

San Carlos Charter Learning Center

Identification and Evaluation of Individuals For Special Education

The Governance Council 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.

The School Director and/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 planning, implementation and review of the education and related services provided to such individuals. (Education Code 56301)

The San Carlos Charter Learning Center's identification procedures shall include methods for utilizing referrals from parents/guardians, educators, appropriate professionals, and others, and shall be coordinated with school site procedures for referral of learners whose needs cannot be met with modifications to the regular instructional program. (Education Code 56302)

The School Director and/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 School Director and/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)

Referrals:

A learner shall be referred for Special Education 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 the reason for the referral and description of the regular program resources that were considered and/or modified for use with the learner and their effect.

Initial Evaluation for Special Education Services:

Before the initial provision of Special Education and related services to a learner with a disability, the San Carlos Charter Learning Center shall conduct a full and individual initial evaluation of the learner. (Education Code 56320)

Upon the receipt of a referral for any learner for Special Education and related services, a proposed evaluation plan shall be developed within 15 days, not counting days between the learner's regular school session or days of school vacation in excess of five school days, unless the parent/guardian agrees, in writing, to an extension. If the referral is made within 10 days or less prior to the end of the learner's regular school year, the proposed evaluation plan shall be developed within 10 days after the beginning of the next regular school year. (Education Code 56321)

The proposed evaluation plan shall meet all the following requirements:

1. Be in a language easily understood by the general public.
2. Be provided in the native language as the language normally used by the individual and, for a child, the language regularly used in the home.
3. Explain the types of evaluation to be conducted
4. State that no individualized educational program (IEP) will result from the evaluation without parent/guardian consent.

Before conducting an initial evaluation, the San Carlos Charter Learning Center shall provide the parent/guardian with prior written notice. As part of the evaluation plan, the parent/guardian shall receive written notice that includes all of the following information:

1. Upon completion of the administration of assessments and other evaluation materials, an IEP team meeting that includes the parent/guardian or his/her representative shall be scheduled pursuant to Education Code 56341. At this meeting, the team shall determine whether or not the learner is a learner with disabilities, as defined in Education Code 56026, and shall discuss the evaluation, the educational recommendations, and the reasons for the recommendations.
2. When making a determination of eligibility, the San Carlos Charter Learning Center shall not determine that the learner is disabled if the primary factor for such determination is lack of appropriate instruction in reading, including the essential components of reading instruction, lack of appropriate instruction in math or limited English proficiency.
3. A copy of the evaluation report and the documentation of determination of eligibility shall be given to the parent/guardian.
4. If the parent/guardian disagrees with an evaluation obtained by the San Carlos Charter Learning Center, the school shall follow the protocol for obtaining a publically funded independent educational evaluation that have been set by the Chartering Agency, the San Carlos School District, and/or the San Mateo County SELPA.
5. The San Carlos Charter Learning Center may initiate a due process hearing pursuant to Education Code 56500-56508 to show that its evaluation is appropriate. If the final decision resulting from the due process hearing is

that the evaluation is appropriate, the parent/guardian maintains the right to an IEE, but not at public expense.

6. If the parent/guardian obtains an IEE at private expense, the results of the IEE shall be considered by the SCCLC with respect to the provision of a free appropriate public education to the learner, and may be presented as evidence at a due process hearing regarding the learner.
7. If the parent/guardian proposes a publicly financed placement of the learner in a nonpublic school, the SCCLC shall have an opportunity to observe the proposed placement and, if the learner has already been unilaterally placed in the nonpublic school by his/her parent/guardian, the learner in that proposed placement. Any such observation shall be only of the learner who is the subject of the observation and shall not include the observation or evaluation of any other learner in the proposed placement unless consented to by the other learners' parents/guardians.

Parent/Guardian Consent for Evaluations:

Upon receiving the proposed evaluation plan, the parent/guardian shall have at least 15 days to decide whether or not to consent to the initial evaluation. The SCCLC shall not interpret parent/guardian consent for initial evaluation as consent for initial placement or initial provision of Special Education services. (Education Code 56321)

Informed parental consent means that the parent/guardian:

1. Has been fully informed, in his/her native language or other mode of communication, of all information relevant to the activity for which consent is sought
2. Understands and agrees, in writing, to the carrying out of the activity for which his/her consent is sought and the consent describes that activity and lists the records (if any) that will be released and to whom
3. Understands that the granting of consent is voluntary on his/her part and may be revoked at any time
4. Understands that if he/she revokes consent, that revocation is not retroactive

The SCCLC shall make reasonable efforts to obtain the informed consent of the parent/guardian for an initial evaluation or reevaluation of a student. The school shall maintain a record of its attempts to obtain consent including:

1. Detailed records of telephone calls made or attempted and results of those calls.
2. Copies of correspondence sent to the parent/guardian and any responses received.
3. Detailed records of visits made to the parent/guardian's home or place of employment and the results of those visits.

If a parent/guardian refuses to consent to the initial evaluation or fails to respond to a request to provide consent, the SCCLC may, but is not required to, pursue an evaluation by utilizing procedural safeguards, including the mediation and due process procedures. (Education Code 56321)

For a learner who is a ward of the state and not residing with his/her parent/guardian, the SCCLC may conduct an initial evaluation without obtaining consent if any of the following situations exist:

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

The SCCLC need not obtain parent/guardian consent before reviewing existing data as part of an evaluation or administering an assessment or other evaluation that is administered to all learners, unless consent is required from the parents/guardians of all learners. (Education Code 56321)

Conduct of the Evaluation:

The SCCLC shall complete the determination as to whether the learner is a learner with a disability, conduct the initial evaluation to determine his/her educational needs, and develop an IEP within 60 days of receiving informed parent/guardian consent for the evaluation. (Education Code 56344)

Qualified personnel who are competent to perform the assessment shall conduct the evaluation. (Education Code 56320, 56322)

The screening of a learner by an educator or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for Special Education and related services.

