

**The Right to Early  
Intervention  
for  
Infants and Toddlers and  
Their Families  
in  
Pennsylvania**

**A Handbook for Parents  
2007**

**EDUCATION LAW CENTER-PA**



# **The Right to Early Intervention for Infants and Toddlers and Their Families in Pennsylvania**

## **A Handbook for Parents**

written by,  
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# EDUCATION LAW CENTER

Education Law Center (ELC) staff advocates for improved educational opportunities and outcomes for Pennsylvania's most educationally "at risk" children. Through our telephone Helpline, ELC staff provides free legal assistance to families, early childcare professionals, and education advocates on early intervention issues in Pennsylvania.

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# The Right to Early Intervention

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# The Right to Early Intervention Services

## Introduction

*All children grow and develop at their own pace.* When you watch your child grow and develop, you cannot help but notice how he smiles, how she sits up or rolls over, when she holds a spoon, or when he speaks his first words. Sometimes a parent notices something different about her child that makes her wonder whether the child is developing at the same pace as his or her peers. Other times, the child's pediatrician, childcare provider, or a relative expresses concern about a child's development.

All children develop at their own pace, but some young children - infants, toddlers and preschoolers - lag far behind their same age peers, and their families need additional support and other services during this critical developmental period. In Pennsylvania and under federal law these supports and services are called "early intervention" ("EI").

*A solid body of research now supports the notion that early childhood education, including timely, comprehensive early intervention services, has positive benefits* for the growth and development of individual children and long-term benefits for society.

*The purpose of early intervention* is to enable young children to be active and successful participants during early childhood years and in the future in a variety of settings, including the home, early childcare and education programs, school, and the community. Federal and state law requires states, including Pennsylvania, to make available early intervention services to all eligible young children and their families. Early intervention is a voluntary program that provides early identification, services, and supports to eligible children - infants, toddlers, and pre-school children from birth through age five - and their families. When your child is identified as having a developmental delay and needing early intervention services, you - the parent - can help develop and implement the program of early intervention services as part of a



Team that includes early intervention specialists, teachers, therapists, clinicians, and many other professionals.

**The Early Intervention system** is a statewide system of programs and services designed to provide a comprehensive, coordinated, and collaborative system of supports for young children and their families. The purpose is to maximize development in the youngest children and to allow older children to continue to make reasonable developmental progress.

*At the state level*, the Pennsylvania Department of Public Welfare (DPW) is the lead agency responsible for overseeing the Infant and Toddler Program for children from birth through age 2 and the Pennsylvania Department of Education (PDE) is the lead agency responsible for overseeing preschool early intervention services for children from age 3 through 5. The new Bureau of Early Intervention Services within the Office of Child Development and Early Learning (OCDEL) - a joint office of PDE and DPW- oversees all early intervention services (B-5) and works in collaboration with the Bureau of Early Learning Services to ensure quality early child care and educational programs for all children, including children with developmental delays.

*At the local level*, DPW designates County offices of Mental Health and Mental Retardation to provide services to infants and toddlers and their families, directly or through contracts with public and private agencies. PDE delegates its responsibility for 3 to 5 year olds to local educational agencies (intermediate units and others) by entering into "mutually agreed upon written arrangements" (commonly referred to as "MAWAs") with those agencies.

**Early intervention services must be provided in natural settings.** The law requires that early intervention programs be provided to infants and toddlers (birth through 2)

in "natural environments." A "natural environment" is where the child would spend time if she did not have a developmental delay. Natural environments can include your home, your local playground, your community library, McDonalds, toy libraries, YWCAs, early childcare and educational programs, and the many other places young children spend time with their families or with other children. If your child's Team decides that your child's early intervention program cannot be implemented in a



“natural environment” with support services or modifications, it can explore specialized settings such as approved private schools and residential placements. “Home” can always be the natural environment for a young child.

**At the heart of early intervention** is a partnership between families and early intervention personnel focused on the unique needs of the child. Through this partnership, you help decide what supports and services you and your child need. Your family is your child's greatest resource. Early intervention builds on your family's strengths and offers supports and services to you and your child to help your child grow and learn.



