Technical Assistance Paper

School District or Charter School Provision of Early Intervention Services to Children with Disabilities, Birth through Age Two, and Their Families

Summary:

The purpose of this technical assistance paper (TAP), which has been written in collaboration with the Department of Health, Children’s Medical Services, Early Steps State Office staff, is to clarify and provide guidance in response to questions and issues school district personnel and local Early Steps staff identified about providing early intervention services to infants and toddlers with disabilities and their families by the school district or in a charter school.

Contact:

Carole West
Program Specialist
(850) 245-0478
Carole.West@fldoe.org

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A.  Introduction

A-1.  What is the purpose of this technical assistance paper (TAP)?

Staff members from the Department of Health, Children’s Medical Services, Early Steps, and the Department of Education, Bureau of Exceptional Education and Student Services, have jointly developed this TAP. The purpose is to clarify and provide guidance in response to questions and issues school district and local Early Steps staff have identified regarding the provision of early intervention services to infants and toddlers with disabilities and their families by the school district or in a charter school. This paper addresses issues related to circumstances when the

• School district elects to serve infants or toddlers with disabilities, either through the provision of services by school district employees or through a contract with a nonpublic school/community agency.
• School district has approved a charter school that provides services to infants and toddlers with disabilities.

A-2.  What is the role and responsibility of the local Early Steps when the school district or charter school provides early intervention services to infants and toddlers with disabilities and their families?

As the designated lead agency for Individuals with Disabilities Education Act (IDEA), Part C, Early Steps is the entity responsible for ensuring services to eligible infants and toddlers with disabilities are made available. The responsibilities of the local Early Steps (LES) include the following:

• Determining eligibility based on Part C eligibility criteria
• Establishing the individualized family support plan (IFSP) team
• Developing the IFSP, including a written statement of the specific early intervention services the IFSP team determines necessary to meet the unique needs of the infant or toddler and the family
• Providing service coordination
• Scheduling periodic and annual reviews of the IFSP
• Scheduling transition conferences in a timely manner
• Maintaining all required documentation

Infants and toddlers with disabilities who receive early intervention services from the school district or charter school in collaboration with the LES remain “Part C children” and IDEA Part C policies and regulations apply. However, when a school district or charter school is the service provider and the services are funded through the Florida Education Finance Program, relevant State Board of Education rules also apply.
If a school district has approved a charter school that serves infants and toddlers with disabilities, there should be clear procedures in place. Additionally, consideration should be given to whether some of these procedures are included in the interagency agreement between the school district and the LES to further guide all aspects of the coordinated process that must occur among the school district, the charter school, and the LES.

B. Eligibility

B-1. What must occur before the school district or charter school can serve an infant or toddler with a disability?

Rule 6A-6.0331, Florida Administrative Code (F.A.C.), General Education Intervention Procedures, Identification, Evaluation, Reevaluation and the Initial Provision of Exceptional Education Services, stipulates that school districts “may elect to serve children below the age of three years in collaboration with the Part C Early Steps program.” Children under three (3) years of age who are determined eligible for Part C receive services from various providers. School districts have the option to serve this population, but are not required to do so. If the school district elects to be the provider of services to children with disabilities under the age of three, the school district has the flexibility to stipulate the number of children and the types of services to be provided (e.g., a school district determines that it will only serve infants and toddlers with disabilities who are visually impaired). The district may provide the services directly or may contract with a nonpublic school/community agency (see Rule 6A-6.0361, F.A.C., Contractual Agreements with Nonpublic Schools and Residential Facilities). Additionally, some districts have approved charter schools that provide services to infants and toddlers with disabilities.

A school district electing to serve infants and toddlers with disabilities as the provider, or through a charter school program that serves infants and toddlers with disabilities, must make sure that clear procedures are in place for the coordination of services across all involved entities.

There are three things the school district and LES must do before serving an infant or toddler suspected of having a disability.

1. The LES must determine the child is eligible for IDEA, Part C.
2. The school district must conduct the required eligibility procedures in accordance with Rule 6A-6.0331, F.A.C. Determining eligibility in accordance with State Board of Education rules does not necessarily require the school district to complete additional assessments beyond those the LES completed. However, the school district must review existing evaluation information the LES provided and determine if additional data are needed to determine eligibility based on the evaluation procedures and criteria stated in these rules.
3. The IFSP team must determine that the school district or charter school is the appropriate setting for meeting some or all of the IFSP outcomes (34 CFR §303.344(d)(1)(ii)(B)(1)).

