

# RIO GRANDE CITY CISD SPECIAL SERVICES

## LEGAL FRAMEWORK: CHILD FIND

**AGES 0-5**

October 2020



DISCLAIMER: These operating procedures provide general information to assist the district. It is not intended to be an exhaustive restatement of law, nor should it be considered specific legal advice. Please consult an attorney to receive specific legal advice.

# RIO GRANDE CITY CONSOLIDATED INDEPENDENT SCHOOL DISTRICT

## AGES 0-5

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Rio Grande City CISD Board Policy along with these *Special Education Operating Procedures* constitute the Policies and Procedures of Rio Grande City CISD, designed to be consistent with the State policies and procedures developed pursuant to the IDEA. Rio Grande City CISD *Special Education Operating Procedures* are not to be for the purpose of creating a requirement that is not otherwise imposed by the Individuals with Disabilities Education Improvement Act (“IDEA”), together with its implementing federal regulations, state statutes and rules, as they shall from time to time be amended, and shall not be construed to create a higher standard than that established by IDEA. These *Special Education Operating Procedures* will be posted on Rio Grande City CISD’s website. These *Special Education Operating Procedures* should be interpreted consistent with the IDEA. Rio Grande City CISD’s *Special Education Operating Procedures* are reviewed and updated, as needed, on at least an annual basis. Rio Grande City CISD will make timely changes to policies and procedures in response to IDEA amendments, regulatory or rule changes, changes to state policy, or new legal interpretation as are necessary to bring Rio Grande City CISD into compliance with the requirements of IDEA. Rio Grande City CISD maintains systems to ensure that all students with disabilities residing in the District, including students with disabilities attending non-public schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and provided a free appropriate public education. Rio Grande City CISD maintains systems to ensure that students with disabilities and their parents are afforded the procedural safeguards required under the IDEA (and its implementing federal regulations, state statutes and rules) including with respect to the confidentiality of records and personally identifiable information.



# RIO GRANDE CITY CONSOLIDATED INDEPENDENT SCHOOL DISTRICT

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## AGES 0-5

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### **What is Required:**

The local educational agency (LEA) will comply with the [CHILD FIND](#) frameworks.

The District will develop a system to notify the population in the District with children who are at least three years of age but younger than six years of age and who are eligible for enrollment in a special education program of the availability of the program.

### **AGE RANGES FOR ELIGIBILITY**

The District will ensure that a free appropriate public education (FAPE) is made available to all eligible children with disabilities ages 3 through 21.

The District will ensure that FAPE is made available from birth to children with visual impairments, or who are deaf or hard of hearing; and comply with:

- The VISUAL IMPAIRMENT framework;
- The DEAF OR HARD OF HEARING framework; or
- The DEAF-BLINDNESS framework.

### **NONCATEGORICAL EARLY CHILDHOOD**

The student between the ages of three through five may be described as eligible for special education services based on the NONCATEGORICAL EARLY CHILDHOOD framework if eligibility criteria are met.

### **INDIVIDUALIZED FAMILY SERVICE PLAN (IFSP)**

For the student from birth through two years of age with a VISUAL IMPAIRMENT and/or who is DEAF OR HARD OF HEARING, an IFSP meeting will be held in place of an admission, review, and dismissal (ARD) committee meeting.

IFSP has the meaning given the term in the Individuals with Disabilities Education Act Part C (IDEA-C). The District will ensure the IFSP contains:

- A statement of the infant's or toddler's present levels of physical development including vision, hearing, and health status, cognitive development, communication development,



social or emotional development, and adaptive development based on the information from that student's evaluation and assessments;

- With the concurrence of the family, a statement of the family's resources, priorities, and concerns relating to enhancing the development of the child as identified through the assessment of the family;
- A statement of the measurable results or measurable outcomes expected to be achieved for the child including pre-literacy and language skills as developmentally appropriate for the child and family, and the criteria, procedures, and timelines used to determine:
  - The degree to which progress toward achieving the results or outcomes identified in the IFSP is being made; and
  - Whether modifications or revisions of the expected results or outcomes, or early intervention of services are necessary;
- A statement of the specific early intervention services, based on peer-reviewed research, to the extent practicable, that are necessary to meet the unique needs of the child and the family to achieve the results or outcomes identified in the IFSP, including:
  - The length, duration, frequency, intensity, and method of delivering the early intervention services.

Home instruction may be used for services to infants and toddlers, birth through age two, when determined appropriate by the child's IFSP committee.

## **TRANSITION FROM IDEA-C TO IDEA-B PRESCHOOL PROGRAMS**

The state will have in effect policies and procedures to ensure that children participating in Early Childhood Intervention programs assisted under IDEA-C, and who will participate in preschool programs assisted under IDEA-B, experience a smooth and effective transition to those preschool programs.

