



Waterford Montessori Academy

CHILD FIND under SECTION 504 and IDEA

FORMS, CHECKLISTS and PROCEDURES

Table of Contents

CHILD FIND UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT..... 1

CHILD FIND UNDER SECTION 504 2

FORMS, CHARTS, SCRIPT and LETTERS

- Child Find Information Checklist----- FORM A
- Child Find Notification Process Chart-----FORM B
- Child Find File Review Document -----FORM C
- Child Find Under IDEA Process Chart----- FORM D
- Child Find Under Section 504 Process Chart----- FORM E
- Child Find Under Section 504 Frequently Asked Questions -----FORM F

**CHILD FIND UNDER THE
INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)**

The Individuals with Disabilities Education Act (IDEA) is a federal law that provides federal assistance to states and local school districts and that requires all public schools to make available a free appropriate public education (FAPE) to all children with disabilities. IDEA is also supported by a comprehensive set of federal regulations that are also legally binding on public schools.

(a) *General.* (1) The State must have in effect policies and procedures to ensure that—

(i) 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 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; and

(c) Child find also must include—

(1) 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; and
(2) Highly mobile children, including migrant children.

A critical component of a public school’s obligation to provide a FAPE is to ensure that the school has in place a system to support “child find.” Child find typically involves students enrolled in Waterford Montessori Academy, but the obligation actually applies to all students who reside within the district, even if they are homeless, wards of the state, enrolled in a private school, highly mobile children (including migrant children) or home school students, regardless if they are registered with the State or Oakland Schools.

The exact language in the law is quoted to the side, but the obligation is to “locate, evaluate and identify” any child that the district has reason to suspect has or may have a disability and who may be in need of special education (or related services in Michigan), even if the child is advancing from grade to grade.

This Manual was created to assist the Waterford Montessori Academy and its staff in meeting their IDEA child find obligations and in documenting their efforts to comply with the obligation. It is crucial that staff understand, their child find duty is not to “rule in” or to “rule out” a disability. Rather it is to ensure that, where information is presented the school or its staff that may give cause to suspect a disability that requires special education or related services, school staff follow up and document their activities. Involvement of the parents or guardians in this process is critical, as is documentation of that involvement.

20 U.S.C. §1401(3);

20 U.S.C. §1412(a)(3);

34 CFR § 300.111(a) and (c).

CHILD FIND UNDER SECTION 504

Like the IDEA referenced on the previous page, Section 504 of the Rehabilitation Act of 1973 (Section 504) includes a child find obligation. Section 504 also has a set of federal regulations which

are legally binding on public schools that receive federal financial assistance. Because Waterford Montessori Academy does, in fact, receive federal financial assistance, the District and its staff are legally obligated to ensure that Section 504 child find duties are performed and documented.

A recipient that operates a public elementary or secondary education program or activity shall conduct an evaluation in accordance with the requirements of paragraph (b) of this section of any person who, because of handicap, needs or is believed to need special education or related services before taking any action with respect to the initial placement of the person in regular or special education and any subsequent significant change in placement.

34 CFR 104.36

The exact language from the child find regulation under Section 504 is printed to the side. Although it is not expressly stated in the regulation, like the IDEA child find obligation, the Section 504 child find obligation most likely applies to all students who reside in the Waterford Montessori Academy and to all of the categories of students that are described in regard to the IDEA child find obligation. The obligation is triggered where the school has reason to suspect that a child may suffer from a “handicap”, which is defined in the regulations to be a physical or mental impairment that substantially limits a major life activity. As it relates to the obligation to conduct an evaluation before a significant change in placement, this obligation is met in discipline situations using the manifestation determination review process, but in non-discipline situations, where a significant change in placement is contemplated, further evaluation may be required.

