The Special Education Referral & Identification Process

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Step One
Child is Identified

The child is suspected of having a disability that may require special education and related services.
Child Find

We are required to identify, locate and evaluate all children with disabilities in the state who need special education and related services.
When to Refer

A child should not be referred for a special education evaluation until after the general education program has modified the child’s program and documented that the modifications have been implemented and have not been successful in meeting the child’s needs.
Referral or Request for Evaluation

A school professional may ask that a child be evaluated to see if he or she has a disability.

Parents may also contact the child’s teacher or other school professional to ask that their child be evaluated.
Request for Evaluation

The request may be verbal or in writing. Written parental consent is needed before the child may be evaluated.
Evaluation Timeline

The evaluation must be completed, and an IEP meeting must be held within 60 days the District receives written parent consent for the assessment.
Step 2
Child is Evaluated

The evaluation must assess the child in all areas related to the child’s suspected disability.
Evaluation Results

The evaluation results are used to determine if the child is eligible for special education and related services and to make decisions about an appropriate educational program for the child.
Eligibility

To be eligible for special education services, a child must meet the criteria set forth in federal and state laws and regulations.
If Parents Disagree

• If the parents disagree with the evaluation, they have the right to take their child for an Independent Educational Evaluation (IEE). They can ask that the school system pay for this IEE.
Step 3
IEP Meeting is Held and Eligibility is Determined

An IEP Meeting of a group of qualified professionals and the parents review the child’s evaluation results. Together, they decide if the child is a "child with a disability," as defined by IDEA.
Parent Rights

Parents may ask for a hearing to challenge the eligibility decision.
Eligibility

If the child is found to be a "child with a disability," as defined by IDEA, he or she is eligible for special education and related services.
Eligibility Criteria

The California special education eligibility criteria is found in regulations adopted by the State Board of Education, in Title 5, California Code of Regulations (C.C.R.) Section 3030.
Eligibility Criteria

The criteria generally parallel the federal guidelines in defining "children with disabilities."

[34 Code of Federal Regulations (C.F.R.) Sec. 300.7.]
Eligibility Criteria

Together, the federal and state regulations establish eligibility criteria for all students receiving special education services.
In order to qualify...

as an individual with a disability under the eligibility criteria, an assessment must demonstrate that the student's impairment adversely affects his/her educational performance and requires special education.
In order to qualify...

The child must have needs that cannot be met by modifying the regular environment at home or at school or both.
A Child is not Eligible...

for special education
related services
if the child does not
otherwise meet the eligibility criteria.
& if his or her educational needs are primarily due to:

- Unfamiliarity with the English language,
- Temporary physical disabilities,
- Social maladjustment, and/or
- Environmental, cultural or economic factors.
The Qualifying Disabilities are:

1. Hearing Impairment;
2. Deafness;
3. Hearing and Visual Impairments (Deaf/Blind);
4. Speech or Language Disorder;
5. Visual Impairment;
6. Severe Orthopedic Impairment;
7. Impairment in strength, vitality, or alertness due to chronic or acute health problems (Other Health Impairment);
8. Autistic-like Behaviors;
9. Mental Retardation;
10. Emotional Disturbance;
11. Specific Learning Disability;
12. Multiple Disabilities; and
Additional Criteria for Preschoolers

A child, age birth to four years and nine months may also qualify if the IEP Team determines that the child meets the following criteria:
The Child has

an established medical disability which the IEP Team determines has a high predictability of requiring intensive special education and services. (EC 56441.11)
Infants and Toddlers

The term "infants and toddlers with disabilities" means individuals younger than 3 years old who need early intervention services because they are experiencing developmental delay, and whose need is documented through assessment and evaluation, and who meets one of the following criteria:
Developmental Delay

Infants and toddlers with a developmental delay in one or more of the following five areas:

1. cognitive development;
2. physical and motor development, including vision and hearing;
3. communication development;
4. social or emotional development; or
5. adaptive development
Developmental Delay

Developmentally delayed infants and toddlers are those who are determined to have a significant difference between the expected level of development for their age and their current level of functioning. This determination shall be made by qualified personnel who are recognized by, or part of, a multidisciplinary team, including the parents.
Established Risk

