



CHILD FIND DUTY

McKinney ISD

043907

Legal Framework: CHILD FIND DUTY

[Related Resources](#)

Broad Category: CHILD FIND

Child Find

§300.111 Child Find

(a) General

(1) The State must have in effect policies and procedures to ensure that--

(i) All children with disabilities residing in the State, including children with disabilities who are homeless children or are wards of the State, and children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated; and

(ii) A practical method is developed and implemented to determine which children are currently receiving needed special education and related services.

The MISD will disseminate information to the community (including, but not limited to, private schools, residential treatment centers, day treatment centers, detention and correctional facilities) concerning services offered to all individuals with disabilities. Records of Child Find effort will be documented in various locations. All RtI/MTSS Committee information is maintained at the campus. Any distribution of materials or documentation of contact with other agencies will be maintained in the special education department. Efforts may include:

1. Providing information regarding availability of screenings and other services through posting of brochures at all school campuses, the school mailings, brochures, and other print media;
2. Participating in a network of public information dissemination to assist with locating highly mobile and migrant children...which includes contacting other agencies, day care facilities, community public locations such as doctor offices, and facilities providing services to students with disabilities;
3. Providing Child Find information to local private schools and discuss with private school officials regarding the RtI/MTSS Committee process;
4. Referring individuals ages 0-3 to a local Early Childhood Intervention (ECI) program for evaluation;
5. Identifying and referring individuals with disabilities who may or may not be in school and who may need Special Education and related services using a properly constituted RtI/MTSS Committee;
6. Continuing to document persons who are currently receiving needed Special Education and related services and those who are struggling but not currently receiving needed Special Education and related services;
7. Reviewing this process on a yearly basis, updating staff about on-going "Child Find" activities implemented in the community;
8. Maintaining confidentiality of all personally identifiable information used and collected in this system in the same manner that Special Education records are maintained;
9. Maintaining documentation of all Child Find activities including the dates of each activity and the results of each activity; and
10. Training appropriate staff for maintaining the documentation of all Child Find activities including students in private schools, religious schools and home schools located in the MISD.
11. Annual screenings will be performed by qualified MISD personnel and may include:
 - general health screening, including social/behavioral health
 - vision screening performed to verify indicators of loss of sight, acuity, or other possible vision related problems;
 - hearing screening to verify any hearing risk indicators;
 - screening secondary level students who are at-risk of dropping out, or who have dropped out, to verify that the reasons for dropping out are not related to a previously unidentified disability.



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All screenings and evaluations resulting from Child Find activities are free to parents, including parents of home-schooled students and parents of students who attend private school by parent choice.

Prior to a referral to special education, currently-enrolled students experiencing difficulties progressing in the general curriculum should be considered for all support services and intervention programs available to all students in the district, including tutoring, RTI/MTSS programs, and remedial or compensatory programs. Implementation of any intervention program cannot serve to delay or deny referral, evaluation, and eligibility determinations under the IDEA when students are suspected of having a disability and a need for special education services. The campus staff will receive annual training on Child Find procedures and duties, including how to address and document any parent requests for evaluation. Students who have received tiered interventions through the campus RtI/MTSS Committee will have documentation of those interventions on required district forms provided to the special education department in a referral packet. Procedures will be reviewed annually at the beginning of each school year.

Ongoing access to resources regarding different linguistic and cultural backgrounds are available to evaluation staff. Evaluation procedures for English Learners have been established. A team of District employees meets on a regular basis to review Results Driven Accountability (RDA) data and address any identified areas of disproportionality in identification, placement, or discipline. The District's data is analyzed, and a Strategic Support Plan (SSP) is developed when appropriate. The SSP includes strategies to be implemented that address the disproportionality.

(b) Use of term “developmental delay”

The following provisions apply with respect to implementing the Child Find requirements of this section:

- (1) A State that adopts a definition of “developmental delay” under §300.8(b) determines whether the term applies to children aged three through nine, or to a subset of that age range (e.g., ages three through five).**
- (2) A State may not require the LEA to adopt and use the term “developmental delay” for any children within its jurisdiction.**
- (3) If an LEA uses the term “developmental delay” for children described in § 300.8(b), the LEA must conform to both the State's definition of that term and to the age range that has been adopted by the State.**
- (4) If a state does not adopt the term “developmental delay”, the LEA may not independently use that term as a basis for establishing a child's eligibility under this part.**

(c) Other children in Child Find

Child Find also must include:

- (1) Children who are suspected of being a child with a disability under § 300.8 and in need of special education, even though they are advancing from grade to grade; and**
- (2) Highly mobile children, including migrant children.**

(d) Construction

Nothing in the Act requires that children be classified by their disability so long as each child who has a disability that is listed in § 300.8 and who, by reason of that disability, needs special education and related services is regarded as a child with a disability under Part B of the Act.

