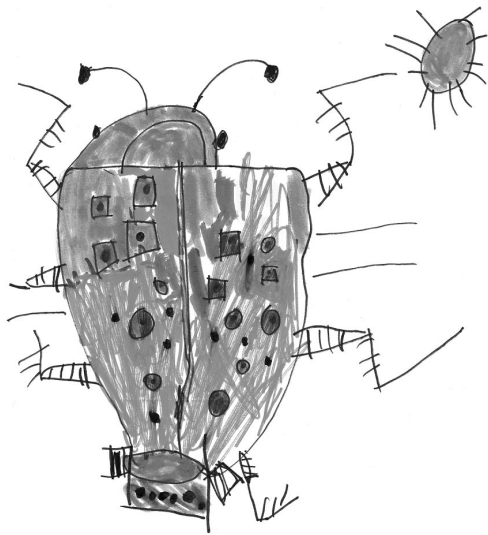


6. REFERRAL FOR ASSESSMENT



The child should be referred to special education when the advocate or other interested party believes the child may have a learning or developmental disability that is interfering with their ability to fully benefit from their education. However, children qualify for special education under the Individuals with Disabilities Education Act ONLY if they have a qualifying condition. Conditions vary according to the age of the child.

Qualifying child under IDEA

Birth to 3 years (see separate section)

Pre-School and School Age:

- Child with a disability

The law defines a child with a disability as a child having mental retardation, a hearing impairment including deafness, a speech or language impairment including blindness, serious emotional disturbance, an orthopedic impairment, autism, traumatic brain injury, deaf-blindness, other health impairment, specific learning disability, or a multiple disability, and who because of that impairment needs special education and related services.

- *Other health impairment* means having limited strength, vitality or alertness, due to chronic or acute health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes that adversely affects a child's educational performance.
- *A specific learning disability* is indicated when the child does not achieve at the level expected for his or her age and ability levels in one or more of the areas listed, even if provided with appropriate learning experiences, and that the child has a severe discrepancy between achievement and intellectual ability in one or more of the following areas:
 - Spoken or written language, resulting in limited ability to listen, think, speak, read, write, spell or to do mathematical calculations, including such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia.

It is important to note that a child whose difficulties result from environmental, cultural or economic disadvantage cannot be considered as having a specific disability under the law. These children must receive services outside of special education.

For children ages 3 through 9:

A disabled child may also be one who is experiencing developmental delays, in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development or adaptive development.

A child qualifies under IDEA if he or she experiences:

- An inability to learn that cannot be explained by intellectual, sensory or health factors
- An inability to build or maintain satisfactory interpersonal relationships with peers and teachers
- Inappropriate types of behavior or feelings under normal circumstances
- A general pervasive mood of unhappiness or depression
- A tendency to develop physical symptoms or fears associated with personal or school problems
- Includes schizophrenia

ADD/ADHD

A child with attention deficit disorder (ADD) or attention deficit hyperactivity disorder (ADHD) may qualify for special education if the ADD or ADHD results in limited alertness, which negatively affects the child's ability to learn.

Other children with ADD or ADHD may be eligible under the "specific learning disability category" or under the "emotional disturbance" category. Even if a child with ADD or ADHD is found ineligible for services under IDEA, the child may still qualify for services under Section 504 of the Rehabilitation Act of 1973.

Section 504

Section 504 of the Rehabilitation Act is another law designed to protect children who may have a disability. This law addresses the needs of students who have or are perceived as having a condition that limits the child's ability to access and participate in their educational program.

Many more children qualify for services under Section 504 services because only children with impairments that affect learning qualify for services under IDEA, while children with impairments that affect any major area of life function are eligible for services under Section 504. Some disabilities that might require 504 accommodations include depression, attention deficit/hyperactivity disorder, diabetes, cerebral palsy, cystic fibrosis, severe allergies, asthma, epilepsy, AIDS or HIV, cancer, and visual and hearing impairments. (See Special Section for more information on Section 504)

Referral process

Anyone who believes a child has a disability that interferes with the child's ability to learn can refer

that child for assessment (testing). A referral is a formal request to have the child evaluated for potential problems. A referral does not automatically assign the child to a special placement or program. It simply starts a process that will help determine if the child needs additional help to be more successful in school.

