LEA outside of Desert/Mountain SELPA, the LEA shall provide the child with FAPE, including services comparable to those described in the previous LEA's IEP. Within 30 days, the LEA shall, in consultation with the parents, adopt the other LEA's IEP or shall develop, adopt, and implement a new IEP that is consistent with state and federal laws (Title 34 of the Code of Federal Regulations § 300.323; Education Code § 56325).

If a child with a disability transfers to the LEA within the Desert/Mountain SELPA during the school year from an out-of-state LEA, the LEA shall provide the child with FAPE, including services comparable to the out-of-state LEA's IEP, in consultation with the parent, until such time as the LEA conducts an assessment, if the LEA determines that such an assessment is necessary, and develops, adopts, and implements a new IEP, if appropriate (Title 34 of the Code of Federal Regulations § 300.323; Education Code § 56325).

The law allows an LEA to address the IEP within the LEA's existing programs and services to the greatest extent possible for a period not to exceed the 30-day placement; therefore, it is not necessary for the parent/guardian to sign the proposed Interim Placement (IP) form. When programs or services that were provided in the former district are not in place in the new LEA at the time of enrollment, an alternative program within the LEA, a referral to a program operated by another agency, or placement in a nonpublic school may be necessary. The parent must give consent for placement in a program that is not in conformity with the current IEP.

When the IEP team meets for the 30-day review, the IEP team shall review all aspects of the IEP through the IEP process. Whether the LEA adopts the previously approved individualized education program or develops, adopts, and implements a new individualized education program, the next annual review date must align with the previous goal review date.

Section E - Early Identification of Learning Disabilities

Student Record Review

Review the child's records with attention to the following:

- Amount and quality of classwork and homework, with work samples provided at the meeting;
- Test data. Also, curriculum-based data, math, reading, language, spelling levels;
- Indicators of resiliency, ability to handle stress, emotional intelligence;
- Attendance;
- Hearing and vision screening results, health issues;
- Behaviors observed in class or on the playground that are of concern;
- Retention or referral to other programs; and
- Contacts with the family.

Be prepared to present specific background information about the child, including strengths, interests, and career potential. The strengths and specific interests that motivate the child are the building blocks for the Student Success Plan. Building on them will help the team be more creative while brainstorming strategies and designing the action plan. Examples of strengths are: good in math, likes to read, enjoys art and music, loves to sing, works well on a computer, writes creatively, did an exceptional science project, wants to please adults, and chosen by classmates as a friend and/or leader.

Identify basic concerns, the behaviors that need intervention, and the desired outcomes. Examples of concerns are: reading or math is below grade level, handwriting is difficult to read, completes only 25% of classwork, does not return homework, distracts others during lessons, does not participate in group discussions, and pushes students during recess. Examples of desired outcomes are: better attendance, increase in reading or math skills, passing competency tests, working well with peer tutor, and ability to follow specific playground rules.

See Chapter 3, Section C, Specific Learning Disability Eligibility for further information regarding procedures to document the presence of a Specific Learning Disability.

Use the Modifications Checklist to indicate the general education modifications that have been tried.

Section F - Overidentification and Disproportionality

It shall be the policy of the and member LEAs to prevent inappropriate disproportionate representation by race and ethnicity of children with disabilities.

Title 34 of the Code of Federal Regulations § 300.173. Overidentification and disproportionality. The State must have in effect, consistent with the purposes of this part and with section 618(d) of the Act, policies and procedures designed to prevent the inappropriate overidentification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment described in § 300.8.

The SELPA member LEAs shall, with SELPA assistance, monitor student trends with the intent of averting inappropriate, disproportionate representation of racially, ethnically, linguistically, and culturally diverse students (by race and ethnicity of children with disabilities). The SELPA shall provide the following assistance:

- Student trend data pertinent to the disproportionate calculation as reported through the California Special Education Management Information System (CASEMIS) to the California Department of Education (CDE).
- Provide up-to-date training and information provided to the SELPA by the CDE.
- Continue to inform member LEAs concerning responsibilities related to the potential transfer of local assistance funds to reduce disproportionality under the Early Intervening requirement of IDEA.

The state has in effect, consistent with the purposes of IDEA and with § 618(d), policies and procedures designed to prevent the inappropriate overidentification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment described in § 602(3).

Legal References:

- California Education Code Sections: 56300; 56301; 56301(d)(1); 56303; 56325(a)(1)-(3); 56325(b)(1)
- Title 34 of the Code of Federal Regulations (CFR) Section 300.173
- Title 5 of the California Code of Regulations (CCR) Section 3021
- Individuals with Disabilities Education Act (IDEA) Sections: 602(3); 613(f); 618(d)(1); 618(d)(2)