

## **Explanation of Child Find and Dexter Consolidated Schools Requirements**

A free appropriate public education (FAPE) must be available to all children with disabilities residing in the Dexter Consolidated Schools between the ages of 3 and 21, including children with disabilities who have been suspended or expelled from school. (34 C.F.R. § 300.101(a))

The process of identifying, locating, and evaluating these children is referred to as child find. In order to comply with the child find requirements, Dexter Consolidated Schools shall have procedures in place to ensure that all children with disabilities within its jurisdiction/geographical boundaries, including children with disabilities who are homeless 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. (34 CFR § 300.111(a))

The obligation to make FAPE available to each eligible child residing in the Dexter Consolidated Schools begins no later than the child's third birthday. Dexter Consolidated Schools shall have procedures to ensure that an IEP or an IFSP is in effect by that date. If a child's third birthday occurs during the summer, the child's IEP Team shall determine the date when services under the IEP or IFSP will begin. (34 C.F.R. § 300.101(b))

In compliance with child find provisions of the IDEA and New Mexico Administrative Code, Dexter Consolidated Schools also shall, within its jurisdiction/geographical boundaries, identify, locate, and evaluate:

- 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;
- Highly mobile children, including migrant children; and
- Children who are suspected of being developmentally delayed.
  - Federal regulation requires states to define 'developmentally delayed'
  - The New Mexico Public Education Department has adopted a definition of development delay in accordance with 34 CFR §300.8(b)
  - The New Mexico Public Education Department does not require Dexter Consolidated Schools to adopt and use the term developmentally delayed for any children within its geographical boundaries; however,
  - Dexter Consolidated Schools conforms to the definition and age range adopted by the New Mexico Public Education Department. Please refer to the Definitions section of this procedural directive for the definition of developmentally delayed.

(34 CFR §300.8(b), 34 CFR § 300.111(c); 6.31.2.12(F) NMAC)

The Dexter Consolidated Schools child find duty includes locating, identifying, and evaluating all children with disabilities who are enrolled by their parents in private, including religious, elementary schools and secondary schools located within the geographical boundaries of the Dexter Consolidated Schools, even though these children may not reside within the geographical boundaries of the Dexter Consolidated Schools. (34 C.F.R. § 300.131(a))

## **Child Find Referrals and Activities**

Dexter Consolidated Schools shall accept referrals, as per child find provisions, from any source that suspects a child may be eligible for special education and related services. (71 Fed. Reg. 46636 (August 14, 2006))

Student intervention system (e.g., SAT, RtI, PBS):

- Dexter Consolidated Schools shall follow a three-tier model of student intervention as a proactive system for early intervention for students who demonstrate a need for educational support for learning or behavior. (6.29.1.9(D) NMAC)
- In tier 1, the Dexter Consolidated Schools shall ensure that adequate universal screening in the areas of general health and well-being, language proficiency status, and academic levels of proficiency has been completed for each student enrolled. If, through universal screening, a referral from a parent, a school staff member, or other information available to a school or district suggests that a particular student needs educational support for learning or behavior, then the student shall be referred to the SAT for consideration of interventions at the tier 2 level. (6.29.1.9(D)(1) NMAC)
- In tier 2, a properly-constituted SAT at each school, which includes the student's parents and the student (as appropriate), shall conduct the student study process and consider, implement, and document the effectiveness of appropriate research-based interventions utilizing curriculum-based measures. (6.29.1.9(D)(2) NMAC)
- In addition, the SAT shall address culture and acculturation, socioeconomic status, possible lack of appropriate instruction in reading or math, teaching and learning styles, and instructional delivery mechanisms in order to rule out other possible causes of the student's educational difficulties. (6.29.1.9(D)(2) NMAC).
- When it is determined that a student has an obvious disability or a serious and urgent problem, the SAT shall address the student's needs promptly on an individualized basis, which may include a referral for a multi-disciplinary evaluation to determine possible eligibility for special education and related services. (6.29.1.9(D)(2) NMAC)
- In tier 3, a student has been identified as a student with a disability and deemed eligible for special education and related services, and an IEP is developed by a properly constituted team. (6.29.1.9(D)(3) NMAC)

The Public Education Department's manual, The Student Assistance Team and the Three-Tier Model of Student Intervention, shall be the guiding document for schools to use in implementing the student intervention system. (6.29.1.9(D)(4) NMAC)

Dexter Consolidated Schools shall train their school administrators and teachers who teach reading to implement appropriate research-based reading interventions prior to referring the student for a special education evaluation. (6.31.2.9(B)(8)(b) NMAC)

A parent may request an initial special education evaluation at any time during the Dexter Consolidated Schools' implementation of tiers 1 and 2 (SAT process) of the three-tier model of student intervention. If the public agency agrees with the parent that the child may be a child who is eligible for special education services, the public agency must evaluate the child. If the public agency declines the parent's request for an evaluation, the public agency must issue prior written notice in accordance with 34 CFR Sec. 300.503. The parent can challenge this decision by requesting a due process hearing. (6.31.2.10(C)(1)(d) NMAC and 6.31.2.10((D)(1)(c)(iv) NMAC)

Dexter Consolidated Schools' child find activities include a screening process to determine whether the child should be referred for a full evaluation to determine eligibility for special education and related services. (71 Fed. Reg. 46636 (August 14, 2006))

Dexter Consolidated Schools also provides screenings and evaluations to preschool-aged children between three to five years of age who may have a delay in one or more of the following areas:

cognition, hearing, speech, language, self-help motor skills, social-emotional and/or vision. Any parent/guardian who may have concerns regarding their child's development may call (575) 734-5420 ext. 354 to schedule an appointment for screening. If a child fails the screening in one or more areas, the Child Find Team will schedule a full evaluation.

### **Child Find Activities Following Revocation of Consent**

Children who have previously received special education and related services and whose parents subsequently revoked consent shall not be treated any differently in the child find process than any other child, including a child who was determined eligible and whose parent refused to provide initial consent for services. (73 Fed. 73012 (December 1, 2008))