§300.131 Child Find for parentally-placed private school children with disabilities

(a) General

Each LEA must locate, identify, and evaluate all children with disabilities who are enrolled by their parents in private, including religious, elementary schools and secondary schools located in the school



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district served by the LEA, in accordance with paragraphs (b) through (e) of this section, and §300.111 and §300.201.

(b) Child Find design

The Child Find process must be designed to ensure:

- (1) The equitable participation of parentally-placed private school children; and
- (2) An accurate count of those children.

(c) Activities

In carrying out the requirements of this section, the LEA, or, if applicable, the SEA, must undertake activities similar to the activities undertaken for the agency's public school children.

(d) Cost

The cost of carrying out the Child Find requirements in this section, including individual evaluations, may not be considered in determining if the LEA has met its obligation under § 300.133.

(e) Completion period

The Child Find process must be completed in a time period comparable to that for other students attending public schools in the LEA consistent with § 300.301. (Authority: 20 U.S.C. 1412(a)(10)(A)(ii))

(f) Out-of-state children

Each LEA in which private, including religious, elementary schools and secondary schools are located must, in carrying out the Child Find requirements in this section, include parentally-placed private school children who reside in a State other than the State in which the private schools that they attend are located.

§ 300.19 Homeless children

Homeless children has the meaning given the term homeless children and youths in section 725 (42 U.S.C. 11434a) of the McKinney-Vento Homeless Assistance Act, as amended, 42 U.S.C. 11431 et. seq. (Authority 20 U.S.C. 1401(11))

§ 300.134 Consultation parentally-placed private school children with disabilities

To ensure timely and meaningful consultation, the LEA, or, if appropriate, the SEA, must consult with private school representatives and representatives of parents of parentally-placed private school children with disabilities during the design and development of special education and related services for the children regarding the following:

(a) Child Find. The Child Find process, including--

- (1) How parentally-placed private school children suspected of having a disability can participate equitably; and
- (2) How parents, teachers, and private school officials will be informed of the process.

Consultation of Parentally-Placed Private School Children With Disabilities

MISD will maintain documentation of all Child Find activities including the dates of each activity and the results of each activity; and train appropriate staff for maintaining the documentation of all Child Find activities including students in private schools, religious schools and home schools located in the MISD.

The private schools are offered our Child Find brochures to advertise in their buildings if they choose. For all students not currently enrolled in our district, the required ARD/IEP process and timelines will be followed. The Child Find activities include collaboration and informing private/nonpublic schools of district requirements and possible options.

- I. CONSULT: Special Education personnel will contact all private schools within our boundaries at a minimum annually. The private, non-public schools will be provided information regarding Child Find procedures. Annual input will be solicited following federal requirements. Equitable participation will



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- be discussed and solicit ways to inform staff/parents of private school students. Documentation of all communication/meetings with private/nonpublic schools is maintained by the District.
2. **AFFIRMATION**: The private school administration is asked to submit a required signed affirmation and consultation form stating the consultation requirements for the district Child Find have been met. If the district cannot obtain this signed form, the Director will provide a description of attempts in the “eGrants” application.
 3. The district will provide the private schools Child Find informational flyers to place in their facility.
 4. Parent inquiry: When a parent reaches out to the district with a concern or request for evaluation, the procedures are followed.
 5. **SERVICES**: The ARD/IEP process for services including possible “dual enrollment”

General Child Find Duty

Resources:

TEC §29.023. NOTICE OF RIGHTS. §300.111 Child Find TEC §26.0081. RIGHT TO INFORMATION CONCERNING SPECIAL EDUCATION AND EDUCATION OF STUDENTS WITH LEARNING DIFFICULTIES.

Links to SB139 Notice Requirements and Student Handbook Statement:

<https://tea.texas.gov/about-tea/news-and-multimedia/correspondence/taa-letters/senate-bill-139-notice-to-families>

<https://tea.texas.gov/academics/special-student-populations/special-education/programs-and-services/student-handbook-statement-english>

Link to Response to Intervention (RtI) and Learning Disability (LD) Eligibility:

<https://tea.texas.gov/academics/special-student-populations/special-education/programs-and-services/response-to-intervention>

Children in Private Schools

Resources:

§300.111 (a) (1); 300.131 (a), (b), (c), (d), (e), (f); 300.134 (a)

§TAC 89.1096 (a)-(f)

§300.2 (c) Applicability of this part to State and local agencies.

§300.118 Children in public or private institutions.

§300.129 State responsibility regarding children in private schools.

§300.129 State responsibility regarding children in private schools.

§300.130 Definition of parentally-placed private school children with disabilities.

§300.131 Child Find for parentally-placed private school children with disabilities.

§300.132 Provision of services for parentally-placed private school children with disabilities-basic requirements.

