



STATE OF VERMONT
DEPARTMENT OF EDUCATION
120 State Street
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To: Superintendents
Principals
Business Managers
Special Education Directors
Essential Early Education Coordinators
FITP Local Host Agencies

From: Richard H. Cate, Commissioner, DOE
Cynthia D. LaWare, Secretary, AHS

Date: March 20, 2008

Re: School District Child Find Responsibilities

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 2360.5 states: "As required by federal law, school districts shall engage in child find activities to identify children who may require early intervention services." 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

¹ LEA means local education agency or school district.

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? 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 need to make sure that an evaluation is completed for children birth to age three in accordance with V.S.B.E Rules 2360.5.2 and 2360.5.3. 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 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; Medicaid through OVHA; private insurance; Early Head Start to the extent permitted by the Early Head Start Agreement; and the EEE state grant.

Additional Allowable Funds for Birth to Age Three Child Find

Since the execution of the Part C IAA, the Department’s legal counsel and managers have reviewed the question of whether any other funds may be used for birth to age three child find. It has 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 birth to age three child find to meet federal and state law requirements, it is an allowable use of state education spending dollars to the extent that the other funds identified in the Part C IAA do not meet the full need for child find.

Please note that child find is distinct from the delivery of *direct services* to children birth to age three. It is the position of the Vermont Department of Education that the delivery of direct services to children birth to age three is *not* an allowable use of state education spending dollars or school Medicaid funds. A district which provides direct services to a child birth to age three runs the risk of those expenses being identified in the audit process, and being determined, by the Vermont Department of Education, to be an unallowable expenditure of education funds. The Vermont Department for Children and Families will continue to explore funding sources for direct services to children birth to age three.

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 therefor. 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 FITP.

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 please contact Helen Keith, Vermont's FITP Director, at 241-3622, or at hkeith@vdh.state.vt.us.

