

Child Find Advisory Committee Meeting

Workshop #88415

March 6, 2019



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Presenter: J. Lovejoy



- Welcome & Introductions
- Review Child Find Procedures
- Referrals to Districts
- OSEP Letters
- Private Schools
- Referrals from Head Starts
- MOUs & Collaboration
- Transition from ECI
- District Child Find Efforts
- CF Sharing

AGENDA



Child Find Procedures







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CHILD FIND DUTY

Authorities: 20 U.S.C. §§ 1401, 1412; 42 U.S.C. § 11434a; 34 C.F.R. Part 300; 19 T.A.C. Chapter 89

<http://framework.esc18.net/display/Webforms/ESC18-FW-Summary.aspx?FID=208>

| FEDERAL AND STATE REQUIREMENTS | | CITATIONS |
|--|---|---|
|  <u>P</u> | All children with disabilities residing in the state, regardless of the severity of their disabilities, and who are in need of special education and related services, must be identified, located, and evaluated. | 300.111(a)(1)(i) 1412(a)(3)(A) |
|  <u>P</u> | The term <i>special education</i> means specially-designed instruction, at no cost to the parents, to meet the unique needs of the child with a disability, including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and instruction in physical education. | 300.39(a)(1) 1401(29) |
|  <u>P</u> | The term <i>specially-designed instruction</i> means adapting, as appropriate to the needs of an eligible child under the Individuals with Disabilities Education Act, the content, methodology, or delivery of instruction: | 300.39(b)(3) |
|  <u>P</u> | <ul style="list-style-type: none">• To address the unique needs of the child that result from the child's disability; and | 300.39(b)(3)(i) |

| | | |
|--------------------------------------|--|--|
| <input type="checkbox"/> <u>P</u> | <ul style="list-style-type: none"> To ensure access of the child to the general curriculum, so that the child can meet the educational standards within the jurisdiction of the local educational agency (LEA) that apply to all students. | 300.39(b)(3)(ii) |
| <input type="checkbox"/> <u>P</u> | The term <i>related services</i> means transportation, and such developmental, corrective, and other supportive services as may be required to assist the child with a disability to benefit from special education. | 300.34(a) 1401(26) |
| <input type="checkbox"/> <u>P</u> | The term <i>child with a disability</i> means the child was evaluated according to the EVALUATION frameworks and determined by an ADMISSION, REVIEW, AND DISMISSAL COMMITTEE to have an intellectual disability, a hearing impairment, a speech or language impairment, a visual impairment, a serious emotional disturbance, an orthopedic impairment, autism, traumatic brain injury, other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services. | 300.8(a)(1) 1401(3)(A) |
| <input type="checkbox"/> <u>P</u> | In addition to students enrolled in the public schools, the Child Find duty extends to: | 300.111(a)(1)(i) 1412(a)(3)(A) |
| <input type="checkbox"/> <u>P</u> | <ul style="list-style-type: none"> Children with disabilities who are homeless or are wards of the state; and | 300.111(a)(1)(i) 300.19 42 USC 11434a 1412(a)(3)(A) |
| <input type="checkbox"/> <u>P</u> | <ul style="list-style-type: none"> Children with disabilities who are attending private schools. | 300.111(a)(1)(i) 1412(a)(3)(A) |
| <input type="checkbox"/> <u>P</u> | The LEA in which the PRIVATE SCHOOL is located must comply with CHILD FIND FOR PARENTALLY-PLACED PRIVATE SCHOOL CHILDREN . | 300.131 |

Child Find Procedures

| | REFERRAL FOR INITIAL EVALUATION | http://www.wrightslaw.com/info/child.find.index.htm | |
|-------------------------------|---|---|---|
| <input type="checkbox"/> P | Either the parent of the student, a state educational agency, an LEA, an educational service agency (ESA), or a nonprofit public charter school that is not otherwise included as and not a school of an LEA or ESA, and any other political subdivision of the state that is responsible for providing education to children with disabilities, may initiate a request for an initial evaluation to determine if the student is a child with a disability. | 300.301(b) 300.33 89.1011(a) | |
| <input type="checkbox"/> P | If the student continues to experience difficulty in the general education classroom after the provision of intervention, the LEA must refer the student for an initial evaluation. | 89.1011(a) | |
| <input type="checkbox"/> P | Whenever a student is referred for an initial evaluation, the LEA must provide <u>PRIOR WRITTEN NOTICE</u> of its proposal or refusal to evaluate the student. | 300.503(a) 300.300(a)(1)(iii) | |
| <input type="checkbox"/> P | Before conducting a full individual and initial evaluation, the LEA must obtain from the parent <u>CONSENT FOR INITIAL EVALUATION</u> . | 300.300(a) 1414(a)(1)(D)(i)(I) | |
| <input type="checkbox"/> P | For a student suspected of having a specific learning disability, the LEA must refer for an initial evaluation including by providing prior written notice, and promptly request consent for initial evaluation if, prior to a referral, the student has not made adequate progress after an appropriate period of time when provided: | 300.309(c) 300.301 300.303 | |
| <input type="checkbox"/> P | <ul style="list-style-type: none"> • Appropriate instruction in regular education settings, delivered by qualified personnel as demonstrated by the data; and | 300.309(c)(1) 300.309(b)(1) | |
| <input type="checkbox"/> P | <ul style="list-style-type: none"> • Repeated assessments of achievement at reasonable intervals, reflecting formal assessment of the student's progress during instruction, which was data-based, documented, and provided to the student's parent. | 300.309(c)(1) 300.309(b)(2) | |
| <input type="checkbox"/> P | The LEA must comply with the <u>SPECIAL EDUCATION ELIGIBILITY FOLDER</u> framework for maintaining copies of referral data. | | 6 |

Referrals to Districts



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Referrals to Districts

19 Texas Administrative Code § 89.1050

34 Code of Federal Regulations § 300.503

Prior notice by the public agency; content of notice.

- Referrals to districts can be done via phone call or mailed.
- Districts receive referrals from parents, agencies, MOU partners, or Region One ESC
- Parents are **not required** to provide a hearing and vision screening as part of the evaluation process.
- District is required to access the child in all areas of suspected disability and asking a parent to provide that information before providing consent **may be a denial of FAPE.**
- The district can conduct the hearing/vision screening.



OSEP Letters

- [Letter on response to intervention](#)
- [Letter on students with disabilities in correctional facilities](#)
- [Letter on discipline procedures](#)
- [Letter on children with disabilities place in private schools by their parents](#)
- [View all policy guidance](#)

Frequently Asked Questions – Parentally-placed Private School Children with Disabilities

1. Does the private school Services Plan Committee or the Admission, Review, and Dismissal (ARD) Committee determine eligibility for special services?

Local educational agencies (LEAs) where private schools are located have responsibility for child find activities, including evaluation. Texas Administrative Code (TAC) §89.1096(b) requires that an ARD committee meet to consider a free, appropriate public education (FAPE) if a private school student is referred for special education services. Federal regulations provide clarification regarding this subject. OSEP Q and A on private schools indicates flexibility, stating

“If the parents make clear their intention to keep their child enrolled in the private elementary school or secondary school, the LEA of residence need not develop an IEP for the child.”

2. Is the district where the private school is located responsible for providing an independent educational evaluation (IEE), if requested?

LEAs where a private school is located have responsibility for child find activities including evaluation. This may include a request for an Independent Educational Evaluation (IEE).

3. Can an LEA require a private school to follow district policies and procedures regarding pre-referral activities, such as the use of Student Assistance Teams?

LEAs have no authority over private schools. LEAs should be in timely and meaningful consultation throughout the school year with private school officials regarding the provision of special services to students with disabilities.

4. What is the process for districts to use when the district does not receive written affirmation from representatives of participating private schools?

LEAs should develop procedures regarding signed written affirmation of private school consultation that work for their situation (small vs. large LEA; rural vs. urban LEA; etc.). LEAs should collect on file any written affirmations. Attendance sign-in sheets are not sufficient documentation for this affirmation. LEAs unable to obtain a written affirmation should submit to TEA, a description of the attempts the LEA made to obtain the written affirmation as well as any other information that shows that meaningful consultation took place. The description should be attached as a document to the eGrants Special Education Consolidated Grant Application.

5. Are there confidentiality issues that would prohibit a district providing services to a private school student from communicating with the district of residence?

LEAs must obtain consent from the parents of private school students before communicating with other entities, including the district of residence.

6. If the parents of a private school student contact the district of residence for referral and evaluation, should the district of residence do anything other than refer the parent to the district where the private school is located?

LEAs are advised to work in collaboration with parents of private school students and the district where the private school is located, as these students often return to the district of residence.

[Let's look at the FAQ in Detail](#)

This information is located at:

https://tea.texas.gov/Academics/Special_Student_Populations/Special_Education/Programs_and_Services/State_Guidance/Guidance_on_Parentally_Placed_Private_School_Children_with_Disabilities/

§89.1096. Provision of Services for Students Placed by their Parents in Private Schools or Facilities.

14. What is a school's responsibility if a parent requests dual enrollment for a child age 3-5?

Parents of eligible students ages 3 or 4 shall have the right to "dual enroll" their student in both the public school and the private school beginning on the student's third birthday and continuing until the end of the school year in which the student turns five or until the student is eligible to attend a district's public school kindergarten program, whichever comes first. The school district where an eligible¹ student resides must convene an Admission, Review and Dismissal (ARD) meeting to determine whether the child is eligible for special education and related services and, if so, the specific services appropriate for the child.

15. Which school district is responsible for providing special education and related services if a parent chooses dual enrollment for a child?

The school district where an eligible¹ student resides is responsible for providing special education and related services associated with dual enrollment if the child's parent chooses that option.

The district where the child resides is responsible for making FAPE available to the child. **Both districts have the obligation to evaluate.** Local educational agencies must locate, evaluate, and identify all private school children with disabilities attending a private school in the LEA's jurisdiction.

- http://tea.texas.gov/Curriculum_and_Instructional_Programs/Special_Education/Programs_and_Services/Response_to_Intervention/
- **Head Start and Rtl**
- The Individuals with Disabilities Education Act (IDEA) does not require or encourage a school to use an Rtl approach before a referral for evaluation. A Head Start program may refer a student for evaluation to determine if the student is eligible for special education and related services. When a school receives a referral from a Head Start program, the **school must begin the evaluation** process to determine if the child has a disability. The IDEA and its regulations at 34 CFR §§300.301-300.311 specify the requirements that public schools (not non-LEAs such as other community-based early childhood programs) must use to conduct an initial evaluation to determine if a child has a disability under Part B. For additional information, see the [Head Start Letter from OSEP](#)

CHILD FIND DUTY

Authority: 20 U.S.C. §§ 1401, 1412; 42 U.S.C. § 12004; 34 C.F.R. Part 300; 19 T.A.C. Chapter 89

<http://framework.escs8.net/DisplayWebform/ESC8-FW-Summary.aspx?FD=aa8>

| FEDERAL AND STATE REQUIREMENTS | | CITATIONS |
|--------------------------------|--|-------------------------------------|
| <input type="checkbox"/> | All children with disabilities residing in the state, regardless of the severity of their disabilities, and who are in need of special education and related services, must be identified, located, and evaluated. | 20U.1401(c)(1)(C) 20U.1412(b)(1) |
| <input type="checkbox"/> | The term special education means specially-designed instruction, at no cost to the parents, to meet the unique needs of the child with a disability, including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and instruction in physical education. | 20U.1401(c)(1)(D) 20U.1412(b)(2) |
| <input type="checkbox"/> | The term specially-designed instruction means adapting, as appropriate to the needs of an eligible child under the Individuals with Disabilities Education Act, the content, methodology, or delivery of instruction: | 20U.1401(c)(1)(E) |
| <input type="checkbox"/> | • To address the unique needs of the child that result from the child's disability; and | 20U.1401(c)(1)(F) |

TEA's Response

https://tea.texas.gov/Academics/Special_Student_Populations/Special_Education/Programs_and_Services/State_Guidance/Guidance_on_Parentally_Placed_Private_School_Children_with_Disabilities/

Which district has the responsibility for evaluating a referred child enrolled in a Head Start center in one district but resides in a different district?

Child Find Duty: ESC 18 Legal Framework

for special education and related services and, if so, the specific services appropriate for the child.

15. Which school district is responsible for providing special education and related services if a parent chooses dual enrollment for a child?

The school district where an eligible¹ student resides is responsible for providing special education and related services associated with dual enrollment if the child's parent chooses that option.

The district where the child resides is responsible for making FAPE available to the child. Both districts have the obligation to evaluate. Local educational agencies must locate, evaluate, and identify all private school children with disabilities attending a private school in the LEA's jurisdiction.

TEA's Response

Can the Head Start centered be considered a private school in terms of definition?

§89.1096. Provision of Services for Students Placed by their Parents in Private Schools or Facilities.

