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INFANT & TODDLER
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ITCA WEBINAR SERIES: 2011 PART C REGULATIONS

**Topic: Child Find, Public
Awareness, Evaluation and
Assessment**

SERIES OVERVIEW

- ③ Presentation of significant changes in the new regulations
- ③ Member discussion on potential impact
- ③ Member Identification of products to support states

SCHEDULE

- ◎ *IFSP and Transition*
 - ◎ October 3rd at 3:30 pm eastern
- ◎ *Procedural Safeguards and Data Collection*
 - ◎ October 14th at 3:00 pm eastern

DRAFT HANDOUT

- ◎ Initial Analysis
- ◎ Format:
 - ◎ Column 1: Old regulations
 - ◎ Column 2: Draft regulations
 - ◎ Column 3: 2011 regulations (shaded)
 - ◎ Cross Column: Preamble language
- ◎ Sequence:
 - ◎ Sequential for 2011 regulations

PUBLIC AWARENESS AND CHILD FIND

§303.300 GENERAL.

- ⊙ New Regulation discuss the three phases in the program and service components subpart:
 - ⊙ Pre-referral
 - Public awareness program
 - Child find system
 - ⊙ Referral
 - ⊙ Post-referral
 - Screening
 - Evaluation and assessment
 - Development, review and implementation of IFSPs

§303.301 PUBLIC AWARENESS PROGRAM-- INFORMATION FOR PARENTS.

- ⊙ (a)(2) Adopt procedures for assisting the primary referral sources described in §303.303(c) in disseminating the information described in paragraph (b) of this section to parents of infants and toddlers with disabilities.

- ⊙ (c) Information specific to toddlers with disabilities. Each public awareness program also must include a requirement that the lead agency provide for informing parents of toddlers with disabilities of the availability of services under section 619 of the Act not fewer than 90 days prior to the toddler's third birthday.

§303.302 COMPREHENSIVE CHILD FIND SYSTEM.

- ⊙ Replaced public agencies with lead agencies or EI service providers
- ⊙ Ensure rigorous standards for identification to appropriately identify children to reduce need for future services
- ⊙ Added Home Visiting, Child Protection and Welfare including CAPTA, Family Violence Prevention and Services Act, Early Hearing Detection and Intervention (EHDI), Children's Health Insurance Program (CHIP) & Child Care to list of programs for required child find coordination

§303.302 Comprehensive child find system.

◎ Primary Referral Sources:

- ◎ Emphasis on word “include”

- ◎ Added:

- Public agencies and staff in the child welfare system, including child protective services and foster care
- Homeless family shelters
- Domestic violence shelters and agencies

§303.303 REFERRAL PROCEDURES

- ⊙ Provide for referring a child as soon as possible, but in no case more than seven days, after the child has been identified
- ⊙ Adds referral of a child under the age of three who-
 - ⊙ Is the subject of a substantiated case of child abuse or neglect; or
 - ⊙ Is identified as directly affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure.
- ⊙ Clarified issue of siblings

§303.310 POST-REFERRAL TIMELINE

- ⦿ Screening, initial evaluation, initial assessments of the child and family and the initial IFSP meeting must be completed within 45 days from the date the lead agency or EIS provider receives the referral
- ⦿ Exceptions that must be documented in the file:
 - ⦿ Child/parent unavailable
 - ⦿ Parent has not provided consent despite documented repeated efforts
- ⦿ Must be completed as soon as possible after the two exceptions no longer exist

§303.310 SCREENING PROCEDURES

- ⊙ Lead agency may adopt screening
- ⊙ Screening procedures
 - ⊙ Means activities ...that are carried out by, or under the supervision of, the lead agency or EIS provider to identify, ...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.

§303.310 SCREENING PROCEDURES (CONTINUED)

- ⊙ Provide parent notice of intent to screen including right to evaluation
- ⊙ Obtain parental consent
- ⊙ If screening is positive – with notice and consent move to evaluation and assessment
- ⊙ If screening is negative – notify parent of results and their right to request an evaluation
- ⊙ At any point during the screening process, the parent can request and consent to evaluation

EVALUATION AND ASSESSMENT

§303.21 INFANT OR TODDLER WITH A DISABILITY

- ⊙ Included more specific listing of potential diagnosed conditions some taken from “Note”
- ⊙ Removed “severe” from sensory impairment
- ⊙ Added optional category of children who are eligible for services under section 619 and who previously were served by Part C until they enter or are eligible to enter kindergarten
 - ⊙ Must receive an educational component:
 - Promotes school readiness
 - Incorporates pre-literacy, language and numeracy skills
 - ⊙ Must provide written notification to parents regarding rights and responsibilities regarding choice between Part C and Section 619