Infants and toddlers with established risk conditions are:
Infants and toddlers with conditions of known etiology or conditions with which have a high probability of resulting in developmental delay. The conditions shall be diagnosed by qualified personnel recognized by, or part of, a multidisciplinary team, including the parents.
Low Incidence Disabilities

Infants and toddlers who have solely low incidence disabilities (visual impairments, hearing impairments and severe orthopedic impairments).
High Risk for Developmental Disability

• High risk for a developmental disability exits when a multidisciplinary team determines that an infant or toddler has a combination of two or more of certain factors (A complete list can be found in the California Early Intervention Services Act, Title 14, Article 2, Section 52022).

• Examples include: prematurity of less than 32 weeks gestation or low birth weight of less than 1500 grams; prenatal substance exposure, positive infant neonatal toxicology screen or symptomatic neonatal toxicity or withdrawal.
High Risk for a Developmental Disability

High risk for a developmental disability also exists when a multidisciplinary team determines that the parent of the infant or toddler is a person with a developmental disability and the infant or toddler requires early intervention services based on evaluation and assessment.
A developmental disability shall not be determined based on:

- Temporary physical disability;
- Cultural or economic factors;
- The normal process of second language acquisition; or
- Manifestation of dialect and sociolinguistic variance.
Components of the IEP Meeting

The school system schedules and conducts the IEP meeting. School staff must:

- contact the participants, including the parents;
- notify parents early enough to make sure they have an opportunity to attend;
- schedule the meeting at a time and place agreeable to parents and the school;
School Staff must:

• Tell the parents the purpose, time, and location of the meeting;
• Tell the parents who will be attending; and
• Tell the parents that they may invite people to the meeting who have knowledge or special expertise about the child.
The IEP Meeting

• The IEP team gathers to talk about the child’s needs and write the student’s IEP.
• The parents (and the student when appropriate) are part of the team.
When Services Begin

• Before the school system may provide special education and related services to the child for the first time, the parents must provide written consent to the IEP.

• The child begins to receive services as soon as possible after the parents provide consent.
If the Parent Disagrees:

If the parents do not agree with the IEP and placement, they may discuss their concerns with other members of the IEP team and try to work out an agreement. If they still disagree, parents can ask for mediation, or the school may offer mediation. Parents may request a due process hearing, at which time mediation must be available.
Step 4
Services are Provided

• TCOE staff make sure that the child’s IEP is implemented as it was written.
• Parents are given a copy of the IEP.
• Each of the child’s teachers and service providers has access to the IEP and knows his or her specific responsibilities for implementing the IEP. This includes the accommodations, modifications, and supports that must be provided to the child, in keeping with the IEP.
Step 5
Progress is Measured & Reported to Parents

- The child’s progress toward the annual goals is measured, as stated in the IEP.
- His or her parents are regularly informed of their child’s progress and whether that progress is enough for the child to achieve the goals by the end of the year.
- Progress reports must be provided to parents at least as often as parents are informed of their nondisabled children’s progress.
Step 6
The IEP is Reviewed

The child’s IEP is reviewed by the IEP team at least once a year, or more often if the parents or school ask for a review.
Parents as Team Members at IEP Meetings

• Parents, as team members, must be invited to attend IEP Meetings
• Parents can make suggestions for changes, can agree or disagree with the IEP goals, and agree or disagree with their child’s placement & services.
If Parents Disagree...

• with the IEP or placement, they may discuss their concerns with members of the IEP team and try to work out an agreement.

• If parents still do not agree, there are several options, including additional testing, an independent evaluation, or asking for mediation or a due process hearing.
If the IEP is not Implemented...

Parents
(or other concerned parties)
may file a complaint
with the
California Department of Education
Step 7
Child is Re-evaluated

- At least every three years the child must be reevaluated.
- This evaluation is often called a "triennial." Its purpose is to find out if the child continues to be a "child with a disability," as defined by IDEA, and what the child’s educational needs are.
- However, the child must be re-evaluated more often if conditions warrant or if the child’s parent or teacher asks for a new evaluation.