

POLICY MANUAL

State Board of Behavioral Health and Developmental Services Department of Behavioral Health and Developmental Services

POLICY 4037 (CSB) 91-2 Early Intervention Services for Infants and Toddlers with Disabilities and Their Families

Authority Board Minutes Dated May 22, 1991
Effective Date May 22, 1991
Approved by Board Chairman /s/ Lindsay B. West

References Individuals with Disabilities Improvement Act (P.L. 108-446), 2004
§ 2.2-5300 through § 2.2-5308, Code of Virginia (1950) as amended
House Joint Resolution No. 164, 1990
Virginia Early Intervention Policies and Procedures
House Bill 817, 1992
House Joint Resolutions 626 and 627, 1993
Memorandum of Agreement Among the Agencies Involved in the
Implementation of Part H of the Individuals with Disabilities Education Act to
Meet Full Implementation Requirements, 1995

Background Through Public Law 99-457, Part H of the Education of the Handicapped Act was passed in 1986. It was renamed Part H of the Individuals With Disabilities Act and re-authorized in 1991. In 1997 it was renamed Part C of the Individuals with Disabilities Act (IDEA), and it authorized the U.S. Department of Education to administer a five-year discretionary grant program for states to plan, develop, and implement a statewide, comprehensive, coordinated, interagency system of early intervention services for infants and toddlers with disabilities, birth through two years of age, and their families. In 2004, the IDEA was reauthorized as the Individuals with Disabilities Education Improvement Act.

In this reauthorization, the Act was revised to emphasize child find for underserved populations of infants and toddlers, increase accountability for the success of early intervention services, and ensure a seamless transition for children and families when they exit Part C services to other appropriate services. Section 640 of the 2004 statute reauthorizing Part C includes stronger and more specific requirements associated with Virginia's interagency memorandum of agreement, listed in the references, including meeting requirements to ensure:

- assignment of financial responsibility in accordance with 20 U.S.C 1437(a)(2) to the appropriate agencies,
- interagency coordination among the participating public agencies, and

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Background
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- provision of Part C services consistent with the requirements for a statewide system under Part C.

The referenced interagency memorandum of agreement among the nine Virginia agencies participating in the Part C program will be revised to address the changes in the 2004 reauthorization of the IDEA.

In 1987, the Governor designated the Department of Mental Health, Mental Retardation and Substance Abuse Services, now the Department of Behavioral Health and Developmental Services and hereafter referred to as the Department, as the lead agency to administer the Part H program. In March 1988, the Governor originally appointed the Virginia Interagency Coordinating Council, hereafter referred to as the VICC, to advise and assist the lead agency in accordance with federal requirements. The IDEA requires each state to establish a state interagency coordinating council, appointed by the governor of the state, for the purpose of advising and assisting the lead agency in the implementation of the Part C program. The membership of the council is specified in statute and regulations. Membership includes at least 20 percent parents of children with disabilities, emphasizing the importance of family involvement in policy and program development. Since 1988, the VICC and the Department have worked collaboratively to develop policies and procedures for a comprehensive early intervention system of services.

Recognizing the importance of the national initiative for Virginia, the 1990 General Assembly established the Joint Subcommittee Studying Early Intervention Services for Handicapped Infants and Toddlers (HJR 164). The 1992 General Assembly enacted House Bill 817, which established the administrative structure necessary for Part H implementation. The bill reinforced Virginia's commitment to the Part H program and codified the shared responsibilities of state agencies in implementing the Part H program in the Commonwealth. In 1993, the General Assembly passed HJR 626, which recommended Virginia's movement into full implementation of the Part H program in September 1993, and HJR 627, which continued the work of the legislative subcommittee.

To receive fifth year and subsequent grant funding under Part H, Virginia's application to the U.S. Department of Education must include assurances that the state has adopted policy incorporating all components of a statewide system of early intervention as specified in the law and that the statewide system of early intervention services is in effect. Virginia is currently in the 14th year of extended participation in the Part C program.

Purpose

To establish Virginia's commitment to fully implement a statewide system of early intervention services for infants and toddlers with disabilities and their families as required by Part C and to meet the requirements for continuing participation in the national Part C program.

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Policy

It is the policy of the Board that the Department, in cooperation with the Departments of Education, Health, Social Services, and Medical Assistance Services, the Departments for the Blind and Visually Impaired and for the Deaf and Hard of Hearing, the Virginia Office for Protection and Advocacy, and the Bureau of Insurance of the State Corporation Commission, shall fully implement a statewide, comprehensive, coordinated, interagency, multidisciplinary system, through local lead agencies and other private and private nonprofit agencies and with the advice and assistance of local interagency coordinating councils whose membership includes community services boards, local school boards, local health departments, and state, regional, or local representatives of other participating state departments, for providing early intervention services to all children eligible under Part C of the Individuals with Disabilities Education Act and their families. The system of services shall incorporate all of the components of a statewide system of early intervention services that are required in the regulations under Part C. The Department shall continue the facilitation and coordination of all activities with the advice and assistance of the VICC.

It is also the policy of the Board that the Department, in cooperation with the other participating state departments involved in the Part C program through their state, regional, or local agencies or representatives, shall make available multidisciplinary evaluation and assessment, development and full implementation of individualized family service plans (IFSP), and service coordination to Part C eligible children, birth through two years of age, and their families and provide these services in accordance with procedures delineated in Virginia's Part C policies and procedures.

Further, it is the policy of the Board to encourage local communities through their interagency collaborative efforts to decide how best to meet the needs of at-risk children to the extent that local resources are available for this purpose. The Department, in cooperation with other state agencies and with the assistance of the VICC, shall continue to study the service needs of infants and toddlers at-risk to plan for appropriate means of serving those children and their families.

It is also the policy of the Board that the Department, in cooperation with the other participating state departments involved in the Part C program through their state, regional, or local agencies or representatives, shall provide the following services under Part C at no cost to parents:

- implementing child find activities, including screening and referral;
- evaluation and assessment;
- service coordination; and
- administrative and coordinative activities related to the development, review, and evaluation of IFSPs and implementation of procedural safeguards.

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Policy
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Further, it is the policy of the Board that, with the exception of the services listed above that are federally required to be available at no cost to families, services contained in the IFSP may be provided subject to a system of payments, including sliding fees in accordance with federal and state law under Virginia early intervention policies and procedures.

It is also the policy of the Board that the Department, with the advice and assistance of the VICC, shall use the federally required Virginia Part C policies and procedures as the basis for statewide implementation of the Part C program.

Finally, it is the policy of the Board that the Department, as the Part C lead agency, on behalf of the state agencies involved in the Part C program and with the advice and assistance of the VICC and through local lead agencies and with the advice and assistance of local interagency coordinating councils, shall continue to coordinate and support efforts in each community that meet community needs for early intervention services for infants and toddlers with disabilities.