

# Early Development Network

DHHS 480 NAC 3 and NDE 92 NAC 52

June 11, 2014



# Services Coordination Entitlement

## 480 NAC 3-003

Services coordination is an entitlement for early intervention families. Eligible children and their family shall receive a services coordinator who is responsible for:

- ❖ Coordinating all services across agency lines; and
- ❖ Serving as the single point of contact for carrying out the activities specified below.

# May 8, 2014 Memo

**Pursuant to this requirement, Effective October 1, 2014 all children referred to EDN and subsequently found eligible for EDN services must be provided with the DHHS-contracted services coordinator.**

# Services Coordinator Activities

## 480 NAC 3-003.01

- ❖ **Assisting parents of eligible children in obtaining access to needed early intervention services and other services identified in the IFSP, including making referrals to providers for needed services and scheduling appointments for eligible children and their families;**
- ❖ **Coordinating the provision of early intervention services and other services (such as educational, social, and medical services that are not provided for diagnostic or evaluative purposes) that the eligible child needs or is being provided**
- ❖ **Coordinating screenings (if applicable), evaluations and assessments;**
- ❖ **Facilitating and participating in the development, review and evaluation of IFSPs;**

# Services Coordinator Activities

## 480 NAC 3-003.01

- ❖ **Conducting referral and other activities to assist families in identifying available service providers;**
- ❖ **Coordinating, facilitating and monitoring the delivery of services to ensure that the services are provided in a timely manner;**
- ❖ **Conducting follow-up activities to determine that appropriate early intervention services are being provided;**
- ❖ **Informing families of their rights and procedural safeguards and ensuring that the family rights are safeguarded ;**
- ❖ **Coordinating the funding sources for early intervention services; and**
- ❖ **Facilitating the development of a transition plan to preschool or other services, if appropriate.**

# Screening

**The eligibility process may start with a developmental screening if there was no pre-referral developmental screening completed prior to the referral and there is no diagnosed condition.**

**This screening may help parents decide whether they want to proceed to a full evaluation.**

# Screening

## Rule 52-006.03

- ❖ The school district or approved cooperative may adopt procedures consistent with requirements of 92 NAC 52-006.03, to screen children under the age of three who have been referred to the agency responsible for services coordination in the Planning Region to determine whether they are suspected of having a disability.

# CHILD SCREENING PROCEDURES

## 92 NAC 52-006

School district or approved cooperative staff will determine eligibility for early intervention services and shall explain rights to families, as described in NDE regulations at 92 NAC 52.

480 NAC 3-005.01 The services coordinator shall provide written notice and obtain consent for screening (if applicable), multidisciplinary evaluation and child assessment..

**NOTE:** The parent may request and consent to an evaluation at any time during the screening process. Upon this request, the services coordinator must immediately provide written notice and obtain consent for the evaluation and child assessment from the parent and inform the district/approved cooperative, accordingly.

**\*State mandated Forms required : EI-2 and Consent for Initial Screening**

# Screening Procedures

**School District or Approved Cooperative completes developmental screening.**

<b>If...</b>	<b>Then...</b>
screening information indicates child <i>is</i> suspected of having a developmental delay or disability;	an evaluation and assessment of the child must be conducted by school district or approved cooperative, if parent consents to this activity via the Consent for Initial Evaluation and Child Assessment form.
screening information indicates child is <i>not</i> suspected of having a developmental delay or disability;	a <b><i>Prior Written Notice</i></b> , provided by the district, reflects the results and the determination.
Share written results of screening with family, Services Coordinator, and referral source (if parental consent obtained). [92 NAC 52-009.03B]	

# Screening Procedures

**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 infant or toddler is not suspected of having a disability.  
[92 NAC 52-006.03C]**

# Screening Procedures

<b>If...</b>	<b>Then...</b>
an infant's or toddler's medical records indicate the child has a diagnosed physical or mental condition;	the child is eligible for Early Development Network and an initial assessment is required to identify child's unique strengths and needs and the early intervention services appropriate to meet those needs.
a referral is received from another agency with timely <i>pre-referral</i> screening data;	existing timely pre-referral screening information and data are acceptable for consideration and review of the child's development and should not be re-administered. With parental written consent, the team moves to a full evaluation in order to determine eligibility.
an infant or toddler has not been screened before the referral was made (no pre-referral screening), there is no diagnosed condition reported at the time of referral, and the child is not suspected of having a developmental delay;	the school district or approved cooperative and referral source (if parental consent has been obtained) may choose to conduct a post-referral screening of the child's development.



