

Title 6. Education

Chapter I. Division of Elementary and Secondary Education

Subchapter E. Special Education

Part 130. Procedural Requirements and Program Standards

Subpart 3. Child Find

6 CAR § 130-301. General responsibility to conduct child find.

(a) Each local educational agency is responsible for ensuring that all children with disabilities from birth to twenty-one (21) years within its jurisdiction and in need of special education and related services are identified, located, and evaluated, regardless of the severity of their disability, including:

- (1) Children with disabilities attending private schools;
- (2) Highly mobile children with disabilities, including migrant children;
- (3) Children who are suspected of having a disability and need special education even though they are advancing from grade to grade; and
- (4) Children with disabilities who are homeless or a ward of the state.

(b) The responsibility of the local educational agency to conduct child find activities extends to identifying, locating, and evaluating children attending private schools within its jurisdiction.

(c) Before any major identification, location, or evaluation activity (child find), a notice to parents must be published or announced in newspapers or other media, with local circulation adequate to notify parents throughout the LEA's jurisdiction of the activity.

6 CAR § 130-302. Children with disabilities enrolled by their parent in private schools.

(a) **Definition of "parentally placed private school children with disabilities"**. "Parentally placed private school children with disabilities" means children with disabilities enrolled by their parents in private, including religious, schools or facilities that meet the definition of elementary school in 34 C.F.R. § 300.13 or

secondary school in 34 C.F.R. § 300.36 other than children with disabilities covered under 34 C.F.R. §§ 300.145 – 300.147.

(b) Child find for parentally placed private school children with disabilities.

(1) **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 district served by the LEA, in accordance with requirements of this section.

(2) **Child find design.** The child find process must be designed to ensure:

(A) The equitable participation of parentally placed private school children;
and

(B) An accurate count of those children.

(3) **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.

(4) **Cost.** The cost of carrying out the child find requirements in this section, including individual evaluations, may not be considered in determining if an LEA has met its obligation under 34 C.F.R. § 300.133.

(5) **Completion period.** The child find process must be completed in a time period comparable to that for students attending public schools in the LEA consistent with 34 C.F.R. § 300.301.

(6) **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.

6 CAR § 130-303. Development of plan — Documentation of effort.

(a) Each local educational agency must develop and maintain a written child find plan outlining the systematic and continuous efforts the local educational agency will undertake to meet its responsibilities as described in 6 CAR §§ 130-301 and 130-302.

(b) At a minimum, any child find plan must set forth annual child find activities including, but not limited to:

(1) Initiation of a campaign of public awareness; and

(2) Procedures for the conduct of routine school screening.

(c) The local educational agency shall:

(1) Maintain a written record of the child find plan and documentation of annual child find activities; and

(2) Make such records and documents available for review by staff of the Department of Education.

(d) It is the responsibility of the local educational agency to maintain a record of all children with disabilities receiving special education and related services from the local educational agency.

6 CAR § 130-304. Confidentiality of data.

The collection and use of data to meet the requirements of this part are subject to the confidentiality requirements of 6 CAR § 130-1601 et seq.