



LOS ANGELES UNIFIED SCHOOL DISTRICT POLICY BULLETIN

TITLE: Review and Consideration of Request for Special Education Evaluation

NUMBER: BUL-4140.2

ISSUER: Anthony Aguilar
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Division of Special Education

DATE: August 8, 2019

ROUTING

All Schools
Local District Superintendents
Administrators of Instruction
Local District Administrators
Special Education Administrators
Psychological Services
Administrators
School Site Administrators
Teachers
School Psychologists

POLICY: The Individuals with Disabilities Education Act (IDEA), at Title 34 CFR 300.503, permits local education agencies to review and consider the appropriateness of requests for special education evaluation. This Bulletin provides guidance and procedures to schools reviewing such requests for evaluation.

MAJOR CHANGES: This Bulletin replaces BUL-4140.1: *Review and Consideration of Request for Special Education Evaluation*, issued September 29, 2010. This Bulletin clarifies the process for documenting and responding to initial special education evaluation referrals.

**GUIDELINES/
PROCEDURES:** The following guidelines apply:

Procedure For Initial Assessment Referrals:

All initial referrals for special education shall initiate the assessment process and shall be documented in writing. When a verbal referral is made, school staff shall offer, and if necessary, provide, assistance to document the referral in writing. If the referral is made by school staff it shall include a brief reason for the referral and documentation of regular education program interventions utilized and, where appropriate, the results of those interventions.

Whenever an initial referral for special education is made, from any source, parents must be provided a copy of the District's "A Parent's Guide to Special Education Services (Including Procedural Rights and Safeguards)." One copy of the referral must be uploaded to Welligent under the Scanned Documents folder with the original maintained in the student's cumulative folder. Staff must note on the written referral the date and means by which a copy of the District's "A Parent's Guide to Special Education Services (Including Procedural Rights and Safeguards)" was provided to parents.

Within 15 days of receipt of a written referral for an initial special education evaluation, parents must either: (1) receive an assessment plan with a copy of the



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GUIDELINES/ PROCEDURES (cont.):

District's "A Parent's Guide to Special Education Services (Including Procedural Rights and Safeguards)" for their consent to conduct the evaluation; or, (2) agree to forgo their request for an assessment in writing using the process described here.

The school may, within 15 days of receipt of a written referral for an initial special education evaluation, convene a Student Support and Progress Team (SSPT) meeting, pursuant to Bulletin 6730.1, to determine interventions if applicable or appropriate and discuss the request for a special education assessment.

If at the conclusion of the SSPT meeting parents agree to forgo a special education evaluation in favor of attempting general education interventions then the school shall ensure parent agreement is documented in writing (Attachments C or D [Spanish]) and that parents are provided a copy of the District's "A Parent's Guide to Special Education Services (Including Procedural Rights and Safeguards)." One copy of this document must be uploaded to Welligent under the Scanned Documents folder with the original maintained in the student's cumulative folder.

If at the conclusion of the SSPT meeting parents do not agree to forgo a special education evaluation then parents shall be provided an assessment plan for their consent with a copy of the District's "A Parent's Guide to Special Education Services (Including Procedural Rights and Safeguards)." Unless parents agree to forgo a special education evaluation, in no event shall the SSPT process extend the 15 day timeline to provide an assessment plan after receipt of the written referral for an initial special education evaluation.

Procedure For Re-evaluation Requests:

Within 15 days of receipt of a written request for special education re-evaluation, parents must receive an assessment plan for their consent or prior written notice that the request for re-evaluation, either in whole or in part, is not appropriate and denied at the present time. To determine if a request for special education re-evaluation is appropriate, either in whole or in part, the school administrator/designee and Individualized Education Program (IEP) evaluation team members (as appropriate) must review the following:

1. Student records and academic history;
2. Existing evaluation data including curriculum based, standardized tests and alternative measures/procedures;
3. Progress in current program (including English Language Development);
4. Progress in meeting content standards;
5. Progress in meeting literacy and mathematic standards;
6. Results of state and district assessments;
7. Results of proficiency examinations;
8. Results of portfolio assessments/student work samples;
9. Types and results of academic and/or behavioral intervention provided;
10. Teacher information/concerns;



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11. Parent information/concerns;
12. Observations of related service providers.

In the event that the school determines that a request for re-evaluation is inappropriate, either in whole or in part, the school administrator/designee will provide a written notice (Attachment A or B [Spanish]) containing all of the following information:

1. A description of the action refused by the school;
2. A description of each evaluation procedure, assessment, record, or report used as a basis for the decision;
3. An explanation of why the action was refused;
4. A description of any other factors relevant to the decision;
5. A description of any other options considered and the reason those options were rejected;
6. A statement that the parents of a child with a suspected or confirmed disability are protected by procedural safeguards and the means by which a copy of a description of the procedural safeguards can be obtained;
7. Sources for the parent to contact for assistance with questions or further explanation.