# Eligibility and Evaluation Procedures

## Rule 52-003.16-16A

- ❖ The multidisciplinary evaluation and assessment of the child and family means the involvement of two or more separate disciplines or professions but may include one individual who is qualified in more than one discipline or profession.

# Eligibility Requirements

## Rule 52-006-006.04A

To qualify for early intervention services in the category of developmental delay, the child shall have either:

- ❖ A diagnosed physical or mental condition that has a high probability of resulting in a substantial developmental delay.....

OR

- ❖ A significant developmental delay...in one or more of the following areas:
  - ❖ Cognitive; physical; communication; social or emotional; adaptive

# Eligibility and Evaluation Procedures

<b>If...</b>	<b>And...</b>	<b>Then...</b>
<p>the child <i>has</i> a diagnosed physical or mental condition known to cause later delays;</p>	<p>the diagnosed physical or mental condition is documented in medical or other records which are available for review;</p>	<ul style="list-style-type: none"><li>• child is eligible for Early Development Network,</li><li>• an initial multidisciplinary assessment of the child is conducted by the district/approved cooperative to identify unique strengths and needs in each of the required developmental areas, helping to identify the early intervention services appropriate to meet those needs, and</li><li>• a family-directed assessment is conducted by the services coordinator 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 child.</li></ul>

# Eligibility and Evaluation Procedures

<b>If...</b>	<b>And...</b>	<b>Then...</b>
<p>the child <i>has</i> an established delay as defined in Rule 52;</p>	<p>the delay is documented in medical or other records which are available for review;</p>	<ul style="list-style-type: none"><li>• child is eligible for Early Development Network;</li><li>• conduct an initial multidisciplinary assessment of the child to identify unique strengths and needs in each of the required developmental areas, helping to identify the early intervention services appropriate to meet those needs; and</li><li>• conduct a family-directed assessment 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 child.</li></ul>

# Eligibility and Evaluation Procedures

<b>If...</b>	<b>And...</b>	<b>Then...</b>
the child <i>does not have</i> a diagnosed condition or established delay;	a screening <i>was completed</i> before the referral to Early Development Network and parent consents to a full evaluation;	<ul style="list-style-type: none"><li>• conduct initial timely, comprehensive, multidisciplinary evaluation of the child</li></ul>

# Evaluation Procedures

## Rule 52-006.06

- ❖ No single procedure is used as the sole criterion for determining a child's eligibility for Early Development Network.
- ❖ Procedures must include:
  - ❖ administering an evaluation instrument;
  - ❖ taking the child's history including interviewing the parent;
  - ❖ identifying the child's level of functioning in each of the developmental areas;
  - ❖ gathering information from other sources such as family members, other caregivers, providers, social workers, and educators, to understand the full scope of the child's strengths and needs;
  - ❖ reviewing medical, educational, or other records.

# Evaluation Procedures

- ❖ All developmental areas must be evaluated.
- ❖ All evaluations must be conducted in the native language of the child, unless it is clearly not feasible to do so.
- ❖ All evaluation procedures and materials are selected and administered so as not to be racially or culturally discriminatory.
- ❖ Evaluations are conducted by qualified personnel, in a nondiscriminatory manner.
- ❖ Timelines are met for completing the evaluation and IFSP meeting within 45 calendar days.
- ❖ No cost to parents.

# Medical and Other Records Criteria

## Rule 52-006.05B

- ❖ A child's medical and other records may be used to establish eligibility without conducting an evaluation of the child if those records indicate the child
  - ❖ Has at least 2 standard deviations below the means in one of the developmental areas (cognitive, physical including vision and hearing, communication, social or emotional, adaptive); or at least 1.3 standard deviations below the mean in 2 areas of development;
  - ❖ Meets the criteria for an infant or toddler with a diagnosed condition, that has a high probability of resulting in developmental delay.
- ❖ If a child is determined eligible for Early Development Network based on review of records, the school district or approved cooperative must conduct an initial assessment of the child.

