

**Disclaimer**

All materials have been prepared for general information purposes only. The information presented is not legal advice, is not to be acted on as such, may not be current and is subject to change without notice.

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**11**

**Referral** **INITIAL REFERRAL**

- Initiates the process of determining whether a child has a disability and needs special education services
- Has to be made before an evaluation can be performed

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**11**

**Referral**

**Evaluation**

**Annual Review**

**Instruction**

**Placement**

**Eligibility**

**IEP**

**SPECIAL EDUCATION PROCESS**

**PROCEDURAL SAFEGUARDS**

An **INITIAL REFERRAL** sets into motion a host of legal obligations and procedures that are complex.

YOU ARE HERE

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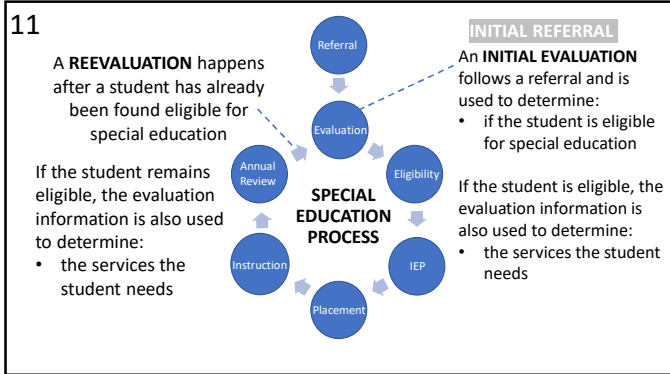
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**Referral**

**for INTIAL and REEVALUATIONS**

Who can make a referral?

- The district
- or
- The parent

Once a written referral has been made by a parent, the assessment process **MUST** be started

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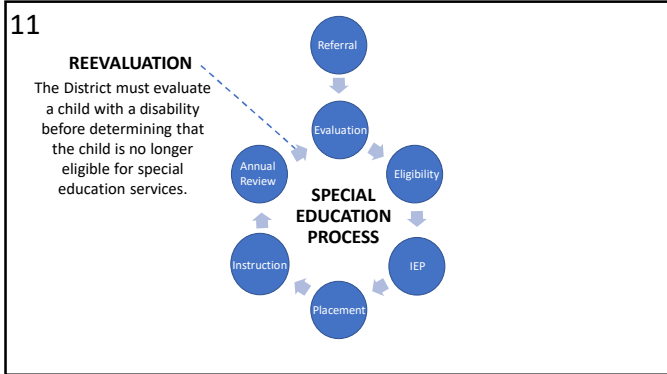
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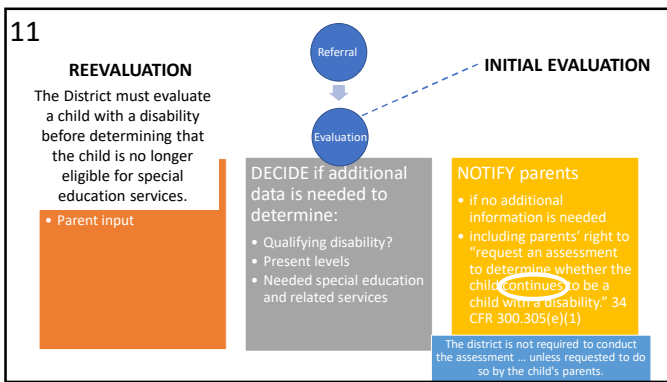
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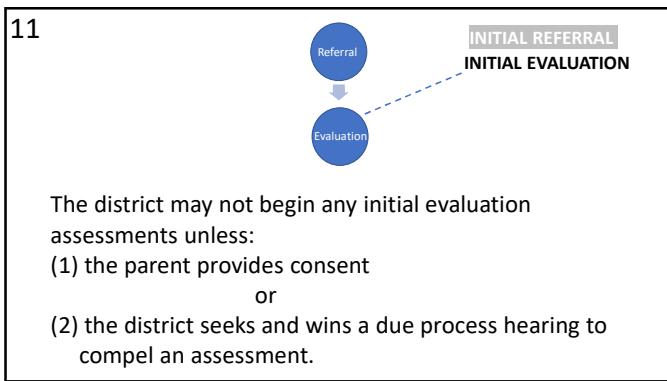
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INITIAL REFERRAL  
INITIAL EVALUATION

Referral

Evaluation

Giving consent for the evaluation does not give the district permission to begin special education services.

- Parent must provide consent for any special education services to begin.