Notification of Procedural Safeguards to Parents:

Each school must ensure that parents are properly informed of protections under the procedural safeguards of the Individuals with Disabilities Education Act. Upon an initial referral for a special education evaluation, parents must be given a copy of the District's "A Parent's Guide to Special Education Services (Including Procedural Rights and Safeguards)." Staff must note on the written referral the date and means by which a copy of the District's "A Parent's Guide to Special Education Services (Including Procedural Rights and Safeguards)" was provided to parents.

If parents are given prior written notice denying a re-evaluation, either in whole or in part, the parent or guardian must be informed of the means by which to obtain a copy of the District's "A Parent's Guide to Special Education Services (Including Procedural Rights and Safeguards)."

Timeline

The 15 day timelines in this policy will stop running for school breaks over 5 days.

Distribution of Documents:

Procedure For Initial Assessment Referrals: The school administrator/designee is responsible for providing to the parents a copy of the District's "A Parent's Guide to Special Education Services (Including Procedural Rights and Safeguards)" and any assessment plans, letters, or prior written notices required by this Bulletin. For



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students not currently eligible for special education, copies of required notices, waivers, or letters must be uploaded to Welligent under the Scanned Documents folder with the original maintained in the student's cumulative folder.

Procedure For Re-evaluation Requests: If the student is currently eligible for special education and notice that a re-evaluation, in whole or part, was denied is given then the school administration/designee shall do the following: (1) place a copy of the notice in the (green) special education folder; (2) make an entry, indicating the date and their identity, on the Welligent IEP in the "Case Notes" section which documents the date and means by which the parent received the written notice; and, (3) attach a scanned copy of the notice to the student's IEP in the Welligent system.

AUTHORITY: This is a policy of the Superintendent of Schools. This policy is authorized by federal regulation, 34 CFR 300.503.

FORMS: Schools are to use the sample letters (Attachments A or B [Spanish]) to communicate to parents after careful review and consideration of the request for special education re-evaluation to indicate that a special education re-evaluation is not appropriate, either in whole or in part. In the event parents agree to forgo an initial assessment referral, schools are to use the sample letters (Attachments C or D [Spanish]) to document parent agreement and ensure parents are informed of and receive a copy of the District's "A Parent's Guide to Special Education Services (Including Procedural Rights and Safeguards)."

RESOURCE: Policy Bulletin 6730.1, A Multi-Tiered System of Support Framework for the Student Support and Progress Team.

ASSISTANCE: For assistance or further information, please contact your Psychological Services Coordinator, your Special Education Administrator, or Mayra Santos, Director, Psychological Services, Division of Special Education at (213) 241-8303.



Los Angeles Unified School District

Dear Parent/Guardian of _____ Date of Birth __/__/__
Student ID#: _____

This is to inform you that we have reviewed your request for special education evaluation. After a review of existing information, it has been determined that the request is not appropriate at this time.

This notice includes a list of the documentation used to make the decision and an explanation of the reason(s) for the District's decision, as well as a description of additional factors relevant (intervention, modifications, supporting data, etc.) to the decision. It also includes a description of other options that may have been considered and the reasons why they were rejected.

A DESCRIPTION OF EACH EVALUATION, PROCEDURE, ASSESSMENT, RECORD OR REPORT USED TO MAKE THE DECISION (mark all that apply):

- | | | |
|--|---|--|
| <input type="checkbox"/> Review of Student Records | <input type="checkbox"/> Disciplinary Records | <input type="checkbox"/> State and District Assessments |
| <input type="checkbox"/> Student Success Team Logs | <input type="checkbox"/> Teacher Reports | <input type="checkbox"/> Independent/Agency Reports, dates _____ |
| <input type="checkbox"/> Health/Medical Records | <input type="checkbox"/> Progress Reports | <input type="checkbox"/> Psycho-Educational Reports, dates _____ |
| <input type="checkbox"/> Attendance Records | <input type="checkbox"/> Grades | <input type="checkbox"/> Observations by (name/title)_____ |
| <input type="checkbox"/> Other__ | | |

EXPLANATION FOR DISTRICT'S DECISION (insert a rationale for decision):

DESCRIPTION OF ADDITIONAL FACTORS RELEVANT TO DECISION; (insert additional factors):

OTHER OPTIONS CONSIDERED; AND REASONS WHY REJECTED (insert options and reasons):

As the parent of a child with a suspected or confirmed disability, you have protections under the procedural safeguards of the Individuals with Disabilities Education Act (IDEA) and California Education Code §56000, et.seq. A copy of "A Parent's Guide to Special Education Services (Including Procedural Rights and Safeguards)," is included for your reference.

If you have any questions or need further explanation of your rights, you may contact:



Distrito Escolar Unificado de Los Ángeles

Estimado padre, madre o tutor de: _____ Fecha de Nacimiento: ___/___/___
ident. estudiantil: _____

Esta carta es para informarle que hemos revisado su solicitud para que se lleve a cabo una evaluación para recibir educación especial. Después de revisar la información existente, se ha determinado que la solicitud no es apropiada en este momento.