In conducting the evaluation, SCCLC staff shall use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the learner. Staff shall also use any information provided by the parent/guardian that may assist in making the determination as to whether the learner is a learner with a disability and, if so, the necessary components of his/her IEP when the IEP is developed,

including information related to enabling the learner to be involved in and to progress in the general education curriculum.

The evaluation shall not use any single measure or assessment as the sole criterion for determining whether a learner is a learner with a disability and for determining the appropriate educational program for the learner. The assessment shall use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors in addition to physical or developmental factors.

Assessments and other evaluation materials shall be:

1. Selected and administered so as not to be discriminatory on a racial, cultural or sexual basis
2. Provided and administered in the language and form most likely to yield accurate information on what the learner knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer
3. Used for the purposes for which the assessments or measures are valid and reliable
4. Administered by trained and knowledgeable personnel
5. Administered in accordance with any instructions provided by the producer of the assessments
6. Tailored to assess specific areas of educational need and not merely designed to provide a single general intelligence quotient

If the assessment is administered to a learner with impaired sensory, manual, or speaking skills, it will be selected and administered to best ensure that the results accurately reflect the learner's aptitude or achievement level or whatever other factors the test purports to measure.

Learners shall be assessed in all areas related to the suspected disability, including, if appropriate, health and development, vision, hearing, motor abilities, language function, general intelligence, academic performance, communicative status, self-help, orientation and mobility skills, career and vocational abilities and interests, and social and emotional status. A developmental health history will also be obtained. The SCCLC will ensure that the evaluation is sufficiently comprehensive to identify all of the learner's special education and related service needs, whether or not commonly linked to the disability category in which the learner has been classified. (Education Code 56320)

As part of the initial evaluation and any reevaluation, the IEP team and other qualified professionals shall, if appropriate, review existing evaluation data on the learner, including evaluations and information provided by the parents/guardians, current classroom assessments and other local and state assessments and classroom observations, and observations by educators and related service

providers. On the basis of that review and input from the learner's parent/guardian, the team shall identify what additional data, if any, are needed to determine:

1. Whether the learners is a learner with a disability, or in the case of a reevaluation, whether the learner continues to have a disability, and the educational needs of the learner
2. The present levels of academic achievement and related developmental needs of the learner
3. Whether the learner needs or continues to need, Special Education and related services
4. Whether any additions or modifications to the Special Education and related services are needed to enable the learner to meet the measurable annual goals set out in his/her IEP and to participate, as appropriate, in the general education curriculum

If a learner has transferred from another district in the same school year or leaves the SCCLC, the school shall coordinate with the learner's prior or subsequent district/school as necessary and as expeditiously as possible to ensure prompt completion of full evaluations.

Eligibility Determination:

Upon completion of the administration of assessments and other evaluation measures, a group of qualified professionals and the parent/guardian shall determine whether the learner is a learner with a disability and, if so, his/her educational needs. In interpreting the data, the group shall draw information from a variety of sources including aptitude and achievement tests, parent/guardian input, and educator recommendations as well as information about the learner's physical condition, social or cultural background, and adaptive behavior. The group shall ensure that the information obtained from these sources is documented and carefully considered.

The personnel who evaluate the student shall prepare a written report of the results of each evaluation. The report shall include, but not be limited to, the following:

1. Whether the learner may need Special Education and related services
2. The basis for making the determination
3. The relevant behavior noted during the observation of the learner in an appropriate setting
4. The relationship of that behavior to the learner's academic and social functioning
5. The educationally relevant health, developmental and medical findings, if any
6. For learners with learning disabilities, whether there is such discrepancy between achievement and ability that it cannot be corrected without Special Education and related services

7. A determination concerning the effects of environmental, cultural, or economic disadvantage, where appropriate
8. The need for specialized services, materials and equipment for learners with low incidence disabilities consistent with Education Code 56136

When making a determination of eligibility for Special Education and related services the SCCLC shall not determine that a student is disabled if the primary factor for such determination is a lack of appropriate instruction in reading, including the essential components of reading instruction, lack of instruction in mathematics, limited English proficiency, or that the learner does not otherwise meet the eligibility criteria.

If a determination is made that a learner has a disability and needs Special Education and related services, an IEP shall be developed within a total time not to exceed 60 days, not counting days between the learner's regular school session or days of school vacation in excess of five school days, from the dates of the receipt of parent/guardian's consent to assess, unless the parent/guardian agrees, in writing, to an extension. (Education Code 56043)

Independent Education Evaluation:

The San Carlos Charter Learning Center shall follow the criteria established by the Chartering Agency, the San Carlos School District and/or the San Mateo County SELPA when a parent/guardian requests an Independent Educational Evaluation (IEE).

Reevaluation:

A reevaluation shall be conducted when the school determines that the educational or related service needs of the learner, including improved academic achievement and functional performance, warrant a reevaluation or if the learner's parent/guardian or educator requests reevaluation. Such reevaluations shall occur every three years, unless the parent/guardian agrees in writing that a reevaluation is unnecessary. A reevaluation may not occur more than once a year, unless the parent/guardian and the district agree otherwise. (Education Code 56043, 56381)

The school shall ensure that any reevaluations of the learner are conducted in accordance with the evaluation procedures listed herein.

Before entering kindergarten or first grade, children with disabilities who are in a preschool program shall be reevaluated to determine if they still need Special Education and services. IEP teams shall identify a means of monitoring the continued success of learners who are determined to be eligible for less intensive Special Education programs to ensure that gains made are not lost by a rapid removal of individualized programs and supports for these children. (Education Code 56445)