(a) Except as specifically provided in this section, in accordance with 34 Code of Federal Regulations (CFR), §300.137, no eligible student who has been placed by his or her parent(s) in a private school or facility has an individual right to receive some or all of the special education and related services that the student would receive if he or she were enrolled in a public school district. **Except as specifically set forth in this section, a school district's obligations with respect to students placed by their parents in private schools are governed by 34 CFR, §§300.130-300.144.**

(1) For purposes of subsections (a) and (d) of this section only, private school is defined as a private elementary or secondary school, including any pre-school, religious school, and institutional day or residential school, that:

(A) as required by 34 CFR, §300.13 and §300.130, is a nonprofit entity that meets the definition of nonprofit in 34 CFR, §77.1; and

(B) provides elementary or secondary education that incorporates an adopted curriculum designed to meet basic educational goals, including scope and sequence of courses, and formal review and documentation of student progress.

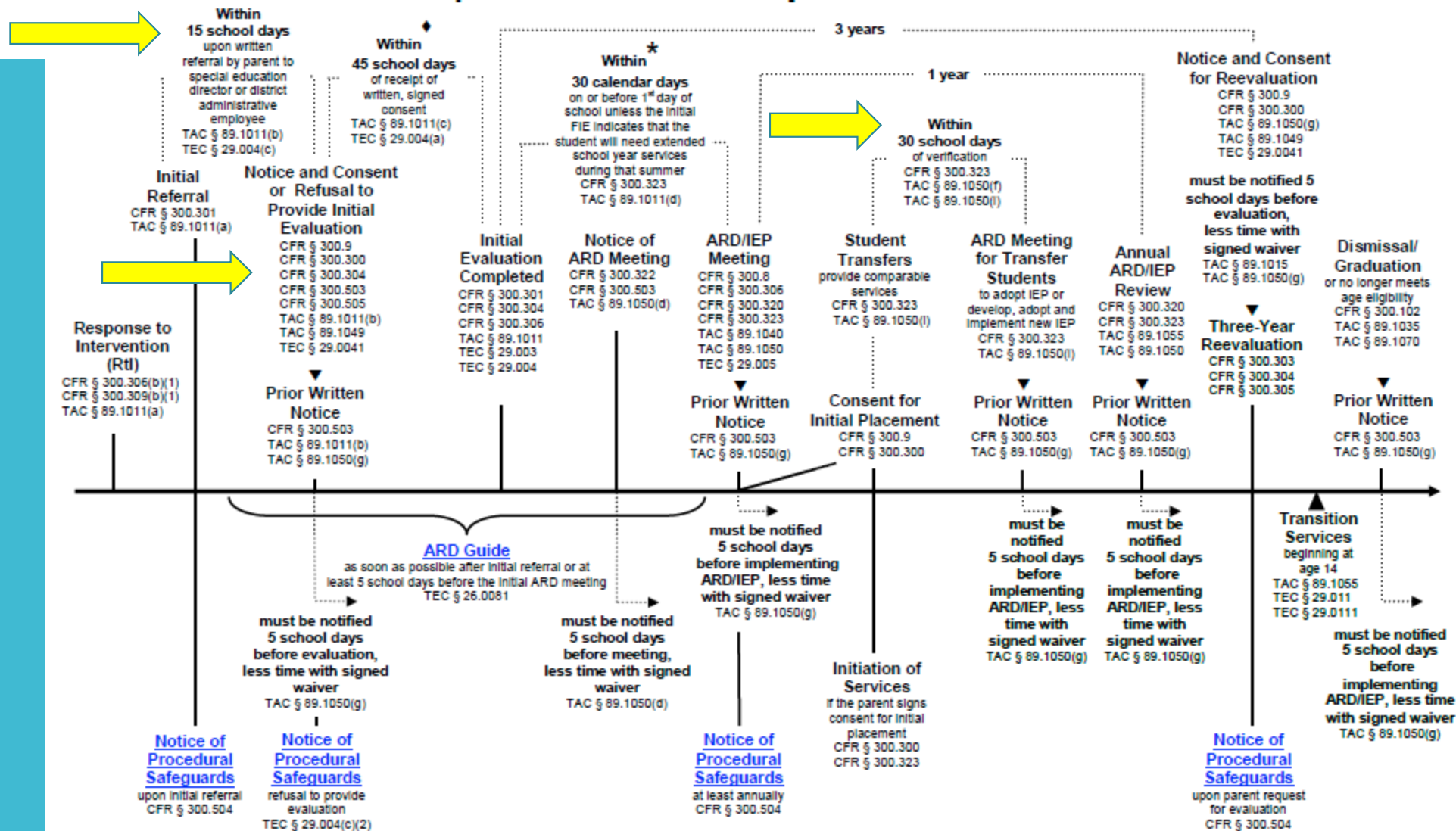
(2) A home school must meet the requirements of paragraph (1)(B) of this subsection, but not paragraph (1)(A) of this subsection, to be considered a private school for purposes of subsections (a) and (d) of this section.