# Clinical Opinion

- ❖ **Rule 52-006.05B2**
- ❖ **Qualified personnel must use informed clinical opinion when conducting an evaluation and assessment of the child. In addition, the school district or approve cooperative shall 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;**
- ❖ **However, in no event may informed clinical opinion be used to negate the results of evaluation instruments used to establish eligibility.**

# Child Assessment

## Rule 52-006.07A1-A3

- ❖ An assessment of each infant or toddler with a disability must be conducted by qualified personnel in order to identify the child's unique strengths and needs and the early intervention services appropriate to meet those needs.
- ❖ The assessment of the child must include the following:
  - ❖ A review of the results of the evaluation
  - ❖ Personal observations of the child and;
  - ❖ the identification of the child's needs in each of the developmental areas

# Child Assessment

The following areas of development are required to be assessed:

- ❖ Adaptive
- ❖ Cognitive
- ❖ Communication
- ❖ Physical-Fine Motor
- ❖ Physical-Gross Motor
- ❖ Health
- ❖ Hearing
- ❖ Nutrition
- ❖ Vision
- ❖ Social/Emotional

# Child Assessment

- ❖ Teams are required to gather enough information before the initial IFSP meeting so that an appropriate IFSP can be written within 45 days from date of referral. However, additional information may be needed to enhance IFSP outcomes and may be gathered after the initial IFSP meeting. In order to develop a meaningful and functional IFSP, teams must conduct an assessment of the child's functioning within everyday activities.
- ❖ If the team does not collect the depth of information needed in an area of development, (e.g. reason for referral) the team cannot delay meeting the 45-day timeline for the purpose of gathering additional information.

# FAMILY ASSESSMENT

**480 NAC 3-006.01 The services coordinator shall:**

**Meet with the family to:**

- ❖ Conduct a family assessment to identify the family's daily routines, activities and options for supporting the family in identifying their resources, priorities, and concerns.**

# Family Assessment

- ❖ The IFSP must be based on information obtained through an assessment tool that is selected and administered so as not to be racially or culturally discriminatory; and also through an interview with those family members who elect to participate in the assessment.
- ❖ The family-directed assessment must be voluntary on the part of each family member participating and include the family's description of its resources, priorities, and concerns and the supports and services necessary related to enhancing the child's development.
- ❖ The family is assisted in identifying the supports and resources present in the child's environment and activities in the child's daily routine that offer opportunities for the child to learn the new skills.
- ❖ Unless clearly not feasible to do so, family assessments must be conducted in the native language of the family members being assessed.

# 45 Days Timeline

480 NAC 3-005.03 & Rule 52-006.02A

The screening, evaluation and assessment of the child, family assessment, and the IFSP meeting must take place within 45 calendar days of the referral to a Public Agency.

# 45 Days Timeline

## 480 NAC 3-005.03A & Rule 52-006.02B

- ❖ The family may extend 45 day process at any time;
- ❖ Additionally, the 45 day process timeline does not apply when the child or parent is unavailable to complete the screening; or the parent has not provided consent for the screening.
- ❖ If/when the family wants to resume the process, the screening, initial evaluation, initial assessments, and the initial IFSP meeting must be completed as soon as possible after the documented exceptional family circumstances no longer exist or parental consent is obtained.

# IFSP Team meeting Periodic Review

**480 NAC 3-008.06** For each Initial and Annual IFSP team meeting and Periodic Review, the services coordinator shall:

- ❖ Arrange, conduct, and chair the IFSP meeting with the family in a setting and at a time convenient for the family.
- ❖ Provide written notice to all team members a reasonable time before the meeting. Written notice must be provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.

# IFSP Team Meeting Periodic Review

**Rule 52-007.02A** For a child referred to early intervention services and determined to be eligible as an infant or toddler with a disability, the school district or approved cooperative shall participate in a meeting to develop the initial IFSP within the 45 calendar day time period....

**Rule 52-007.02B** the school district or approved cooperative shall participate in a review of the IFSP....(Periodic review)

**Rule 52-007.02C** the school district or approved cooperative shall participate on at least an annual basis in the meeting to evaluate and revise, as appropriate, the IFSP....

# IFSP Team Meeting Periodic Review

**480 NAC 3-008.06 & Rule 52-007.02D For each Initial and Annual IFSP team meeting and Periodic Review, the services coordinator and school district/approved cooperative shall:**

**Ensure the meeting is conducted in the native language, or primary mode of communication, of the family.**

# IFSP Team Meeting Periodic Review

**480 NAC 3-008.06 For each Initial and Annual IFSP team meeting and Periodic Review, the services coordinator shall:**

- ❖ **Draft the IFSP document which must contain the following elements**

# IFSP Elements

## 480 NAC 3-006(4) & 92 NAC 52-007.04

- ❖ Status of the child
- ❖ With the family's agreement, the IFSP must include a statement of the family's priorities, concerns, and resources related to enhancing the development of the child as identified through the voluntary assessment of the family
- ❖ The measurable results or outcomes.....
- ❖ To the extent appropriate, the IFSP shall include medical and other services that the child/family may need or is receiving through other sources, but that are not required to be provided nor funded through early intervention.