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INITIAL REFERRAL  
INITIAL EVALUATION

Referral

Evaluation

The district conducts the evaluation at no cost to parents

- No matter who makes the request

Parents can choose to have their child evaluated privately

- But the district is not responsible for the cost

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**What You Can Do Before You Make a Referral**

**Keep careful records about your child's**

school experience	evaluation results	meetings with teachers, counselors, specialists, administrators and	any decisions made regarding your child's education
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### How to Make a Referral

The request must always be in writing An email is a writing

- Clearly present the reasons for the concern
- Describe specific examples of the problems the child is having
- Items such as work samples, handwriting samples, assessment records, etc. can be included

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### Parents can make a referral for assessment at any time

- All written referrals **shall** initiate the assessment process.
- A referral is defined as any written request for assessment by a parent, guardian, teacher, or other service provider.
- School district personnel must help you put your request in writing.
- The District should respond to your request with a written Assessment Plan or Prior Written Notice of why they are denying your request.

Covered more fully in the next class

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### Timeline for an Initial Referral

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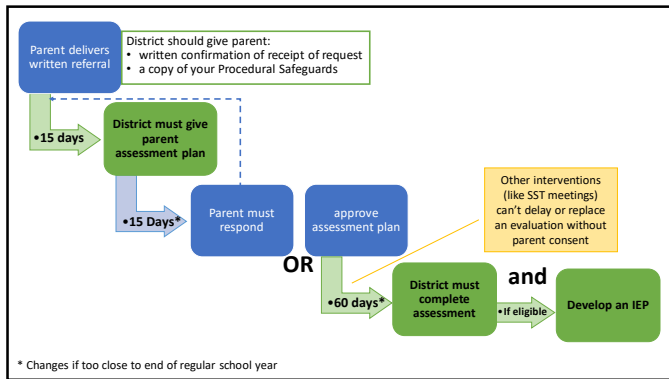
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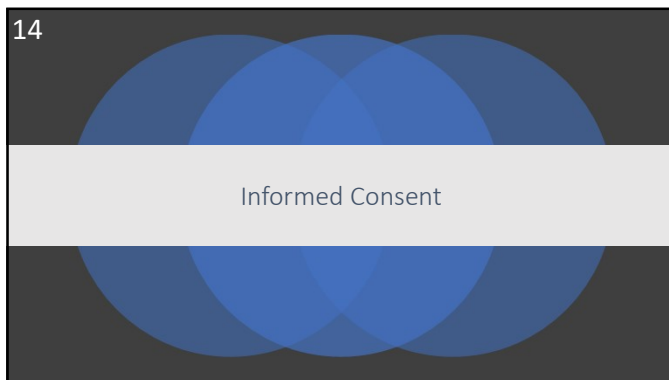
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### Informed Consent

The Assessment Plan must:

- 1) Be in language easily understood by the general public;
- 2) Be provided in the primary language of the parent or other mode of communication used by the parent, unless to do so is clearly not 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;
- 5) Include a copy of the notice of parent rights/procedural safeguards
- 6) A description of any optional dispute resolution mechanisms available under state law.

Cal. Ed. Code Secs. 56321(a), (b)

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14 What questions should I ask to better learn about the assessment plan?

You may ask about any areas of the assessment that concern you. For example:

- Who or how many people will be working with your child during the assessment.
- How long will an assessment last?
- How many times (days/sessions) will your child be seen?
- Can you be present during the assessment?
- Will your child be assessed in the language we speak at home?
- Explain the specific assessments district selected for your child.

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14 What IDEA Requires of Assessment Plans

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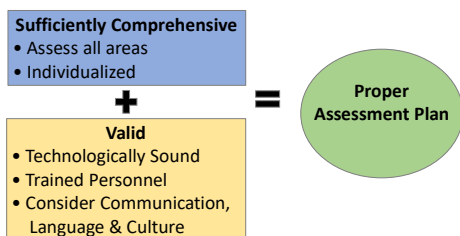
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14 IDEA Requires that the Assessment Plan be:



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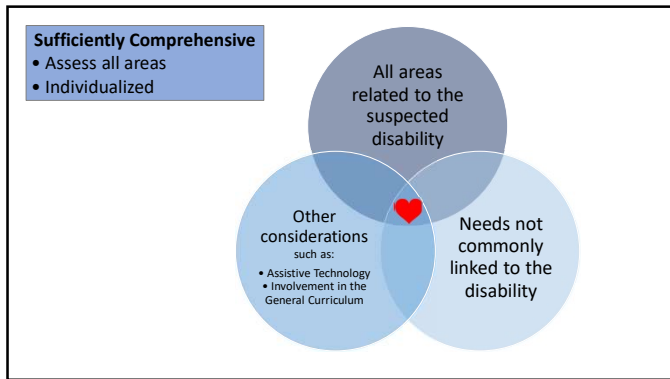
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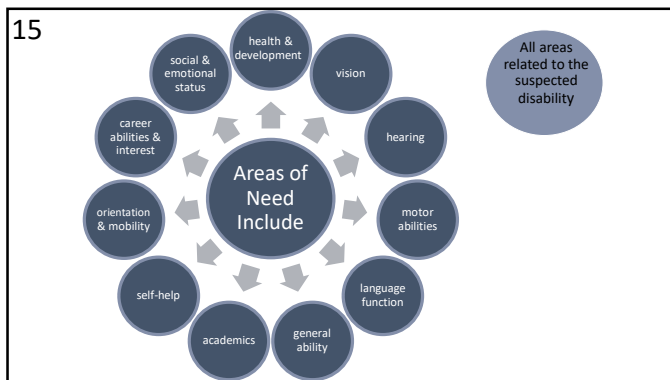
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**Sufficiently Comprehensive**

