**Child Find Self-Assessment Section IV: OSEP Policy Letters and Guidance.**

OSEP is charged with developing, communicating and disseminating Federal policy on early intervention services to infants and toddlers with disabilities and on the provision of special education and related services for children with disabilities. The attached policy letters provide information and guidance relevant to a State’s EI system and providing a comprehensive Child Find system.

**Letter to Eiserman: December 20, 2018**

*Letter Summary.* Letter to Eiserman serves as informal guidance about the evaluation process for an infant or toddler suspected of being deaf or hard of hearing to determine eligibility for early intervention services (EIS) under Part C of the Individuals with Disabilities Education Act (IDEA). In the Letter to Eiserman, OSEP provided detailed guidance about the screening, evaluation and assessment regulations outlined Part C regulations at 34 C.F.R. § 303.321 as it pertains to children who are deaf or hard of hearing. The letter further clarifies the definition of qualified personnel and how those personnel are used to determine a child’s initial and continuing eligibility for Part C services. 34 C.F.R. § 303.321(a)(2)(i).

*Relevance to Child Find.* Letter to Eiserman is relevant to Child Find because it describes the regulations around screening, evaluation, and assessment and how this applies when an infant or toddler is suspected of being deaf or hard of hearing.

<https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/osep-letter-to-eiserman-12-20-2018.pdf>

**Letter to Skyer: OSEP, August 16, 2016**

*Letter Summary.* OSEP informed the parent’s attorney thatLead agencies are free to adopt screening procedures to identify potentially eligible infants and toddlers, but they may not use that process, or even the outcome of the screening, to limit a parent's right to request an evaluation. In her letter to OSEP, the attorney asked whether an early intervention official would be correct in telling a parent that the parent's child will only be "screened" to determine eligibility. OSEP stated that agencies have the option to adopt screening procedures to determine whether a child under the age of three is suspected having a disability. 34 CFR 303.320.

*Relevance to Child Find.* Letter to Skyer is relevant to Child Find because if clarifies that a parent has the right to request and receive an evaluation of an infant or toddler under Part C at any time during a screening conducted by a lead agency or EI provider. OSEP clarified that the parent has the right to request an evaluation even if the screening indicates the child isn't suspected of having a disability. Additionally, if the lead agency or EI provider proposes a screening, it must provide the parent prior written notice and obtain parental consent before conducting the screening. If the screening indicates the child is suspected of having a disability, the agency must evaluate. If the screening indicates the child isn't suspected of having a disability, the agency or EI provider must provide the parent notice of that determination.

<https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/16-000770-ny-skyer-posting.pdf>

**Letter to Arons: September 24, 2013**

*Summary*. OSEP informed the provider that nothing in the regulations, or the IDEA itself that specifically prescribes a selection process for determining which entities, individuals, and projects shall be included in the directory. The implementing regulation at 34 CFR 303.117 requires that each Part C system have a central directory (i.e., through the lead agency's website and other appropriate means) that includes accurate, up-to-date information about: 1) public and private early intervention services, resources, and experts available in the state; 2) professional and other groups that provide assistance to infants and toddlers with disabilities and their families; and 3) research and demonstration projects being conducted in the state relating to infants and toddlers with disabilities.

*Relevance to Child Find*.Under a comprehensive child find system state lead agency’s must have a central directory as outlined under CFR § 303.301(b)(3) and CFR § 303.117. In Letter to Arons, OSEP clarifies that the IDEA doesn't impose a particular method of selecting those individuals, groups, and research projects that must appear in a state's central directory under Part C. The letter further clarifies that it's up to individual states to determine their own selection method, and to avoid disputes, lead agencies should develop and publish criteria for selecting directory entries.

<https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/13-012983r-nj-arons-centraldirectory9-24-13.pdf>

**Understanding Confidentiality Requirements Applicable to Early Childhood Programs, Frequently Asked Questions (FAQ): October 2016.**

*Summary.* The purpose of this document is to assist early childhood programs under the IDEA -- Part B section 611 (Grants to States), Part B section 619 (Preschool Grants), and Part C (Grants for Infants and Toddlers with Disabilities) in addressing privacy and confidentiality questions due to the numerous requests for clarification on privacy and confidentiality provides under the Family Educational Rights and Privacy Act (FERPA) that the Office of Special Education and Rehabilitative Services (OSERS) had received.

*Relevance to Child Find*. This document is relevant to Child Find because it provides responses to frequently asked questions to facilitate and enhance States' implementation of IDEA privacy and confidentiality provisions. The Confidentiality of Information regulations under both Part B and Part C of the IDEA incorporate some of the requirements under FERPA, but also include several provisions that are specifically related to infants, toddlers and children with disabilities receiving services under IDEA and provide protections beyond the FERPA requirements.

<https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/idea-confidentiality-requirements-faq.pdf>