This Manual was created to assist the Waterford Montessori Academy and its staff in meeting their Section 504 child find obligations and in documenting their efforts to comply with the obligation. It is crucial that staff understand, their child find duty is not to “rule in” or to “rule out” a disability. Rather it is to ensure that, where information is presented the school or its staff that may give cause to suspect that a student has a physical or mental impairment that substantially limits a major life activity. Where staff receives such information, they should follow up and document their activities. Involvement of the parents or guardians in this process is critical, as is documentation of that involvement.

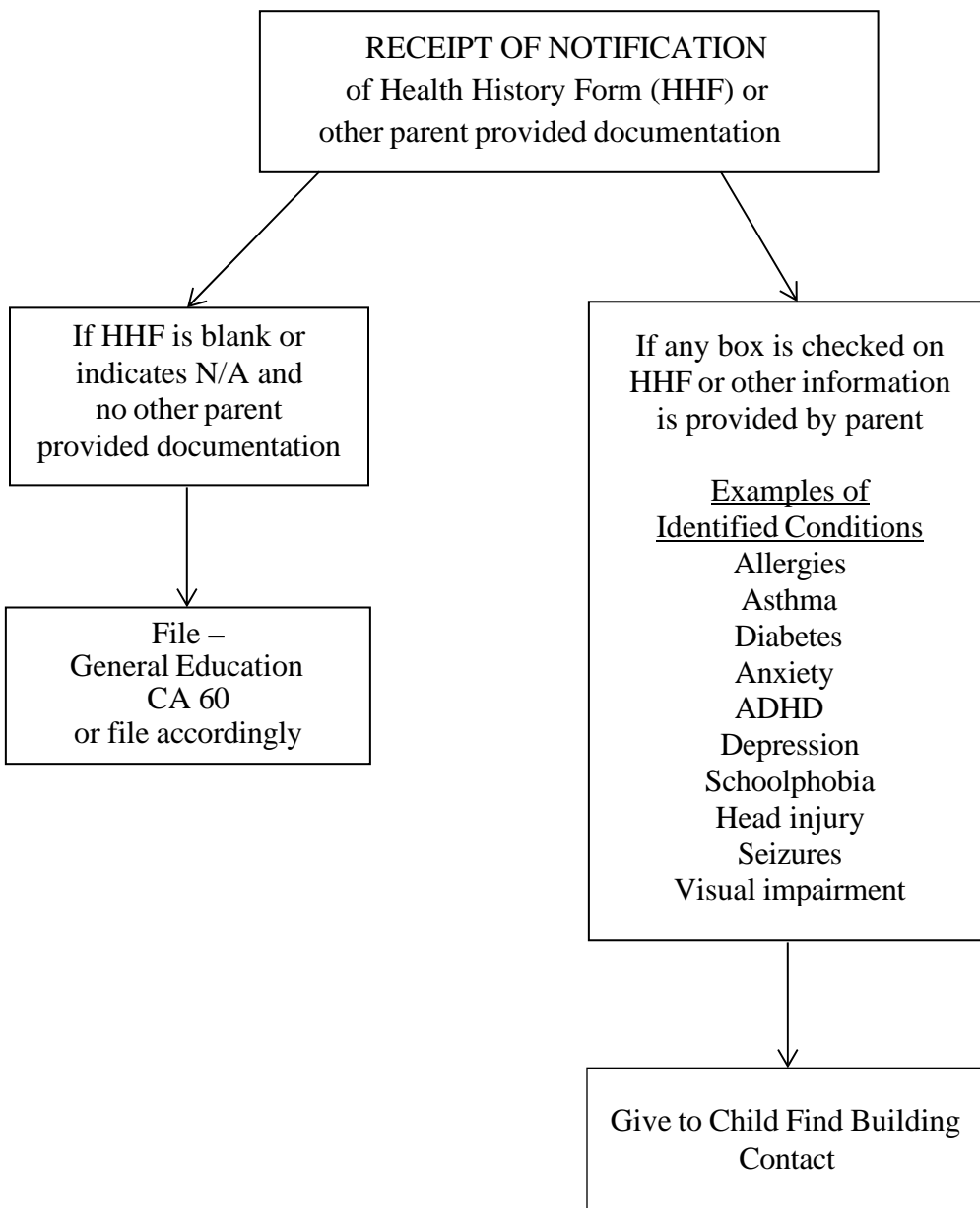
WATERFORD MONTESSORI ACADEMY
CHILD FIND INFORMATION CHECKLIST (Form A)