§300.133 Expenditures.

§300.134 Consultation parentally-placed private school children with disabilities.

§300.135 Written affirmation.

§300.136 Compliance.

§300.137 Equitable services determined.

§300.138 Equitable services provided.

§300.139 Location of services and transportation.

§300.140 Due process complaints and State complaints.



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§300.141 Requirement that funds not benefit a private school.

§300.142 Use of personnel.

§300.143 Separate classes prohibited.

§300.144 Property, equipment and supplies.

§300.148 Placement of children by parents if FAPE is at issue.

§300.325 Private school placements by public agencies.

§300.37 Services plan.

These procedures also apply to homeless children; children who are wards of the state; highly mobile children (including migrant children); all preschool age children and any child suspected of being in need of special education but who are advancing from grade to grade.

The campus diagnosticians/school psychologists annually train staff on proper procedures. The campus principal or designee may then train any other campus personnel. The referral of a private school student may be made by the parent, private school personnel, physician, etc. Each campus RtI/MTSS Committee will coordinate the referral.

The data collection and review process will be followed to determine whether an evaluation is needed.

1. If Parent has concerns, they may do the following:

- A. Contact the appropriate neighborhood campus and initiate a referral. The campus designee will assist the parent.
- B. Referrals will be accepted for students who attend a private/nonpublic school within the boundaries of MISD.
- C. Provide any documentation available to the campus Principal or counselor or designee regarding the child's suspected disability, the student's private school teacher's contact information and sign a Release form so McKinney Independent School District's staff can talk to the private school teacher.

2. Campus Responsibilities:

- A. MISD will use established procedures and forms for the parent referral of students from private/nonpublic schools. This includes the completion of the MTSS Referral Packet.
- B. The campus designee will be responsible for coordinating the gathering of information from the parent.

3. NOTE: The same referral timelines apply. (If a parent makes a written or oral request, the MISD must respond within 15 school days.)

4. Evaluation Person Responsibilities:

- A. To the maximum extent possible, MISD shall use referral and evaluation information from the private school's records in order to avoid unnecessary duplication of effort or services.
- B. Coordinate and/or administer additional recommended evaluation.

See TAC §89.1096. Services for Students Placed by their Parents – Section 4 IEP

The proportionate share of federal IDEA money available for the upcoming school year, will be considered in light of the consultation process and information gathered. Determination will be made regarding which eligible private school children will participate in special education services, what services will be provided, and how, where and by whom the services will be provided. The eligible students and parents will be invited to attend a meeting to develop an Individual Service Plan (similar to an IEP).

Through Child Find efforts and consultation with private nonpublic schools, the MISD will make decisions regarding the use of proportionate share of federal IDEA money. Decisions made by the district will include which



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eligible private school children will participate in special education services, what services will be provided, how, when, where and by whom the services will be provided.

All private schools located in the MISD will be given information on how to obtain referral information from the school district campus.

The MISD will locate all private schools within the district and ensure consultation on the following:

- (1) Proportionate Share of Funds.
- (2) How Special Education services may be provided.
- (3) Explanation of services to be provided.
- (4) How parentally-placed private school children suspected of having a disability can participate equitably;
and
- (5) How parents, teachers, and private school officials will be informed of the process.
- (6) Any other topics appropriate for consultation including all Federal Regulations listed. Consultation methods with administrative and parent representatives of eligible private school children may include:
 - Individual meetings with private school officials and the representative of parents of eligible private school children.
 - One or more group meetings with private school representatives and representatives of parents of eligible private school children.
 - Written correspondence to all private schools known to the MISD to be within district boundaries.
 - Written correspondence to parents known to the MISD who homeschool their children.
 - Written correspondence to parents of eligible private school students.

The MISD will carefully consider the information from private schools and parents of eligible private school students regarding use of available federal funds. After consultation, a complete Child Find process is conducted to determine the total number of eligible students with disabilities placed by parents in private schools. Consultation will be timely taking place prior to the designation of eligible private school students to participate in the MISD's special education supports and services.

The MISD will collect and keep on file any written affirmations. If unable to obtain a written affirmation, the MISD will submit documentation explaining the attempts to secure the written affirmation, as well as any other information that shows that meaningful consultation took place, to TEA at: sped@tea.state.tx.us. A description of these attempts will also be attached as a document to the eGrants Special Education Consolidated Grant Application if needed.

After consultation with local private schools within the MISD, eligible private school students may participate in the special education services during a specific school year. An individual services plan will be developed and implemented as soon as possible after the services plan meeting. The services plan will be available to any MISD staff and/or private school staff or other persons who implement any portion of it, and they will be advised of their specific responsibilities in implementing the services plan. The plan is reviewed not less than annually. An eligible private school student with a services plan in one school year has no right to a services plan in a subsequent school year. The MISD is responsible for determining eligible private school students who will participate each year.

