



Guide to Child Find and Special Education Procedures



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Introduction

The guide is designed to give you, as the parent of a child who is or may be eligible for special education services, a better understanding of the special education process and of your procedural rights and responsibilities so that you will be able to fully participate in the decision-making process regarding your child's education.

The *Individuals with Disabilities Education Act* of 2004 (**IDEA**) is the federal law that governs the special education process. One of the main purposes of IDEA is to ensure that children with disabilities have available to them a *free appropriate public education* (**FAPE**) that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living. *Special education* means specially designed instruction to meet the unique needs of a child with a disability. *Related services* are special services needed to support students' special education services so they can make progress to meet their academic and functional goals. Related services can include services such as occupational therapy, physical therapy, speech-language therapy, counseling services, orientation and mobility services, and/or transportation services.

Under IDEA, parents are given a large level of participation at every stage of the special education process. This guide describes various activities that may take place during that process. To help you further understand your legal rights under IDEA, the school is required to give you a copy of a document called the *Notice of Procedural Safeguards* at certain times in the special education process. The document must be provided to you at least once a year and when any of the following circumstances occur:

- upon referral or your request for an initial evaluation of your child;
- upon receipt of the first state complaint in a school year;
- upon receipt of the first request for a due process hearing in a school year;
- on the day a decision is made to make a disciplinary change of placement; and
- upon your request.

In Arizona, a child's eligibility for special education services and most of the major decisions about a child's special education program are made by The Multidisciplinary Evaluation Team. Part of the evaluation and re-evaluation process to determine eligibility for special education services. You may also hear this group referred to as an *individualized education program* (**IEP**) team, which is the term used in federal law. If an MET committee is formed for your child, you will be a member of that committee. This guide will be updated periodically as changes to the federal and state special education requirements occur.

CHILD FIND/SPECIAL EDUCATION PROCESS

Child find is a component of the Individuals with Disabilities Education Act (IDEA '04) that requires PEAs to locate, identify, and evaluate all children with disabilities, aged birth through 21, located within their geographical boundaries who are in need of early intervention or special education services.

Child find applies to children who are:

- Suspected of having a disability even though they are advancing from grade to grade
- Highly mobile, such as migrant and homeless
- Wards of the state
- Private school students
- Homeschool students

Note: Charter schools identify, locate, and evaluate all children with disabilities within their population served who are in need of special education and related services.

azfind@azed.gov

Help for the School-Aged Child

If you have concerns about your school-aged child's learning or behavior, the first step is to talk to your child's teacher or the school principal about your concerns. If this step is unsuccessful, you should ask school personnel about making a referral to the campus-based student support team, which is a team of teachers, and other personnel who meet regularly to address any learning or behavioral concerns that children are having.

Before a child who is experiencing difficulty in the general education classroom is referred for a special education evaluation, the child should be considered for all support services available to all children. These services may include, but are not limited to: tutoring; remedial services; compensatory services; response to scientific, research-based intervention; and other academic or behavior support services.

Response to Intervention

Federal law directs schools to focus on helping all children learn by addressing problems early. *Response to Intervention (RtI)* is an approach that many schools use for identifying and helping children who are at risk for not meeting grade-level standards. The basic elements of an RtI approach are: the provision of scientific, research-based instruction and interventions in the general education classroom; monitoring and measurement of the child's progress in response to the interventions; and use of these measures of progress to make educational decisions.

The RtI approach includes a multi-leveled system of interventions in which each level or tier represents an increasingly intense level of services. Interventions provided to a child will be continually adjusted based on progress monitoring until the child is progressing adequately. Children, who do not respond to the initial interventions within a reasonable period of time, as suggested by research, are referred for more intensive interventions.

A child does not need to advance through each tier of the RtI system before a referral for special education is made. Once it is apparent that general education interventions are not sufficient, school personnel should suspect that the child has a disability and should initiate a referral. Parents can also request a referral at any time regardless of whether the child is receiving interventions through an RtI system.

One benefit of an RtI approach is that it enables children to receive help promptly within the general education setting. In addition, an RtI approach may potentially reduce the number of children referred for special education services because it helps to differentiate between children whose achievement problems are due to issues such as a lack of prior instruction from children whose problems are due to a learning disability..

Referral for an Initial Evaluation

A school has a duty to make a referral for an initial evaluation for special education services any time it suspects that a child has a disability and a need for special education services under IDEA. You may also initiate a referral for an initial evaluation of your child at any time.

If you make a written request to a local educational agency's director of special education services or to a district administrative employee for an initial evaluation for special education services, the school must, not later than the 15th school day after the date the school receives the request, either give you: 1) prior written notice of its proposal to conduct an evaluation, a copy of the Notice of Procedural Safeguards, and the opportunity to give written consent for the evaluation; or 2) prior written notice of its refusal to evaluate your child and a copy of the Notice of Procedural Safeguards.

Prior Written Notice

One of your rights under IDEA is to receive *prior written notice* about certain actions concerning your child before the school actually takes the action. Specifically, a school must give you prior written notice when it:

- proposes to initiate or change the identification, evaluation, educational program, or educational placement of your child or the provision of a FAPE to your child (including a change prompted by your revocation of consent for the continued provision of special education and related services); or
- refuses to initiate or change the identification, evaluation, educational program, or educational placement of your child or the provision of a FAPE to your child.

Prior written notice must be given at least five school days in advance of the actions that the school proposes or refuses to take, unless you agree to a shorter timeframe. The school must provide the prior written notice regardless of whether you agreed to or requested the change.

Parental Consent

There are certain activities in the special education process that cannot take place unless the school obtains your consent. The school must fully inform you of all the information needed to be able to make a good decision, including a description of the proposed activity. The information must be in your native language or other mode of communication. If there

are records to be released, the school must list the records and to whom they will be released.

When you give consent, it means that you understand and agree in writing for the school to carry out the activity for which consent is sought. It is important that you understand that the consent is voluntary and may be revoked at any time before the activity taking place. However, if you revoke consent for an activity, it is not retroactive.

The following are examples of activities that require your consent:

- evaluating your child for the first time;
- reevaluating your child if more information is needed;
- providing special education and related services for the first time;
- excusing an ARD committee member from attending an MET committee meeting; and
- inviting a representative of any participating agency that is likely to be responsible for providing or paying for secondary transition services.

Initial Evaluation

If you give your consent for an initial evaluation, the school will conduct an evaluation of your child in all areas of suspected disability to determine if your child has a disability and to determine his or her educational needs. The evaluation process for your child must:

- include information about your child's academic, developmental and functional performance;
- be administered by trained and knowledgeable personnel;
- be administered in your child's native language or other mode of communication; and
- be unbiased, or given in such a way so as not to discriminate against your child, regardless of his or her cultural background, race, or disability.

The initial evaluation and the resulting report must be completed no later than 45 school days from the day the school receives your written consent, except that if your child has been absent from school during the evaluation period on three or more school days, the evaluation period must be extended by a number of school days equal to the number of school days that your child has been absent. The school must give you a copy of the evaluation report at no cost.

If your child is under five years of age by September 1 of the school year and not enrolled in public school, or is enrolled in a private or home school setting regardless of age, the initial evaluation and the resulting report must be completed no later than 45 school days from the day the school receives your written consent.

There is an exception to the 45 school day timeline if the school receives your consent for the initial evaluation at least 35 but less than 45 school days before the last instructional day of the school year. In this case, the written report must be completed and provided to you by June 30 of that year. However, if your child is absent from school on three or more days during the evaluation period, the June 30th due date no longer applies. Instead, the general timeline of 45 school days plus extensions for absences of three or more days will apply. A timeline is available on the last page of this document.

If you do not consent to the initial evaluation, the school may, but is not required to, pursue the evaluation by asking for mediation or requesting a due process hearing. If the school decides not to pursue the evaluation, the school does not violate the requirement under

IDEA to identify, locate, and evaluate all children with disabilities who are in need of special education and related services. This requirement is referred to as the *child find duty*.

Multidisciplinary Evaluation Team Meetings

After the initial evaluation report is completed, an MET committee must be formed to review the report and determine whether your child is eligible for special education and related services. The MET committee members include the following:

- you, the parent;
- at least one regular education teacher of the child;
- at least one special education teacher or provider of the child;
- a representative of the school;
- a person who can interpret the instructional implications of the evaluation results;
- other individuals who have knowledge or special expertise regarding the child and are invited by either you or the school;
- whenever appropriate, the child;
- to the extent appropriate, with your written consent or with the written consent of the adult student, a representative of any participating agency that is likely to be responsible for providing or paying for transition services;
- a representative from career and technical education, preferably the teacher, if the child is being considered for initial or continued placement in career or technical education; and
- a professional staff member who is on the language proficiency assessment committee, if the child is identified as an English language learner.

The MET committee also includes, as applicable:

- a teacher who is certified in the education of students with auditory impairments, if the child has a suspected or documented auditory impairment;
- a teacher who is certified in the education of students with visual impairments, if the child has a suspected or documented visual impairment; or
- a teacher who is certified in the education of students with visual impairments and a teacher who is certified in the education of students with auditory impairments, if the child has suspected or documented deaf-blindness.

The school must invite you to each MET committee meeting for your child and make efforts to ensure one or both parents' participation. Written notice of the meeting must be given to you at least five school days before the meeting, unless you agree to a shorter timeframe. The written notice must include the purpose, time, location of the meeting, and a list of who will be attending the meeting.

The MET committee meeting must be at a time and place agreeable to you and the school. If the time or date the school proposes is not convenient for you, the school must make reasonable efforts to find a time that you are able to meet. If neither parent can attend the meeting, you may participate through alternative means such as through telephone or videoconferencing. If the school is unable to convince you to attend, then the school can conduct the meeting without you.

An MET committee member may be excused from attending part or all of an MET committee meeting when the person's attendance is not necessary because the person's area of the curriculum or related service is not being modified or discussed in the meeting. You must agree in writing to the excusal.

A member of the MET committee may also be excused from attending an MET committee meeting when the meeting involves a modification to, or discussion of, the member's area of curriculum or related service if you and the school consent to the excusal in writing and the person being excused submits written input into the development of the IEP before the meeting.

Eligibility

There is a two-part test for determining whether your child is eligible for special education and related services: (1) your child must have a disability; and (2) as a result of the disability, your child must need special education and related services to benefit from education. To meet the first part of the two-part test for eligibility, a child between the ages of 3 through 21, except as noted, must meet the criteria for one or more of the disability categories listed below:

- auditory impairment (from birth);
- autism;
- deaf-blindness (from birth);
- emotional disturbance;
- intellectual disability;
- multiple disabilities;
- noncategorical early childhood (ages three through five);
- orthopedic impairment;
- other health impairment;
- specific learning disability;
- speech or language impairment;
- traumatic brain injury; or
- visual impairment (including blindness from birth).

The MET committee must make the eligibility determination within 30 calendar days from the date of completion of the initial evaluation report. If the 30th day falls during the summer and school is not in session, the MET committee has until the first day of classes in the fall to finalize decisions concerning the initial eligibility determination, the IEP, and placement; unless the initial evaluation indicates that the child will need *extended school year* (**ESY**) services during that summer.

If, however, the school received your consent for an initial evaluation at least 35 but less than 45 school days before the last instructional day of the school year and your child was not absent three or more days between the time you provided consent and the last instructional day (i.e., the conditions are met for receiving the evaluation report by June 30th), the MET committee must meet not later than the 15th school day of the next school year to consider the evaluation report, unless the evaluation indicates that your child will need ESY services during that summer. If the evaluation indicates that your child needs summer ESY services, the MET committee must meet as expeditiously as possible to consider the child's evaluation.

Not all struggling learners are eligible for special education services. If your child's problems are primarily from a lack of appropriate instruction in reading or math or due to the fact that your child has limited English proficiency, your child is not eligible for special education services. If the evaluation reflects that your child does not have a disability, the campus-based support team may meet and recommend other services or programs in general education to help your child.

If the evaluation shows that your child has a disability, the MET committee must then address the second part of the two-part eligibility test by deciding whether your child needs special education and related services to benefit from education. If your child does not have an educational need for special education services, he or she is not eligible for any such services.

Individualized Education Program

If your child qualifies for special education services, the school is required to provide a FAPE in the least restrictive environment. This is accomplished through the MET committee's development of an IEP and the school's implementation of the IEP. Before the school can provide any initial special education and related services; however, it must obtain your consent for services. The school must make reasonable efforts to obtain your consent for the initial provision of services. If you do not consent to the initial provision of services, the school may not ask for mediation or request a due process hearing to override your refusal to consent to services. No special education and related services will be provided if you refuse consent.

The major components of the IEP include:

- your child's *present levels of academic achievement and functional performance* (**PLAAFP**);
- annual goals;
- a description of the special education, related services, and supplementary aids and services that will be provided;
- information regarding how your child will participate in state and districtwide assessments;
- transition services, when age-appropriate; and
- other areas that must be addressed for children with certain disabilities, needs, or circumstances.

In developing the IEP, there are several things the MET committee must consider, including:

- the strengths of your child;
- your concerns for enhancing the education of your child;
- the results of the most recent evaluation of your child; and
- the academic, developmental, and functional needs of your child.

In addition, the MET committee must address special factors for some children, as follows:

- consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior when a child's behavior impedes learning;
- consider the language needs of the child as those needs relate to the child's IEP when the child qualifies as a child with limited English proficiency;
- provide for instruction in braille and the use of braille, unless the committee determines that instruction in braille or the use of braille is not appropriate for the child when the child is blind or visually impaired;

- consider the communication needs of the child, and for the child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode; and
- consider whether the child needs assistive technology devices and services.

Present Levels of Academic Achievement and Functional Performance

The IEP must contain a statement of your child's PLAAFP. This statement must include how the disability affects involvement and progress in the general curriculum. If your child is a preschool child, the statement must explain how the disability affects participation in age-appropriate activities.

Annual Goals

The IEP must contain measurable annual goals designed to meet your child's needs resulting from the disability so that he or she can be involved and progress in the general curriculum. These goals must also address other educational needs that result from your child's disability. The IEP must describe how your child's progress toward the annual goals will be measured as well as when the progress reports will be provided to you.

Special Education, Related Services, and Supplementary Aids and Services

The MET committee decides what services are needed to:

- enable the child to advance appropriately toward attaining the annual goals;
- be involved and make progress in the general curriculum (including participation in extracurricular and nonacademic activities); and
- be educated and participate with children without disabilities.

The IEP must include a statement of needed special education, related services, and supplementary aids and services to be provided to your child or on behalf of your child. These services must be based on peer-reviewed research to the extent practicable.

Additionally, the IEP must contain a statement of any needed program modifications and supports for school personnel that will be provided. The IEP must also include the projected date for the beginning of the services and modifications and the anticipated frequency, location, and duration of the services and modifications.

State Assessments

Under federal law, state assessments must be given to all children to determine whether schools have been successful in teaching children the state academic content standards. Children who receive special education services will take the appropriate state assessments which are based on grade-level content.

If the MET committee determines that accommodations are necessary for your child to participate in assessments, the IEP must contain a statement of the appropriate accommodations.