(b) When a student with a disability who has been placed by his or her parents directly in a private school or facility is referred to the local school district, the local district shall convene an admission, review, and dismissal (ARD) committee meeting to determine whether the district can offer the student a free appropriate public education (FAPE). If the district determines that it can offer a FAPE to the student, the district is not responsible for providing educational services to the student, except as provided in 34 CFR, §§300.130-300.144, or subsection (e) of this section, until such time as the parents choose to enroll the student in public school full time.

Timeline Decision Tree 2017

- ESC 18 Legal Framework
- Tabs across top – Documents
- Timeline Decision Tree Feb 2017 with Audio
- <http://prntexas.org/interactive-timeline-decision-tree/>

Timeline | Child-Centered Special Education Process



Exceptions

- ♦ Parent repeatedly fails or refuses to produce the child [CFR § 300.301(d)(1)]; or
- ♦ Child who is enrolled in public school transfers from another LEA while evaluation is pending (refer to [Children who Transfer](#) framework); or
- ♦ Child who is enrolled in public school is absent three or more days during the evaluation period (extended by number of school days absent) [TEC 29.004(a)(1); TAC § 89.1011(c)(1)]; or
- * ♦ Consent is received at least 35 but less than 45 school days before the end of the school year (due by June 30); and the initial ARD to be held by the 15th school day of the following school year. If the child is absent three or more days during the period, the evaluation is due within 45 school days plus the number of days absent [TEC § 29.004(a-1); TEC § 29.004(a)(1); TAC § 89.1011(e); TAC § 89.1011(c)(1)].

Head Start and Rti

- http://tea.texas.gov/Curriculum_and_Instructional_Programs/Special_Education/Programs_and_Services/Response_to_Intervention/
- **Head Start and Rti**
- The Individuals with Disabilities Education Act (IDEA) does not require or encourage a school to use an Rti approach before a referral for evaluation. A Head Start program may refer a student for evaluation to determine if the student is eligible for special education and related services. When a school receives a referral from a Head Start program, the **school must begin the evaluation** process to determine if the child has a disability. The IDEA and its regulations at 34 CFR §§300.301-300.311 specify the requirements that public schools (not non-LEAs such as other community-based early childhood programs) must use to conduct an initial evaluation to determine if a child has a disability under Part B. For additional information, see the **Head Start Letter from OSEP**

Referrals from Head Start Programs

SPP 11 – Child Find Changes

SPP 11 Revised Section One Part a. (to be included in 2018-2019 data collection opening-June 1, 2019)

Section One: Students ages 3-21 for whom a request for a Full and Individual Initial Evaluation (FIIE) was received.

| | | |
|------|---|-----|
| a. | Number of students aged 3-21 for whom a verbal or written request for a FIIE was received: (prior written notice must be provided in each request and in compliance with CFR §300.503) | 180 |
| a.1. | Number of students counted in “a.” in which the reason for request indicates the child should have been referred prior to the current school year | 25 |
| a.2. | Number of students ages 3-21 for whom signed, written parental consent to evaluate was received (TEC §29.004) | 175 |
| a.3. | Number of students determined not eligible [(a.3. + a.4.) Must = a.2.] | 50 |
| a.4. | Number of students determined eligible [(a.3. + a.4.) Must = a.2.] | 125 |
| a.5. | Number of students determined eligible and the ARD committee determined additional services are needed, taking into consideration support and services previously provided | 15 |
| a.6. | Types of additional services documented in the IEP (a student may count in multiple service types) | |
| i. | Related services | 7 |
| ii. | Supplementary aids and services | 12 |
| iii. | Program modifications | 5 |
| iv. | Supports for personnel | 10 |
| a.7. | Timeline to implement additional services (a student may count only once for longest service(s) duration) [(a.7. i.+a.7. ii.) Must = a.5.] | |
| i. | Up to six months | 5 |
| ii. | More than six (6) months, up to one (1) year | 10 |

