

An eligibility evaluation is a process that usually involves tests, interviews, and observations designed to identify the student's strengths and evaluate specific issues related to school performance. A parent, teacher, related services provider, or community professional can request an assessment. A referral for assessment must be in writing and should be addressed to the local educational agency (LEA).

Once the school district receives the request for assessment, it must provide the family a Procedural Safeguards document. The LEA can either:

1. Send a copy of the Procedural Safeguards and the proposed assessment plan to the family within 15 days; or
2. Send a Prior Written Notice and Procedural Safeguards that fully explains the rationale for electing to not evaluate the student within 15 days.

The assessment plan must specify the types of assessments to be conducted. Once the proposed assessment plan is sent, the family has 15 days to review it and decide whether to consent to the plan. Once the school receives the signed assessment plan, it has 60 calendar days to conduct the assessment and hold an Eligibility Evaluation meeting to discuss the results of the testing. If the school term ends or a vacation of more than 5 days occurs during the assessment period, the non-school days do not count toward the 60-day time period.

The results of the evaluation should be given to the family a few days before the scheduled IEP meeting so the family and their team can be active and informed participants. At the meeting, the evaluators and professionals will present the results of the testing and will give their professional opinion on whether the student should be considered eligible for special education services. The final decision as to whether the student is eligible for special education is a team effort.

If the school district believes the student is not eligible for special education services based on its assessment:

- The family can agree and no special education services will be offered;

Or

- The family can disagree with the school district's assessment. At that point, the family has the right to request an Independent Educational Evaluation from qualified specialists, at public expense. This request should be made in writing and directed to the school district.

Once the student is receiving special education services, the school must reassess the student at least every 3 years. If necessary, a teacher, parent, or caregiver may request a reassessment sooner. Based on the circumstances, an assessment plan may contain in-depth testing to assure that the student still qualifies for services, or the team may conduct a file review that contains enough information to determine eligibility. Classroom observation(s) are always a component of an assessment plan. An eligible student cannot be dismissed from a service or from eligibility without going through the formal process as described above.

<https://www.courts.ca.gov/35397.htm?rdeLocaleAttr=en>