# IFSP Elements

- ❖ **Specific Early Intervention Services**
- ❖ **For children who are three years of age, the IFSP must include an educational component that promotes school readiness and incorporates pre-literacy language and numeracy skills.**
- ❖ **The name of the services coordinator who will be responsible for implementing the IFSP, including transition services, and coordinating with other agencies and persons.**
- ❖ **Transition from EDN**

# IFSP Team Meeting

## Periodic Review

- ❖ The contents of the IFSP must be fully explained to the parent(s) and parent(s) must give written consent for the implementation of early intervention services as part of the IFSP.
- ❖ The IFSP provides for the written consent of the parent to provide services to the child and family.
- ❖ If the parent(s) does not provide consent that service may not be provided.
- ❖ The child will not receive services until the parent(s) have given consent.
- ❖ The early intervention services to which parental consent is obtained must be provided as soon as possible, but no later than 30 days from date of parental consent. Rule 52-007.04D & 480 NAC 3-008.06(5)

# Timely Services

- ❖ Any new service added at any meeting is held to the 30-day-timeline standard for timely services. The 30 days is calculated from the date of parental consent to the date that the service is delivered as written in the IFSP and accurately recorded in the service provider log/notes.

# Implementation of EDN Services

- ❖ **The initial IFSP meeting date cannot serve as the projected start date or actual first service delivery date for providers, unless their first delivery service log note clearly documents a separate visit providing service to the child and/or family occurred following the initial IFSP meeting. The initial IFSP meeting does, however, serve as the start date for services coordination only.**

# IFSP Team Meeting & Periodic Review

- ❖ **480 NAC 3-008.06(6)** A written copy of the IFSP and family assessment will be distributed by the services coordinator to each person attending within seven calendar days of the IFSP meeting. Parent(s) must give specific consent for distribution of the IFSP document to any individuals or agencies not on the IFSP team.
- ❖ **Rule 52-006.10** A copy of the multidisciplinary team report and child assessment shall be given to the parent and services coordinator at no cost within seven calendar days of the IFSP meeting.

# **IFSP Implementation procedures conducted by the Services Coordinator**

## **480 NAC 3-008.07**

**Assisting the child and family to gain access to, and coordinate the provision of, the early intervention services and other services identified in the IFSP.**

- ❖ Coordinating the funding sources,**
- ❖ Monitoring implementation of the plan,**
- ❖ Advocating for the family**
- ❖ Coordination, facilitation and monitoring of the delivery of services, and**
- ❖ Contacting the family at least monthly to review the progress.**

# Transition Process

## 480 NAC 3-009 & Rule 52-008.01A

If a toddler with a disability may be eligible for preschool services, with the approval of the family of the toddler, the services coordinator shall convene a conference among the family, team members, and school district or approved cooperative, not fewer than 90 days, and at the discretion of all parties, not more than 9 months, before the toddler's third birthday to discuss any services the toddler may receive under NDE regulations at 92 NAC 51.

# Transition

## Planning & Implementation

- ❖ Per family choice, EDN services are provided until August 31st of a child's third birthday or until the child has met all IFSP outcomes and there is no longer a need for early intervention services.
- ❖ Transition from EDN is to be discussed with families from the beginning of the child's eligibility to plan for a smooth change.
- ❖ Families will make an informed decision regarding whether their toddler will remain in EDN until August 31st of their toddler's third birthday, or
- ❖ if they would like their toddler to transition to Part B services and an IEP on their toddler's third birthday.

# Transition - Example

<b>Scenario</b>	<b>Action</b>	<b>Family Decision</b>
<b>Toddler's DOB: November 1<sup>st</sup></b>	<b>Transition Conference must be held no later than August 1<sup>st</sup> (90 days prior to third birthday)</b>  <b>Families are provided information on the differences in Part C and Part B.</b>	<b>Family will make an informed decision regarding their toddler remaining in Part C, transitioning to other community services, or transitioning to Part B. This decision is recorded on the Transition Page of the IFSP.</b>

# Transition Steps & Services

- ❖ Steps and services needed to prepare the child and family for the transition should be incorporated into the Individualized Family Service Plan over time, using the IFSP Transition page.
- ❖ IFSP teams follow procedures for the transition planning process, which is completed during initial, periodic, or annual meetings. The transition planning process is not a “type” of IFSP meeting.

# Transition

## 480 NAC 3-009.03

Any transition conference or meeting to develop the transition plan must meet the IFSP meeting requirements referenced in 480 NAC 3-008.

