Part B Child Find Protocol

## OVERVIEW

This protocol is intended to aid OSEP’s State level monitoring on child find and related requirements[[1]](#footnote-2) as part of its Differentiated Monitoring and Support (DMS) Engagement activities. In 2016, OSEP began providing differentiated monitoring and support (DMS) to States as part of its Results Driven Accountability (RDA) system under Parts B and C of the Individuals with Disabilities Education Act (IDEA). Under RDA, OSEP made a shift from monitoring based solely on compliance with IDEA requirements to monitoring and support focused on both compliance and improving results for infants, toddlers, and children with disabilities referred to and/or served under the IDEA (collectively referred to as children with disabilities). Beginning in Federal fiscal year (FFY) 2021, Part B and Part C programs in States are being monitored by OSEP in a cyclical monitoring process. OSEP will monitor all States[[2]](#footnote-3) on their general supervision systems. OSEP will continue to provide support and technical assistance that is differentiated based on each State’s unique strengths, challenges, and needs. The Part B 619 Child Find Self-Assessment, a voluntary tool that can be used by State educational agencies (SEAs) and local educational agencies (LEAs),[[3]](#footnote-4) can be found on the Early Childhood Technical Assistance Center website: ﷟<https://ectacenter.org/topics/earlyid/tools.asp>.

## IMPLEMENTATION

OSEP’s monitoring of each State will be conducted in three (3) phases:

1. **Discovery (5 months prior to Engagement):**The OSEP monitoring team will provide a document request to the State 5 months prior to the Engagement monitoring activities. During this time the monitoring teams will meet with the State for one or two calls to better understand the State structure and organization. In addition, OSEP will conduct Stakeholder and local component calls and meetings prior to the onsite/virtual Engagement activities with the State.
2. **Engagement (1-month of monitoring Engagement through issuance of the DMS Monitoring Report):**
OSEP will develop an agenda for the on-site/virtual visit focusing on the policies, procedures and implementation of IDEA through interviews and conversations with the State using our posted protocols.[[4]](#footnote-5)
3. **Close-out (up to one year after the issuance of the DMS Monitoring Report):**In the year following the on-site visit, the OSEP State Lead will work with the State to ensure correction of any remaining outstanding findings, provide technical assistance, and support, and discuss progress in improving identified results areas.

## SCOPE

OSEP’s monitoring will focus on reviewing policies and procedures, for conducting child find for selected Part B States in a given Cohort, using criteria outlined in this discussion guide. OSEP will identify specific Part B States for additional engagement and discussion related to child find, based upon review of existing State Performance Plan/Annual Performance Report (SPP/APR) and Section 618 data, as well as information gained through interviews with State staff during the Discovery phase.

## MONITORING OBJECTIVES

This protocol includes objectives that are tied to IDEA’s child find and related requirements, and to assist SEAs and LEAs in ensuring that children with disabilities in need of special education and related services are identified, located, and evaluated. OSEP will use this protocol to review States’ implementation of the child find requirements by assessing their policies, procedures, and evidence of implementation for compliance with IDEA.

Specific objectives will include but are not limited to:

1. Review of the child find and related requirements under IDEA to ensure compliance;
2. Discuss the State’s policies, procedures, and practices related to child findand related requirements;
3. Identify gaps between the IDEA requirements and the State’s policies, procedures, and practices related to child findand related requirements;
4. Explore data and equity trends that relate to the child find requirements in IDEA which may provide insight to promote further equity in the implementation of IDEA in the State; and
5. Identify best practices across States.

## CONSIDERATIONS IN SELECTING STATES

OSEP will use the following criteria to consider which States or local programs (if any) will be selected for staff interviews to discuss Part B child find, including but not limited to:

* Discovery Phase document reviews, SPP/APR data analysis, and IDEA Grant Application reviews that have demonstrated a concern with policies and procedures being in place and or being implemented in accordance with IDEA.
* Analysis of the State’s SPP/APR data – such as whether there are any outliers in the State’s local performance data (e.g., high or low, rural or urban) that may have impacted APR data, specifically Indicators B9, B10, B11, B12APR Determination of NA and/or NI for the last three years
* State or local issues related to child find raised in the media
* State or local special education issues related to child find raised by other agencies
* Specific Conditions on the State’s IDEA grant
* Customer Service calls to OSEP
* Evaluation of LEA size and breakdown of caseloads and number of children served
* Section 618 Data
	+ [Child Count and Educational Environments](https://data.ed.gov/dataset/idea-section-618-state-part-b-child-count-and-educational-environments/resources)
* Additional data points (e.g., [OSEP Fast Facts](https://sites.ed.gov/idea/osep-fast-facts/))
* Divergent child find rates in different geographic areas
* Geographic, economic, race, ethnicity, and other considerations to ensure equitable distribution across, and representation of, programs in the State
* Publicly available data collections:
	+ [Civil Rights Data Collection (ed.gov)](https://ocrdata.ed.gov/dataanalysistools/detailgraphsanddata/datasetbuilder)

# Background/Legal Requirements

## CHILD FIND

SEAs and LEAs are responsible for carrying out child find requirements for all children with disabilities residing in the State. Specifically, the State must have in effect policies and procedures to ensure that 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 a process is developed and implemented to determine which children are currently receiving needed special education and related services. [34 C.F.R. § 300.111](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-B/subject-group-ECFRf27988d69cd5d3a/section-300.111).

 The child find requirements also apply to:

highly mobile, including migrant, children with disabilities;

children suspected of being a child with a disability under 34 C.F.R. § 300.8 (including those suspected of having developmental delays as defined in [34 C.F.R. § 300.8(b)](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-A/subject-group-ECFR0ec59c730ac278e/section-300.8)) and in need of special education, even though they are advancing from grade to grade;

children with disabilities who have complex medical needs and who reside in nursing homes because of serious health problems;[[5]](#footnote-6)

children with disabilities in correctional facilities;[[6]](#footnote-7) and

children with disabilities enrolled in public charter schools.[[7]](#footnote-8)

## Child Find for Parentally-Placed Private School Children with Disabilities

The child find requirements also apply to parentally-placed private school children with disabilities, [34 C.F.R. § 300.130](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-B/subject-group-ECFR3556f7ac2fe0a92#300.130), which are children with disabilities enrolled by their parents in private schools, including religious, schools or facilities that meet the definition of elementary school in [34 C.F.R. § 300.13](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-A/subject-group-ECFR0ec59c730ac278e/section-300.13) or secondary school in [34 C.F.R. § 300.36](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-A/subject-group-ECFR0ec59c730ac278e/section-300.36), other than children with disabilities covered under [34 C.F.R. §§ 300.145 through 300.147](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-B/subject-group-ECFR8b9c471fc0cc1cf).

Whether home-schooled children with disabilities are considered parentally-placed private school children with disabilities is a matter left to State law. Children with disabilities in home schools or home day cares must be treated in the same way as other parentally-placed private school children with disabilities for purposes of Part B of IDEA only if the State recognizes home schools or home day cares as private elementary schools or secondary schools. [Federal Register / Vol. 71, No. 156 / Monday, August 14, 2006 / Rules and Regulations, 46594.](https://sites.ed.gov/idea/files/20060814-Part_B_regulations.pdf)

As it pertains to parentally-placed private school children with disabilities, the LEA where the private school is located is responsible for locating, identifying, and evaluating all children with disabilities who are enrolled by their parents in private, including religious, elementary schools, as defined in [34 C.F.R. § 300.13](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-A/subject-group-ECFR0ec59c730ac278e/section-300.13), and secondary schools, as defined in [34 C.F.R. § 300.36](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-A/subject-group-ECFR0ec59c730ac278e/section-300.36), located in the LEA. [34 C.F.R. § 300.131](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-B/subject-group-ECFR3556f7ac2fe0a92#300.131).

The LEA, in conducting child find for parentally-placed private school children with disabilities, must undertake activities similar to activities undertaken for the agency’s public school children. [34 C.F.R. § 300.131(c)](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-B/subject-group-ECFR3556f7ac2fe0a92#300.131). The child find process must be completed in a time period comparable to that for students attending public schools in the LEA. [34 C.F.R. § 300.131(e)](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-B/subject-group-ECFR3556f7ac2fe0a92#300.131). Each LEA in which private, including religious, elementary schools and secondary schools are located must, in carrying out the child find requirements for parentally-placed private school children with disabilities, include parentally-placed private school children who reside in a State other than the State in which the private schools that they attend are located. [34 C.F.R. § 300.131(f)](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-B/subject-group-ECFR3556f7ac2fe0a92#300.131).

## Initial Evaluations

Each LEA must conduct a full and individual initial evaluation, in accordance with [34C.F.R §§ 300.304 through 300.306](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-D/subject-group-ECFRcdd53b28839f370/section-300.305), before the initial provision of special education and related services to a child with a disability under Part B of IDEA. Consistent with the consent requirements in [34 C.F.R. § 300.300](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-D/subject-group-ECFR0e487e9b8f716c0/section-300.300), either a parent of a child or an LEA may initiate a request for an initial evaluation to determine if the child is a child with a disability. The initial evaluation-(1)(i) must be conducted within 60 days of receiving parental consent for the evaluation; or (ii) if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe; and (2) must consist of procedures-(i) to determine if the child is a child with a disability under [34 C.F.R. § 300.8](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-A/subject-group-ECFR0ec59c730ac278e/section-300.8); and (ii) to determine the educational needs of the child. [34 C.F.R. § 300.301(a)-(c)](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-D/subject-group-ECFRcdd53b28839f370/section-300.301).[[8]](#footnote-9)

The initial evaluation timeframe described above does not apply to an LEA if the parent of a child repeatedly fails or refuses to produce the child for the evaluation; or a child enrolls in a school of another LEA after the relevant timeframe described above has begun, and prior to a determination by the child's previous LEA as to whether the child is a child with a disability under [34 C.F.R. § 300.8](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-A/subject-group-ECFR0ec59c730ac278e/section-300.8). In addition, this provision applies only if the subsequent public agency is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and subsequent public agency agree to a specific time when the evaluation will be completed. [34 C.F.R. § 300.301(d) and (e)](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-D/subject-group-ECFRcdd53b28839f370/section-300.301).

## Reevaluations

LEAs must ensure that a reevaluation of each child with a disability is conducted in accordance with [34 C.F.R. §§ 300.304 through 300.311](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-D). If the public agency determines that the educational or related service needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or if the child's parent or teacher requests a reevaluation. [34 C.F.R. § 300.303(a)](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-D/subject-group-ECFRcdd53b28839f370/section-300.303).

A reevaluation conducted as described above may occur not more than once a year, unless the parent and the LEA agree otherwise; and must occur at least once every 3 years, unless the parent and the LEA agree that a reevaluation is unnecessary. [34 C.F.R. § 300.303(b)](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-D/subject-group-ECFRcdd53b28839f370/section-300.303).

# PART B CHILD FIND

1. What policies and procedures are in effect to ensure that 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?
2. What policies and procedures are in effect to ensure that a practical method is developed and implemented to determine which children are currently receiving needed special education and related services?

Component Definition: CHILD FIND REQUIREMENT — A system of policies and procedures required under IDEA and designed by the State to ensure effective identification, location, and evaluation of all children with disabilities within the State, as well as practical methods to develop and implement child find in the State, consistent with IDEA requirements.

### Suggested Documents to Review (not exhaustive):

* State’s policies and procedures for conducting child find.
* State’s policies and procedures to ensure each public agency conducts a full and individual initial evaluation.
* State’s policies and procedures related to parental consent for the initial evaluation.
* State’s policies and procedures to ensure each LEA carries out its child find responsibilities for parentally-placed private school students.
	+ Specifically reviewing policies and procedures to ensure the LEA’s child find process ensures the equitable participation of parentally-placed private school children; and that they maintain an accurate count of those children.

### Child Find

### [34 C.F.R. § 300.111](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-B/subject-group-ECFRf27988d69cd5d3a/section-300.111)

#### Questions to Consider

* Describe the State’s policies, procedures, and practices, if any, to:
	+ ensure that all children are identified, located, and evaluated in a timely manner.
	+ ensure that children with disabilities ages three through five are identified, located, and evaluated in a timely manner.
	+ address children who are suspected of being a child with a disability under [34 C.F.R. § 300.8](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-A/subject-group-ECFR0ec59c730ac278e/section-300.8) and are in need of special education, even though they are advancing from grade to grade.
	+ [ensure that highly mobile children, including migrant children, are appropriately identified, located, and evaluated.](#_Next_Question?_2)
	+ for children experiencing homelessness or who are wards of the State, including the steps, if any, that LEAs/schools are to take.
	+ ensure that each LEA conducts comparable activities to identify, locate, and evaluate all children with disabilities who are enrolled by their parents in private schools, including religious, elementary and secondary schools located in the school district served by the LEA. [34 C.F.R. § 300.131](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-B#300.131)
	+ address children determined not eligible for special education and related services to ensure IDEA’s procedural protections.
* How does the State monitor its LEAs on child find requirements under IDEA, including those provisions described above?
* Please describe any training, technical assistance, and or professional development activities on child find that are or have been provided by or on behalf of the State to LEAs, other public agencies, or private schools.

### Consent and Evaluations

### [34 C.F.R. §§ 300.301](https://www.ecfr.gov/current/title-34/part-300/subpart-D#300.301), [300.311](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-D/subject-group-ECFR0f22fac7ad954f5/section-300.311), and [300.300](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-D/subject-group-ECFR0e487e9b8f716c0/section-300.300)

#### Questions to Consider

* Describe the State’s policies, procedures, and practices, if any, to:
	+ ensure a public agency obtains parental consent for the initial evaluation of special education and related services.
	+ request an initial evaluation or re-evaluation.
	+ to ensure a public agency obtains parental consent for the initial provision of special education and related services.
	+ obtain consent for an initial evaluation when a parent refuses consent for an initial evaluation.
* What is the State’s timeframe, if any, within which initial evaluations must be conducted?
* If the State has an established timeframe for conducting initial evaluations, does the timeframe provide for exceptions through State regulations and or policy?
* If the State has an established timeframe for conducting initial evaluations, what must occur during this timeframe (e.g., evaluations, eligibility determination, provision of services)?
* Does the State have any State-imposed rules regarding referrals for an evaluation when a parent suspects that a child may be a child with a disability? If so, what are they?
* Do the State’s policies, procedures, and practices, if any, require a medical diagnosis be obtained for purposes of determining whether a child has a particular disability?
	+ When the State has identified an LEA that has failed to evaluate a student within the State’s established timeline, what steps or actions are taken by the SEA?

### Use of Term “Developmental Delay”

### [34 C.F.R. § 300.8(b)](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-A/subject-group-ECFR0ec59c730ac278e/section-300.8)

#### Questions to Consider

* Has the State adopted a definition of “developmental delay”?
	+ If yes, what is the State’s definition of “developmental delay”?
* Have any of the LEAs in the State adopted a definition of “developmental delay”?
	+ If yes, what is the LEA(s) definition of “developmental delay”?

***If the State has adopted a definition of “Developmental Delay,” use these questions:***

* Does the LEAs’ definition of “developmental delay” conform to the State’s definition of “developmental delay”?
	+ If not, how does the LEAs’ definition differ from the State’s definition?
* Does the LEAs’ definition of “developmental delay” conform to the age range that has been adopted by the State?
	+ If not, how does the LEAs’ age range differ from the State’s age range?

### Specific Learning Disabilities

### [34 C.F.R. § 300.307](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-D/subject-group-ECFR0f22fac7ad954f5/section-300.307)

#### Questions to Consider

* What are the State’s criteria for determining whether a child has a specific learning disability?
	+ Do these criteria address the provisions that:
		- The State cannot require the use of a severe discrepancy between intellectual ability and achievement.
		- The State may use a process based on the child’s response to scientific, research-based intervention.
		- The State may use other alternative research-based procedures for determining eligibility.
* Describe the State’s policies, procedures, and practices, if any, for screening and/or evaluating for Dyslexia?
	+ How do these relate to a determination of eligibility as a child with a specific learning disability?

### Reevaluations

[**34 C.F.R. § 300.303,**](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-D/subject-group-ECFRcdd53b28839f370/section-300.303)[**34. C.F.R. § 300.305**](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-D/subject-group-ECFRcdd53b28839f370/section-300.305)

#### Questions to Consider

* Describe the State’s policies, procedures, and practices, if any:
	+ for conducting a reevaluation, including determining if a child continues to have a disability and what the educational needs are of the child.
	+ to ensure the LEA completes a reevaluation for children receiving special education and related services within the State-established timeframe.
	+ for an IEP Team to conclude that no additional data are needed to determine whether the child continues to be a child with a disability and determine the child’s educational needs.
* What is the State’s established timeframe, if any, for reevaluations to be conducted?
* When the State has identified an LEA that has failed to reevaluate a student within the State’s established timeline, what steps or actions are taken by the SEA?
* When a parent refuses to provide consent to the reevaluation, what steps or actions are taken by the LEA or SEA to conduct the reevaluation?
* What steps or actions are taken by the LEA or SEA when the IEP Team, including the parent, does not agree—e.g., when some IEP Team members do not believe additional data are needed, but the parent requests additional assessment?
* When a parent refuses to consent to a three-year reevaluation, but nonetheless requests that the LEA continue the provision of special education and related services to their child, what steps or actions are taken by the LEA or SEA?
* When a parent refuses consent to a reevaluation, for those children who are homeschooled or placed in a private school by the parents at their own expense, what steps or actions are taken by the LEA or SEA?
* Are there any State policies, procedures, and practices that prevent reevaluations from occurring more than once a year if the LEA and the parents agree?

### Multi-Tiered System of Support (MTSS)/Response to Intervention (RTI)

### [34 C.F.R. §§ 300.307](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-D/subject-group-ECFR0f22fac7ad954f5/section-300.307), [300.309](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-D/subject-group-ECFR0f22fac7ad954f5/section-300.309) and [300.311](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-D/subject-group-ECFR0f22fac7ad954f5/section-300.311)

#### Questions to Consider

* Does the State have policies, procedures, or practices on using MTSS/RTI approaches when working with struggling learners? If so, what are they?
	+ Do the policies, procedures, or practices require a student to take part in an MTSS/RTI process or activities prior to being referred for a comprehensive evaluation for special education?
	+ If yes, are there required timelines for an MTSS/RTI process or activities to be used before a referral for evaluation may occur? If so, what are the timelines?
	+ Do the timelines differ for students depending on the suspected disability?
	+ What data, if any, are required to be collected during the MTSS/RTI process or activities?
	+ How are MTSS/RTI data used to determine whether to refer a student for a comprehensive evaluation for special education?
* Does the State use data from the MTSS/RTI process or activities as part of their child find system? If so, how?
* What are the policies, procedures, and practices if a parent requests an evaluation while their child is engaged in an MTSS/RTI process or activities?
* When a child participates in a process that assesses the child’s response to scientific research-based intervention, are there State policies and procedures to ensure that LEAs document that the child’s parents were notified about their right to request an evaluation? If so, what are they?
	+ Does the State have a policy on how LEAs should respond when a student is having academic and/or behavioral issues in the general education classroom?
	+ Are there State-mandated options available to meet the needs of struggling learners? If so, what are they?
	+ Does the State mandate specific tools and strategies to use when conducting evaluations? If so, what are they?

### Independent Educational Evaluations

## [34 C.F.R. § 300.502](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-E#300.502)

#### Questions to Consider

* What policies, procedures, and practices, if any, are available to a parent who requests an independent educational evaluation (IEE)?
* What policies, procedures, and practices, if any, are available to an LEA when a parent requests an IEE at public expense?
* Describe the criteria the State uses, if any, when an IEE is obtained at public expense (e.g., location of the evaluation and the qualifications of the examiner.)
* Describe the State’s policies, procedures, and practices, if any:
	+ related to providing notice to parents about where they may obtain an IEE and the criteria for IEEs.
	+ when a parent shares with the public agency that an IEE was obtained at private expense.
	+ when a child is evaluated and found ineligible for special education and related services and the parent requests an IEE at public expense.
	+ when a parent requests an IEE in an area that was not assessed in the child’s initial evaluation.
	+ related to any overall limits on fees or total costs for IEEs.
	+ when an IEE- provider used by the agency, as well as used by parents, exceeds the reasonable cost criteria but the evaluation and cost are based on the individual needs of the child.

### Data

## [34 C.F.R. § 300.602](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300#300.602)[[9]](#footnote-10)

#### Questions to Consider

* Describe the State’s method of collecting and reporting child find (initial evaluation) data (e.g., monitoring or database).
	+ Specifically, how does the State collect child find data for Indicator B11 of their SPP/APR?
	+ How does the State collect transition data for Indicator B12, particularly for the measurement b, c, d, and e of their SPP/APR?.
* How does the State analyze its child find data to inform improvement in practice?
* How does the State disaggregate its child find data?

### Family Engagement/Parent Involvement

#### Questions to Consider

* How are parents informed about where and how they may request an evaluation for special education and related services?
* When a parent suspects that their child has a disability:
	+ What steps, if any, are LEAs required to take?
	+ What information, if any, is communicated to parents?
	+ What happens if a parent makes a verbal, rather than written, request for an evaluation?
	+ What happens when the parent makes a request in a language other than English?
* What information, if any, does the State make available to parents to help them understand the special education referral process?
	+ How and when is this information made available to parents?
	+ In what languages is it available to parents?
	+ Is it available in print, on a website, or in any other format?
	+ Is it accessible to parents who are deaf or hard of hearing and to parents with visual impairments or blindness?
1. The related requirements referenced in this protocol refer to any IDEA requirements that must be implemented to identify, locate, evaluate; and ensure the provision of special education and related services for all children with disabilites. Examples of related requirements include, but not limited to: 34 C.F.R. §§ 300.300-311-Parental Consent, Evaluation and Reevaluations, and Specific Learning Disabilities; 300.131-Child find for Parentally-Placed Private School Children with Disabilities; and 300.502-Independent Educational Evaluations. [↑](#footnote-ref-2)
2. The State educational agency (SEA) is responsible for implementing Part B of the IDEA and the State lead agency (SLA) is responsible for implementing Part C of the IDEA in the State. Both the SEA and SLA respectively must exercise general supervision over the programs and activities used to implement IDEA requirements in the State (regardless of whether Federal IDEA funds are provided to such programs and activities). [20 U.S.C. Sections 1416(a)(3)](https://sites.ed.gov/idea/statute-chapter-33/subchapter-ii/1416), [1435(a)(10)](https://sites.ed.gov/idea/statute-chapter-33/subchapter-iii/1435), [1437(a)(1)](https://sites.ed.gov/idea/statute-chapter-33/subchapter-iii/1437) and [1442](https://sites.ed.gov/idea/statute-chapter-33/subchapter-iii/1442) and [34 C.F.R. §§ 303.120(a)](https://www.ecfr.gov/cgi-bin/text-idx?SID=e6c33b333d6456a438dbd2feb0f64cf9&mc=true&node=se34.2.303_1120&rgn=div8) and [303.700(b)](https://www.ecfr.gov/cgi-bin/text-idx?SID=e6c33b333d6456a438dbd2feb0f64cf9&mc=true&node=se34.2.303_1700&rgn=div8) for IDEA Part C. [20 U.S.C. Sections 1412(a)(11)](https://sites.ed.gov/idea/statute-chapter-33/subchapter-ii/1412) and [1416(a)(3)](https://sites.ed.gov/idea/statute-chapter-33/subchapter-ii/1416) and [34 C.F.R. §§ 300.149](https://www.ecfr.gov/cgi-bin/text-idx?SID=36a281a95887586543a75d7188cd4f21&mc=true&node=se34.2.300_1149&rgn=div8) and [300.600](https://www.ecfr.gov/cgi-bin/text-idx?SID=36a281a95887586543a75d7188cd4f21&mc=true&node=se34.2.300_1600&rgn=div8) for IDEA Part B. [↑](#footnote-ref-3)
3. To make this document more user-friendly, OSEP has used the term “LEA” in place of “public agency.” Public agency is defined in 34 C.F.R. § 300.33 to include the SEA, LEAs, educational services agencies (ESAs), nonprofit public charter schools that are not otherwise included as LEAs or ESAs and are not a school of an LEA or ESA, and any other political subdivisions of the State that are responsible for providing education to children with disabilities. [↑](#footnote-ref-4)
4. OSEP’s monitoring protocols identify a framework of applicable IDEA statutory and regulatory requirements. They are neither intended as questionnaires nor as forms for States to complete. Rather, OSEP will conduct its IDEA monitoring based on State-specific circumstances and the conversation with States will be guided by the information both provided by the State and information that is publicly available to help OSEP determine how States are implementing IDEA requirements and where there may be a need for additional technical assistance or other support. [↑](#footnote-ref-5)
5. OSEP DEAR COLLEAGUE LETTER on Children with Disabilities Residing in Nursing Homes (April 26, 2016), https://sites.ed.gov/idea/idea-files/osep-dear-colleague-letter-on-children-with-disabilities-residing-in-nursing-homes/. [↑](#footnote-ref-6)
6. There is no obligation for States to identify and evaluate those students with disabilities aged 18 through 21 in adult correctional facilities for whom State law does not require that special education and related services be provided to students with disabilities who, in the last educational placement prior to their incarceration in an adult correctional facility, were not actually identified as being a child with a disability under IDEA and did not have an IEP under the IDEA. [34 C.F.R. § 300.102](https://www.specialedconnection.com/LrpSecStoryTool/servlet/GetReg?cite=34+CFR+300.102)(a)(2)(i). However, this exception does not apply to a child with a disability, aged 18 through 21, who (1) had been identified as a child with a disability under 34 C.F.R. § 300.8 and had received services in accordance with an IEP, but left school prior to their incarceration, or (2) did not have an IEP in their last educational setting, but had actually been identified as a child with a disability under 34 C.F.R. § 300.8. 34 C.F.R. § 300.102(a)(2)(ii). [↑](#footnote-ref-7)
7. See [34 C.F.R. § 300.209](https://www.ecfr.gov/current/title-34/subtitle-B/chapter-III/part-300/subpart-C#300.209). [↑](#footnote-ref-8)
8. LEAs are not required to make the eligibility determination, obtain parental consent for the initial provision of special education and related services, conduct the initial meeting of the IEP Team to develop the child’s IEP, or initially provide special education and related services to a child with a disability during the IDEA 60-day initial evaluation timeline. [↑](#footnote-ref-9)
9. In accordance with section 616(b)(2)(C)(ii)(I) of the IDEA and 34 C.F.R. § 300.602, each State must report annually to the public on the performance of each LEA located in the State on the targets in its Part B SPP/APR as soon as practicable, but no later than 120 days following the State’s submission of its Part B SPP/APR to the Secretary. [↑](#footnote-ref-10)