**A note about families:** Not all families are alike. Some families are big, others are small, some extended, nuclear, or multigenerational. Some children have one parent, others have two, and others live with grandparents. Families can



live under one roof or many. Families can be as temporary as weeks or months or as permanent as forever. Children become a part of a family by birth, adoption, marriage, or from a desire for mutual support. A family is a culture unto itself, with different values and unique ways of realizing its dreams. Together families become the source of a rich cultural heritage and spiritual diversity. Families create neighborhoods, communities, states and nations. *House Memorial 5 Task Force Report on Young Children and Families (New Mexico 1990).*

**The purpose of this Handbook** is to provide you, the parents, with the information, resources, and tools needed to participate effectively in the development of an early intervention program for your child. We hope this information will help you ask the right questions, seek the most relevant information, and be effective advocates for the EI services your child needs to grow and learn.<sup>1</sup>

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<sup>1</sup> This handbook covers only the rights of infants and toddlers with developmental delays. For information on the legal rights of preschoolers and school-aged children with developmental delays and other disabilities, see ELC's publication - *The Right to Special Education in Pennsylvania - a Guide for Parents*. For a copy of this Guide go to ELC's website at [www.elc-pa.org](http://www.elc-pa.org) or call us at our offices listed at the front of this manual.

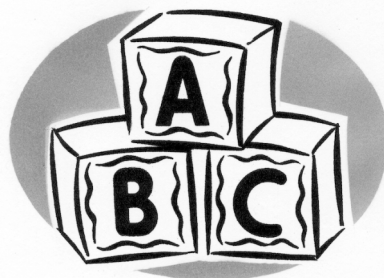
*This Handbook answers questions* most frequently asked about early intervention in Pennsylvania, provides information on legal rights and procedures, and includes a host of Tips, Tools, and Resources. If you think your child has a developmental delay and is in need of early intervention services, or if you are unhappy with the progress your child is making, we hope you will find answers to your questions here.

*This Handbook provides Tips, Tools and Resources* to help you get EI services for your child. These Tips and Tools appear throughout the Handbook and in Appendix B. When possible, we provide an Internet link to other Resources and documents you may find helpful as you work with the early intervention system to help your child develop and grow. In Appendix A, we have included the Legal Background for Early Intervention Law.

## **A Word about Words – Important Terms and Phrases**

In the Early Intervention system, words and phrases often take on special meaning. Parents and advocates who learn these words find it easier to navigate the Early Intervention system and to get their children what they need. These frequently used words and phrases are second nature to early intervention professionals and others who work within the Early Intervention system. Sometimes these folks use letters to refer to phrases ("MDE" rather than "multidisciplinary evaluation" and "IFSP" rather than "Individualized Family Service Plan"). This can be overwhelming. Always feel free to ask for an explanation of a word or phrase you do not understand. Chances are you are not the only one in the room confused by the "alphabet soup."

To help you understand the language of early intervention, we have provided you with a Glossary of commonly used words and terms. You can find it at the end of this Handbook in Appendix B. You may want to refer to it as you use this Handbook and come across unfamiliar terms and phrases.



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# Early Intervention Supports and Services For Infants and Toddlers (Birth to age 3)

## What is Early Intervention?

Early intervention is a program of supports and other services designed to meet the developmental needs of infants and toddlers with developmental delays and to help their families support their child's learning and development. Federal law requires Pennsylvania and other states to provide early intervention programs that meet the following requirements to eligible children:

- **EI services must be provided under public supervision.** In Pennsylvania, the Department of Public Welfare (DPW) is the state agency responsible for overseeing the Infant and Toddler System. At the local level, the County Office of Mental Health and Mental Retardation is responsible for early intervention.
- **EI services must be family-centered.** This means all supports and services are developed and provided based upon the family's strengths, concerns, priorities, and resources **as identified by the family and the team developing the child's IFSP.** EI programs and professionals should respect the family's concerns, interests, and values, but are not legally obligated to agree with all the family's views.

Family-Centered Early Intervention means:

- Support for the family's involvement in planning, decision-making and service delivery;
- Support for the family's natural caregiving and decision-making roles;
- Support for services developed and provided consistent with the family's values and priorities;
- Support for the family's different and changing family needs; and
- Support for parent-professional partnerships.

(Adapted from Caro and Derevensky, 1991)

## Early Intervention Services (con't)

- **EI services are listed on an Individualized Family Service Plan (IFSP).** The IFSP is the written document that sets out the EI services your child and your family will receive.
- **EI services can usually be provided directly to a child** to help improve development and educational growth. EI services are intended to help your child meet the outcomes you have identified. EI services can also provide needed support and adaptations at home and in an early childcare or educational programs.
- **EI services include information, training, and other support for the family** to help with the child's development. EI services can help families answer questions about their child's development.
- **EI services must be provided by qualified personnel.** Qualified personnel can include special educators, speech and language pathologists, occupational therapists, physical therapists, psychologists, social workers, nurses, nutritionists, family therapists, orientation and mobility specialists, pediatricians and other physicians, early interventionists, service coordinators, and audiologists.
- **EI services must be provided in the child's "natural environment."** The law requires the County agency and the provider to serve the child in the setting where the child would be if she did not have a developmental delay, unless there is a child-specific reason why the child needs to be served in a separate setting. In most cases, the natural environment is the child's home.
- **EI services must be provided at no cost to parents.** Although the County can ask the family to use Medical Assistance and even private health insurance to help fund EI services, it cannot require the family to apply for Medical Assistance or to use their insurance if it would result in a direct or indirect cost to the family.

## What EI services and supports can my child get?

EI services and supports include, among other things, service coordination, home visits, family training, nutrition services, nursing services, some health services (necessary to enable the child to benefit from other EI services), social work services, physical or occupational therapy, psychological services, vision services (including communication skills training, orientation and mobility training, and other training necessary to improve visual motor abilities), audiology services, assistive technology devices and services, and transportation.

Nutrition services can include assessments and developing and monitoring appropriate plans to address the nutritional needs of the child, including problems and feeding skills.

### ***Tip***

**Use this EI Services checklist to help you consider services your child may need:**

- |   |  |
|---|--|
| <input type="checkbox"/> Service Coordination         | <input type="checkbox"/> Occupational Therapy            |
| <input type="checkbox"/> Home Visits                  | <input type="checkbox"/> Psychological Services          |
| <input type="checkbox"/> Family Training              | <input type="checkbox"/> Mobility training               |
| <input type="checkbox"/> Nutrition Services           | <input type="checkbox"/> Vision Services                 |
| <input type="checkbox"/> Physical Therapy             | <input type="checkbox"/> Assistive Technology            |
| <input type="checkbox"/> Nursing Services             | <input type="checkbox"/> Transportation Services         |
| <input type="checkbox"/> Social Work Services         | <input type="checkbox"/> Health Services (Needed for EI) |
| <input type="checkbox"/> Speech and Language services | <input type="checkbox"/> Other supports and services     |

## My child has significant health care needs; what are EI “health services”?



Health services can be early intervention services. Health services enable your child to benefit from other early intervention services during the time the child is receiving the other EI service. Health services include clean intermittent catheterization, tracheotomy care, tube feeding, and the changing of dressings or colostomy collection bags.

Early intervention health care services include talking with doctors and other health professionals and consulting about the health services your child needs while she is receiving early intervention.

Health services do **not** include medical services that are:

- Surgical in nature (such as cleft palate surgery or shunting for hydrocephalus),
- Devices necessary to control or treat a medical condition,
- Purely medical in nature (such as hospitalizations for management of heart disorders, and prescribing medication) or
- Routine health care recommended for all children, such as well-baby visits and immunizations.

If your child has significant health care needs, you will want to include all necessary early intervention health services in your child's IFSP, including services to help you understand and manage your child's health care at home and in community settings. For example, if you need help understanding or using ventilators, tracheotomies, catheterization procedures or other health services, you can ask that these support services also be provided as early intervention to your family.

## Can I get EI services to help me manage my child's challenging behaviors?

Yes. Early intervention services can help you and your child manage challenging behaviors. Even if the child is eligible for early intervention based solely on a developmental delay in the social/emotional area, the child is eligible for help, and her social/emotional needs should be the focus of the IFSP.

## Can "assistive technology" be an EI service?

Yes. Assistive technology - both special devices and services - can be an EI service if your child needs an assistive technology device or service to make developmental progress. Special toys, picture programs, and other modifications to help your child use learning or play materials alone or with other children can also be considered assistive technology.