Sources for referral include:

CASA, parent/care provider, guardian, surrogate parent, foster parent, social worker, teacher, appropriate professional or other community member.

Prior to referring a child for assessment, the advocate/source of the referral should determine who has the legal right to make educational decisions for the child (holder of the child's educational rights). If the child's biological parents are uninvolved, uninterested or incompetent to adequately represent the child, the advocate can request that the court limit the biological parents' educational rights. Someone will then need to serve as the child's surrogate parent. (see special section)

Referrals should be made in writing to the Special Education Coordinator at the child's school district. If the advocate is unsure of the district, he or she can call the Humboldt County Office of Education to identify the district, school and the name of the person in charge of special education for that school. It could be the principal or representative, school psychologist or special education teacher.

The request for assessment should include:

- Child's full name, grade or current class placement and current teacher
- The referring individual's full name and relationship to the child. If the referring individual is the educational surrogate, or in the process of becoming the child's surrogate, it should be stated in the referral letter
- All relevant observations and when they are observed. Examples include:
 - Poor grades, attendance, attitude
 - Difficulty understanding concepts at school and/or at home (has a hard time remembering to complete tasks, follow directions, etc.)
 - Has physical difficulty with tasks appropriate for a child of the same age (i.e. coloring, drawing, self-care such as brushing teeth or hair)
 - Does not adapt socially, is inappropriate with family or peers, ostracized by other children
 - Child has difficulty coping emotionally with school, structure or no structure
- All modifications proposed and implemented by school staff and Student Study Team at school and at home
 - Describe the ways the modifications/accommodations were not effective in addressing the child's needs (i.e., child is offered frequent breaks but still disrupts class on a regular basis)
- Request that the child's referral to special education be accepted and an assessment plan developed for possible qualification under the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act
- If appropriate, a statement requesting parent or advocate involvement in assessment plan

formation and in any Student Study Team process. This involvement can be in person or through written information and documentation.

- The advocate expectation to receive Proposed Assessment Plan within 15 days.
- The letter should be sent via registered mail.

See sample letter in appendix.

After referral is submitted, expect:

1. The principal or designated representative reviews the referral to see if all potential classroom modifications have been explored (often done through the Student Study Team process; see separate section). This information is recorded on referral form (modifications include any action or changes by the teacher or school staff designed to address the student's difficulties).
2. A person is appointed (case carrier) by the principal to follow through on the referral. This person can be the special education teacher, speech and language specialist, program specialist or school psychologist.
3. The case carrier may contact the parent to discuss the reason for the referral and get feedback on forming the assessment plan. The advocate can request to be a part of this process. (See special section on "Assessments" for more information)
4. The parent may also be asked to sign releases of information so that school personnel can release and exchange information about the child with other persons/agencies involved with the child.
5. A written assessment plan will be developed and presented to the parent for approval.

Legally: Schools have 15 days to respond to a written referral for assessment. This response is directed to the child's parent for educational purposes and must include a copy of referral, a written assessment plan, a "Permission to Assess" form, and a copy of the notice of parent rights and procedural safeguards. All communication should be in the recipient's primary language unless it is not feasible to do so. If the information is presented in a language other than the primary language, the school must provide an interpreter. The parent can request explanations and assistance with completing any forms.

For more information:

Humboldt County Office of Education

901 Myrtle Ave.
Eureka, CA 95501
707-445-7043

Redwood Coast Regional Center

808 E Street
Eureka, CA 95501
707-444-3409

Humboldt County Public Health Department

712 4th Street
Eureka, CA 95501
707-445-6212

Special Needs Connection

Humboldt Child Care Council
707-445-1195

Humboldt Community Access and Resource Center (HCAR)

PO Box 2010
Eureka, CA 95502
707-443-7077