

Lewis Center for Educational Research

**AR 6164.4 INSTRUCTION
IDENTIFICATION OF INDIVIDUALS WITH EXCEPTIONAL
NEEDS**

Adopted: 3-28-07

Revised:

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.

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.

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 (IEP) will result from the assessment without parental consent. The 15-day period does not include days between the student's regular school session or term or days of school vacation in excess of five school days unless, the parent/guardian agrees in writing to an extension.

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 informed parental consent is given.

Informed parental consent means that the parent/guardian:

1. Has been fully informed of all information relevant to the activity for which consent is sought, in his/her native language or other mode of communication
2. Understands that the granting of consent is voluntary on the part of the parent/guardian and may be revoked at any time

Personnel assessing the student shall prepare a written report of assessment results which specifies:

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

The parent/guardian shall receive written notice that:

1. Upon completion of the administration of tests and other assessment 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 student is a student with disabilities as defined in Education Code 56026 and shall discuss the assessment, the educational recommendations and the reasons for these recommendations. A copy of the assessment report shall be given to the parent/guardian.
2. If the parent/guardian disagrees with an assessment obtained by the LCER, a parent/guardian has the right to obtain, at public expense, an independent educational assessment of the student from qualified specialists, as defined by LCER regulations. However, the LCER shall, without unnecessary delay, either initiate a state due process hearing to show that its assessment is appropriate or pay for an independent educational evaluation. If this hearing results in a decision that the LCER's assessment is appropriate, the parent/guardian still has the right to obtain an independent education assessment, but not at public expense. The results of an assessment obtained at private expense must be considered by the LCER and may be presented as evidence at a due process hearing. Students with disabilities shall be reassessed at least every three years, or more frequently if conditions warrant a reassessment or if requested by the parent/guardian or teacher.

Before entering kindergarten or first grade, children with disabilities who are in a preschool program shall be reassessed to determine if they still need special education services. IEP teams shall identify a means of monitoring the continued success of children who are determined to be eligible for less intensive special education programs.