Date: _____ **Staff:** _____ **Building:** _____

Name of Student: _____

- [Health History Form](#) (HHF) or other notification of condition is received by building as part of enrollment process or as part of ongoing communications with family.
- Office Secretary / Support Staff reviews form/documentation to see whether any conditions are identified that may require follow up by child find staff. [See Flowchart]
- For the HHF:
 1. **If no condition is identified** on the form in any of the categories, the form should be filed in the student's CA 60 and/or HHF building file as designated for that school year.
 2. **If a condition is identified** on the form, the form should be given to the staff member in the building who is responsible for monitoring child find.
- The staff member responsible for child find in the building reviews the form to determine what conditions are identified. If there is an existing IEP or 504 Plan, the current plan is reviewed to verify if it addresses the identified condition(s).
- The staff member responsible for child find makes a decision regarding preliminary handling:
 - 1) No disability is suspected and no further follow up is required (should be rare and clearly documented why condition does not trigger child find.)
 - 2) A condition is identified that is already addressed appropriately in a current IEP or 504 plan and no further follow up is required (should be clearly documented).
 - 3) A condition is identified that clearly needs additional support and parent agrees the District can first use the MTSS process to intervene.
 - 4) A condition is identified that clearly causes the District to suspect an IDEA disability and the form is referred to Special Education Team for follow up.
 - 5) A condition is identified that clearly causes the District to suspect an impairment under Section 504 and the form is referred to a Section 504 evaluation team for follow up.
 - 6) A condition is identified, but it is unclear whether an IDEA disability or Section 504 impairment is at issue and the HHF form or other notification provided by parent is referred to the Student Support Team for follow up.
- The Special Education Team, Section 504 referral Team and/or the Student Support Team reviews the Child Find Review Document for the student [See Child Find Packet, Form C].
- A representative of the Special Education Team, Section 504 Referral Team and / or the Student Support Team follows up with the Parent / Guardian and documents on Child Find File Review Document [See Child Find Packet, Form C].
- Send appropriate parent letter, including procedural safeguards. [See Child Find Packet Parent letters, Forms H, I, J, K & L] .

CHILD FIND NOTIFICATION
PROCESS CHART (Form B)





Waterford Montessori Academy

CHILD FIND

FILE REVIEW DOCUMENT (Form C) Revised 8.1.2022

Date: _____ Staff: _____ Building: _____

Name of Student: _____

I. Identify Condition/Source of Concern

Details:

- HHF _____
- Physical/Mental Impairment _____
- Student Permissions & Acknowledgements ForM _____
- Other _____

II. Student Status:

Student with IEP? ** Date of IEP: _____

Student with 504 Plan? ** Date of 504 Plan: _____

** If existing IEP or 504 Plan, does it correspond with identified condition? Yes No

General Education

III. Student Record Review:

Comments:

- Grades _____
 - Attendance _____
 - Behavior/Discipline _____
 - Health/Medical _____
 - Social/Emotional _____
 - Parent/Teacher Observations _____
 - Outside Reports/Evaluations _____
 - Additional Comments: _____
- _____
- _____

IV. Staff Follow Up Regarding Concerns in III:

Teacher Name: _____ **Date:** _____

Comments: _____

Administrator: _____ **Date:** _____

Comments: _____

Other: _____ **Date:** _____

Comments: _____

V. Parent Contact/Follow Up

Contact Date: _____ **Method of Contact:** _____

Comments: _____

Appropriate parent letter (as indicated below) and procedural safeguards sent.

