

PART Ed 1105 CHILD FIND

Ed 1105.01 Responsibilities of the Local Education Agency.

(a) The LEA shall comply with 34 CFR 300.111(c), relative to child find procedures.

(b) The LEA shall have policies and procedures to ensure that any child who is potentially a child with a disability attending school and for any child 2.5 years of age up to 22 years of age residing within its jurisdiction is referred to the IEP team.

(c) The child find system shall contain specific provisions to meet the particular circumstances pertinent to the following groups of persons:

(1) For children from 2.5 years of age, the LEA shall use the special education process described in Ed 1104, to find, identify, and evaluate all children who are potentially children with disabilities and who are suspected by the LEA of being in need of special education or special education and related services, thereby ensuring that an IEP will be developed and implemented for any child who is eligible for special education by age 3; and

(2) The LEA, using the special education process, shall find, identify, and evaluate all children suspected to be children with disabilities who are 2.5 years of age or older but less than 22 years of age.

(d) The child find system shall include children who are placed unilaterally in nonpublic schools within the geographic boundaries of the local school district by their parents without involving the LEA.

(e) The LEA shall provide the SEA, using NHSEIS, the following information:

(1) Data concerning children suspected, evaluated, and determined eligible for special education; and

(2) Data concerning children suspected, evaluated, and determined not eligible for special education.

[Source.](#) (see Revision Note at chapter heading for Ed 1100) #9197, eff 6-28-08; ss by #12141, eff 3-24-17; ss by #13773, eff 10-12-23

Ed 1105.02 LEA Child Find Program.

(a) The LEA shall establish referral procedures which ensure that every child who is suspected or known to be a child with a disability shall be referred to the IEP team for further evaluation.

(b) Any person may refer a child under the age of 22 years to the IEP team for reasons including, but not limited, to the following:

- (1) Failing to pass a hearing or vision screening;
- (2) Unsatisfactory performance on group achievement tests or accountability measures;
- (3) Receiving multiple academic and behavioral warnings or academic or behavior warnings or suspension or expulsion from a childcare or after school program;
- (4) Repeatedly failing one or more subjects;
- (5) Inability to progress or participate in developmentally appropriate preschool activities; and
- (6) Receiving service from family centered early support and services.

(c) The LEA shall coordinate with area agencies and family centered early supports and services to establish a process of LEA notification of children served by family centered early supports and services consistent with the interagency agreement between the LEA and area agencies providing family centered early supports and services.

(d) The LEA, annually, shall consult with representatives of nonpublic schools within its jurisdiction and representatives of parents of parentally placed children with disabilities attending private schools within its jurisdiction to advise them of the LEA's responsibility to identify and evaluate all children who

are suspected of or known to be children with a disability and who are enrolled in such schools. Schools shall forward referrals to the IEP team for further review.

(e) The LEA shall annually contact all community agencies and programs within its jurisdiction which provide medical, mental health, early intervention, early care and education, welfare, and other human services to advise them of the LEA's responsibility to find, identify, and evaluate all children who might be children with disabilities, and referrals from these agencies shall be forwarded to the IEP team for further evaluation.

(f) The LEA, annually, shall disseminate information which describes its child find program and shall include a description of the LEA's special education program, including a contact person in the school system for further information or referral.

(g) The LEA, annually, shall provide all parents of children with disabilities with information regarding the parents' rights and responsibilities under federal and state law as provided in 34 CFR 300.504 regarding special education.

(h) The LEA shall ensure that all referrals from parents and others who suspect or know a child to be a child with a disability shall be referred to the IEP team.

(i) The LEA shall provide the parents with a written notice of any referral other than one initiated by the parent, in accordance with Ed 1106.01(c).

(j) The LEA shall ensure that child find activities are completed within the applicable timelines found in Ed 1105-Ed 1108.

[Source.](#) (see Revision Note at chapter heading for Ed 1100) #9197, eff 6-28-08; ss by #12141, eff 3-24-17; ss by #13773, eff 10-12-23

Ed 1105.03 Child Find For Children Placed in Homes for Children, Health Care Facilities, or State Institutions. In order to ensure that all relevant agencies and groups within the boundaries of each local school district are aware of the LEA's child find efforts and of the process for referring a child who is or might be involved with the court and for whom a special education program might be appropriate, the LEA shall:

(a) Appoint an LEA employee to direct the child find effort;

(b) Publicize the name of the employee's functions, and the manner by which the employee might be contacted within the LEA;

(c) Correspond with, or contact at least once a year, agencies or groups within the area served by the LEA which might have knowledge of children with disabilities who are not being served, explaining the referral process and requesting that they refer to the LEA children under the age of 22 who might have educational disabilities; and

(d) Contact the following agencies:

(1) Local DCYF offices;

(2) Local public defenders;

(3) Local district courts;

(4) Local residential educational and treatment programs; and

(5) Social service agencies which provide medical, mental health, welfare, and other human services.

[Source.](#) (see Revision Note at chapter heading for Ed 1100) #9197, eff 6-28-08; ss by #12141, eff 3-24-17; ss by #13773, eff 10-12-23

Ed 1105.04 Child Find for Children Currently Receiving Family Centered Early Supports and Services.

(a) The LEA shall develop a written early transition process for children exiting family centered early supports and services which ensures that any child who is potentially a child with a disability is evaluated and eligibility for special education is determined prior to the child's third birthday. If the child

is determined to be a child with a disability eligible for special education and related services, the LEA shall ensure that an IEP is developed and implemented on or before the child's third birthday.

(b) The transition process in Ed 1105.04(a) shall include a written interagency agreement between the LEA and the local area agencies, as defined by RSA 171-A:2, I-b responsible for the provision of family centered early supports and services in that community.

(c) The agreement shall include, but not be limited to, LEA and area agency policies, practices and procedures regarding:

- (1) Practices that will enable family centered early supports and services and LEA personnel to collaborate effectively;
- (2) When and how data and information will be shared, including a statement of confidentiality;
- (3) A plan for maximum efficiency of meetings, including consolidation of meetings when appropriate;
- (4) A process to ensure that the transition conference planning activities and other meetings are scheduled at mutually agreeable times for families, family centered early supports and services and LEA staff;
- (5) Transition activities that will be in place, such as home and program visits, observations, and evaluations as needed;
- (6) LEA child find activities under Ed 1105, including details about LEA and family centered early supports and services, area agency responsibilities, timelines for notification to the LEA for child find, and referral to the LEA for eligibility determination;
- (7) Coordination between LEA and family centered early supports and services to conduct evaluations and assessments for determination of eligibility for special education that includes how evaluations or assessments previously administered to the child will be conducted and utilized;

(8) Participation in transition meetings and who should participate in the transition meeting, with the understanding that the special education process team for referral, evaluation, IEP development, and placement are the same; and

(9) Specific provisions that regardless of the child's date of birth in late spring, summer, or early fall, an IEP will be developed and implemented on or before the child's third birthday.

(d) The LEA shall participate in transition planning conferences arranged by the local area agency responsible for family centered early supports and services in that community.

(e) At the request of the parent, an invitation to the initial IEP meeting shall be sent to the child's family centered early supports and services service coordinator or other representatives of the family centered early supports and services system to assist with the smooth transition of services.

(f) The LEA shall report in NHSEIS whether a child referred by family centered early supports and services is a child determined to be a child with a disability or if the child is found not eligible as a child with a disability.

Source. (see Revision Note at chapter heading for Ed 1100) #9197, eff 6-28-08; ss by #12141, eff 3-24-17