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Purpose: Why Are We Here?

- Review procedural requirements related to the initial evaluation process under federal and local law, including timeline and process changes expected to be effective July 1, 2018
- Reflect on implementation of child find systems and learn strategies to strengthen them
- Provide an update on the recent Andrew F. Supreme Court decision and think through key considerations for IEP teams
- Review turn key training resources for LEAs, including a presentation for training staff, guidance on the recent Andrew F. Supreme Court decision, a model LEA Child Find policy, and a special education parent brochure

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Agenda

- I. Welcome, Introductions, and Purpose
- II. Child Find Overview
- III. Procedural Review
- IV. Child Find and Response to Intervention
- V. Andrew F. Decision
- VI. Setting up a Robust Child Find Process
- VII. Q and A

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### Setting the Stage: IDEA

–**Part C of IDEA:** Early Intervention for Infants and Toddlers with Disabilities (birth – 3)\*

–**Part B of IDEA:** Special Education for School-Aged Children (ages 3-21)\*\*

*\*DC allows for children served by Part C to continue to receive services until the beginning of the school year following the child's 4th birthday if they have been determined eligible for Part B services.*

*\*\* DC allows for students served by Part B to continue to receive services through the end of the semester in which they turn 22.*

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### Child Find Overview

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### What is Child Find?

Child Find is a requirement to **locate, identify, and evaluate** children who may require early intervention or special education services.

DC must engage in continuous public awareness and screening activities that help to ensure it meets this requirement.

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## Part B Child Find Requirements

### Federal Child Find Regulations

- (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.

34 C.F.R. §300.111

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## Part B Child Find Requirements

### State Child Find Regulations

3002.1 Provision of FAPE

- (d) The **LEA shall ensure** that procedures are implemented to **identify, locate, and evaluate** all children with disabilities residing in the District who are in need of special education and related services, including children with disabilities attending private schools, regardless of the nature or severity of their disabilities.

5E DCMR § 3002.1(d)

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## Responsibilities for Part B Child Find

- To comply with federal and local law and regulations, LEAs must implement Child Find policies and procedures to ensure the identification, location, and evaluation of all children with disabilities between the ages of 3 and 22, including but not limited to children who are:
  - Homeless;
  - In the custody of the District of Columbia Child and Family Services Agency (CFSA);
  - Committed to the District of Columbia Youth Rehabilitation Services Agency (DYRS);
  - Making progress from grade to grade; and
  - Highly mobile.

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### Responsibilities for Part B Child Find in DC

- Public charter schools are responsible for:
  - Child find activities for children **enrolled** in the LEA, including children transitioning from Part C.
- DCPS is responsible for child find activities for:
  - Children **enrolled** in DCPS;
  - Children who are residents of the District **but not enrolled** in a public charter school LEA;
  - Children who are homeschooled;
  - Children transitioning from Part C who are not yet enrolled in an LEA; and
  - Resident and non-resident parentally-placed private school children attending religious and private elementary and secondary schools located in the District.

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### Child Find and D.L. v. District of Columbia

- DL v. DC: Class action lawsuit filed in 2005
  - The Court determined that the District of Columbia violated IDEA and District law by failing to identify children aged 3-5 with disabilities, timely evaluate them, timely issue eligibility determinations, and smoothly and effectively transition them from Part C services to Part B services at age 3
- The Court ordered the District to comply with specific performance metrics:
  - Child find rate of 8.5% for 3-5 year olds
  - Timely C to B transitions
  - Timely eligibility determinations
- OSSE issued a Dear Colleague letter at the beginning of the school year to clarify LEA obligations.

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### Responsibilities for Child Find

- For children under the age of six, DCPS Early Stages must:**
- Maintain, and update at least annually, a list of primary referral sources including:
    - Physicians, hospitals, and other health providers;
    - Day care centers, child care centers, and early childhood programs;
    - District departments and agencies;
    - Community and civic organizations; and
    - Advocacy organizations.
  - Contact primary referral sources at least once a month until a referral relationship is established and then every three months thereafter;

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### Responsibilities for Child Find

- **For children under the age of six, DCPS Early Stages must (continued):**
  - Develop a system to track frequency and type (in person, email, phone, etc.) of contacts with the primary referral sources to ensure that outreach occurs on a regular basis; and
  - Develop, publish, and distribute printed materials for parents, guardians, and primary referral sources to inform them of the preschool special education and related services available from DCPS, the benefits and cost-free nature of these services, and how to make a referral.