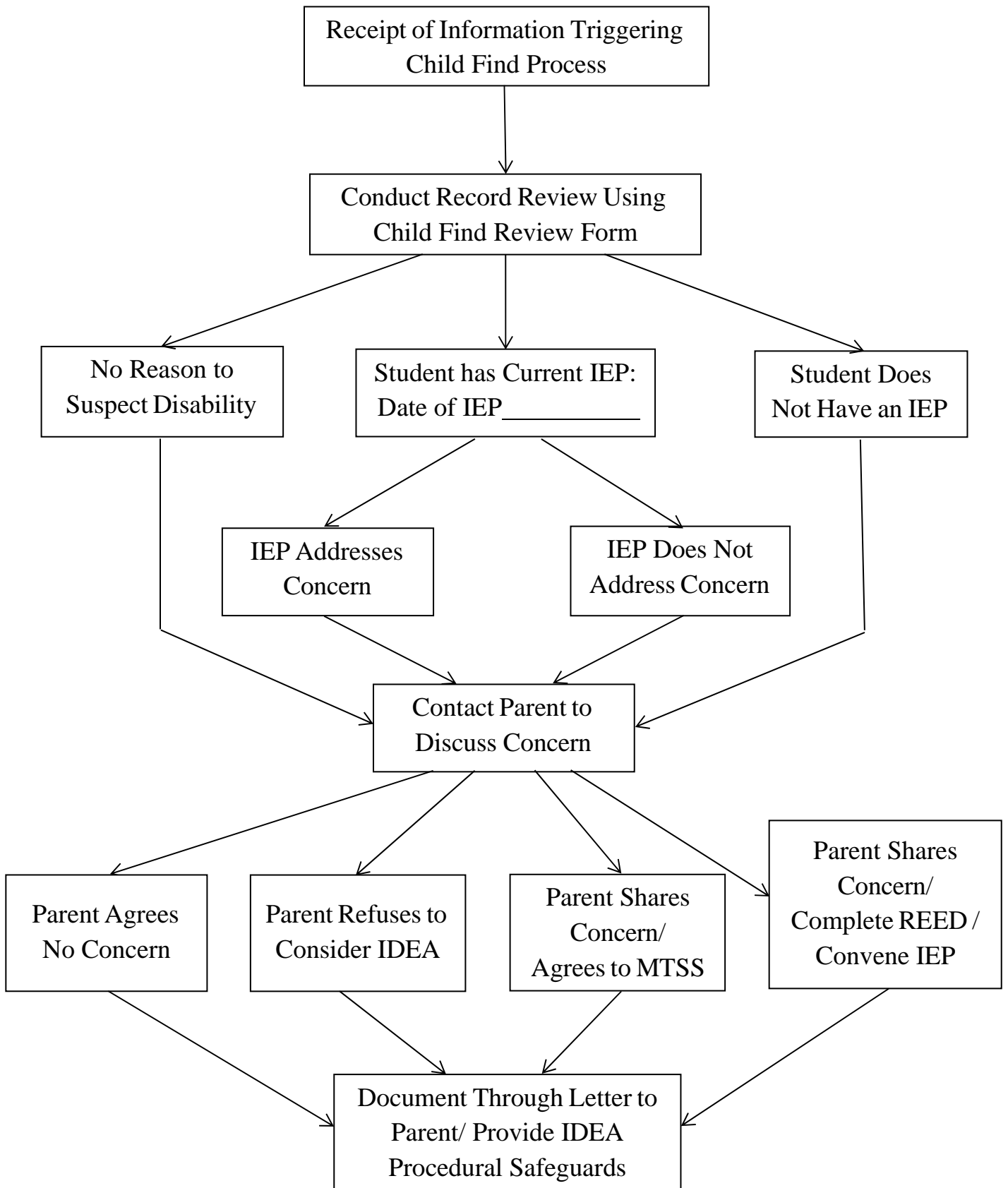
VI. Disposition

- No Reason to suspect – Parent Agrees
 - Follow-up Letter **Form H** w/ Procedural Safeguards
- No Reason to Suspect – Parent Disagrees
 - Follow-up Letter **Form I** w/ Procedural Safeguards
- Reason to Suspect – Parent Agrees to MTSS Process
 - Follow-up Letter Form **J** w/ Procedural Safeguards
- Referral for Special Education Evaluation
 - Follow-up Letter **Form K** w/ Procedural Safeguards
- Referral for Section 504 Evaluation
 - Follow-up Letter **Form K** w/ Procedural Safeguards
- Referral to Student Support Team
 - Follow-up Letter **Form K** w/ Procedural Safeguards
- Parent Refused (either Section 504 or Special Ed)
 - Follow-up Letter **Form L** w/ Procedural Safeguards

