

Assessment/SST

1. Can parents make a request for assessment without going through a SST? (2010 Spring)

Yes. The following 2 code sections define referral California Code of Regulations (CCR) 3021 and Education Code (EC) 56303.

CCR 3021: Referral.

(a) All referrals for special education and related services shall initiate the assessment process and shall be documented. When a verbal referral is made, staff of the school district, special education local plan area, or county office shall offer assistance to the individual in making a request in writing, and shall assist the individual if the individual requests such assistance.

(b) All school staff referrals shall be written and include:

(1) A brief reason for the referral.

(2) Documentation of the resources of the regular education program that have been considered, modified, and when appropriate, the results of intervention. This documentation shall not delay the time-lines for completing the assessment plan or assessment.

Note: Authority cited: Section 56100(a), (i) and (j), Education Code; Reference: Sections 56300-56303, Education Code; and 34 CFR 300.128 and 300.220.

EC56303: A pupil shall be referred for special educational instruction and services only after the resources of the regular education program have been considered and, where appropriate, utilized.

Discussion: As noted above, documentation of services provided by general education is required. However, this documentation can be done at the same time as the request for assessment. It states clearly that the documentation “shall not delay” the timelines for completing the assessment plan or assessment.

Suggestion: If a parent requests an assessment, hold the SST at the same time as the assessment planning meeting. Discuss interventions that have already been tried and develop an action plan for the next 60 days so that the team will have documentation about the effectiveness of the general education interventions. In documenting the student’s classroom performance, the data may show that the student is performing within the classroom expectations and performance range. There are also cases that show that focused general education intervention makes a difference and special education services are not necessary.

2. (Elementary) I have always had 1 hour a day for testing, collaboration, writing IEPs, etc. but I have been told I will only get what general education teachers get, which is 1 hour a week. Is this common practice? Is this legal?

**(Secondary) This year we are told we have no testing period. Is this legal?
(2008 Fall)**

This is happening more often as budgets in school districts decrease. It is legal but you are required to assess students as part of your job (Education Codes 56320(3) and 56322). Testing must be done when students are at school, during your school day. Collaboration and writing IEPs fall under your duties (Education Code 56362) and are critical to your students' success. Meet with your administrator to educate them as to the specific requirements of your job.

If, after you have met with your administrator, you are still not being given sufficient time to perform your duties, contact your local bargaining unit for assistance. Your concerns should be covered under "working conditions" in your contract.

3. What can we do about the loss of the testing time for special education teachers? (2009 Winter)

Time for testing has been diminished at many elementary and secondary sites. There is no law that states you must have testing time although it is part of your job. Here are some of the solutions CARS+ members have offered.

1) Advocate for a qualified teacher to do only assessment. If your site is large it can be one of the special education teachers whose only role is to do the assessments. However, even if one teacher does the assessments the students need to be shared between all special education teachers' caseloads. This is important so that the caseloads are not exceeded. If you are at a small site it might be possible for the district to hire someone who can assess at all schools in the district. This will free your time to do the other parts of your job.

2) Ask school site administration or district special education office for a sub one or two days a month so that you can test or ask for additional monies from the school site council to hire a permanent sub one or two days a month so that you can test special education students and screen at-risk students.

3) Set a schedule that allows you to do all parts of your job.
Here are some examples:

* A special educator can work in general education classes 4 days a week and leave the 5th day for testing, IEP meetings and collaboration.

* At a large school each Resource Specialist can use a different day for testing, collaboration and IEP meetings to minimize the conflicts for needed resources. Even at the secondary level where you are teaching one or two classes, the time spent in the general education classroom could be 4 days a week. Your aide can provide the fifth day to students in a general education class if the additional assistance is needed. Secondary examples are shown below. The actual period of course does not matter.

Period 1 Class you are teaching

Period 2 Inclusion class for Eng 11 and geometry

Period 3 Inclusion class for Eng 12 and algebra

Period 4 Conference or prep period

Period 5 Inclusion class for Eng 9 and Eng 10

Period 6 Class you are teaching

Between you and your aide there could be time for testing, collaboration and IEP meetings. Simply substitute math 6, 7 and 8 (algebra) and Eng 6, 7, and 8 for the middle school.

* Another example is to spend 3 weeks of the month in general education classes and use the 4th week for testing, meetings and collaboration.