

3301-51-03 Child find

(A) Each school district shall adopt and implement written policies and procedures approved by the Ohio department of education, office for exceptional children, that ensure all children with disabilities residing within the district, including children with disabilities who are homeless children or are wards of the state, and children with disabilities attending nonpublic schools, regardless of the severity of their disability, and who are in need of special education and related services are identified, located, and evaluated as required by the Individuals with Disabilities Education Act, as amended by the Individuals with Disabilities Education Improvement Act of 2004, December 2004 (IDEA) and federal regulations at 34 C.F.R. Part 300 (October 13, 2006) pertaining to child find, including the regulations at 34 C.F.R. 300.111 and 300.646 (October 13, 2006) and as required by the provisions of this rule.

(B) Child find

(1) General

The child find policies and procedures that each school district adopts and implements under this rule shall ensure that:

- (a) All children with disabilities residing in the state, including children with disabilities who are homeless children or are wards of the state, and children with disabilities attending nonpublic schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated; and
- (b) A practical method is developed and implemented to determine which children are currently receiving needed special education and related services.

(2) Use of the term developmental delay

The following provisions apply with respect to implementing the child find requirements of this rule:

- (a) The Ohio department of education has adopted in rule 3301-51-11 of the Administrative Code a definition of “developmental delay” under 34 C.F.R. 300.8(b) (October 13, 2006) and under that section has determined in rule 3301-51-01 of the Administrative Code that the term applies to children aged three through five years;
- (b) A school district is not required to adopt and use the term developmental delay for any children within its jurisdiction;
- (c) If a school district uses the term developmental delay for children described in rule 3301-51-01 of the Administrative Code as experiencing developmental delays, the school district must conform to both the state’s definition of that term in rule 3301-51-11

of the Administrative Code and to the age range of three through five years of age which is the age range subset that has been adopted by the Ohio department of education in rule 3301-51-01 of the Administrative Code.

(3) Other children in child find

Child find must also include:

- (a) Children who are suspected of being a child with a disability under the definition of child with a disability in paragraph (B)(10) of rule 3301-51-01 of the Administrative Code and in need of special education, even though they are advancing from grade to grade; and
- (b) Highly mobile children, including migrant children.

(4) Construction

Nothing in the IDEA requires that children be classified by their disability so long as each child who has a disability that is listed in the definition of child with a disability in paragraph (B)(10) of rule 3301-51-01 of the Administrative Code and who, by reason of that disability, needs special education and related services is regarded as a child with a disability under Part B of the IDEA.

(C) Disproportionality

(1) General

The Ohio department of education and each school district must provide for the collection and examination of data to determine if significant disproportionality based on race and ethnicity is occurring in the state and the school districts of the state with respect to:

- (a) The identification of children as children with disabilities, including the identification of children as children with disabilities in accordance with a particular impairment described in the definition of "child with a disability" in paragraph (B)(10) of rule 3301-51-01 of the Administrative Code;
- (b) The placement in particular educational settings of these children; and
- (c) The incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

(2) Review and revision of policies, practices, and procedures

In the case of a determination of significant disproportionality with respect to the identification of children as children with disabilities, or the placement in particular educational settings of these children, in accordance with paragraph (C)(1) of this rule, the Ohio department of education must:

- (a) Provide for the review and, if appropriate, revision of the policies, procedures, and practices used in the identification or placement to ensure that the policies, procedures, and practices comply with the requirements of the IDEA.
 - (b) Require any school district identified under paragraph (C)(1) of this rule to reserve the maximum amount of funds under Section 613(f) of the IDEA to provide comprehensive coordinated early intervening services to serve children in the school district, particularly, but not exclusively, children in those groups that were significantly overidentified under paragraph (C)(1) of this rule; and
 - (c) Require the school district to publicly report on the revision of policies, practices, and procedures described under paragraph (C)(2)(a) of this rule.
- (D) Data reporting
- (1) Each school district shall maintain an education management information system and submit data to the Ohio department of education pursuant to rule 3301-14-01 of the Administrative Code.
 - (2) County boards of developmental disabilities and state institutions operated under the Ohio department of mental health, Ohio department of youth services, and the Ohio central school system shall submit data reports directly to the Ohio department of education on prescribed forms and in the prescribed manner.
 - (3) The collection and use of data to meet the requirements of this rule are subject to the confidentiality requirements in rule 3301-51-04 of the Administrative Code.

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