For the student who may be eligible for preschool services under IDEA-B, HHSC will:

- Not fewer than 90 days before the third birthday of a student with a disability, notify the District for the area in which the student resides, that the student will shortly reach the age of eligibility for services under IDEA-B unless the parent has opted out of the disclosure in writing;
- In the case of a student who is determined to be eligible for IDEA-C services more than 45 but less than 90 days before that student's third birthday, as soon as possible after determining the student's eligibility, notify the District for the area in which the toddler with a disability resides that the toddler will reach the age of eligibility for services under IDEA-B, unless the parent has opted out of the disclosure in writing; or
- In the case of a student who is determined to be eligible for IDEA-C services more than 45 but less than 90 days before that student's third birthday, as soon as possible after determining the student's eligibility, notify the District for the area in which the toddler with a disability resides that the toddler will reach the age of eligibility for services under IDEA-B, unless the parent has opted out of the disclosure in writing; or



The HHSC notification will be consistent with any policy that the state has adopted concerning confidentiality of personally identifiable information and early intervention records permitting a parent to object to disclosure of personally identifiable information.

Unless the parent timely objects to the HHSC notification, notification will include the following personally identifiable information:

- The student's name;
- The student's date of birth; and
- Parent contact information including parents' names, addresses, and telephone numbers.

For the student who may be eligible for preschool services, HHSC will with the approval of the student's family convene a transition conference among HHSC, the family, and the LEA not fewer than 90 days and, at the discretion of all parties, not more than nine months before the student's third birthday to discuss any services the child may receive under IDEA-B.

The LEA will participate in transition conferences arranged by the designated HHSC.

Any transition conference or IFSP meeting to develop the transition plan, which conference and meeting may be combined into one meeting, will meet the IDEA-C requirements concerning accessibility and convenience of meetings, parental consent for services, and initial and annual IFSP meetings.

In the case of the student who was previously served under IDEA-C, the District will send an invitation to the initial ARD committee meeting at the request of the parent to the IDEA-C service coordinator or other representatives of the IDEA-C system to assist with the smooth transition of services according to the ADMISSION, REVIEW, AND DISMISSAL COMMITTEE MEMBERSHIP and PRIOR WRITTEN NOTICE frameworks.

By the third birthday of the student, the District will ensure that an individualized education program (IEP) or in some cases an IFSP, has been developed and implemented for the student

## **IEP**

The District will ensure that an IEP is in effect for eligible children with disabilities on their third birthday in compliance with the ADMISSION, REVIEW AND DISMISSAL COMMITTEE frameworks.

If a student's third birthday occurs during the summer, the student's ARD committee must determine the date when services will begin.

The ARD committee will comply with the LEAST RESTRICTIVE ENVIRONMENT framework.

Home instruction may be used for young children, ages three through five, when determined appropriate by the ARD committee.



## DUAL ENROLLMENT

The parent of an eligible student who is age three or four has the right to dually enroll the child in both the public and private school beginning on the student's third birthday and continuing until the end of the school year in which the student turns five or until the student is eligible to attend the District's kindergarten program, whichever comes first.

When the parent wishes to dually enroll the eligible student, the District will comply with the CHILDREN IN PRIVATE SCHOOLS framework.

## PROCEDURES:

### 1.0 CHILD FIND.

The Rio Grande City Consolidated Independent School District (CISD or “the District”) has an obligation to identify, locate and evaluate each child, birth to age 21 inclusive, residing within the jurisdiction of the District who has a disability or is suspected of having a disability, regardless of the severity of the disability, and who is in need of special education and related services. This *Child Find* obligation—mandated by the Individuals with Disabilities Education Improvement Act (IDEIA or, more commonly, IDEA) and Texas special education law<sup>1</sup>—extends to all children with disabilities, including those who are homeless, highly mobile, migrants, in foster care, homeschooled, court-involved or attending private schools within the jurisdiction of the District.<sup>2</sup>

The District annually notifies and informs the Rio Grande City CISD community of a student’s right to a free appropriate public education and the programs and services available to eligible students, as well as the right to request an evaluation for special education and related services. The District endeavors to distribute written information in both English and Spanish to every enrolled student’s family regarding IDEA’s *Child Find* and free appropriate public education (FAPE) requirements, to inform them of the options and requirements for identifying students who may be suspected of having a disability and have an educational need for special education and specially designed instruction. The District’s community-wide efforts may include:

- publishing a *Child Find* notice in a local newspaper of general circulation;
- posting or linking the District’s *Child Find* notice on the District’s website; and
- placing a *Child Find* notice in locations where potentially eligible children and their parent(s) or legal guardian(s) are likely to see it, like disability-related community agencies, hospitals or daycare centers.