Based on the following rules, the school district must verify that the child is eligible for exceptional student education:

- Rule 6A-6.03026, F.A.C., Special Programs for Prekindergarten Children with Disabilities
- Rule 6A-6.03030, F.A.C., Special Programs For Children Birth Through Two Years Old Who Have Established Conditions, Rule 6A-6.03031, F.A.C., Special Programs For Children Birth Through Two Years Old Who Are Developmentally Delayed, or other rules that are applicable to this population (deaf or hard-of-hearing, visually impaired, dual sensory impaired, orthopedically impaired, other health impaired, traumatic brain injured, or autism spectrum disorder)
- Rule 6A-6.0331(2) and (6), F.A.C., General Education Intervention Procedures, Identification, Evaluation, Reevaluation and the Initial Provision of Exceptional Education Services

This verification process must be documented and maintained in the child’s educational record. Parents must provide written consent for the LES to provide the school district with copies of evaluations the LES conducted, the IFSP, and documentation of the parent’s written consent for Part C services.

In the event the school district has an approved charter school providing services to children birth through age two, the extent of the involvement of a charter school in the processes described above would be subject to the charter and practices that the school district has established with the charter school, with the understanding that the school district is the responsible party.

**B-2. What should happen if the parent contacts the school district or a charter school before the child has been made eligible for Early Steps?**

If a parent contacts the school district or a charter school before the child is determined eligible for Early Steps services, the school district or charter school staff should advise the family to contact the LES or, with written parent consent, the school district or charter school may refer the child to the LES for an evaluation and eligibility determination.

As stated in B-1 above, the school district or charter school may not serve the child until the child has been appropriately evaluated and determined eligible.
B-3. **Should staffing specialists be informed of the eligibility criteria and individualized family support plan development for infants and toddlers with disabilities? If so, who should provide this information?**

When school districts elect to serve infants and toddlers with disabilities, the district and charter school staff should be aware of the resources on the Early Steps website at [http://www.cms-kids.org/families/early_steps/early_steps.html](http://www.cms-kids.org/families/early_steps/early_steps.html).

When a school district or charter school provides services to infants and toddlers with disabilities, appropriate district or charter school staff, including staffing specialists assigned to work with this population, should know about Part C/Early Steps eligibility criteria requirements, IFSPs, Part C procedural safeguards, all other Part C/Early Steps policies, and State Board of Education rules related to children below the age of three.

Early Steps staff should be involved in any guidance district and charter school staff provide on related products and be given the opportunity to respond to questions regarding the provision of services for children birth through age two. Because the content that needs to be shared would relate to school district, charter school, and Early Steps practices and policies, staff are encouraged to work together to ensure that accurate and complete information is conveyed.

C. **Development of the Individualized Family Support Plan (IFSP)**

C-1. **Who participates in the development of an IFSP? Can a parent request that a charter school be the provider of services?**

The parents; Early Steps service coordinator; other family members; advocates or persons outside the family, as the parents’ request; and the person(s) directly involved in conducting the evaluation and/or assessment are included in the initial IFSP team meeting.

In addition, if the parents have requested that a charter school be considered as the provider of early intervention services for their child, representatives of the school district must be invited to the IFSP team meeting. The IFSP cannot include services to be provided in a charter school unless the school district found the child eligible. That would mean that all the requirements (as noted in B-1) have been met. In addition, because Rule 6A-6.0331, F.A.C., stipulates “school districts **may** [emphasis added] elect to serve children with disabilities below the age of three (3) years in collaboration with the Part C Early Steps Program,” the IFSP team may not commit the resources of a school district without agreement of the district.
The charter between the school district and the charter school should determine whether the school district assigns school district personnel to attend this IFSP meeting or designates that a charter school representative attend as the district designee.

C-2. What would an IFSP outcome statement look like for a child served by the school district or attending a charter school?

The outcomes on the IFSP are statements of change that a family wants to see for their child or family as a result of their involvement in Early Steps, regardless of the provider of services. An outcome on the IFSP for a child served by the school district or attending a charter school would be based on the needs of the child within the context of the family, the same as with any Early Steps-eligible child, regardless of where the child receives services.

D. Provision of Services

D-1. Are the provisions related to natural environment still applicable in circumstances when the school district or a charter school is being considered as the provider of services?

Yes, to the maximum extent appropriate to meet the needs of the infant or toddler, early intervention services and supports must be provided in the natural environment. In accordance with section 303.26 of Title 34, Code of Federal Regulations (CFR), “Natural environments means settings that are natural or typical for a same-aged infant or toddler without a disability, may include the home or community settings, and must be consistent with the provisions of §303.126.” Services should be provided within the context of everyday routines, activities, and places that promote learning opportunities for an individual child and family.