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### Keys to an Effective Child Find System

- Develop written LEA-level policy & procedures
- Provide professional development annually to all staff
- Engage in public/parent awareness activities with partners (as appropriate)
- Conduct school-wide screenings
- Ensure appropriate and timely referrals for evaluation
- Maintain and report accurate data, and use it to inform training needs
- Coordinate with other agencies (as appropriate)

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### OSSE Technical Assistance and Oversight

- To support public awareness, OSSE has created a new special education parent brochure
- OSSE will be requiring that LEAs submit their Child Find policy and procedures for review
- OSSE has created guidance, including a model Child Find policy for LEAs, to support compliance
- OSSE is providing a set of training resources for LEAs to use to support turnaround training
- OSSE will be requiring LEAs with identified policy gaps and LEAs with identification rates below 8.5 percent to confirm training occurred

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### Table Talk Activity: Model Policy Review

- At your tables, review the model Child Find policy, and consider the following questions:
  - How does this policy compare or contrast to your existing policy?
  - What elements of the policy do you have questions about, if any?

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### Procedural Review

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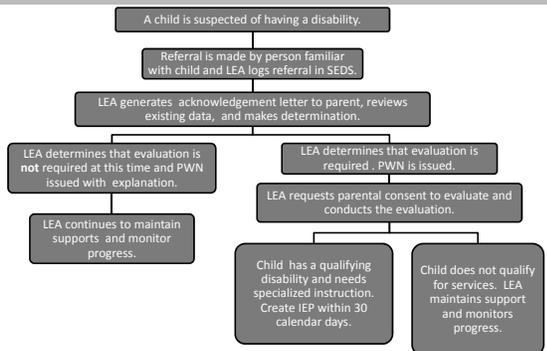
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### Child Find and Initial Evaluation Process



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## Referral Types

- A written **or oral** request for an evaluation due to suspicion of disability
  - Triggers the 120 day timeline for an evaluation
  - Can be initiated by any person with knowledge of the child
- **NOTE: oral requests must be documented by the LEA (put in writing and entered into SEDS) within 3 business days of receipt.**

DC Code §38-2561.02(a)(3)

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## Referral Sources

- A referral for evaluation of a child age 3 – 21 who may have a disability may be made by:
  - The parent(s) or legal guardian(s);
  - A child (self-referral) who is between the ages of 18 and 22-years-old, and to whom educational rights have transferred;
  - An employee of the LEA the child is enrolled in, who has knowledge of the child.
- For children under the age of 6, the LEA must also accept a referral for initial evaluation from:
  - A pediatrician or other medical professional, including physicians, hospitals, and other health providers;
  - Child development facilities, including day care centers, child care centers, and early childhood programs;
  - District agencies and programs, including IDEA Part C programs;
  - Community and civic organizations; and
  - Advocacy organizations.

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## Referral Timeline

- Currently, an LEA must complete an eligibility determination within 120 days of referral for initial evaluation, and must develop an IEP within 30 days of the eligibility determination.
- OSSE anticipates that, as of July 1, 2018, LEAs will be required to complete an eligibility determination within 60 days after obtaining parent consent.
  - LEAs must make reasonable efforts to obtain parent consent within 30 days of referral.

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## Exceptions to the Evaluation Timeline

- The evaluation timeline does not apply to an LEA if the LEA has made reasonable efforts and:
  - The parent of a child repeatedly fails or refuses to produce the child for the evaluation;
  - The parent fails or refuses to respond to a request for consent for the evaluation; or
  - A child enrolls in a school of another LEA after the evaluation timeline has begun, and prior to the determination by the child’s previous LEA as to whether the child is a child with a disability under this policy. This exception applies if the new LEA is making progress to complete the evaluation and the parent and new LEA have agreed to a new timeline.