Parents often think of assistive technology as expensive or difficult to use with young children. Assistive technology for young children, like assistive technology for older children, can be "low tech," "high tech," homemade, or bought at a local store. When you select the right piece of equipment for your child, and it is used properly, it should help your child do something he or she had difficulty doing without it. Some examples of assistive technology include specialized switches or modifications to enable your child to use a specific toy, computer or an augmentative communication device.

You should try to make sure that the assistive device is used with an eye towards promoting your child's independence and inclusion in the activities of non-disabled peers.

### **Tip**

#### **Ask yourself these questions:**

- Does my child have a physical disability that limits her ability to interact with her environment?
- Is my child unable to do these things a child her age is typically doing, even with some traditional support services?
- Does my child have a significant gap between her listening and talking skills?

If your answer is "yes" to any of these questions, you should ask your Service Coordinator to help you schedule an assistive technology evaluation for your child.

## Who gets to make decisions about a child in the EI system?

Federal and state laws give the parent the right to make all decisions about EI services, including the right to request mediation and due process to resolve conflicts. (For a more detailed discussion of these and other dispute resolution options, go to page 38).

## How does the law define "parent"?

Because it is so important that every child have a "parent" to ensure the child gets the services she needs, the law includes several categories of adults within the definition of "parent." For example, besides the birth or adoptive parent, a "parent" can be an adult who is acting as a parent. When the child does not have any "parent" to make EI decisions for her, the County must appoint a "surrogate parent" to participate in IFSP meetings and to make decisions about the child's EI program.



A "parent" can be:

- A birth or adoptive parent;
- Guardian or legal custodian of the child (other than the State);
- A person "acting in place of the parent" (such as a grandparent or step parent) with whom the child lives, or an individual who is legally responsible for the child's welfare. A foster parent is "acting as the parent" when the child's birth parents' rights have been terminated and the foster parent: (1) has a long-term relationship with the child; (2) is willing to make the decisions of a parent; (3) has no conflict of interest with the child; and (4) has been approved by the children and youth agency responsible for the child; *or*
- A "surrogate parent."

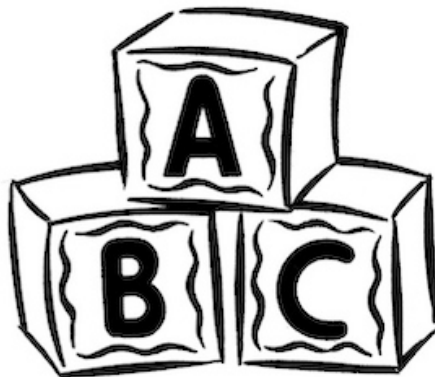
## What is a “surrogate parent?”

A “surrogate parent” is a volunteer who is appointed by the County to stand in the place of a parent and make decisions about the child’s EI program and services. A surrogate parent must be appointed when the child’s parents cannot be located, are deceased, or no longer have the right to make educational decisions because a Judge has ended their rights or has limited their right to make educational decisions with a Court order.



A surrogate parent has all of the rights and can make all of the EI decisions that are usually made by the child’s parent. Surrogate parents can review educational records, request and consent to evaluations and reevaluations, challenge the recommendations for the EI agency by filing complaints, and ask for mediation or request a hearing.

*A surrogate parent does not have rights outside of the Early Intervention system.*



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# Eligibility for Early Intervention

## Is my child eligible for early intervention?

If you are concerned about your child's development (or someone else has expressed concern and thinks she may need early intervention), you may want to find out if your child is "eligible."

### Children eligible for EI supports and services are:

#### (1) Children under age 3 who have a developmental delay

Children under the age of 3 are entitled to EI services if they have a "developmental delay" in one or more of the following areas of development: cognitive, communication, physical, social/emotional, or self-care.

A child has a developmental delay if she is *25% or more behind her peers* or 1.5 standard deviations below the mean on appropriate standardized tests. For example, a child who is 18 months old who is talking at the level of a 12 month old is more than 25% delayed in the area of communication and is eligible for EI in that area.