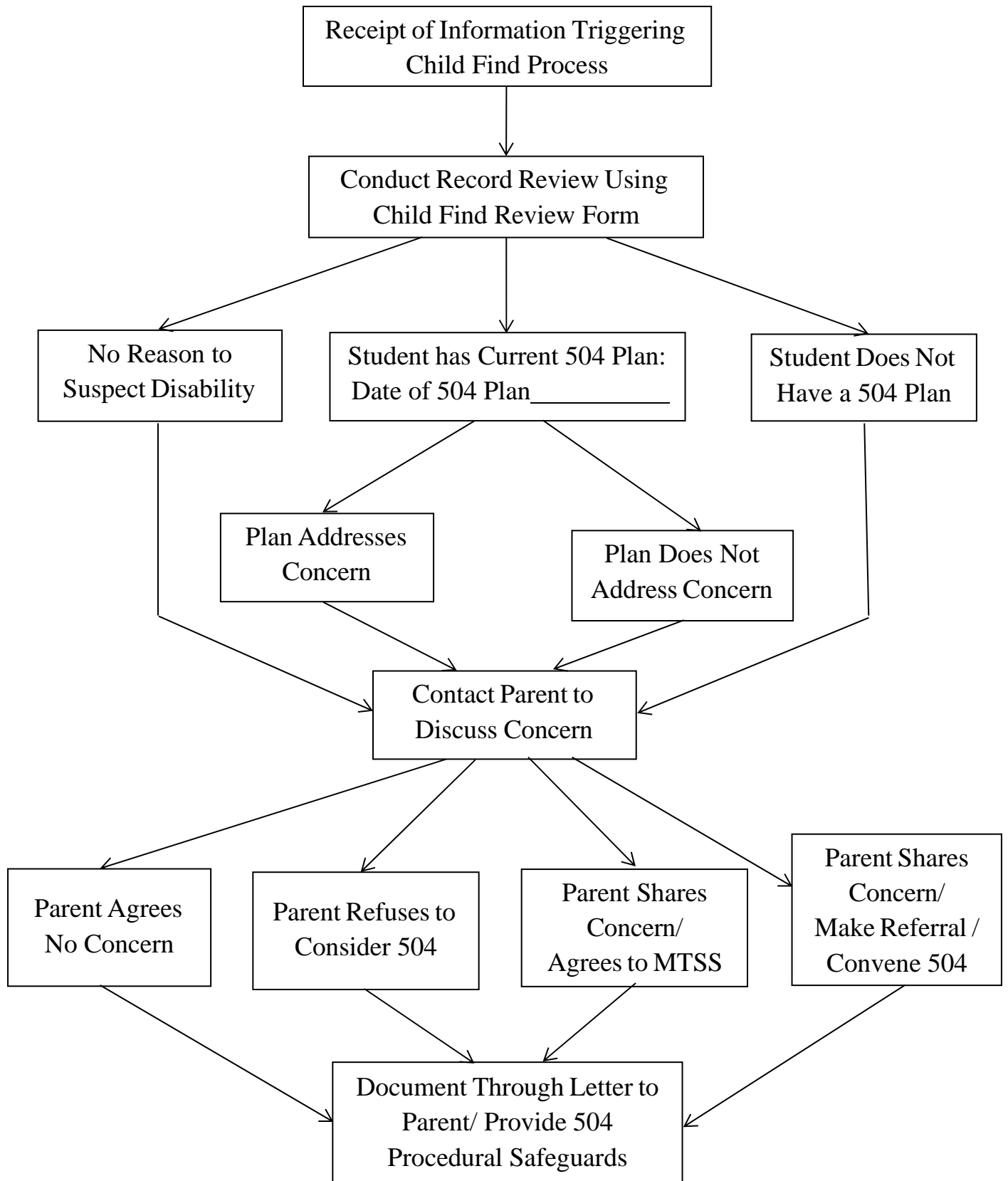
VII. Filing/Maintenance

- CA-60 (Gen Ed/No Reason to Suspect)
- Special Education File
- Section 504 File

CHILD FIND UNDER IDEA
PROCESS CHART (Form D)



CHILD FIND UNDER SECTION 504
PROCESS CHART (Form E)



CHILD FIND UNDER SECTION 504 FREQUENTLY ASKED QUESTIONS (FORM F)

What is reasonable justification for referring a student for evaluation for services under Section 504?

School districts may always use regular education intervention strategies to assist students with difficulties in school. Section 504 requires school districts to refer a student for an evaluation for possible special education or related aids and services or modifications to regular education if the student, because of disability, needs or is believed to need such services.

A student has a disability referenced in the IDEA but does not require special education services. Is such a student eligible for services under Section 504?

The student may be eligible for services under Section 504. The school district must determine whether the student has an impairment that substantially limits his or her ability to learn or another major life activity and, if so, make an individualized determination of the child's educational needs for regular or special education or related aids or services.

What is a physical or mental impairment that substantially limits a major life activity?

The Section 504 regulations define a physical or mental impairment as any psychological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitor-urinary; hemic and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The regulatory provision does not set forth an exhaustive list of specific diseases and conditions that may constitute physical or mental impairments because of the difficulty of ensuring the comprehensiveness of such a list.

Major life activity also includes to functions such as caring for one's self, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. A major life activity also includes the operation of a major bodily function, including but not limited to, the function of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions. This list is not exclusive. An activity or function not specifically listed in the Section 504 regulatory provision can nonetheless be a major life activity.

May school districts consider “mitigating measures” used by a student in determining whether the student has a disability under Section 504?

