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**OAKLAND UNIFIED
SCHOOL DISTRICT**
Community Schools, Thriving Students

Board Cover Memorandum

To Board of Education

From Kyla Johnson-Trammell, Superintendent
Sondra Aguilera, CAO
Jennifer Blake, Executive Director, Special Education

Meeting Date April 24, 2024

Subject Amendment to Board Policy 6164.4: Identification Of Individuals For Special Education

Ask of the Board Approval by the Board of Education of the amendment to the Board Policy 6164.4: Identification Of Individuals For Special Education related to the 2024-2027 Oakland Unified SELPA Part B Special Education Local Plan

Background The California Department of Education requires that each Special Education Local Plan Area (SELPA) create, adopt and implement a Local Plan, Annual Budget Plan, and Annual Service plan. The Local Plan must be revised every three years, and it contains detailed information about the operations, procedures and governance structures of the SELPA. Part B of the Local Plan requires review of board policies related to serving students with disabilities to assure conformity with Title 20 *United States Code (USC)* and in accordance with Title 34 *Code of Federal Regulations (CFR)* Section 300.201.

Discussion We ask that the Board approve the amendment to Board Policy 6164.4: Identification Of Individuals For Special Education to assure that Oakland Unified Board Policies align with language required by the California Department of Education (CDE) related to the Special Education Local Plan.

Fiscal Impact No Fiscal Impact. Will use existing Special Education funds. Funds can be withheld by the California Department of Education (CDE) if the plan is not adopted in a timely manner.

Attachment(s)

- BP 6164.4: Identification Of Individuals For Special Education (Redline Version)
- BP 6164.4: Identification Of Individuals For Special Education (Clean Version)

OAKLAND UNIFIED SCHOOL DISTRICT

Board Policy

BP 6164.4

Instruction

Identification Of Individuals For Special Education

The Governing Board recognizes the need to actively seek out and evaluate district residents from birth to age 21 who have disabilities in order to provide them with appropriate educational opportunities in accordance with state and federal law. It shall be the policy of this LEA that all children with disabilities residing in the State, including children with disabilities who are homeless or are wards of the State and children with disabilities attending private schools, regardless of the severity of their disabilities, who are in need of special education and related services, are identified, located, and evaluated. A practical method has been developed and implemented to determine which children with disabilities are currently receiving needed special education and related services. A reassessment of a child with a disability shall be conducted at least once every three years or more frequently, if appropriate.

(cf. 0430 - Comprehensive Local Plan for Special Education)

(cf. 6164.6 - Identification and Education under Section 504)

The Superintendent or designee shall develop processes to determine when an individual is eligible for special education services and shall establish systematic procedures for special education program identification, screening, referral, assessment, planning, implementation, review and triennial assessment. (Education Code 56301)

The Superintendent or designee shall develop a method to ensure that all eligible individuals residing within the district are currently receiving needed special education and related services. In addition, the Superintendent or designee shall consult with appropriate representatives of private school students with disabilities on how to identify, locate and evaluate these students. (20 USC 1412(a)(3); 34 CFR 300.451)

The Superintendent or designee shall establish a method whereby parents/guardians, teachers, appropriate professionals and others may refer an individual for assessment for special education services. Identification procedures shall be coordinated with school site procedures for referral of students with needs that cannot be met with modifications to the regular instructional program. (Education Code 56302)

For assessment purposes, staff shall use appropriate tests to identify specific information about the individual's abilities in accordance with Education Code 56320.

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 district's procedures for initiating a referral for assessment to identify individuals who need special education services. (Education Code 56301)

(cf. 1312.3 - Uniform Complaint Procedures)

(cf. 3541.2 - Transportation for Students with Disabilities)

(cf. 4112.23 - Special Education Staff)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

(cf. 5145.6 - Parental Notifications)

(cf. 6159 - Individualized Education Program)

(cf. 6159.1 - Procedural Safeguards and Complaints for Special Education)

(cf. 6159.2 - Nonpublic, Nonsectarian School and Agency Services for Special Education)

(cf. 6159.3 - Appointment of Surrogate Parent for Special Education Students)

(cf. 6162.51 - Standardized Testing and Reporting Program)

(cf. 6162.52 - High School Exit Examination)

Legal Reference:

EDUCATION CODE

44265.5 Professional preparation for teachers of impaired students

56000-56885 Special education programs, especially:

56026 Individuals with disabilities

56170-56177 Children in private schools

56195.8 Adoption of policies

56300-56304 Identification of individuals with disabilities

56320-56330 Assessment

56340-56347 Instructional planning and individualized education program

56381 Reassessment of students

56425-56435 Early education for individuals with disabilities

56441.11 Eligibility criteria, children 3 to 5 years old

56445 Transition to grade school; reassessment

56500-56508 Procedural safeguards

GOVERNMENT CODE

95000-95029 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

104.35 Evaluation and placement

104.36 Procedural safeguards

300.1-300.756 Assistance to states for the education of students with disabilities

COURT DECISIONS

Agostini v. Felton, (1997) 521 U.S. 203, 117 S.Ct. 1997

Management Resources:

FEDERAL REGISTER

34 CFR 300.a Appendix A to Part 300 - Questions and Answers

34 CFR 300a1 Attachment 1: Analysis of Comments and Changes

WEB SITES

CDE: <http://www.cde.ca.gov>

U.S. Department of Education, Office of Special Education Programs:

<http://www.ed.gov/offices/OSERS/OSEP>

7/14/04, 4/24/24A

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7/14/04; 4/24/24