

34 CFR 300.111 - Child find.

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(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

(ii) A practical method is developed and implemented to determine which children are currently receiving needed special education and related services.

(b) **Use of term *developmental delay*.** The following provisions apply with respect to implementing the child find requirements of this section:

(1) A [State](#) that adopts a definition of *developmental delay* under [§ 300.8\(b\)](#) determines whether the term applies to children aged three through nine, or to a subset of that age range (e.g., ages three through five).

(2) A [State](#) may not require an LEA to adopt and use the term *developmental delay* for any children within its jurisdiction.

(3) If an LEA uses the term ***developmental delay*** for children described in [§ 300.8\(b\)](#), the LEA must conform to both the [State's](#) definition of that term and to the age range that has been adopted by the [State](#).

(4) If a [State](#) does not adopt the term *developmental delay*, an LEA may not independently use that term as a basis for establishing a child's eligibility under this part.

(c) **Other children in child find.** 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.

(d) **Construction.** Nothing in the [Act](#) requires that children be classified by their disability so long as each child who has a disability that is listed in [§ 300.8](#) 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 [Act](#).

(Approved by the Office of Management and Budget under control number 1820-0030) (Authority: [20 U.S.C. 1401\(3\)](#)); 1412(a)(3))