When the population served by a school district or charter school is limited to infants and toddlers with disabilities in a classroom-type setting, this setting would not be considered a natural environment setting. For placement in such a charter school, the IFSP team would need to provide a justification explaining why the outcomes cannot be satisfactorily reached in the natural environment. This justification must be based on the IFSP outcomes, reflect the needs of the infant or toddler and family, and be documented on the IFSP (34 CFR §303.344(d)(1)(ii)(A) and (B)(3)).

D-2. Does the parent provide consent for services under Part C or Part B when the IFSP team has determined that the school district or a school district-approved charter school will provide services?

As previously stated, when a school district chooses to serve as a Part C provider for children with disabilities, birth through age two, all Part C
requirements apply. Part B applies only to children ages 3–21 or in circumstances when a free appropriate public education (FAPE) is being provided to a child who will turn three years old during the school year. Therefore, consent is provided under Part C only.

The LES service coordinator must fully explain the IFSP to the parents, and the parents must provide informed written consent using the Part C consent form prior to provision of early intervention services described on the IFSP (34 CRF §§303.342(e) and 303.420(a)(3)). If the parent does not provide consent with respect to a particular early intervention service, then only the services for which consent is obtained will be provided. The school district or charter school should request a copy of the IFSP for its records if the parent has consented to having this information released to the school district or charter school.

D-3. How are services coded on the IFSP?

Because school districts provide early intervention services in collaboration with Early Steps, the school district or charter school cannot provide services beyond those that the IFSP team authorizes. The LES service coordinator is responsible for coordination of services; however, the LES is not responsible for ensuring the provision of services not authorized by the IFSP team or identified on the IFSP as “other services.” If a service is in response to achieving an outcome and the IFSP team authorizes it to address the developmental needs of the child and the family, it will be listed in the “Your Family’s Supports and Services” section of IFSP Form G. If it is a service that the child and family receive independent of Early Steps, then it is listed in the “Other Services” section of IFSP Form G.

D-4. How should the IFSP team address the needs of a child when a charter school or school district does not provide services for infants and toddlers during the summer months?

IDEA Part C requires that Early Steps services be based on the family’s concerns, priorities, and resources as well as evaluation and assessment results. Based on IDEA §636(d)(4) and (6), the IFSP must include a statement of specific early intervention services based on peer-reviewed research, to the extent practicable, necessary to meet the unique needs of the infant or toddler and the family, including the frequency, intensity, and method of delivering services; the projected dates for initiation of services; and the anticipated length, duration, and frequency of the services. Decisions about the frequency, intensity, and duration of services to be provided are based on the outcomes the IFSP team identifies and should not be based solely on administrative convenience or limitations of the service provider guidelines. For these reasons, it would be inconsistent with IDEA Part C for services to be suspended during the summer months. If the IFSP identifies the school district or charter school as an early intervention service provider, but the charter school or school district does not provide services during the summer months, the IFSP team should ensure that the needs of infants or
toddlers are met and should reconvene prior to the end of the school year to identify the services and supports the child needs to reach the IFSP outcomes. The LES is responsible for implementing the IFSP and ensuring the early intervention services an eligible infant or toddler needs are provided for the time the IFSP determines necessary to meet child and family outcomes. There should be no breaks in services if the IFSP states the authorized services are needed at a certain level and during a time period that could include the summer months.

D-5. What happens if the family of a child the charter school or school district has served does not respond to LES contact?

Based on IDEA, Part C requirements, Section 6.12.2 of the Early Steps Policy Handbook, Component 6, Early Intervention Supports and Services, states the following: "A minimum of three documented consecutive unsuccessful attempts to contact the family using more than one method of contact must be made by the service coordinator before a child is closed to Early Steps due to unsuccessful contact attempts. The Early Steps record for a child/family who cannot be contacted will not be closed unless service authorizations have expired and parent consent for services is no longer valid or the child reached age 3." The service coordinator should work collaboratively with the charter school or school district staff to maintain contact with families who are being provided services to ensure that they remain in active status.

D-6. Would children served in a charter school participate in the child outcomes measurement system?

Yes, children must be assessed as indicated in the Flowchart and Decision Rules for Entry and Exit for Child Outcome Assessments. This flowchart, located on the Technical Assistance and Training System (TATS) website at http://www.tats.ucf.edu/outcomes.html, describes the pathways for entry and exit and shared data point for children transitioning from Early Steps to the school district. The LES and school district are responsible for local implementation decisions.