No. As of January 1, 2009, school districts, in determining whether a student has a physical or mental impairment that substantially limits that student in a major life activity, cannot consider the ameliorating effects of any mitigating measures that the student is using. This is a change from the prior law. Congress has not defined the term “mitigating measures” but has rather provided a non-exhaustive list of “mitigating measures.” The mitigating measures are as follows: medication; medical supplies; equipment or appliances; low-vision devices (which do not include ordinary eyeglasses or contact lenses); prosthetics (including limbs and devices); hearing aids and cochlear implants or other implantable hearing devices; mobility devices; oxygen therapy equipment and supplies; use of assistive technology; reasonable accommodations or auxiliary aids or services; and learned behavioral or adaptive neurological modifications.

With the exception of ordinary eyeglasses or contact lenses, the ameliorative effects of mitigating measures cannot be considered in determining if an impairment substantially limits a major life activity. “Ordinary eyeglasses or contact lenses” are lenses that are intended to fully correct visual acuity or eliminate refractive error, whereas “low-vision devices” (listed above) are devices that magnify, enhance, or otherwise augment a visual image.

Does the IDEA also require the mitigating measures of a student’s disability to be considered in determining eligibility or in developing an IEP?

No. The IDEA requires the IEP Team to determine whether a student has a disability that adversely affects a student’s ability to access or participate in the general curriculum to the degree that the student needs special education or related services. The “mitigating measures analysis” is unique to Section 504. If a student has an identified disability that adversely affects their educational performance to the degree that they need special education or related services, they would be eligible under IDEA. Mitigating measures (such as accommodations, modifications or interventions) may need to be discussed and considered in developing the Present Level of Academic Achievement and Functional Performance and in determining what supplementary aids and services should be included in the IEP.

