

CHILD FIND DUTY

Authorities: 42 USC. §11434a; 34 CFR Part 300; Texas Education Code; Texas Government Code; 19 TAC Chapter 89

	Additional Resources
	FEDERAL AND STATE REQUIREMENTS
Practice	<p>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.</p> <p>Citations: 300.111(a)(1)(i)</p>
Practice	<p><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.</p> <p>Citations: 300.39(a)(1)</p>
Practice	<p><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:</p> <p>Citations: 300.39(b)(3)</p>
Practice	<ul style="list-style-type: none">To address the unique needs of the child that result from the child's disability; and <p>Citations: 300.39(b)(3)(i)</p>
Practice	<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. <p>Citations: 300.39(b)(3)(ii)</p>
Practice	<p><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.</p> <p>Citations: 300.34(a)</p>

FEDERAL AND STATE REQUIREMENTS	
<u>Practice</u>	<p><i>Child with a disability</i> means a child who was evaluated according to the <u>EVALUATION</u> frameworks and determined by an <u>ADMISSION, REVIEW, AND DISMISSAL COMMITTEE</u> to have an intellectual disability, 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, multiple disabilities, or who is deaf or hard of hearing, and who, by reason thereof, needs special education and related services.</p> <p>Citations: <u>300.8(a)(1)</u> <u>TGC 392.002</u></p>
<u>Practice</u>	<p>In addition to students enrolled in the public schools, the child find duty extends to:</p> <p>Citations: <u>300.111(a)(1)(i)</u></p>
<u>Practice</u>	<ul style="list-style-type: none"> • Children with disabilities who are homeless or are wards of the state; and <p>Citations: <u>300.111(a)(1)(i)</u> <u>300.19</u> <u>42 USC 11434a</u></p>
<u>Practice</u>	<ul style="list-style-type: none"> • Children with disabilities who are attending private schools. <p>Citations: <u>300.111(a)(1)(i)</u></p>
<u>Practice</u>	<p>The LEA in which the private school is located must comply with the <u>CHILD FIND FOR CHILDREN WITH DISABILITIES PARENTALLY-PLACED IN PRIVATE SCHOOLS</u> requirements.</p> <p>Citations: <u>300.131</u></p>
<u>Practice</u>	<p>The LEA must comply with the state's policies and procedures designed to prevent the inappropriate overidentification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment.</p> <p>Citations: <u>300.173</u></p>

FEDERAL AND STATE REQUIREMENTS	
<u>Document</u>	<p>Prior to <u>REFERRAL FOR POSSIBLE SPECIAL EDUCATION SERVICES</u>, the student should be considered for all support services available to all students such as:</p> <p>Citations: <u>89.1011(a)</u></p>
<u>Practice</u>	<ul style="list-style-type: none"> • Tutorial; <p>Citations: <u>89.1011(a)</u></p>
<u>Practice</u>	<ul style="list-style-type: none"> • Remedial; <p>Citations: <u>89.1011(a)</u></p>
<u>Practice</u>	<ul style="list-style-type: none"> • Compensatory; <p>Citations: <u>89.1011(a)</u></p>
<u>Practice</u>	<ul style="list-style-type: none"> • Response to evidence-based intervention; and <p>Citations: <u>89.1011(a)</u></p>
<u>Practice</u>	<ul style="list-style-type: none"> • Other academic or behavior support services. <p>Citations: <u>89.1011(a)</u></p>
<u>Practice</u>	<p><i>Intervention strategy</i> means a strategy in a multi-tiered system of supports that is above the level of intervention generally used in that system with all children. The term includes response to intervention and other early intervening strategies.</p> <p>Citations: <u>TEC 26.004(a)</u></p>
RIGHT TO INFORMATION	
<u>Document</u>	<p>Each school year, the LEA must notify the parent of every non-special education child who receives assistance from the district for learning difficulties, including the use of intervention strategies about such assistance. The notice must:</p> <p>Citations: <u>TEC 26.0081(d)</u></p>
<u>Practice</u>	<ul style="list-style-type: none"> • Be provided when the child begins to receive the assistance for that school year;