## 480 NAC 3-009.04

The Services Coordinator, along with the family and IFSP team, must ensure for each toddler with a disability, the transition plan is contained in the IFSP not fewer than 90 days, and at the discretion of all parties, not more than 9 months, before the toddlers third birthday

# EI Services vs. FAPE Services

## 480 NAC 3-009.01

The Services Coordinator must provide the annual notice to the family at the transition conference which shall contain:

- ❖ A description of the rights of the parents to elect to receive early intervention services or preschool services pursuant to NDE regulations at 92 NAC 51;
- ❖ An explanation of the differences between early intervention services pursuant to NDE regulations at 92 NAC 52 and services provided under NDE regulations at 92 NAC 51;
- ❖ The types of services and the locations at which the services are provided;
- ❖ The procedural safeguards that apply; and
- ❖ A description that the IFSP services provided will include an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills for children who are at least 3 years of age.

# Transition

## 480 NAC 3-009.02 & Rule 52-008.01B

If a toddler is not potentially eligible for preschool services under NDE regulations at 92 NAC 51, the services coordinator, with the approval of the child's family, shall make reasonable efforts to convene a conference among the family, the school district or approved cooperative and providers of other appropriate services for the toddler to discuss services the toddler may receive.

# Transition Requirements

Transition steps include, but are not limited to:

- ❖ **Discussions with, and training of, parents regarding future placements and other matters related to the child's transition;**
- ❖ **Procedures to prepare the child for changes in service delivery;**
- ❖ **Confirmation that Child Find information about the child has been transmitted to the school district and other relevant agencies to ensure continuity of services from the Part C program to the Part B program;**
- ❖ **Identification of transition services and other activities;**
- ❖ **A transition plan that includes the child's program options for the period from the child's third birthday through the remainder of the school year.**

# Transition Conference Required Participants

- ❖ Parent(s) of the child;
- ❖ Services coordinator;
- ❖ Person(s) directly involved in conducting evaluations and assessments;
- ❖ As appropriate, persons who may provide services to the child or family in the future;
- ❖ Other family members, as requested by the parent, if feasible to do so; and,
- ❖ An advocate or person outside of the family, if the family requests.
- ❖ A representative of the school district or approved cooperative who has the authority to commit resources.

# Transition Conference Roles & Responsibilities

- ❖ SC provides Annual Notice to family
- ❖ Family makes informed decision re: whether will remain in EDN until August 31<sup>st</sup> or move to Part B upon 3<sup>rd</sup> birthday
- ❖ SC documents this decision on IFSP Transition Plan
- ❖ IFSP team determines any needed assessments prior to transition
- ❖ SC documents needed assessments and timeline for completion on IFSP Transition plan

# Transition Conference

## Roles & Responsibilities

- ❖ **SC documents on the transition plan confirmation that the district is in receipt of the most recent evaluation and assessment information, copies of the IFSP and other records.**
- ❖ **Discuss who to invite to Initial IEP Meeting - the SC or IFSP team members may attend the IEP meeting at the request of the parent.**

# Transition Plan

- ❖ Review of the program options from the toddler's third birthday through the remainder of the school year;
- ❖ The family in the development of the transition plan for the child
- ❖ Steps for the toddler and his or her family to support the smooth transition of the toddler,
- ❖ Transition services or other activities that the IFSP Team identifies as needed by the child and family.
- ❖ Confirmation that information about the child has been transmitted to the designated program if parental consent was obtained.
- ❖ Transmission of additional information needed, with parental consent, to ensure continuity of services to the receiving program, including a copy of the most recent evaluation and assessments of the child and family and the most recent IFSP.

# Transition Plan

- ❖ **SC ensures the transition plan is written as part of the IFSP - complete all sections of the IFSP transition plan, including timelines for each action step.**
- ❖ **SC provides at no cost to parents a copy of evaluations, assessments of the child and the IFSP (which includes the transition plan) within 7 days of the IFSP meeting. Provide to others for whom the family has signed a release of information as agreed upon with the family.**

# Transition Planning

## Child not eligible for Part B

- ❖ With the approval of the family, make reasonable efforts to convene a conference not fewer than 90 days and not more than 9 months prior to the child's 3<sup>rd</sup> birthday
- ❖ Establish a transition plan in the IFSP, including, as appropriate, steps to exit from EDN
- ❖ Families may decline convening of Transition Conference

- ☞ All forms utilized in the Early Intervention Program are state-mandated to ensure consistency and adherence to Family Rights and all laws/regulations that govern the program.
  - IFSP
  - Notice & Consent for Initial Screening
  - Notice & Consent for Multidisciplinary Evaluation and Child Assessment