SPP 11 – Child Find Changes

Section Two: Evaluation and eligibility determined WITHIN State established timelines

- b. Number of students with evaluation report written within State established timelines from receipt of signed, written parental consent or district maintained detailed records of reason for delay described in CFR 300.301(d) 170
- c. Number of students with eligibility determined by ARD committee within 30 calendar days from date of evaluation report (TAC §89.1050(d)) or district maintained detailed records of reason for delay described in CFR §300.300(b)(3) 175

Section Three: Evaluations NOT within State established timelines

- d. Number of students with evaluation report NOT written within State established timelines from receipt of signed, written parental consent (d.1. + d.2.) [Must = (a.2.-b.)] 5
- d.1. 1-30 calendar days over timeline 5
- d.2. 31 or more calendar days over timeline 0
- e. Reasons for delay (e.1+e.2+e.3+e.4+e.5+e.6) [Must = d] 5
- e.1. LEA delay due to scheduling 2
- e.2. LEA delay due to lack of available assessment personnel 2
- e.3. LEA delay due to late report from contracted personnel 0
- e.4. Parent delay (No detailed records maintained by LEA) 1
- e.5. Student transfer/enrollment into district prior to completion of timeline begun in previous district (No detailed records maintained by LEA of agreement with parent to specific timeline for completion) 0
- e.6. Other 0
(Briefly Describe):

<
>

(100 characters maximum)

Region One ESC – Child Find

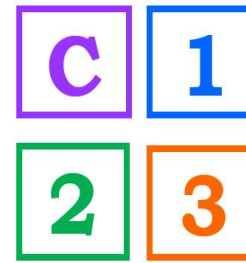
Provides Child Find posters at district's request

Provides website with English and Spanish brochures which can be downloaded and printed.



Child Find Posters

- Do you need new posters for your district?
- Call or email the number you need in English or Spanish.
- jlovejoy@esc1.net
- or
- 956-984-6215



o de comportamiento que se interponga con su aprendizaje?



Child Find/ Child Serve

Child Find puede ayudarle a usted y su familia hacer contacto con los servicios que hay en la comunidad o con su distrito escolar.

Todos los niños en el estado de Texas tienen derecho a recibir la misma calidad de educación. No permita que su niño(a) se retrase en sus esfuerzos para llegar al éxito.

Llame este número **1-800-274-2346**

Ayudando
familias hacer
conexiones.

¿Tiene preguntas?



SPEDex
www.spdex.org



Region One
Education Service Center

Child Find

is a process designed to

identify, locate, and evaluate

individuals from birth to 21 years of age who may need special education and related services.

If you have
concerns call:
1-800-274-7346



School districts & public charter must ensure that a Free and Appropriate Public Education (FAPE) is provided for children who are identified as needing special education and related services.

For questions, inquiries, or more information, contact the special education program at the number listed above.



got questions?