Are there any impairments which automatically mean that a student has a disability under Section 504?

No. An impairment in and of itself is not a disability. The impairment must substantially limit or more major life activities in order to be considered a disability under Section 504.

Can a medical diagnosis suffice as an evaluation for the purpose of providing FAPE?

No. A physician’s medical diagnosis may be considered among other sources in evaluating a student with an impairment or believed to have an impairment which substantially limits a major life activity. Other sources to be considered, along with the medical diagnosis, include aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, and adaptive behavior. The Section 504 regulations require school districts to draw upon a variety of sources in interpreting evaluation data and making placement decisions.

Does a medical diagnosis of an illness automatically mean a student can receive services under Section 504?

No. A medical diagnosis of an illness does not automatically mean a student can receive services under Section 504. The illness must cause a substantial limitation on the student's ability to learn or another major life activity. For example, a student who has a physical or mental impairment would not be considered in need of services under Section 504 if the impairment does not in any way limit the student's ability to learn or other major life activity or only results in some minor limitation in that regard.

Can a medical diagnosis suffice as an evaluation for the purposes of providing FAPE?

No. A physician's medical diagnosis may be considered among other sources in evaluating a student an impairment or believed to have an impairment which substantially limits a major life activity. Other sources to be considered, along with the medical diagnosis, include aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, and adaptive behavior. The Section 504 regulations require school districts to draw upon a variety of sources in interpreting evaluation data and making placement decisions.

Is a student with Seasonal Affective Disorder eligible under Section 504?

Possibly. Section 504 covers episodic conditions if, when the condition is active, it substantially limits a major life activity. If a student with SAD has a mild case and, when active, if it does not require modifications of the District's policies, procedures or accommodations and modifications of the student's program, the student may not be covered under Section 504. If, on the other hand, the student with SAD is missing significant amounts of school to the point where the attendance policy comes into play or if the student is unable to participate in certain portions of the school day without accommodations or modifications because of the SAD, then the student may be eligible. It is critical that the District use the Section 504 process and document its decision making on the forms provided to determine whether a student is covered under Section 504 and to determine whether they need a plan.

How should a school district handle an outside independent evaluation? Do all data brought to a multi-disciplinary committee need to be considered and given equal weight?

The results of an outside independent evaluation may be one of the many sources to consider. Multi-disciplinary committees must draw from a variety of sources in the evaluation process so that the possibility of error is minimized. All significant factors related to the subject student's learning process must be considered. These sources and factors include aptitude and achievement tests, teacher recommendations, physical condition, social and cultural background, and adaptive behavior, among others. Information from all sources must be documented and considered by knowledgeable committee members. The weight of the information is determined by the committee given the student's individual circumstances.

Must a school district obtain parental consent prior to conducting an initial evaluation?

Yes, United States Department of Education, Office for Civil Rights, has interpreted Section 504 to require districts to obtain parental permission for initial evaluations.

If a parent agrees, can the building take a student through the MTSS process prior to evaluation?

It is permissible for staff to use general education interventions as part of a Multi-Tiered System of Supports (“MTSS”) to address the needs of struggling students. However, the use of interventions as part of a MTSS does not diminish or excuse the District’s child find obligations under Section 504 or IDEA. When the District has a reason to suspect that a student may have a disability and need special education and related services as defined under Section 504 or the IDEA, the District has an affirmative obligation to seek consent to evaluate the student. This is true even if the student is currently receiving interventions as part of a MTSS.

MTSS interventions may be considered a mitigating measure under Section 504 and, accordingly, the corrective effects of such measures should not be considered when making a Section 504 eligibility determination. Mitigating measures can, however, be considered when the Team is deciding whether the student needs a Section 504 Student Accommodation Plan.