§303.321 EVALUATION OF THE CHILD AND ASSESSMENT OF THE CHILD AND FAMILY

- ⊙ Evaluation: Procedures used by qualified personnel to determine a child's initial and ongoing eligibility
 - ⊙ Use of medical and other records (without formal evaluation process) if records indicate the child meets eligibility criteria
- ⊙ Assessment: Procedures used by qualified personnel to:
 - ⊙ identify a child's strengths and needs and the services necessary to meet those needs throughout the time of the child's eligibility.
 - ⊙ Identify the family's resources, priorities and concerns and the services and supports needed to meet their child's needs

§303.321 EVALUATION OF THE CHILD AND ASSESSMENT OF THE CHILD AND FAMILY (CONTINUED)

- ⊙ Evaluation Procedures must include:
 - ⊙ Administering an evaluation instrument
 - ⊙ Child history including parent interview
 - ⊙ Identifying child level of functioning in all areas
 - ⊙ Gathering information from other sources to understand the full scope of the child's strengths and needs
 - ⊙ Reviewing medical, educational or other records

§303.321 EVALUATION OF THE CHILD AND ASSESSMENT OF THE CHILD AND FAMILY (CONTINUED)

◎ INFORMED CLINICAL OPINION

- ◎ Qualified personnel must use informed clinical opinion when conducting an evaluation and assessment of the child.
- ◎ Lead agency must ensure that informed clinical opinion may be used as an independent basis to establish a child's eligibility ...even when other instruments do not establish eligibility;
- ◎ In no event may informed clinical opinion be used to negate the results of evaluation instruments used to establish eligibility

§303.321 EVALUATION OF THE CHILD AND ASSESSMENT OF THE CHILD AND FAMILY (CONTINUED)

- ⊙ Assessment of the child must include:
 - ⊙ Review of results from evaluation process
 - ⊙ Personal observations of the child
 - ⊙ Identification of the child's needs in each developmental domain
- ⊙ Assessment of the family must be:
 - ⊙ Voluntary
 - ⊙ Based on assessment tool and interview
 - ⊙ Include family's description of its resources, concerns and priorities related to enhancing the child's development

§303.321 Evaluation of the Child and Assessment of the Child and Family (continued)

⊙ MULTIDISCIPLINARY

- ⊙ The involvement of two or more separate disciplines or professions and with respect to:
- ⊙ Evaluation of the child...and assessments of the child and family ...may include one individual who is qualified in more than one discipline or profession;
- ⊙ The IFSP Team in §303.340 must include the involvement of the parent and two or more individuals from separate disciplines or professions and one of these individuals must be the service coordinator (consistent with §303.343(a)(1)(iv)).

§303.321 EVALUATION OF THE CHILD AND ASSESSMENT OF THE CHILD AND FAMILY (CONTINUED)

◎ NATIVE LANGUAGE

- ◎ The language normally used by that individual, or, in the case of a child, the language normally used by the parents of the child, ...and
- ◎ For evaluations and assessments conducted ... the language normally used by the child, if determined developmentally appropriate for the child by qualified personnel conducting the evaluation or assessment.

§303.321 EVALUATION OF THE CHILD AND ASSESSMENT OF THE CHILD AND FAMILY (CONTINUED)

- ⊙ Native language, when used with respect to an individual who is deaf or hard of hearing, blind or visually impaired, or for an individual with no written language, means the mode of communication that is normally used by the individual (such as sign language, Braille, or oral communication).
- ⊙ “[the Department] has not included in these final regulations the requirement in proposed §303.25(a)(2) that native language be used in all direct contact with the child. However, as recipients of Federal financial assistance, Part C lead agencies must comply with the requirements in Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, or national origin in programs or activities receiving Federal financial assistance.”

§303.322 DETERMINATION THAT A CHILD IS NOT ELIGIBLE.

- ① “If, based on the evaluation the lead agency determines that a child is not eligible under this part, the lead agency must provide the parent with prior written notice required in §303.421, and include in the notice information about the parent’s right to dispute the eligibility determination through dispute resolution mechanisms under §303.430, such as requesting a due process hearing or mediation or filing a State complaint.”