

Explanation of Child Find and East Mountain High School Requirements

A free appropriate public education (FAPE) must be available to all children who receive a placement at East Mountain High School through the open lottery process, including children with disabilities who have been suspended or expelled from school. (34 C.F.R. § 300.101(a))

The process of identifying, locating, and evaluating these children is referred to as child find.

In order to comply with the child find requirements, East Mountain High School shall have procedures in place to ensure that all children with disabilities within its jurisdiction/geographical boundaries, 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. (34 CFR § 300.111(a))

In compliance with child find provisions of the IDEA and New Mexico Administrative Code, East Mountain High School also shall, within its jurisdiction/geographical boundaries, identify, locate, and evaluate:

- Children who are suspected of being a child with a disability under §300.8 and in need of special education, even though they are advancing from grade to grade;
- Highly mobile children, including migrant children; and
- Children who are suspected of being developmentally delayed.¹

Child Find Referrals and Activities

East Mountain High School shall accept referrals, as per child find provisions, from any source that suspects a child may be eligible for special education and related services. (71 Fed. Reg. 46636 (August 14, 2006))

¹ *The New Mexico Public Education Department has adopted a definition of development delay in accordance with 34 CFR §300.8(b)*

The New Mexico Public Education Department does not require East Mountain High School to adopt and use the term developmentally delayed for any children within its geographical boundaries; however, East Mountain High School conforms to the definition and age range adopted by the New Mexico Public Education Department. Please refer to the Definitions section of this procedural directive for the definition of developmentally delayed. (34 CFR §300.8(b), 34 CFR § 300.111(c); 6.31.2.12(F) NMAC)

Student intervention system:

East Mountain High School shall follow a three-tier model of student intervention as a proactive system for early intervention for students who demonstrate a need for educational support for learning or behavior. (6.29.1.9(D) NMAC)

In tier 1, East Mountain High School shall ensure that adequate universal screening in the areas of general health and well-being, language proficiency status and academic levels of proficiency has been completed for each student enrolled. If, through universal screening, a referral from a parent, a school staff member, or other information available to a school or district suggests that a particular student needs educational support for learning or behavior, then the student shall be referred to the SAT (Student Assistance Team) for consideration of interventions at the tier 2 level. (6.29.1.9(D)(1) NMAC)

In tier 2, a properly-constituted SAT, which includes the student's parents and the student (as appropriate), shall conduct the student study process and consider, implement and document the effectiveness of appropriate research-based interventions utilizing curriculum-based measures. (6.29.1.9(D)(2) NMAC)

In addition, the SAT shall address culture and acculturation, socioeconomic status, possible lack of appropriate instruction in reading or math, teaching and learning styles and instructional delivery mechanisms in order to rule out other possible causes of the student's educational difficulties. (6.29.1.9(D)(2) NMAC).

When it is determined that a student has an obvious disability or a serious and urgent problem, the SAT shall address the student's needs promptly on an individualized basis, which may include a referral for a multi-disciplinary evaluation to determine possible eligibility for special education and related services. (6.29.1.9(D)(2) NMAC)

In tier 3, a student has been identified as a student with a disability and deemed eligible for special education and related services, and an IEP is developed by a properly constituted team. (6.29.1.9(D)(3) NMAC)

The Public Education Department's manual, The Student Assistance Team and the Three-Tier Model of Student Intervention, shall be the guiding document for schools to use in implementing the student intervention system. (6.29.1.9(D)(4) NMAC)

East Mountain High School shall train their school administrators and teachers who teach reading to implement appropriate research-based reading interventions prior to referring the student for a special education evaluation. (6.31.2.9(B)(8)(b) NMAC) Such training may be through the New Mexico State-Wide Professional Development modules hosted by Region IX Educational Cooperative in Ruidoso, New Mexico. These modules are provided through a partnership between the New Mexico Special Education Bureau and 95 Percent Group Inc., Susan L. Hall, EdD, Founder and President and Region IX Education Cooperative.

A parent may request an initial special education evaluation at any time during the East Mountain High School's implementation of tiers 1 and 2 (SAT process) of the three-tier model of student intervention. If the public agency agrees with the parent that the child may be a child who is eligible for special

education services, the public agency must evaluate the child. If the public agency declines the parent's request for an evaluation, the public agency must issue prior written notice in accordance with 34 CFR Sec. 300.503. The parent can challenge this decision by requesting a due process hearing. (6.31.2.10(C)(1)(d) NMAC and 6.31.2.10((D)(1)(c)(iv) NMAC)

East Mountain High School' child find activities include a screening process to determine whether the child should be referred for a full evaluation to determine eligibility for special education and related services. (71 Fed. Reg. 46636 (August 14, 2006))

Child Find Activities Following Revocation of Consent

Children who have previously received special education and related services and whose parents subsequently revoked consent shall not be treated any differently in the child find process than any other child, including a child who was determined eligible and whose parent refused to provide initial consent for services. (73 Fed. 73012 (December 1, 2008))

Child Find and Parentally-Placed Private School Children

East Mountain High School, in compliance with federal regulation, shall, locate, identify, and evaluate all children with disabilities who are enrolled by their parents in private, including religious, elementary schools and secondary schools located within the geographical boundaries of the East Mountain High School even though these children may not reside within the geographical boundaries of the East Mountain High School. (34 CFR §300.131(a))

East Mountain High School child find process for parentally placed private school children shall ensure that any child placed in a private school have an equitable opportunity to participate in child find activities as any other child. East Mountain High School shall keep an accurate count of children parentally placed in a private school. (34 CFR §300.131(b))

In carrying out its child find duties to parentally placed private school children:

East Mountain High School shall undertake activities similar to the activities undertaken for students who attend East Mountain High School;

The cost of carrying out the child find requirements, including individual evaluations, shall not be considered in determining if East Mountain High School has met its proportionate share obligation;

The child find process shall be completed in a time period comparable to that for other students attending East Mountain High School; and

East Mountain High School shall include parentally placed private school children who reside in a state other than New Mexico in carrying out its child find requirements if the child is attending a private school located within East Mountain High School.

(34 CFR §300.131)

East Mountain High School shall consult with private school representatives and representatives of parents of parentally placed private school children with disabilities during the design and development of special education and related services for the children regarding the child find process, including, but not limited to:

How parentally placed private school children suspected of having a disability can participate in child find activities equitably; and

How parents, teachers, and private school officials will be informed of the process.