A parent may also establish a child's developmental delay with the *"informed clinical opinion"* of a professional. When there are no formal tools or standardized tests to measure your child's age or developmental progress, informed clinical opinion is enough. Informed clinical opinion uses observations by experts and similar approaches to form an opinion about whether your child has a delay and is in need of early intervention support and services.

### **Tip**

#### **Five Primary Areas of Development in plain English:**

**Cognitive:** ability to think and learn (to problem solve)

**Communication:** ability to talk and listen (to express needs and wants)

**Physical:** ability to move, see, and hear

**Social and Emotional:** ability to relate to others (children and adults)

**Adaptive or Self-care:** ability to eat and dress (to take care of self)

## Eligibility (con't)

### **(2) Children diagnosed with a physical or mental condition with a high probability of developmental delay**

Children are also eligible for EI services if they have a diagnosed physical or mental condition that has a high probability of resulting in a developmental delay. For example, a child with fetal alcohol syndrome, failure to thrive, or Down syndrome is eligible for EI services even if the child does not yet have a delay.

### **Children eligible for "tracking" developmental progress:**

Certain children, whose special circumstances put them "at risk" for developmental delays, are entitled to be monitored (or "tracked") to make sure they are making sufficient developmental progress.

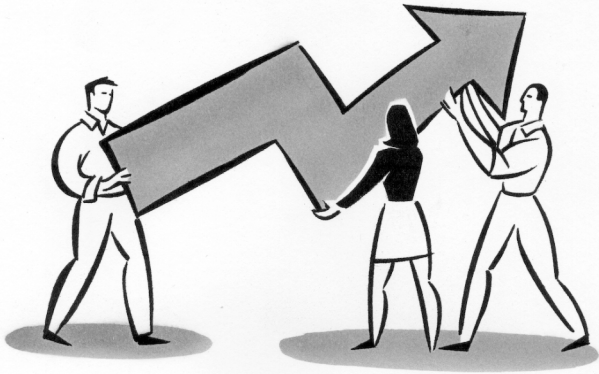
In Pennsylvania, children "at risk" for developmental delays, and therefore eligible for tracking, are children who:

- (1) Have low birth weights (under 3.3 lbs or 1,500 grams);
- (2) Have been cared for in hospital neonatal units;
- (3) Have confirmed dangerous levels of lead poisoning;
- (4) Have been affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure; or
- (5) Have been seriously abused or neglected as found by the children and youth system.

Federal law requires more than tracking and screening for the last two categories of children. It requires children and youth agencies and other child and family serving public agencies to refer these children to early intervention providers for evaluation.

## What are "tracking" services?

If your child is "at risk" for a developmental delay, the County early intervention professionals must work with you to develop a plan for "tracking" or "monitoring" your child's developmental progress.



Tracking can help you figure out whether your child continues to grow and learn at the same rate as her same age peers or whether she is experiencing some delays. If your child falls behind or experiences a delay, the EI professionals will help you start early intervention supports and services.

***Before the County can track your child it must:***

- (1) Explain to you what "tracking" means;
- (2) Advise you of the rights you and your child have during the "tracking" process; and
- (3) Get your written permission.

### ***Tip***

To learn more about developmental milestones and what you should expect your child to be doing at what age visit DPW's web page: <http://www.dpw.state.pa.us/Child/EarlyIntervention> and click on "Checklist for Growing Children."

***If you agree to a plan of "tracking,"*** the plan must include all of the following:

- ***Contacts with you and your child*** by telephone, in writing, or at a face-to-face meeting ***at least once every 3 months*** to assess your child's developmental progress. Contacts can be more frequent if recommended by the evaluation team, or less frequent or not at all at the parent's request.

## Tracking (con't)

- *The use of standardized developmental checklists* (not just someone's opinion about your child) to review and assess your child's development. The checklist is used to decide if your child needs further tracking, more or different evaluations, or re-evaluations for early intervention support and services.
- *Written documentation in your child's EI records of all contacts* made through the "tracking" system.

## Are children who are "homeless" entitled to early intervention services?

Yes. Children and families do not need to have a permanent address to be entitled to early intervention services. Federal law now specifically requires Pennsylvania and other states to develop policies and procedures to ensure that early intervention services are provided to eligible children who are homeless and their families.