The District’s *Child Find* notice is included in both English and Spanish in the **District’s Student Code of Conduct** which is updated annually and The **District’s *Child Find* notice** is

<sup>1</sup> 34 C.F.R. § 300.111(a); Tex. Ed. Code § 29.001

<sup>2</sup> 34 C.F.R. § 300.111(c). Homeless and highly mobile students are served via the [District’s homeless education liaison](#) as part of the District’s participation in TEA’s [Texas Education for Homeless Children and Youth \(TEHCY\)](#) program.



available to the public and to parents in both [English](#) and [Spanish](#) on the District's website. Together with the District's annual *Child Find* notice, the District includes information indicating where members of the Rio Grande City CISD community can access the District's processes and procedures for initiating a referral for special education services eligibility evaluation.<sup>3</sup> The District also offers annual training to teachers and staff regarding the District's responsibility to actively identify and appropriately refer for evaluation students suspected of being in need of special education and related services, consistent with these *Special Education Operating Procedures* ("Operating Procedures").

Early Childhood Intervention (ECI) is a coordinated system of services available in every county within Texas for children birth to age three with disabilities or delays. ECI is funded through the federal Individuals with Disabilities Education Act (IDEA, Part C), P.L. 105-17 and through state appropriations. ECI supports families to help children reach potential through developmental services. ECI contracts with local agencies and organizations through a funding application process.

ECI staff may include physical therapists, occupational therapists, speech and language therapists, audiologists, educators, social workers, nurses, dietitians, psychologists, licensed professional counselors, and early intervention specialists. ECI programs must follow the Texas Early Childhood Intervention Policy Manual.

The local ECI programs must identify, locate, and screen or evaluate all infants and toddlers, birth through two years of age, who have or are suspected of having developmental delays.

Before notifying the appropriate District that a child is potentially eligible for Part B services, the ECI program provides written notification to the child's parent advising the parent of:

- The information that will be disclosed, including the limited personally identifiable information (child's name, child's date of birth, parent's name, address, and telephone number), the service coordinator's name, and the child's home language; and
- The right to opt out of the disclosure by submitting a written request to Opt Out of the Notification to the ECI program (CFR) §303.209 and the timelines specified in the 40 TAC, Chapter 108 before the notification is scheduled to be sent;

For a child whose parent has not opted out of the disclosure within the prescribed timeline, the ECI program notifies the LEA at least 90 days before the child's third birthday that the child is potentially eligible for Part B services; An IEP is developed and implemented for Part B eligible children by their third birthday; The ARD committee determines the start date of the IEP if the child's birthday occurs during the summer. Services will begin by the first day of school, or earlier as determined and stated on the IEP; and For children transitioning from Part C services to Part B services, the ARD committee considers an IFSP that contains the IFSP content including the natural environments statement, described in 34 CFR §303.344, and that is developed in accordance with the IEP procedures under 34 CFR §300.323(b) when developing the initial IEP.

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<sup>3</sup> Tex. Ed. Code § 29.023(b)



[Key Elements of Early Transition \(KEET\): A Guide for Planning, Implementing, and Evaluating Smooth and Effective Transitions for Children and their Families from Local Early Childhood Intervention Contracted Programs to Local Preschool Programs for Children with Disabilities](#). This document provides a framework of the 16 key elements of early transition to assist LEAs and ECI contractors in developing a collaborative child find system for children who leave Early Childhood Intervention (ECI) services and enter the public school Early Childhood Special Education (ECSE). The 16 key elements are listed in chronological order and each is accompanied by its corresponding reference(s) in the Individuals with Disabilities Education Improvement Act (IDEA) 2004, the Code of Federal Regulations (CFR), the Texas Administrative Code (TAC), the State Performance Plan (SPP), and/or TEA/DARS Early Transition Memorandum of Understanding (ECI MOU). Acronyms that are used throughout the guide are listed at the end of the document.

## **ADDITIONAL PROCEDURES:**

The Rio Grande City CISD will transition students from ECI to ECSE as required. Parents are provided a document from the ECI staff that describes the process.

### **Transition from ECI.**

The transition meeting between the agency, parents and school is the cornerstone of the transition process. At the discretion of all parties, it can take place not more than 9 months prior to the third birthday but not less than 90 days before the child is eligible for the preschool services, to discuss any such services that the child may receive. The meeting provides an opportunity for the family, ECI and RGCCISD staff to make plans regarding the transition process. The transition meeting is an opportunity to explain eligibility criteria, service options, and the ARD/IEP process. The referral to the RGCCISD may be made before the transition meeting, during the transition meeting or after the transition meeting.

