

When is parental consent required for a developmental screening of a child age three through four?

When a child is referred to AU Child Find for developmental screening, Child Find personnel must follow local policies and procedures as well as State Rules for the Exceptional Children's Education Act and the federal Individuals with Disabilities Act Regulations. ***Whether parental consent is required for screening is dependent upon whether a special education referral has been initiated (1 CCR 301-8, 4.02 (3)):***

- When screening activities are conducted as a part of the special education evaluation process, those activities must be described in the IDEA Part B Prior Written Notice and parental consent must be obtained.
- Parental consent is *not* required for screening by education personnel when the screening is administered to all students, or if it is used to determine appropriate instructional strategies for curriculum implementation (34 CFR 300.300(d)(1) and 300.302).

Exceptional Children's Education Act Rules, June 2015

emphasis added

4.02 (2) IDEA Part B Child Find.

(c) The child find process shall include specific strategies for children 3 through five years of age, children in school, and children out of school who are discontinuers or dropouts. It shall be available throughout the year and shall include the following components:

- (i) Planning and development in the areas of public awareness, community referral systems, community and building based screening, diagnostic evaluations, service coordination and staff development.
- (ii) Coordination and implementation in the areas of interagency collaboration, public awareness, referral, screening and resource coordination.
- (iii) ***Screening procedures for identifying from the total population*** of children ages 3 to 21 years those who may need more in-depth evaluation in order to determine eligibility for special education and related services.
- (iv) A systematic procedure for considering those children ages 17 to 21 who are out of school and who may have a disability.
- (v) Referral procedures to ensure that parents of children are given information about all public and private resources that can meet identified needs. This may include a process for a ***building level referral***. The purpose of the building level process is to consider all pertinent information, the unique needs of the child and to generate alternative strategies, such as Response to Intervention, for meeting these needs in non-special education settings ***or to determine the need for special education referral***. These procedures may include dropout prevention strategies and recruitment of special education discontinuers.
- (vi) Evaluation of the effectiveness and efficiency of child identification procedures.

4.02 (3) Special Education Referral Process

A ***special education referral*** shall be clearly distinguished from a ***building level referral*** or a referral for screening both of which are regular education processes. ***The administrative unit or state-operated program shall establish and follow procedures for referring a child for an initial evaluation to determine whether or not the child has a disability and needs special education and related services.***

- (a) A ***special education referral*** may be initiated by either:
 - (i) An administrative unit or state-operated program as a result of a building level screening and/or referral process; or
 - (ii) The parent of the child.

Any other interested person who believes that a child is in need of an initial evaluation must work with the parent or the appropriate administrative unit or state-operated program.