

## Special Education Proposed Assessment Plan

### SDUSD Guidelines

SDUSD is committed to working collaboratively with parents through the IEP development process. Parents may identify suspected areas of disability or areas of concern and refer for assessment in those areas. Upon receipt of a special education referral, the parent or guardian of the pupil 1) shall be given in writing, a proposed assessment plan within 15 calendar days or 2) be provided a Prior Written Notice if the district is refusing to conduct the requested assessment. Upon receipt of the proposed assessment plan, parents shall have at least 15 days to provide consent to the assessment plan, unless there is mutual agreement to extend the timeline to consent. Parent participation rights are specific to the development of the IEP only. The district reaffirms that no individualized education program will result from an assessment without the consent of the parent. (30 EC §56321 and 30 EC §56043)

#### FAQ's

1. Do parents have the right to participate in the development of the proposed assessment plan or its contents?  
**No.** Parental rights extend to the development of the IEP only. Parents may initiate the referral for assessment, as above. Assessors may, but are not required to, discuss examples of tests within each assessment area; however, the determination of the specific assessment to be administered is the responsibility of the assessor. (30 EC §56321)
2. Does the proposed assessment plan need to identify specific tests that will be administered?  
**No.** The proposed assessment plan shall meet the following requirements (30 EC §56321):
  - (1) Be in language easily understood by the general public.
  - (2) Be provided in the native language of the parent or guardian or other mode of communication used by the parent or guardian, 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.
3. Can the parent agree to only a portion of the proposed assessment plan?  
**Yes.** A parent can consent to portions of the plan. The district's obligation is to implement the assessments for which we have consent and file for due process on the portions not consented to if we believe those assessments are necessary in order for the district to make an offer of a FAPE.
4. Can the Exceed Team Action/notes page be used to document agreed upon assessments that will be administered?

**No.** See #1

5. What is the district's response when a parent does not consent to the proposed assessment plan?

**Initial Assessment:** If the parent/guardian of the child does not provide consent for an initial assessment, or the parent fails to respond to a request to provide the consent, the district may, but is not required to, pursue the initial assessment utilizing due process. The district also has the right to decline to pursue the assessment (EC §56321)

**Reevaluation:** A reassessment may not be conducted unless the written consent of the parent is obtained prior to reassessment, or unless the district prevails in a due process hearing relating to the assessment. Informed parental consent need not be obtained for the reassessment of an individual with exceptional needs if the district can demonstrate that it has taken reasonable measures to obtain that consent and the parent of the child has failed to respond. Reasonable measures include (1) Detailed records of telephone calls made or attempted and the results of those calls; (2) Copies of correspondence sent to the parents and any responses received; and (3) Detailed records of visits made to the parent's home or place of employment and the results of those visits [CFR Section 300.322(d)]. If the parent refuses to consent to the reassessment, the district may, but is not required to, pursue the reassessment through due process. The district does not violate its obligations of providing FAPE if it declines to pursue the reassessment (CFR Section 300.301 – 300.311).

6. Can the parents request an Independent Educational Evaluation (IEE) at district expense if they do not agree to the district's evaluation findings?

**Yes.** Follow SPED procedures outlined in SPED Procedural Manual for Independent Education Evaluation requests including the provision of a Prior Written Notice if the district refuses to provide the IEE. (SPED Procedural Manual Chapter 3, Section VII)

7. Can the parent provide an independent assessment as part of the evaluation process?

**Yes.** The district can accept an independent assessment for consideration during the evaluation process. Follow Procedural Manual instructions and Exceed instructions for documenting receipt of an independent assessment when presented by the parent. (EC §56100(a),(j) and 34 CFR 300.500-502, 300.515-541)

8. What are the options when a SPED referral is received for a student who is involved in Response To Intervention (RTI)?
  - 1) Parents can agree to withdraw the referral or provide a timeline waiver (in writing) pending general education interventions. At the conclusion of RTI one of the following should occur:
    - a) Improved achievement data is sufficient to support the decision to withdraw the student from the assessment process.
    - b) Achievement data is not sufficient to support withdrawing the student from the assessment process. At that time, the SPED Referral should be initiated, and a proposed assessment plan given to the parent.
  - 2) District provides PWN if assessment is to be denied. There should be sufficient data to support the denial of assessment. When in doubt, assess. RTI may not delay assessment timelines (71 Fed. Reg. 46658-59)