



STATE OF VERMONT

To: Superintendents
Principals
Business Managers
Special Education Directors
Essential Early Education Coordinators
FITP Local Host Agencies

From: William Talbott, Acting Commissioner, DOE
Cynthia D. LaWare, Secretary, AHS

Date: September 11, 2008

Re: School District and Host Agency Child Find Responsibilities

We are jointly sending this memo to clarify the respective roles of the Local Education Agencies and Family, Infant and Toddler Host Agencies for meeting child find requirements under Part C of IDEA. As co-lead agencies for Part C, we have prepared this memo and have identified contacts within our agency and department to provide guidance and ongoing technical assistance to assist you in meeting your respective obligations under Part C.

Child Find Responsibility for Birth to Age Three

As a condition for receiving federal IDEA Part B and C funds, the IDEA requires states to demonstrate that a comprehensive statewide child find system exists for children with disabilities from birth through age 21. A comprehensive child find system includes policies and procedures which ensure that all infants and toddlers who may be eligible for services under Part C are identified and evaluated.

Legal Basis for School Districts' Responsibility for Child Find for Birth to Age Three

Vermont has aligned child find responsibilities in both Vermont State Board of Education Rules adopted on August 24, 2006, and the Part C Interagency Agreement dated July 27, 2006 (Part C IAA). V.S.B.E. Rule 2360.3.5 (a)(1) states: "Supervisory unions are responsible for establishing and implementing a comprehensive child-find system for children from birth through twenty-one

years of age.” The Part C IAA states: “Pursuant to V.S.B.E. Rule 2360.5, the child find responsibility for children birth to age three lies with LEAs.”¹ See Part C IAA, page 7.

The 2006 V.S.B.E. Rules and the Part C IAA alignment of child find with schools is not new. The preceding Vermont Part C IAA, dated January 1997, also identified Part C child find as a responsibility of school districts. Every version of the Vermont State Board of Education Rules dating back at least to June 5, 1991, has also identified school districts as responsible for Part C child find: “Comprehensive Child Find System (a) Local Procedures. Each responsible agency shall establish written procedures for the identification and evaluation of children with disabilities, birth through twenty-one years of age, residing within the jurisdiction of the responsible agency who are in need of special education.” V.S.B.E. Rule 2360.3, adopted June 5, 1991. The 1991 rules defined “responsible agency” as: “the school district, pursuant to 16 V.S.A. §11(1), that is responsible for providing education and the supervisory union responsible for providing or arranging for the provision of special education and related services to the student. V.S.B.E. Rule 2360.2.2, adopted June 5, 1991.

Tasks Necessary to Fulfill the Birth to Age Three Child Find Responsibility

What exactly must school districts do to meet their child find responsibility for the birth to age three population and maintain their eligibility for IDEA funding? School districts are responsible for undertaking activities to locate and identify children birth to age three who may require early intervention services. The Part C child find system must employ specific elements of evaluation and assessment, including a comprehensive, multidisciplinary evaluation and assessment in all developmental areas. School districts are responsible for the costs of the evaluation and for ensuring that the evaluation process complies with the requirements of V.S.B.E. Rule 2360.5 through 2360.5.3. This includes the responsibility for ensuring that the assessment is completed using approved assessment instruments and eligibility is determined within 45 days of receipt of a referral. School districts can fulfill their child find responsibility by performing the child find activities or by contracting with the regional Family, Infant and Toddler Program or with other qualified entities.

Allowable Funds based on Part C IAA

The June 27, 2006 Part C IAA enumerates the available funding sources that school districts may use to fulfill their Part C child find responsibilities. The child find funding sources listed in the Part C IAA are: Part B funds; Part C funds at the discretion of AHS; Medicaid through OVHA; private insurance; Early Head Start to the extent permitted by the 2005 Interagency Agreement for Supporting Children with Disabilities and Their Families. To the extent that all school district Essential Early Education (EEE) responsibilities are fulfilled, the EEE state grant may be used for child find activities.

It has also been determined that school districts may use their state education spending dollars to meet their child find obligations for children birth to age three. As school districts must perform the child find requirements for children from birth to age three to meet federal and state law requirements, it is an allowable use of state education spending dollars.

¹ LEA means local education agency or school district.

Because the LEAs are responsible for the costs associated with Child Find, AHS and their contracted host agencies will no longer absorb the costs of implementing the child find requirements under Part C.

Contacts for Further Information

We hope that this memorandum answers any questions that you might have regarding your district's child find responsibilities for children from birth to age three, and the allowable use of funds for that purpose. The Part C IAA should be used as a guide for local school districts and regional host agencies to work together in formulating a regional plan which clearly defines each entity's specific roles and responsibilities in the implementation of child find activities.

Technical and on-going assistance will be available to your district and regional host agencies by DOE and AHS staff to assist local efforts in the formulation and implementation of regional plans. It is our shared goal to better identify and coordinate services for young children and their families participating in Part C services.

If you need technical assistance in carrying out any of the obligations described above, please contact Kate Rogers, the Department's Essential Early Education Consultant, at 828-5115, or at kate.rogers@state.vt.us, or Helen Keith, Vermont's Part C Director, at 241-3622, or at helen.keith@ahs.state.vt.us.