

160-4-7-.03 CHILD FIND PROCEDURES.

(1) GENERAL

(a) Each LEA must have in effect policies and procedures to ensure that all suspected children with disabilities, including those who are homeless, are wards of the State or are 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 C.F.R. § 300.111]

(b) Each LEA shall ensure that before conducting any significant activity that is designed to identify, locate or evaluate children, annual notice must be published or announced in newspapers or other media, or both, to notify parents of this activity. [34 C.F.R. § 300.612 (b)]

(c) These policies and procedures shall provide for the screening and evaluation of all children with suspected disabilities birth through age 21 to include:

1. Children birth through age three. An LEA may fulfill its child find responsibility through referral to the Babies Can't Wait early intervention program operated by the Department of Community Health.

2. Preschool children, ages 3-5, not yet eligible for state-funded kindergarten.

3. Children enrolled in the LEA schools including public charter schools.

(i) Children who are suspected of being children with disabilities and in need of special education, even though they are progressing from grade to grade. [34 C.F.R. § 300.111(c)(1)]

(ii) Highly mobile children, including migrant children. [34 C.F.R. § 300.111(c)(2)]

4. Children who are detained or incarcerated in city/county operated jails or correctional facilities.

5. Children who reside in the LEA and are enrolled in home school/study programs.

6. Parentally-placed private school children. [34 C.F.R. § 300.131(a)]

(i) Children enrolled by their parents in private, including religious, elementary and secondary schools located in the LEA's jurisdiction. [34 C.F.R. § 300.130]

(d) 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 (a)(ii)]

1. Each LEA shall submit to the Georgia Department of Education (GaDOE), in an electronic format specified by GaDOE, data requested by the GaDOE on all children ages three through twenty-one who have been found eligible for special education and related services.

2. All data shall be accurate and timely. [34 C.F.R. § 300.645]

(2) INTERVENTIONS PRIOR TO REFERRAL.

(a) The screening of children by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services. [34 C.F.R. § 300.302]

(b) Prior to referring a student for consideration for eligibility for special education and related services, a student must have received scientific, research or evidence based interventions selected to correct or reduce the academic, social or behavioral problem(s) the student is having.

1. Student referrals must be accompanied by documentation of scientific, research or evidence based academic and/or behavioral interventions that have been implemented as designed for the appropriate period of time to show effect or lack of effect that demonstrates the child is not making sufficient rate of progress to meet age or State-approved grade-level standards within a reasonable time frame.

2. Exceptions may be made in circumstances where immediate evaluation and/or placement is required due to a significant disability that precludes access to instruction.

3. The exception noted in (2)(b)2 should be an infrequent and rare occurrence, and the circumstances evidencing the need for the LEA's use of the exception must be clearly documented in the eligibility decision.

(3) This rule shall become effective.

Authority O.C.G.A. § 20-2-152; 20-2-240.

Adopted:

Effective: