

### CHILD FIND ([34 C.F.R. § 300.111](#); [GEORGIA RULE 160-4-7-.03](#))

Each State must have policies and procedures to ensure that all children with disabilities, birth through age 21, residing in the State and who are in need of special education and related services or early intervention services are identified, located, and evaluated. 34 C.F.R. § 300.111; [34 C.F.R. § 303.302](#). In Georgia, the Child Find Process for infants and toddlers with disabilities, birth to age 3, is coordinated through the Georgia Department of Public Health Early Intervention Program, [Babies Can't Wait](#). For children, ages 3 through 21, the local education agencies (LEAs)<sup>1</sup> in Georgia are responsible for identifying, locating, and evaluating all children within the jurisdiction of the LEA who are suspected of having disabilities that may result in a need for special education and related services. LEAs must have policies and procedures in place to ensure the identification, location, and evaluation of these children. Public notification must be given before any significant Child Find activities are implemented.

#### *Populations of Children*

LEAs have Child Find responsibility for all children within their jurisdiction suspected of having disabilities, regardless of the severity of their disabilities. This includes:

- preschool children, ages 3 through 5, who may not be enrolled in a Georgia-funded pre-kindergarten and kindergarten, including children who are parentally placed in private preschools or daycare centers outside the LEA;
- children who are enrolled in a public school within the LEA, including public charter schools;
- children who are parentally placed in private and home schools located within the LEA's jurisdiction (refer to the Private Schools Chapter of this manual for additional information on private school Child Find responsibilities);
- highly mobile children, including migrant, homeless, and children who are wards of the state;
- children served in community programs, such as rehabilitation centers, daycare centers, etc.;

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<sup>1</sup> Local educational agencies include public boards of education or other public authorities legally constituted within Georgia for either administrative control or direction of, or to perform a service function for public elementary or secondary schools in a city, county, township, school district, or other political subdivision of the State, including state charter schools and Georgia Department of Juvenile Justice (DJJ).

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- children who are incarcerated in facilities operated by the local sheriff's office or other municipalities;
- with regard to Georgia Department of Juvenile Justice and Georgia Department of Corrections, children incarcerated in state juvenile or correctional facilities; and
- any other children suspected of having disabilities, even when those children may be progressing from grade to grade.

### ***Child Find Procedures***

LEAs may employ a variety of strategies to ensure that children who may need special education and related services are identified and evaluated. Some frequently used Child Find procedures include public announcements through local media (newspaper, television, radio), meetings with private and home school representatives, community service fairs, parent mentors, and collaboration with other public agencies such as the [Georgia Department of Behavioral Health and Developmental Disabilities](#), [Georgia Department of Family and Children's Services](#), and [Georgia Department of Public Health](#) and their local partners or offices. LEAs may also utilize their websites as a means for disseminating Child Find information. Regardless of the methods employed, LEAs must conduct comprehensive Child Find activities. In addition, during the annual timely and meaningful consultation with representatives from private and home schools, LEAs are required to inform them of the LEA's Child Find procedures. See [34 C.F.R. § 300.134\(a\)](#).

For children transitioning from the [Babies Can't Wait](#) program, the identification and evaluation of those children must follow the 60-day timeline for initial evaluations, and the IEPs must be implemented by the third birthday. Early identification and timely evaluation of children with disabilities facilitate a smooth transition into the public LEA for these children. For children not transitioning from the Babies Can't Wait program, LEAs must follow the 60-day timeline for initial evaluations; however, the IEPs are not required to be implemented by the child's third birthday. For more information, see the Young Children Chapter of this manual.

### ***Interventions Prior to Referral***

Child Find is a critical part of the special education process for all children suspected of having disabilities. IDEA requires that children who are suspected of being a child with a disability and in need of special education are identified, located, and evaluated. 34 C.F.R. § 300.111. IDEA does not require that a child receive scientific, research, or evidence-based interventions before being referred for consideration for eligibility for special education and related services. See 34 C.F.R. § 300.111. However, per our State Child Find Rule, the implementation of a multi-tiered system of supports, including the use of scientific, research, or evidence-based

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interventions are required before referring a child for an initial evaluation for special education. See Georgia Rule 160-4-7-.03(2)(b). The use of interventions before referring a child for an initial evaluation for special education can have a positive impact on reducing the disproportionate representation of racial and ethnic groups in special education and related services. In addition, if a parent or teacher requests an evaluation and interventions have not been provided prior to the referral, interventions may be provided while the child is being evaluated (within the 60-day timeline requirement). Although a child's receipt of interventions can provide a critical piece of information in helping to determine eligibility for special education, the lack of interventions must not be a reason for determining that a child is not eligible for special education services.

### ***Frequently Asked Questions***

#### **1. Does Child Find apply to home-schooled children?**

Yes. If the child is a resident within the jurisdiction of the LEA, then the Child Find responsibility rests with the LEA in which the child resides. In addition, as a home-schooled child, a child who is determined eligible for special education and related services must also be considered in a proportionate share of federal funds for private school children. In Georgia, home-schooled children are treated as private school children in regard to special education. See Georgia Rule [160-4-7-.13\(3\)\(a\)\(1\)](#).

#### **2. If an LEA charter school and a traditional LEA serve the same demographic area, who has the Child Find responsibility?**

Both of them. The LEA charter school's Child Find responsibility extends only to children enrolled in the LEA charter school. The traditional LEA's Child Find responsibility extends to all other children within their jurisdiction.

#### **3. If an LEA charter school only serves a designated population, such as grades six through eight, *should* the LEA charter school's Child Find procedures address children outside of the designated population, such as children in grades kindergarten through fifth grade?**

Yes. As a matter of best practice, an LEA charter school's Child Find procedures ***should*** include children age 3-21. However, an LEA charter school's Child Find procedures ***must*** address the currently designated population of the LEA charter school. Since LEA charter schools may decide to expand their designated population, LEA charter schools should consider developing Child Find procedures to include children ages 3-21 or update their Child Find procedures as the LEA charter school expands their designated population.

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- 4. Considering the above guidance for LEA charter schools, what are the Child Find responsibilities for Georgia Department of Juvenile Justice (DJJ) and Georgia Department of Corrections (DOC)?**

Georgia DJJ and Georgia DOC must implement Child Find duties for the youth enrolled in their respective facilities.

- 5. Who has the Child Find responsibility for youth incarcerated in facilities operated by the local sheriffs or other municipalities?**

The LEA where the facility is located must implement Child Find duties for youth incarcerated in jails or other correctional facilities operated by local municipalities.

- 6. Are private/home-school children required to have instructional interventions documented prior to referral to special education?**

No. There is no requirement under IDEA for any child suspected of having a disability and being in need of special education services to have instructional interventions before being referred for an initial evaluation for special education. LEA personnel can work with referring individuals to document prior interventions, if conducted, and the results of those interventions. Interventions may also be implemented as part of any evaluation process.

- 7. Can a parent request an evaluation without prior documentation of interventions?**

Yes. Parents maintain their right under the IDEA to request an evaluation. See 34 C.F.R. § 300.301(b). LEAs may not refuse to conduct an evaluation nor delay an evaluation due to the absence of information about prior interventions. Interventions and documentation of such may be developed during the evaluation period to support the other information the evaluation is gathering. If a LEA does not suspect that the child has a disability, and denies the request for an initial evaluation, the LEA must provide written notice to the parent explaining why the LEA refuses to conduct an initial evaluation and the information that was used as the basis for the decision, in accordance with 34 C.F.R. § 300.503(a) and (b). The parent can challenge this decision by filing a formal complaint or requesting a due process hearing to resolve the dispute regarding the child's need for an evaluation. See [Memorandum from the U.S. Dep't of Educ., Office of Special Education Programs \(OSEP\), Memo 11-07, January 21, 2011.](#)

- 8. Would a child's participation in a response to interventions process be considered a "basis of knowledge" that the child may be a "child with a disability"?**

Participation in a response to interventions process, in and of itself, would not appear to meet the "basis of knowledge" standards. The standards for whether a public agency has a "basis

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of knowledge” include (1) written concern from the parent to the child’s teacher or other supervisory or administrative personnel of the LEA that the child is in need of special education and related services, (2) a parent request for an evaluation to determine if the child is a child with a disability or (3) the child’s teacher or other personnel expressing specific concern about a pattern of behavior of the child directly to the special education director of the LEA or other supervisory personnel of the LEA. See [34 C.F.R. § 300.534\(b\)](#).