



Ohio Administrative Code Rule 3301-51-03 Child find.

Effective: July 1, 2023

(A) Each educational agency 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 .

(B) Child find

(1) General

The child find policies and procedures that each educational agency 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) 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 of residence is not required to adopt and use the term developmental delay for any children within its jurisdiction;

(c) If a school district of residence 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) The school district must annually report data to be examined by the Ohio department of education to determine if significant disproportionality based on race and ethnicity is occurring in the school district 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 section 602(3) of IDEA and as defined in 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 removals from placement, including suspensions and expulsions.

(2) To determine if significant disproportionality is occurring in the school district, the Ohio department of education must apply the risk ratio threshold or thresholds determined by the Ohio department of education to risk ratios or alternate risk ratios, as appropriate, in each category described in (C)(1) of this rule and the following racial and ethnic groups:

(a) Hispanic/Latino of any race; and, for individuals who are non-Hispanic/ Latino only;

(b) American Indian or Alaska Native;

(c) Asian;

(d) Black or African American;

(e) Native Hawaiian or Other Pacific Islander;

(f) White; and

(g) Two or more races.



(3) 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, including disciplinary removals of such children, in accordance with paragraph (C)(1) of this rule, the school district must ensure the following:

(a) Provide for the annual review and, if appropriate, revision of the policies, practices, and procedures used in identification or placement in particular education settings, including disciplinary removals, to ensure that the policies, practices, and procedures comply with the requirements of IDEA.

(b) Publicly report on the revision of policies, practices, and procedures described under this rule consistent with the requirements of the Family Educational Rights and Privacy Act of 1974, January 1974, its implementing regulations in 34 CFR part 99 (January 2012), and Section 618(b)(1) of IDEA.

(4) Comprehensive coordinated early intervening services.

Except as provided in paragraph (C)(5) of this rule, the school district identified under (C)(1) of this rule shall reserve the maximum amount of funds under section 613(f) of IDEA to provide comprehensive coordinated early intervening services to address factors contributing to the significant disproportionality.

(a) In implementing comprehensive coordinated early intervening services a school district:

(i) May carry out activities that include professional development and educational and behavioral evaluations, services, and supports.

(ii) Must identify and address the factors contributing to the significant disproportionality, which may include, among other identified factors the following:

(A) A lack of access to scientifically based instruction;



(B) Economic, cultural, or linguistic barriers to appropriate identification or placement in particular educational settings;

(C) Inappropriate use of disciplinary removals; lack of access to appropriate diagnostic screenings;

(D) Differences in academic achievement levels; and

(E) Policies, practices, or procedures that contribute to the significant disproportionality.

(iii) Must address a policy, practice, or procedure it identifies as contributing to the significant disproportionality, including a policy, practice or procedure that results in a failure to identify, or the inappropriate identification of, a racial or ethnic group (or groups).

(b) A school district may use funds reserved for comprehensive coordinated early intervening services to serve children from age three through grade twelve, particularly, but not exclusively, children in those groups that were significantly over identified under paragraph (C)(1) of this rule, including:

(i) Children who are not currently identified as needing special education or related services but who need additional academic and behavioral support to succeed in a general education environment; and

(ii) Children with disabilities.

(c) A school district may not limit the provision of comprehensive coordinated early intervening services under this paragraph to children with disabilities.

(5) Exception to comprehensive coordinated early intervening services

A school district that serves only children with disabilities identified under paragraph (C)(1) of this rule shall not be required to reserve funds to provide comprehensive coordinated early intervening services.



(6) Rule of construction

Nothing in this rule authorizes the school district to develop or implement policies, practices, or procedures that result in actions that violate the requirements of this rule, including requirements related to child find and ensuring that a free appropriate public education is available to all eligible children with disabilities.

(7) General

If a school district is found by the department to have significant disproportionality in any category for three consecutive years without reasonable progress, the department may direct the school district to: Review their policies, procedures and practices related to identification, placement and discipline of children with disabilities:

(a) Review their policies, procedures and practices related to identification, placement and discipline of children with disabilities;

(b) Identify the factors that may be contributing to significant disproportionality; and

(c) Redirect fifteen per cent of IDEA funds toward comprehensive coordinated early intervening services, which are designed to address the contributing factors and include professional development, education and behavioral evaluations, services and supports.

(D) Data reporting

(1) Each school district and other educational agencies 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 as well as the data reporting required under 20 U.S.C. 1418.

(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.