The final decision with respect to which eligible private school children will participate, the nature of the services, their frequency and location, and how they will be evaluated will be made by the MISD. Private school students may be referred and evaluated throughout the school year. The provision of services will depend upon available funds.



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The services plan team includes the same participants as would be included in an ARD Committee for the child. The parents, a representative of the private school, minimum of one regular education teacher of the child if the child is or may be participating in a regular education environment, minimum of one special education teacher or special education provider of the child, a representative of the MISD who is qualified to provide or supervise the provision of special education, is knowledgeable about the general curriculum and the availability of resources in the MISD; a person who can interpret the instructional implications of evaluation results, the child, if appropriate; and at the discretion of the parent or the MISD, any other individuals who have knowledge or special expertise regarding the child, including related services personnel if appropriate.

The regular education teacher of the child may be an employee of the private school. The District will ensure that a representative of the private school will be invited to the services plan meeting. If the representative is unable to attend, the District will share the document with the school if parent permission is obtained.

Records of all private school students referred, identified and served through this process will be maintained in the office of the Special Education Administrator.

The Special Education Director will ensure services provided to eligible private school students will be provided by personnel who meet appropriate standards.

The district has completed all Child Find activities to engage any private/nonpublic school within our boundaries. The district Child Find Representative (a minimum of annually) has communicated, solicited input, planned and maintained documentation of those activities. The referral of a private school student may be made by the parent, private school personnel, physician, etc. Each campus RtI/MTSS Committee will coordinate the referral. The district data collection and referral procedures will be followed.

If the private school student has already been evaluated and identified as a student with a disability, the district designated staff will schedule the Individual Service Plan meeting. If a district outside of our boundaries completed the student's evaluation, the parent is encouraged to provide a copy of that evaluation. A copy of any previous ARD/IEP paperwork will also be requested. The designated staff will follow the same district procedures to schedule an ARD/IEP meeting within the same required timelines.

When a student referred for testing from a private school is not a resident of the MISD, and has not been evaluated to determine eligibility for special education, the special education administration will contact the district in which the student resides to collaborate regarding which district will complete the full and individual evaluation, if one is needed. The responsibility for conducting the ARD to offer FAPE to the student is the responsibility of the district where the student resides. Once the FIE and ARD have been completed, the district of residence will provide all appropriate documentation necessary to develop an Individual Service Plan for the student.

Creation of the Individual Service Plan:

The Individual Service Plan meeting will be scheduled to plan appropriate services. All documentation for Notice will be followed. The private school student's Individual Service Plan meeting will be held and documented on district forms.

1. Individual Service Plan: the Individual Service Plan meeting will include the same required members as an ARD/IEP meeting, in addition to a representative of the private school. The Individual Service Plan will have measurable goals, will be implemented by district staff or district hired consultant, will use any necessary district materials, and progress monitoring and reporting will occur. The Individual Service Plan will be annually reviewed and revised as needed. If the student is eligible to receive proportionate share services, the school district where the private school is located is responsible for



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- the services.
2. Dual Enrollment: if a preschool age student is enrolled in a facility that meets criteria as a private school, the parents of eligible 3-5 year olds will be provided an explanation of the dual enrollment process by the Special Populations designee. For dual enrollment, the student must reside within our district boundaries as well. The child may continue through the school year in which child turns 5 years after September 1, an eligible child in private school and may be enrolled in private school and still enroll part-time in MISD and participate in special education services as specified in the child's IEP. It is the parent's choice to have the child educated only in private school or through dual enrollment. A parent may enroll a child full time in the public school district and receive all the special education services determined by the ARD Committee in the child's IEPs. When the child is 5 years of age or older on September 1 of the current school year, dual enrollment is no longer permitted.
 3. If a parent chooses to dual enroll the student, the district procedures for Notice, Consent, Evaluation and ARD/IEP will be followed and documented on district forms. For a child dually enrolled, the student's ARD/IEP Committee will inform the parent at the end of the school year in which the child turns five OR when the child is eligible to attend the district kindergarten program, whichever comes first. The parent will need to make a decision to either enroll the student or develop an individual Service Plan for the child to continue in the parentally placed private school. If a parent declines the dual enrollment, an individual service plan can be developed and procedures in #1 above will be followed.

STAFF RESPONSIBLE:

District Level: Special Populations Department

Campus Level: Campus Administrators and staff

TIMELINES FOR CHILD FIND ACTIVITIES:

- Annual Child Find staff training
- Child Find parent information on MISD website
- Public outreach
- Information sessions for parents

EVIDENCE OF PRACTICE:

- Training artifacts (presentation, sign-in sheets) of annual campus-based Child Find Training
- Forms and checklists
- Required website postings
- Student Handbook
- RTI/MTSS paperwork