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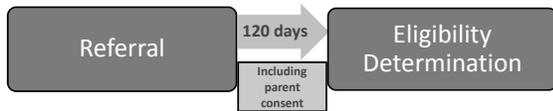
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## Referral Timeline Review

### Current Timeline



### Anticipated Timeline as of July 1, 2018



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## Table Talk Activity: Evaluation Timeline

- With your LEA partner, think about how your current procedures are structured to meet the 120 day timeline.
- Based on the new requirements, where will you need to make procedural changes to ensure timeliness?
- How will you communicate these changes to staff and parents?

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### Reasonable Efforts To Obtain Parent Consent

- LEAs must make reasonable efforts to engage the family to obtain parent consent upon the determination to move forward with the evaluation.
- Reasonable efforts include at least three attempts to contact the parent using at least **two modalities** on **three different dates**, no later than **five business days** prior to the end of the evaluation timeline:
  - Telephone calls made or attempted and the results of those calls;
  - Text messages sent and the results of the contact;
  - Correspondence sent to the parents and any responses received; and
  - Visits made to the parent and the results of those visits.
- LEAs should begin reasonable efforts as soon as possible to ensure effective communication and meaningful parent participation in the process.
  - Check for current and accurate contact information.
  - Try multiple modalities (including text messages), varying times of day, and different days of the week.
- Log all attempts in the communication log of the student’s file in SEDS. **Be sure to log purpose of the communication!**

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### Common Challenges in Reviewing Student Records

Summary of most challenging review issues:

1. Inaccurate or out-of-order event types and dates
2. For students eligible to transition from Part C to B who opted for extended IFSP, no documentation included in SEDS or not clearly labeled
3. Communication with parents not documented with enough detail to support claims that parent was the cause of delay for evaluation or the provision of services
4. Student was Stage 5 enrolled but is not properly exited from SEDS
  - Parents of “no show” students are not contacted in order to provide services
5. Provision of related services not documented or occurs more than **14 days after due date**

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### Table Talk Activity: Reasonable Efforts

- At your tables, review the scenario and consider the following questions:
  - Has this LEA made reasonable efforts to initiate the evaluation?
  - Has the LEA appropriately documented these efforts in SEDS?
  - If yes, what category would apply as a reason for the exception the 120 day evaluation requirement?

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### Initial Evaluation: Data We Analyze

- Classroom assessments
- Schoolwide and state assessments
- Observations
- Student records
- Grades
- Parent reports
- Data from interventions
- Health records
- Teacher reports
- Any relevant data available, including early childhood setting

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### Decision to Evaluate

- Obtain parental consent
- Complete necessary documents in SEDS
- Send prior written notice (PWN) document to parent
- Follow up with referring person

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### Decision Not to Evaluate

- Document reasons via prior written notice and provide to parent
- Determine next steps and other supports for student
- Implement supports and regularly track progress

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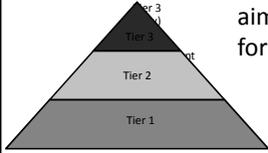
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## What is RtI?



Response to Intervention (RtI) is a multilevel framework aimed at improving outcomes for all students, emphasizing:

- High-quality instruction
- Ongoing student assessment
- Tiered intervention

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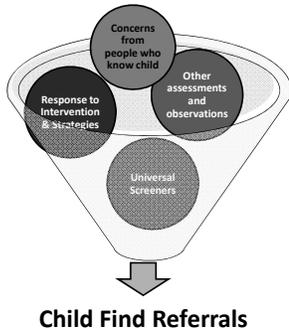
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## Child Find and RtI: Connecting the Dots



**Child Find Referrals**

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## Child Find and RtI: Important Reminders

- While a robust RtI process that provides universal support and tiered intervention and is a best practice, it cannot supplant evaluation requirements and timelines in IDEA.
- The Department of Education's Office of Special Education Programs (OSEP) issued a memorandum in 2011 clarifying that RtI cannot be used to delay or deny an evaluation under IDEA.

<https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/osep11-07rtimemo.pdf>

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### Child Find and RtI: Important Reminders

- RtI and any other supports the child has should continue throughout the child find process and until the child has an implemented IEP.
- Current intervention efforts should continue for students who, after an evaluation, are determined not to be eligible for an IEP.