- It is important to explain to the family that a delay in providing consent for RGCCISD involvement during the transition process may impede the implementation of timely, appropriate special education services for eligible children. The collaborative involvement of the family, ECI and RGCCISD staff ensures that a determination is made as to whether children with disabilities are eligible for RGCCISD special education services.
- The timing of a child's third birthday will influence the transition process and timeframe. Interagency collaboration is especially critical when the child turns three between the months of May and September. Generally, children turning three late in the school year should begin school services when they turn three. In some instances, the ARD/IEP committee, including the family, may decide that IEP services will begin at the start of the upcoming school year.
- When a child turns three during the summer, the ARD/IEP committee, which includes the family, may begin to implement the IEP upon the start of the school year. Or, if necessary for the child to receive a free and appropriate public education (FAPE), the ARD/IEP committee may decide to begin to implement the IEP through ESY services. Note: The instructional setting code for the initial ESY services should be the same as the instructional setting code for services implemented at the beginning of the fall



session. The need for ESY services must be documented from formal and /or informal evaluations provided by the RGCCISD or the parents. Another agency or an ECI program could provide formal/and or informal evaluation information as one piece of the documentation.

- The RGCCISD and the ECI program will work closely to ensure that the IEP is in place for eligible children on their third birthday when a child is referred for services close to his/her third birthday.

1. Referral from ECI (Early Childhood Intervention) Programs (all decisions will occur collaboratively between ECI staff, school staff, and the parents)

A. RGCCISD will complete the child centered process including evaluation and the ARD/IEP process. Review of existing evaluation data, all time lines and referral requirements will be followed.

- When invited by the ECI service provider, the RGCCISD representative will attend a face to face meeting held up to 9 months prior to the eligible child's third birthday
- a referral should be made to RGCCISD approximately 90 days prior to the student's third birthday.
- To avoid a gap in services and to assure a smooth effective transition to the preschool program, RGCCISD will accept appropriate evaluations from an infant program serving children with disabilities.
- RGCCISD will complete the referral, evaluation, and ARD/IEP process within the required time-lines.
- Eligible preschool children will receive the necessary services as determined by the ARD/IEP committee beginning on their third birthday.

B. The ARD/IEP committee will determine eligibility, educational need and develop an IEP to determine placement.

C. Services to auditory or visual impairments birth through 2 are coordinated with ECI service providers in the development of the Individual Family Service Plan (IFSP) instead of an ARD/IEP.

- The RGCCISD will document services were coordinated (including copies of progress reports), and
- The RGCCISD has the capacity to provide services to the student throughout the year.(48 weeks)
- Services are provided only under IDEA-C guidelines, not IDEA-B. Typical procedures followed such as: distributing Notice of Procedural Safeguards, completing the Part B referral packets, obtaining consents, and completing full and individual evaluations may not be followed. This would conflict with Part C, and cause parent confusion and may place undue hardship on parents.

2. Referral by Parents / Guardians / Others (children not previously served in ECI):

A. For children with suspected developmental delays birth through 2 years of age, the RGCCISD maintain logs that document:



- within 2 working days from the date that a “Child Find” referral is received it is forwarded to an ECI program, (the RGCCISD will collaborate with the ECI program and determine appropriate steps based on the student age and needs), or
  - the RGCCISD will follow up with the ECI program to assure evaluation is completed within 45 calendar days from the date the referral is received,
  - the ARD/IEP committee will determine eligibility, educational need and develop an IEP to determine placement prior to the third birthday.
- B. For children referred prior to age 3, but less than the 90 days prior to their 3<sup>rd</sup> birthday, the RGCCISD will complete the referral and evaluation process in a timely manner following the required referral timelines.
- C. For children referred for services after their 3<sup>rd</sup> birthday, the normal referral process will be followed. The RGCCISD may screen and use existing evaluation data to determine the child will meet eligibility. An ARD/IEP committee may temporarily place the child pending the 90 day timeline for referral, evaluation, and ARD/IEP completion.
3. Services: For eligible students 3 years of age and older, the RGCCISD will develop an IEP. If a student’s 3<sup>rd</sup> birthday occurs during summer, the IEP team will determine the date services under the IEP will begin.

## **EVIDENCE OF IMPLEMENTATION:**

- MOU between ECI Program and RGCCISD
- ARD/IEP
- Individualized Family Service Plan
- Written consent for Initial Evaluation
- Individualized Services Plan
- Documentation of Child Find Efforts
- Initial FIE
- District submission of SPP Indicators 11 and 12 through TEAL

## **RESOURCES:**

[The Legal Framework for the Child-Centered Special Education Process: Child Find Framework--Ages 0-5--Region 18](#)

[Child Find Frequently Asked Questions--Texas Education Agency](#)

[Child Find, Evaluation and ARD Supports Network](#)

[Referral to Special Education](#)



[Key Elements of Early Transition \(KEET\): A Guide for Planning, Implementing, and Evaluating Smooth and Effective Transitions for Children and their Families from Local Early Childhood Intervention Contracted Programs to Local Preschool Programs for Children with Disabilities.](#)

[Early Childhood Intervention Services](#)

[Early Childhood Interventions \(Texas Project First\)](#)