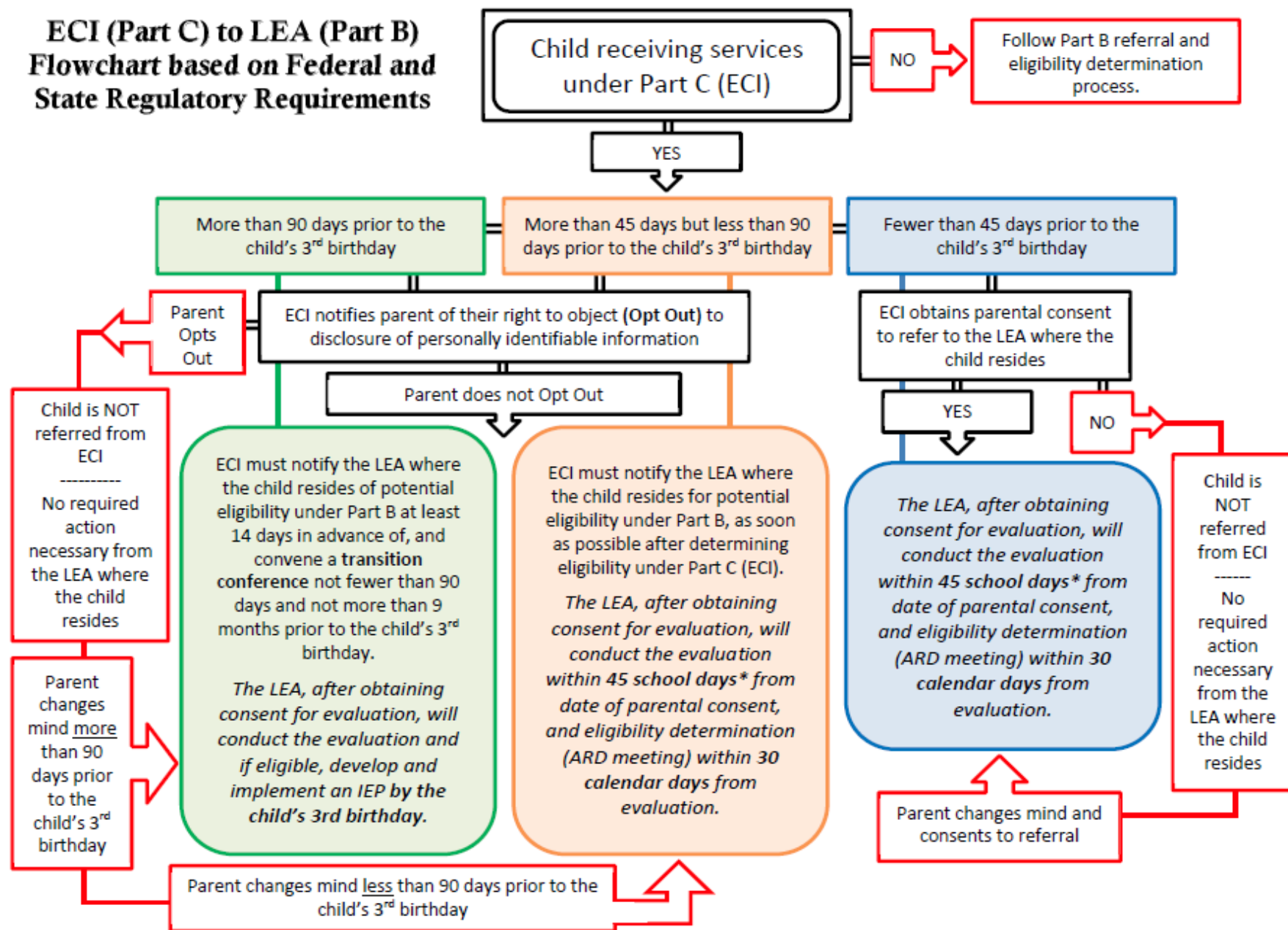


SPEDex
www.spdex.org



Transition from ECI

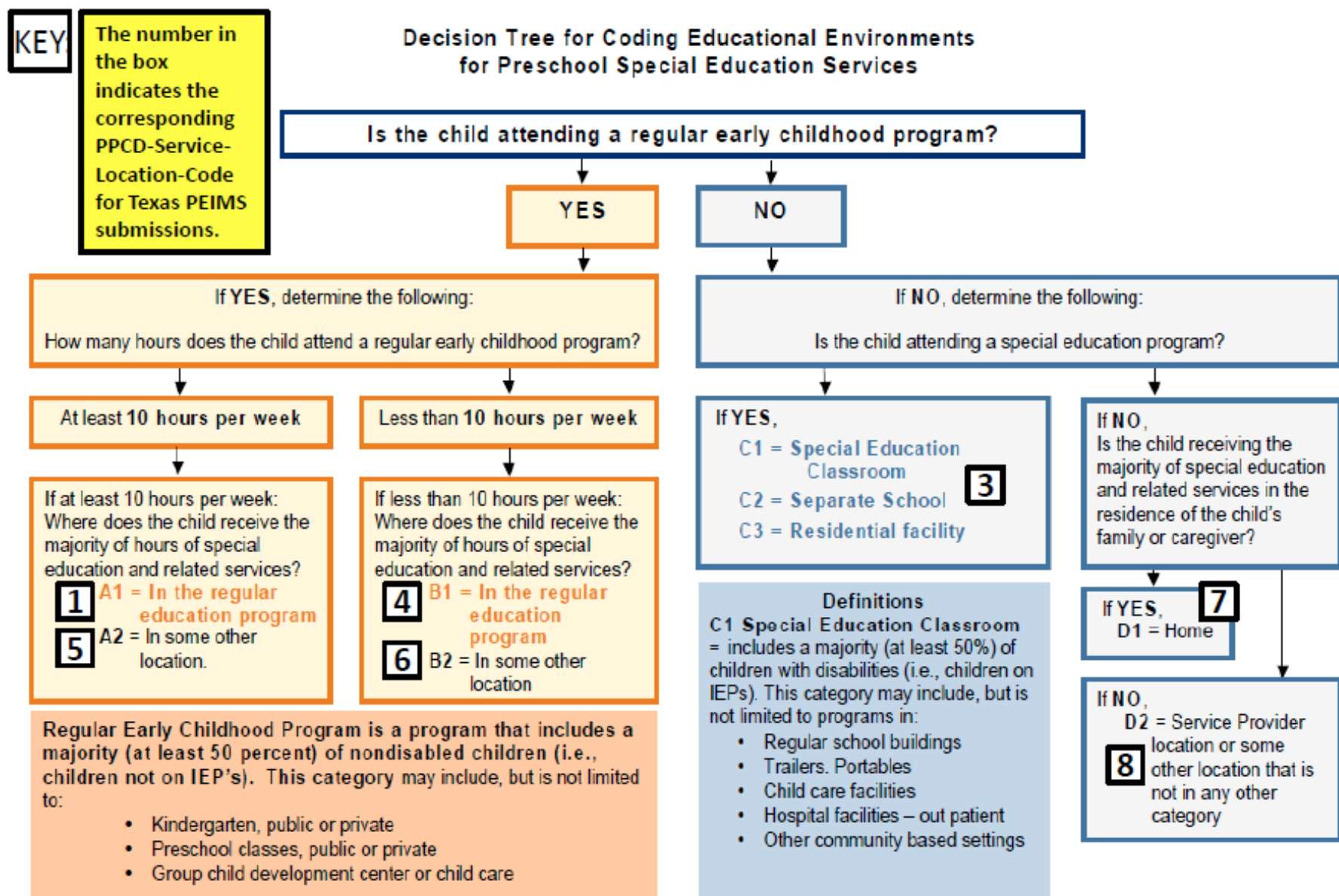
ECI (Part C) to LEA (Part B) Flowchart based on Federal and State Regulatory Requirements



* In accordance with current State established initial evaluation timelines.

Decision Tree PPCD Location Codes

http://www.esc20.net/default.aspx?name=ci_se.PPCD.PEIMSDecisionTree



Any transition conference or IFSP meeting to develop the transition plan, which conference and meeting may be combined into one meeting, will meet the IDEA-C requirements concerning accessibility and convenience of meetings, parental consent for services, and initial and annual IFSP meetings.

[303.209\(e\)](#)
[303.209\(c\)\(1\)](#)
[303.209\(d\)](#)
[303.342\(d\)](#)
[303.342\(e\)](#)
[303.343\(a\)](#)

34 Code of Federal Regulations § 303.342 Procedures for IFSP development, review, and evaluation.

. . .

(d) *Accessibility and convenience of meetings.*

(1) IFSP meetings must be conducted—

(i) In settings and at times that are convenient for the family; and

(ii) In the native language of the family or other mode of communication used by the family, unless it is clearly not feasible to do so.

(2) Meeting arrangements must be made with, and written notice provided to, the family and other participants early enough before the meeting date to ensure that they will be able to attend.

District Child Find Binder

- Copy of Child Find procedures
- Copy of Forms (parent permission, etc.,)
- Copies of brochures, posters, handouts, flyers sent out or distributed
- Lists of attendees at Child Find presentations
- Lists by number of requests for evaluations from campuses
- Roles and responsibilities of personnel
- District Self-Evaluation
- Any other information



Texas Parent to Parent Rio Grande Valley Resource Information

Texas Parent to Parent

(512) 458-8600
(866) 896-6001
www.txp2p.org

A statewide non-profit developed for parents by parents: provides parent to parent matches, support, information, website, resource, newsletter, etc.

Mission:

Texas Parent to Parent supports children with disabilities, chronic illness, and other special healthcare needs by empowering their parents to be advocates for them through peer support, resource referral and public awareness.

Texas Parent to Parent Resource Information

Contact:

Juanita Lovejoy,
Child Find
Specialist

Email:

jlovejoy@esc1.net

Phone:

956-984-6215

- LEA / Agency Sharing
- Questions