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### The Endrew F. Decision

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### Endrew F. Decision: Considerations for LEAs

- On March 22, 2017 the U.S. Supreme Court issued a unanimous opinion in *Endrew F. v. Douglas County School District Re-1*, 137 S. Ct. 988 which interpreted the scope of the free appropriate public education (FAPE) requirements in the Individuals with Disabilities Education Act (IDEA).
- The Court overturned the Tenth Circuit’s decision that Endrew, a child with autism, was only entitled to an educational program that was calculated to provide “merely more than de minimis” educational benefit.

*(continued on next slide)*

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### Andrew F. Decision: Considerations for LEAs

- In rejecting the Tenth Circuit’s reasoning, the Supreme Court determined that, “[t]o meet its substantive obligation under the IDEA, a school must offer an IEP [individualized education program] that is reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances.” The Court additionally emphasized the requirement that “every child should have the chance to meet challenging objectives.”
- OSEP issued [FAQs](#) regarding the decision and considerations for practice:

<https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/ga-andrewcase-12-07-2017.pdf>

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### Strengthening the Child Find Process at Your LEA

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### Revisiting LEA Responsibilities

LEAs must:

- Develop written LEA policy and procedures
- Provide professional development annually to all staff
- Engage in public/parent awareness activities (as appropriate)
- Conduct school wide screenings
- Ensure appropriate and timely referrals for evaluation
- Maintain and report accurate data, and use it to inform training needs
- Coordinate with other agencies (as appropriate)

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## LEA Self-Assessment

### Activity:

- In your LEA team, review the list of LEA responsibilities to assess how well you are currently implementing each requirement
- Identify the areas where you could use **the most support** thinking through strategies and next steps with peers

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## Q&A

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## World Café Activity

- Critical questions for the following areas are available for further brainstorming:
  - **Screening**
  - **Evaluation procedures**
  - **Public/parent awareness (as appropriate)**
  - **Training**
- LEA team members will each choose one of the areas to discuss with peers
- Strategies and best practices will be identified and noted on chart paper by discussion participants
- We will do a gallery walk to get a picture of the conversations!

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### World Café Table Top: Screening

“Effective Child Find activities rely on knowing the population of children who may be eligible for special education and related services, and using effective measures to reach out to those populations.” Leigh M. Manasevit et al. (2008). *IDEA: New Expectations for Schools and Students*. Washington, DC: Thompson Publishing Group, Inc.

- What are some effective ways your LEA screens for suspicion of disability? What data do you use? How do you facilitate regular reviews?
- Reviewing the requirements related to inclusion of target populations, are there certain steps you may need to take to include specific groups?

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### World Café Tabletop: Training

• A significant component of ensuring that staff are aware of obligations outlined in your LEA’s policy is to ensure regular and meaningful professional development.

- What are some effective ways your LEA can ensure that this professional development occurs?
- How can you effectively measure understanding related to these obligations?
- What tools or resources can be provided to facilitate ongoing learning?
- What student level outcome data are meaningful that show evidence of understanding?

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### World Café Table Top: Public Awareness

• Ensuring that your LEA’s parents and other education partners, including outside agencies, are aware of child find obligations and procedures is critical.

- What are some effective ways your LEA can ensure that parents and partners are made aware?
- How are you making sure that the information is accessible and understandable for all families?
- Brainstorm strategies related to parent, staff, and partner handbooks, communications, annual events where you can embed child find information and make it accessible
- What challenges do you face?

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## World Café Table Top: Evaluations

- Ensuring timely evaluations requires creating a system to manage and track procedures that runs like a well-oiled machine.
  - How does your LEA ensure that roles and responsibilities are clear for staff?
  - What are some effective tools your LEA can use to manage multiple timelines?
  - What data are you using internally during the year to gauge effectiveness and proactively identify challenges?
  - What changes do you need to make to be prepared for the new timeline?
  - What challenges do you face?

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## Resource Review

- Turnkey Presentation Materials
- LEA Child Find Guidance and Model Child Find Policy
- OSEP Endrew F. FAQ
- Parent Special Education Brochure
- Referral and Initial Evaluation At A Glance

All training resources can be found here:  
<https://osse.dc.gov/page/child-find-and-initial-evaluation-resources>.

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## Contacts

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