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ITCA WEBINAR SERIES: 2011 PART C REGULATIONS

Topic: IFSP and Transition

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

- ◎ *Procedural Safeguards and Data Collection*
 - ◎ October 14th at 3:00 pm eastern
- ◎ *Topical Calls*
 - ◎ Schedule to be determined

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

§303.26 NATURAL ENVIRONMENTS

- ⊙ Settings that are natural or typical for a same-aged infant or toddler without a disability and may include the home or community settings consistent with the provisions of §303.126.
- ⊙ “[the Department] does not believe that a clinic, hospital or service provider’s office is a natural environment for an infant or toddler without a disability; therefore, such a setting would not be natural for an infant or toddler with a disability.”

§303.209 TRANSITION TO PRESCHOOL AND OTHER PROGRAMS

- ◎ Application requirement - Policies and procedures to ensure a smooth transition for children who are:
 - ◎ Moving to preschool or other appropriate services; or
 - ◎ Exiting Part C
- ◎ Inter or Intra Agency Agreement that includes timelines, roles and responsibilities for transition

§303.209 TRANSITION TO PRESCHOOL AND OTHER PROGRAMS (CONTINUED)

⊙ Notification Requirements (there is only one)

- ⊙ No fewer than 90 days before 3rd birthday, if child “may be eligible for preschool services under Part B”, must notify SEA and LEA of the child.
- ⊙ If Part C eligibility is determined more than 45 days but less than 90 days before 3rd birthday, and child “may be eligible for preschool”, must notify SEA and LEA as soon as possible after determining eligibility for Part C
- ⊙ If child is referred with fewer than 45 days before 3rd birthday, and child “may be eligible for preschool” with parental consent, must notify SEA and LEA – no eligibility determination for Part C required.

⊙ Opt Out Policy

§303.209 TRANSITION TO PRESCHOOL AND OTHER PROGRAMS (CONTINUED)

◎ Transition Conference:

- ◎ For a child who “may be eligible” for preschool services under Part B:
 - Not fewer than 90 days, not more than 9 months prior to the child’s third birthday
 - With the approval of the family, must convene conference with Lead agency, family, LEA
- ◎ For other children, the lead agency with approval of family, must make reasonable effort to convene a conference with family and other appropriate providers of service

§303.209 TRANSITION TO PRESCHOOL AND OTHER PROGRAMS (CONTINUED)

- ◎ Transition Plan:
 - ◎ Reviews program options
 - Inclusion of families
 - ◎ Timeline - Not fewer than 90 days, not more than 9 months prior to the child's third birthday
 - ◎ Part of IFSP
 - ◎ Includes steps:
 - For exiting
 - Needed transition services

§303.342 PROCEDURES FOR IFSP DEVELOPMENT, REVIEW AND EVALUATION

- ⊙ Added results to outcomes in purpose of periodic review
- ⊙ Adds language “Each early intervention service must be provided as soon as possible after the parent provides consent for that service...”
- ⊙ No other changes

§303.344 CONTENT OF IFSP

- ⊙ (a) Changes language in Child Status from “must be based on professionally acceptable objective criteria” to “based on the information from that child’s evaluation and assessments.”
- ⊙ (b) family information as identified in:
 - ⊙ 303.321(c)(2) A family-directed assessment must be conducted by qualified personnel in order to identify the family’s resources, priorities, and concerns and the supports and services necessary to enhance the family's capacity to meet the developmental needs of the family's infant or toddler with a disability. The family-directed assessment must--
 - (i) Be voluntary on the part of each family member participating in the assessment;
 - (ii) Be based on information obtained through an assessment tool and also through an interview with those family members who elect to participate in the assessment; and
 - (iii) Include the family’s description of its resources, priorities, and concerns related to enhancing the child’s development.

§303.344 CONTENT OF IFSP_(CONTINUED)

- © (c) Results or Outcomes: IFSP must include a statement of measurable results/measurable outcomes expected to be achieved for the child (including pre-literacy and language skills, as developmentally appropriate) and family ...

§303.344 CONTENT OF IFSP (CONTINUED)

- ⊙ (d) Early Intervention Services:
 - ⊙ ...based on peer-reviewed research (to the extent practicable)... necessary to meet the child's unique needs
 - ⊙ Length, duration, frequency, intensity and method of delivering early intervention services
 - Length – time service is provided in an individual session
 - Duration – projecting length of time service will be needed to achieve result of outcome
 - Frequency – number of days or sessions that service will be provided
 - Intensity- individual or group

§303.344 CONTENT OF IFSP (CONTINUED)

⊙ (d) Early Intervention Services:

“The determination of the appropriate setting for providing early intervention services to an infant or toddler with a disability, including any justification for not providing a particular early intervention service in the natural environment for that infant or toddler with a disability and service, must be--

- (1) Made by the IFSP Team (which includes the parent and other team members);
- (2) Consistent with the provisions in §§ 303.13(a)(8), 303.26, and 303.126; and
- (3) Based on the child’s outcomes that are identified ...”

§303.344 CONTENT OF IFSP (CONTINUED)

- ◎ (e) Other Services:
 - ◎ Identify medical and other services that the child or family needs or is receiving through other sources, but that are neither required nor funded under this part; and
 - ◎ If those services are not currently being provided, include a description of the steps the service coordinator or family may take to assist the child and family in securing those other services.

§303.344 CONTENT OF IFSP (CONTINUED)

- ⦿ (g) Changes language to “The service coordinator designated by the public agency to be responsible for implementing the IFSP.”

§303.344 CONTENT OF IFSP (CONTINUED)

- ⊙ (h) Adds “and services” to “steps”
- ⊙ (iii) Confirmation that child find information about the child has been transmitted to the LEA ... and with parental consent ... transmission of additional information needed by the LEA to ensure continuity of services from the Part C program to the Part B program, including a copy of the most recent evaluation and assessments of the child and the family and most recent IFSP ... and
- ⊙ Identification of transition services and other activities that the IFSP Team determines are necessary to support the transition of the child.

Statute - Section 617 - Administration

(e) MODEL FORMS-

Not later than the date that the Secretary publishes final regulations under this title, to implement amendments made by the Individuals with Disabilities Education Improvement Act of 2004, the Secretary shall publish and disseminate widely to States, local educational agencies, and parent and community training and information centers--

- ⦿ a model IEP form;
- ⦿ a model individualized family service plan (IFSP) form;
- ⦿ a model form of the notice of procedural safeguards described in section 615(d); and
- ⦿ a model form of the prior written notice described in subsections (b)(3) and (c)(1) of section 615 that is consistent with the requirements of this part and is sufficient to meet such requirements.

§303.13 EARLY INTERVENTION SERVICES

- ⊙ “While nursing services and nutrition services are not specifically mentioned in the Act, they historically have been included in the definition of early intervention services.”
- ⊙ Adds “Sign language and cued language services include teaching sign language, cued language, and auditory/oral language, providing oral transliteration services (such as amplification), and providing sign and cued language interpretation.”

§303.13 EARLY INTERVENTION SERVICES (CONTINUED)

- ⊙ “Whether a hearing aid or an appropriate related audiological service is considered an assistive technology device or an early intervention service, respectively, for an infant or toddler with a disability depends on whether the device or service is used to increase, maintain, or improve the functional capabilities of the child and whether the IFSP Team determines that the infant or toddler needs the device or service in order to meet his or her specific developmental outcomes.”
- ⊙ The term does not include a medical device that is surgically implanted, including a cochlear implant, or the optimization (e.g., mapping), maintenance, or replacement of that device.

§303.13 EARLY INTERVENTION SERVICES (CONTINUED)

- ③ “The term ‘special educators’ consists of many distinct professions including teachers of children with hearing impairments and teachers of children with visual impairments. Therefore, including teachers of children with hearing impairments and teachers of children with visual impairments as examples of special educators in ... is appropriate and listing these terms separately is not necessary.”

§303.13 EARLY INTERVENTION SERVICES (CONTINUED)

Adds “Other services. The services and personnel identified and defined in ...do not comprise exhaustive lists of the types of services that may constitute early intervention services or the types of qualified personnel ... Nothing in this section prohibits the identification in the IFSP of another type of service as an early intervention service provided that the service meets the criteria identified ...of another type of personnel that may provide early intervention services ...”