Esta notificación incluye una lista de la documentación utilizada para tomar la decisión y una explicación de la(s) razón(es) de la decisión del distrito, así como una descripción de factores adicionales de importancia (intervención académica, modificaciones, datos de apoyo, etc.) que se consideraron en la decisión. También, incluye una descripción de otras opciones que se pudieron haber considerado y las razones por las cuales se rechazaron.

DESCRIPCIÓN DE CADA EVALUACIÓN, PROCEDIMIENTO, PRUEBA, EXPEDIENTE O REPORTE UTILIZADO PARA TOMAR LA DECISIÓN (marque todos lo que se apliquen):

- | | | |
|---|---|---|
| <input type="checkbox"/> Revisión del Expediente Estudiantil | <input type="checkbox"/> Expediente Disciplinario | <input type="checkbox"/> Evaluaciones Estatales y del Distrito |
| <input type="checkbox"/> Registro del Comité de Evaluación Pedagógica | <input type="checkbox"/> Informes del Maestro | <input type="checkbox"/> Informes y Agencias Independientes, fechas _____ |
| <input type="checkbox"/> Expedientes Médicos y de Salud | <input type="checkbox"/> Reporte de Progreso | <input type="checkbox"/> Informes Psicoeducativos, fechas _____ |
| <input type="checkbox"/> Expediente de Asistencia | <input type="checkbox"/> Calificaciones | <input type="checkbox"/> Observaciones por (nombre/puesto) _____ |
| <input type="checkbox"/> Otro__ | | |

EXPLICACIÓN DE LA DECISIÓN DEL DISTRITO (incluya la justificación de la decisión):

DESCRIPCIÓN DE FACTORES ADICIONALES DE IMPORTANCIA EN LA DECISIÓN (incluya factores adicionales):

OTRAS OPCIONES CONSIDERADAS Y LA RAZONES DEL PORQUÉ SE RECHAZÓ (incluya las opciones y razones):

En calidad de padre o madre de un niño(a) que tiene o pudiera tener una discapacidad, usted dispone de protecciones de conformidad con las garantías procesales de la Ley de Educación para las Personas con Discapacidades (IDEA, siglas en inglés) y el Código Educativo de California §56000 y ss. Se incluye para su información una copia de la "Guía para Padres de Servicios de Educación Especial (incluyendo Derechos y Garantías Procesales).

Si usted tiene alguna pregunta o necesita una explicación más a fondo de sus derechos, usted puede comunicarse con:

Insert Date

[Place on School Letterhead]

Agreement to Waive Initial Special Education Evaluation

Date Provided to Parent/Guardian: _____

Parent/Guardian of _____ Date of Birth __/__/__
Student ID#: _____

I have participated in a Student Support and Progress Team (SSPT) meeting and a SSPT Intervention Plan has been developed.

I agree to pursue the general education interventions available through the SSPT Intervention Plan prior to pursuing an evaluation for a special education. As a result, I agree to forgo my request for a special education evaluation at this time. I understand and acknowledge that I have the right to change my mind at any time and request that the Los Angeles Unified School District conduct a special education evaluation or develop a Section 504 plan.

I acknowledge that I have received a copy of "A Parent's Guide to Special Education Services (Including Procedural Rights and Safeguards)."

Signature

Date

FOR OFFICE USE ONLY: DO NOT WRITE BELOW THIS LINE

Date Agreement Received by School:	Date Agreement Uploaded to Welligent:
Date Received By:	Agreement Uploaded by:
Title:	Title:

[Place on School Letterhead]

Acuerdo para Renunciar a la Evaluación Inicial de Educación Especial

Fecha Presentado al Padre, Madre o Tutor: _____

Estimado Padre, Madre o Tutor de: _____

Fecha de Nacimiento ____/____/____
ident. estudiantil _____

Yo he participado en una reunión del Comité de Apoyo y Progreso Estudiantil (SSPT, siglas en inglés) y se ha creado un plan de intervención del SSPT.

Yo estoy de acuerdo en utilizar las intervenciones académicas de educación general disponibles en el Plan de Intervención del SSPT antes de solicitar una evaluación de educación especial. Como resultado, en este momento yo estoy de acuerdo en renunciar a mi solicitud de llevar a cabo una evaluación para educación especial. Yo entiendo y admito que tengo el derecho de cambiar de opinión en cualquier momento y solicitar que el Distrito Escolar Unificado de Los Ángeles lleve a cabo una evaluación de educación especial o cree un Plan 504.

Yo reconozco que he recibido una copia de la “Guía para Padres de Servicios de Educación Especial (incluyendo los Derechos y Garantías Procesales)”.

Firma

Fecha

FOR OFFICE USE ONLY: DO NOT WRITE BELOW THIS LINE

Date Agreement Received by School:	Date Agreement Uploaded to Welligent:
Date Received By:	Agreement Uploaded by:
Title:	Title: