

CHILD FIND IDENTIFICATION OF INDIVIDUALS WITH DISABILITIES

Note: AS 14.30.274 and 4 AAC 52.100 require districts to establish written procedures to ensure exceptional children are identified for assessment purposes. ~~4 AAC 52.110 requires written procedures for receiving referrals. The Individuals with Disabilities Education Act (IDEA), 20 USC 1412(a)(3) and 34 CFR 300.111 and 300.131, requires that this “child find” identification system include identification of students with disabilities attending private schools, including religious-school children residing within the district, and highly mobile children with disabilities, such as migrant and homeless children. In order to carry out this requirement, a practical method must be developed to determine which children with disabilities are currently receiving needed special education and related services. Services for a private school student, in accordance with an individualized education program (IEP), must be provided at no cost to the parent/guardian, unless the private school makes a free and appropriate public education available to the student and the parent/guardian chooses to enroll the student in that private school. If the public school is providing services to the student, these services may be provided on the premises of the private school, including parochial schools, to the extent consistent with other provisions of law.~~ ~~4 AAC 52.130 requires districts to establish written criteria for identifying gifted children. The Code of Federal Regulations, Title 34, Section 300.220 requires procedures that ensure that all individuals with disabilities who need special education services and reside within district jurisdiction are identified, located and evaluated.~~

The School Board recognizes the responsibility of the district to identify children residing in the district who need special education and related services. As required by law, the Superintendent or designee shall establish written procedures for locating children with disabilities in order to provide a free appropriate public education to all eligible children. The Board encourages all members of the community to assist the district in its effort to identify the need ~~of~~ for special education and related services within the community.

The Superintendent or designee shall establish and implement an ongoing system to identify and locate children, age 3 through 21 years of age, suspected of having a disability who reside within the district, regardless of the severity of the disability. The components and procedures of this system will be detailed in a written Child Find Plan. The Plan shall identify a Child Find Coordinator, address coordination of child find activities, provide for annual public notice, referrals, and screening.

Child Find Coordinator

The Superintendent shall appoint a Child Find Coordinator who coordinates the development, revision, implementation, and documentation of the District’s child find system.

Annual Public Notice

The Superintendent or designee shall annually inform the community about the right to, and availability of, educational services for children with disabilities. This notice shall inform parents/guardians in writing of the types of qualifying disabilities, the educational needs of children with disabilities, the rights of children to a free appropriate public education, the services available to these children, confidentiality protections, and the district’s procedures for initiating a referral for assessment to identify individuals who need special education services.

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The notice must be calculated to reach all persons within the District, including all persons responsible for children who are enrolled in the District's statewide correspondence program.

Referral

Note: Pursuant to 34 C.F.R. § 300.300, amended effective 2009, a school district may, but is not required to, pursue a due process hearing when a parent or guardian refuses to consent to an initial evaluation or re-evaluation. However, a school district may not pursue a due process hearing if a parent refuses consent to special education services.

The Superintendent or designee shall implement a procedure to receive referrals of children suspected of having a disability for which special education and related services are needed. There shall be no discrimination on the basis of race, color, national origin or gender in referring students for evaluation. Referrals will be acted on without undue delay.

The school district shall obtain the the informed written consent of a child's parent before conducting an initial ~~assessment-evaluation, and before~~ or placing the student in a special education program in the district. If that consent is not given, and the district believes it should proceed with the ~~assessment-and-placement,~~ it may initiate due process hearing procedures in accordance with law to determine whether the district can proceed with an evaluation~~it shall appoint a hearing officer in accordance with state law to determine whether the district should initiate such evaluation or placement. If the hearing officer concludes that the district's plans for evaluation and placement of the child are in accord with law and are in the child's best interest, and the parent continues to disagree, the parent may file a written request for an appeal to the Department of Education and Early Development.~~

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 6172 - Special Education)

Legal Reference: (See next page)

CHILD FIND IDENTIFICATION OF INDIVIDUALS WITH DISABILITIES (continued)

Legal Reference:

ALASKA STATUTES

14.30.191 *Educational evaluation and placement*

14.30.274 *Identification of exceptional children*

ALASKA ADMINISTRATIVE CODE

4 AAC 52.100 *Child find*

4 AAC 52.110 *Referral*

4 AAC 52.120 *Evaluation*

4 AAC 52.125 *Eligibility*

4 AAC 52.130 *Criteria for determination of eligibility*

4 AAC 52.190 *Written notice to parent*

4 AAC 52.200 *Parental consent*

4 AAC 52.540 *Parental right to independent evaluation*

~~4 AAC 52.570 *Appeal to department*~~

4 AAC 52.580 *Placement of child during proceedings*

UNITED STATES CODE, TITLE 20

1232g *Family Educational Rights and Privacy Act of 1974*

1400 *et seq. Individuals with Disabilities Education Act*

UNITED STATES CODE, TITLE 29

701 *et seq. Rehabilitation Act of 1973*

CODE OF FEDERAL REGULATIONS, TITLE 34,

99.10-99.22 *Inspection, review and procedures for amending education records*

~~104.35 *Evaluation and Placement*~~

~~104.36 *Procedural Safeguards*~~

~~300.500-300.514 *Due process for parents and children*~~

300. *et seq. IDEA Regulations*