

## Q&A: Part C Screening Requirements

The Minnesota Department of Education (MDE) Division of Compliance and Assistance has developed this document to address questions raised by parents and school districts regarding screening under Part C. The purpose of this document is to provide helpful, general information to the public. It does not constitute legal advice, nor is it a substitute for consulting with a licensed attorney. The information below should not be relied upon as a comprehensive or definitive response to your specific legal question.

### **Question 1: Must districts conduct a screening to determine whether a child under the age of three may be suspected of having a disability?**

**Answer:** No. Although Minnesota has adopted the screening procedures under Part C, a district may choose not to screen a particular child and instead move directly into evaluation and assessment. The purpose of screening is to determine whether the child is “suspected of having a disability.” When the child is already “suspected of having a disability,” evaluation and assessment are required. If the district already suspects a child has a disability, such as may be the case for certain conditions with a high probability of developmental delay, screening would be unnecessary.

**Authority:** C.F.R. §§ 303.320(a)(1), (2)(i); C.F.R. § 303.321(a)(1).

### **Question 2: Do district child find activities require prior written notice (PWN) and parental consent to proceed with screening?**

**Answer:** Yes. If the district “proposes to screen a child, it must provide the parent notice . . . of its intent to screen the child to identify whether the child is suspected of having a disability and include in that notice a description of the parent’s right to request an evaluation . . . at any time during the screening process.” In addition, the district must obtain parental consent . . . before conducting the screening procedures.

**Authority:** 34 C.F.R. § 303.320(a)(1)(i)-(ii); and 34 C.F.R. § 303.420(a)(1).

### **Question 3: What child find activities are considered to be screening procedures requiring parental consent?**

**Answer:** “Screening procedures mean activities . . . that are carried out by, or under the supervision of, the . . . EIS provider to identify, at the earliest possible age, infants and toddlers suspected of having a disability and in need of early intervention services and includes the administration of appropriate instruments by personnel trained to administer those instruments.”

**Authority:** 34 C.F.R. § 303.320(b); and § 34 C.F.R. § 303.420(a)(1).

**Question 4: If the parent requests that their child be evaluated for eligibility under Part C, may the district also conduct a screening prior to proceeding?**

**Answer:** No. “If the parent of the child requests and consents to an evaluation at any time during the screening process, evaluation of the child must be conducted . . . , even if the . . . EIS provider has determined . . . that the child is not suspected of having a disability.”

**Authority:** 34 C.F.R. § 303.320(a)(3).

**Question 5: Where must the district document the results of a child’s screening?**

**Answer:** Screening results must be documented in a parent notice that either indicates the child is suspected of having a disability and proposes the district conduct an evaluation and assessment of the child, or indicates the child is not suspected of having a disability and to describe the parent’s right to request an evaluation. The district must set forth in sufficient detail the results of the screening to support its proposed action or refusal to conduct an evaluation.

**Authority:** 34 C.F.R. §§ 303.320; 303.420(a)(1). 34 C.F.R. § 303.320(a)(2); and 34 C.F.R. § 303.421(b).

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