

**CLOVIS UNIFIED  
SCHOOL DISTRICT****INSTRUCTION****Alternative/Specialized Programs****IDENTIFICATION AND EVALUATION OF STUDENTS FOR SPECIAL EDUCATION  
UNDER THE INDIVIDUALS WITH DISABILITIES IMPROVEMENT ACT (IDEA)**

**PURPOSE:** To establish District policy regarding identification and evaluation of individuals for special education under the federal IDEA, and the provision of an independent educational evaluation (IEE) under both state and federal law if a parent/guardian disagrees with a District-conducted evaluation.

The Board recognizes the need to actively seek out and evaluate District residents from birth to age 21 who have disabilities to provide them with appropriate educational opportunities in accordance with state and federal law.

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

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

The Superintendent 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 Superintendent 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)

A parent/guardian of a child with a disability has the right to request an independent educational evaluation (IEE) at public expense if the parent/guardian disagrees with the District's evaluation(s) for special education and related services. Upon receiving an IEE request, the District shall, without unnecessary delay, either file a due process complaint requesting an order from the Office of Administrative Hearings that the District's evaluation is appropriate so that the District does not have to fund the IEE or fund the IEE. Therefore, the Board has adopted this policy and directs the Superintendent to establish and maintain an administrative regulation to implement this policy, setting out the rights of parents/guardians and the responsibilities of the District with regard to IEEs.

Adopted: 06/90

Amended: 05/13/1992, 06/21/1995, 07/19/06, 03/24/10, 11/18/2020 (BP 3507 renumbered as BP 6164.4)

## CLOVIS UNIFIED SCHOOL DISTRICT

### EDUCATION CODE

56000-56885 Special education programs, especially:

56195.8 Adoption of policies

56300-56304 Identification of individuals with disabilities

56320-56331 Assessment

56333-56338 Eligibility criteria for specific learning disabilities

56340-56347 Instructional planning and individualized education program

56381 Reassessment of students

56425-56432 Early education for individuals with disabilities

56441.11 Eligibility criteria, children ages 3-5

56445 Transition to grade school; reassessment

56500-56509 Procedural safeguards

### GOVERNMENT CODE

95000-95029.5 California Early Intervention Services Act

### CODE OF REGULATIONS, TITLE 5

3021-3029 Identification, referral and assessment

3030-3031 Eligibility criteria

### UNITED STATES CODE, TITLE 20

1232g Family Educational Rights and Privacy Act of 1974

1412 State eligibility

1415 Procedural safeguards

### CODE OF FEDERAL REGULATIONS, TITLE 34

300.1-300.818 Individuals with Disabilities Education Act, especially:

300.301-300.306 Evaluations and reevaluations

Doc# 44624-9 (10/2020, 11/2010)