The evaluation must be "sufficiently comprehensive to:

- identify all of the child's special education and related services needs
- whether or not commonly linked" to the disability

34 C.F.R Sec. 300.304(c)(6)

Needs not commonly linked to the disability

**Individualized**

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### Assistive Technology (AT)

In addition, the district must consider whether

- your child requires assistive technology (AT) to benefit from instruction.
- This could mean conducting an assessment for any service or device that directly assists him in the selection, acquisition or use of an AT device.
- The assessment must include a “functional evaluation” of your child in his “customary environment . . .”

34 C.F.R. Secs. 300.6 & 300.324(a)(v);  
Cal. Ed. Code Sec. 56341.1(a)(5); 5 C.C.R. Sec. 3065 (b)




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### Information related to participation in the general curriculum


The evaluation must also gather information

- Related to enabling the child to be involved and progress in the general curriculum

OR

- For a preschool child to participate in appropriate activities.

34 C.F.R. Secs. 300.304-300.305




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### The evaluation must use a variety of assessment tools and strategies

Variety of Approaches	Variety of Sources
<ul style="list-style-type: none"> <li>• observations</li> <li>• interviews</li> <li>• tests</li> <li>• curriculum-based assessment</li> </ul>	<ul style="list-style-type: none"> <li>• parents</li> <li>• teachers</li> <li>• specialists</li> <li>• child</li> </ul>



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**Instruments & Administration must be valid**

**Valid**

- Technologically Sound
- Trained Personnel
- Consider Communication, Language & Culture

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**Technically Sound Instruments**

The assessments must have been shown through research to be valid and reliable. 71 Fed. Reg. at 46642

**Technically Sound Processes**

Assessments and other evaluation materials must be:

- administered in accordance with any instructions provided by the producer of the assessments; and
- used for the purposes for which the assessments or measures are valid and reliable.

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**A test and other evaluation material must**

- Assess specific areas of educational need
  - Like math or reading, social skills, self-help/adaptive skills, etc.
- Not merely produce a single general intelligence quotient (IQ)

No single procedure can be used as the sole criterion for determining an appropriate educational program for the student.

20 U.S.C. Sec. 1414(b); 34 C.F.R. Sec. 300.304; Cal. Ed. Code Sec. 56320

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**16 Administered by trained and knowledgeable personnel**

The personnel conducting the test must:

- Be knowledgeable about the disability being assessed
- Be competent to perform the assessment
- Be competent in both the oral and written skills of the student's primary language or mode of communication
  - The use of an interpreter is required when necessary.
- Have knowledge and understanding of the student's cultural and ethnic background

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**16 Consider Language, Communication Mode, and Culture**

The testing instruments must:

- Not be racially, culturally, or sexually discriminatory
- Be administered in the student's primary language or other mode of communication.

20 U.S.C. Sec. 1414(b); 34 C.F.R. Sec. 300.304;  
Cal. Ed. Code Sec. 56320

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**16 A student with impaired sensory, manual, or speaking skills**

The testing must ensure that the results accurately reflect

- the student's aptitude or achievement level
- NOT the student's impaired skills
  - unless those skills are to be measured by the testing.

20 U.S.C. Sec. 1414(b); 34 C.F.R. Sec. 300.304;  
Cal. Ed. Code Sec. 56320

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**A student with limited English proficiency**

Materials and procedures must be selected and administered to measure

- the extent of a child's disability
- NOT the child's English language skills

34 C.F.R. Secs. 300.304-300.305

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**If the assessment is not conducted under standard conditions**

The evaluation report must include a description of the extent to which the assessment varied from standard conditions. For example:

- if the test was administered differed from standard procedures, or if
- the qualifications of the person administering the assessment differ from the requirements of the test instructions

34 C.F.R. Secs. 300.304(c)(1)(ii) & (iv);  
Cal. Ed. Code Secs. 56320, 56322, 56324; 5 C.C.R. Sec. 3023

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**Independent Education Evaluation (IEE)**

- If you disagree with the results of your child's evaluation, you have the right to obtain an Independent Educational Evaluation.



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