FEDERAL AND STATE REQUIREMENTS	
	<p>Citations: TEC 26.0081(d)(1)</p>
Document	<ul style="list-style-type: none"> • Be written in English or, to the extent practicable, the parent's native language; and include: <p>Citations: TEC 26.0081(d)(2)</p>
Document	<ul style="list-style-type: none"> ○ A reasonable description of the assistance that may be provided to the child, including any intervention strategies that may be used; <p>Citations: TEC 26.0081(d)(3)(A)</p>
Document	<ul style="list-style-type: none"> ○ Information collected regarding any intervention in the base tier of a multi-tiered system of supports that has previously been used with the child; <p>Citations: TEC 26.0081(d)(3)(B)</p>
Document	<ul style="list-style-type: none"> ○ An estimate of the duration for which the assistance, including through the use of intervention strategies, will be provided; <p>Citations: TEC 26.0081(d)(3)(C)</p>
Document	<ul style="list-style-type: none"> ○ The estimated time frames within which a report on the child's progress with the assistance, including any intervention strategies used, will be provided to the parent; and <p>Citations: TEC 26.0081(d)(3)(D)</p>
Document	<ul style="list-style-type: none"> ○ A copy of the Texas Education Agency (TEA) explanation of the options and requirements for providing assistance to students who have learning difficulties or who need or may need special education. <p>Citations: TEC 26.0081(d)(3)(E) TEC 26.0081(c)</p>
Practice	<p>The notice described in this framework may be provided to the child's parent at a meeting of the team established for the child under Section 504 of the Rehabilitation Act of 1973, if applicable.</p> <p>Citations: TEC 26.0081(e)</p>
NOTICE OF RIGHTS	

FEDERAL AND STATE REQUIREMENTS	
Document	<p>The TEA will develop a notice for distribution and posting on the agency's website that indicates:</p> <p>Citations: TEC 29.023(a)</p>
Document	<ul style="list-style-type: none"> The change made from 2016 to 2017 in reporting requirements for school districts and open-enrollment charter schools regarding the special education representation indicator adopted in the Performance-Based Monitoring Analysis System Manual; and <p>Citations: TEC 29.023(a)(1)</p>
Document	<ul style="list-style-type: none"> In plain language, the rights of a child under both federal and state law and the general process available to initiate a referral of a child for a full individual and initial evaluation to determine the child's eligibility for special education services. <p>Citations: TEC 29.023(a)(2) TEC 29.004</p>
Document	<p>The LEA must include in the notice developed by the TEA information indicating where the local processes and procedures for initiating a referral for special education services eligibility evaluation may be found.</p> <p>Citations: TEC 29.023(b)</p>
Document	<p>The LEA must provide the notice to the parent of each child who attends school in the LEA or at the LEA at any time during the 2019-20 school year.</p> <p>Citations: TEC 29.023(c)</p>
Practice	<p>The LEA must also make the notice available on request to any person.</p> <p>Citations: TEC 29.023(c)</p>
Practice	<p>The notice must be available in English and Spanish, and the LEA must make a good faith effort to provide the notice in the parent's native language if the parent's native language is a language other than English or Spanish.</p> <p>Citations: TEC 29.023(c)</p>
<u>NOTICES UPON DAEP PLACEMENT AND RELEASE</u>	

FEDERAL AND STATE REQUIREMENTS	
<u>Practice</u>	<p><u>On the placement of a child in a disciplinary alternative education, the LEA will provide information to the child's parent or person standing in parental relation to the child regarding the process for requesting a full individual and initial evaluation (FIE).</u></p> <p><u>Citations:</u> <u>TEC 37.006(p)</u></p>
<u>Practice</u>	<p><u>Not later than five instructional days after the date of a child's release from an alternative education program, the campus administrator will coordinate the child's transition to a regular classroom. The coordination will include a personalized transition plan for the child, developed by the campus administrator that includes the provision of information to the child's parent or a person standing in parental relation to the child regarding the process to request a FIE of the student for purposes of special education services.</u></p> <p><u>Citations:</u> <u>TEC 37.023(c)</u> <u>TEC 37.023(d)(1)(B)</u></p>

Last Updated: Thu, Jan 16, 2020