E. Provision of Procedural Safeguards

E-1. Which procedural safeguards should be provided to the parents of an infant or toddler with a disability whom the school district or a charter school is serving?

As discussed in A-2 and D-2, infants and toddlers with disabilities who receive services from a school district remain Part C children, and IDEA Part C requirements apply. It is the responsibility of the Early Steps service coordinator to provide and explain the Part C procedural safeguards to the parents of any child under the age of three receiving Part C services, including children who may be receiving early intervention services from the school district or charter
school. The IFSP team will meet to review and make a decision regarding any amendments to the IFSP. Requests for amendments may result from the LES or service provider proposing or refusing to initiate or change the identification, evaluation, or placement of the infant or toddler with a disability, or the provision of appropriate early intervention services to the child or the child’s family. The service coordinator will provide prior written notice to parents a reasonable time before any changes are implemented.

Procedural safeguards and prior written notice must also be provided when a requested service is not agreed upon (34 CFR §303.421(a) and (b)). This could occur in the instance when a family requests that a charter school or school district provide services; however, the IFSP team determines that this is not a service or setting appropriate for the child to reach the IFSP outcomes. There is no requirement to provide Part C procedural safeguards apart from the requirement to provide prior written notice or apart from the circumstances listed above. The “Modifications to Services” section of IFSP Form G may serve as documentation of the provision of prior written notice and procedural safeguards. The notice and procedural safeguards are provided in advance to give the parent the opportunity to dispute the proposed change and give them information regarding how to dispute the change.

E-2. Can a school district provide a free appropriate public education (FAPE) under Part B to a child under the age of three?

Yes, 34 CFR §300.800, permits the use of IDEA preschool grant funds to support services for children who are two years old and will turn three during the school year. FAPE, in accordance with the Part B regulations, applies in this circumstance, including provision of Part B procedural safeguards for a child who makes an early transition from Part C to Part B or a child who has an early entry into Part B and was never served with an IFSP in Part C.

This instance is the only time, however, when FAPE and Part B would apply when a school district serves children prior to the age of three. In other circumstances (e.g., an 18-month-old child eligible for Early Steps who receives some services from the school district), the requirements of Part C apply.

F. Transition Conference

F-1. How should transition meetings be handled for a toddler with a disability who is attending a charter school and will likely remain in that charter school for services beginning at the age of three?

The procedures for transition planning are the same regardless of the service provider. Early Steps must initiate the transition planning and schedule a transition conference for all children not fewer than 90 days—and, at the discretion of all parties, not more than nine months—before the child’s third
birthday (34 CFR §303.209(c)(1)). This includes Part C children attending a charter school and remaining at the same school for Part B services, if found eligible.

F-2. Who participates in the transition conference?

The school district or charter school, as the provider of early intervention services, should continue to be involved in communications with the family and the Early Steps service coordinator throughout the transition process. In addition to the parents and the service coordinator, if the child is potentially eligible for Part B services and, with parent permission, the LES must invite a school district representative to the transition conference (34 CFR §303.209(c)(1)). When a child is attending a charter school, whether the school district elects to send its own personnel to the transition conference or determines that the charter school can serve as the school district representative is subject to the charter the school district and charter school established. The school district (or charter school designee) must participate in the LES-arranged transition conference.

G. Funding

G-1. When a school district or charter school is providing services to an infant or toddler with a disability, how is the payer source identified on the IFSP?

When a school district or charter school provides early intervention services to eligible infants or toddlers with disabilities in collaboration with Part C Early Steps, funding through the Florida Education Finance Program is generated in accordance with section 1011.61, Florida Statutes (F.S.), Definitions, and s. 1011.62, F.S., Funds for operation of schools. The types and intensity of services identified on the IFSP that the school district will provide will determine how the matrix of services document is completed and the exceptional education cost factor. In this circumstance, the IFSP would indicate that the payer source for the specified early intervention services is the school district (local education agency). It would not be accurate to reflect the funding source as Part B.

G-2. Can a school district use IDEA Part B or preschool funds to serve IDEA Part C-eligible children with disabilities?

No, the school district prekindergarten program for children with disabilities provides special education and related services to meet the unique needs of three-, four-, and five-year old children with disabilities through the use of allocated IDEA, Part B, section 619 preschool funds. Prekindergarten special education is a part of the special education funded through IDEA, Part B offered in each school district for all children with disabilities, ages three through 21. These funds are limited to serving this population and cannot be used to serve infants and toddlers eligible for IDEA, Part C services.