Pennsylvania law requires county Early Intervention programs to develop systems for identifying, locating and evaluating infants and toddlers with developmental delays or who are otherwise "at risk" of such delays and specifically requires that these systems include activities that include finding and evaluating children who are homeless.

### ***Tip***

To learn more about the rights of homeless children and their families go to: [www.ed.gov/programs/homeless](http://www.ed.gov/programs/homeless).

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# How the Early Intervention Process Works

## The Early Intervention (EI) System - Step by Step

Step 1: Multi-Disciplinary Evaluation ("MDE")

Step 2: Program (IFSP) Development

Step 3: Location of Services (Natural Environments)

Step 4: Transition to Preschool at Age 3

## *Step 1: Evaluation*

### **How do I get my child evaluated for EI services?**

A Multi-Disciplinary team of people who are knowledgeable about your child, including you, decides if your child is eligible for early intervention. This decision is based, in part, on information you and others who know and care about your child bring to the Team about your child's physical, mental, and developmental history. The process begins with a referral to the early intervention agency or a request for an evaluation.

If you are a parent and think your child needs EI services:

1. Contact your County's Office of Mental Health and Mental Retardation.

These offices are the place to call for *all children* under the age of three who might need EI services, and are not limited to children with suspected mental health or mental retardation issues.

## **Tool #1**

This is a listing of Regional MH/MR Offices in PA with contact information. Or you can go to:

<http://pacounties2.org/mhmrpaap/membership/html> and click on your County to find the County office nearest you.

2. Tell the County MH/MR staff that you want your child evaluated to find out if she is eligible for EI services.

County MH/MR staff must arrange for a full evaluation of your child. The County may initially perform a "screening" to get a quick sense of whether your child might have a developmental delay. But a screening is not as thorough as an evaluation. If you think a comprehensive evaluation is needed, the County must conduct one, using qualified personnel, within the appropriate timeline.

The County Office should assign a person called a "service coordinator" to your family who, *with your permission*, will help gather and review preliminary information about your child and your family's needs. The Team will use this information to help focus the evaluation.

3. Start preparing to participate in the evaluation process.

Your participation in the evaluation process is important. You are an expert on your child, and have valuable information about your child's development that can be very helpful to the evaluators. Think about what you want for your child - your hopes and dreams - and try to come up with some suggestions about how others can best help your child grow and develop. Sharing your feelings and opinions during the evaluation process helps EI professionals understand what is important, and will help your child's Team design a better program of EI services that meets the needs of your child and your family.

## **Does the County need my permission to do an evaluation?**

Yes. The County must have your written permission before it can conduct an evaluation of your child. Your Service Coordinator will give you a, "Permission to Evaluate" form and will explain your rights and the evaluation procedures. The County must ensure that your consent is voluntarily and that you sign the form.

## Who else can refer a child for EI services?

Anyone who cares about your child, including family members, medical professionals, early childcare and education providers, teachers, friends, and staff from social service agencies can all refer your child for an early intervention evaluation if the person believes the child is in need of EI services. However, the County must get your written permission before it can start the evaluation.

Children who are *within sixty (60) days of their third birthday* are evaluated by the preschool early intervention agency, and will be referred there by the Infant and Toddler system.

## What is a “multi-disciplinary” evaluation (“MDE”)?

An evaluation is a formal assessment of your child to help you understand your child's development and to address your concerns. The first or “initial” evaluation is used to find out if your child is eligible for EI services. If your child is eligible, the evaluators will try to find out in which developmental areas your child is experiencing a delay, and what help is needed.



Your Service Coordinator will help the evaluation team gather and review information from a variety of sources about your child's developmental history. This information should include health and medical information, any standardized tests, written reports, direct observations, and any other information necessary to design a program of early intervention services that will address your child's developmental delays. The evaluation must look at your child's development in all five key areas - **cognitive,**

**communication, physical, social/emotional and self-care.** The “MDE” is the combination of these evaluations.

***A “qualified” professional must complete the evaluation.*** A “qualified” professional in the EI system is someone who meets state standards that apply to the area in which she is providing services. The evaluator must have training and experience in

the area she is testing and know how to use the testing tools. The results must be based on informed clinical opinion.

***No single test or opinion can be used as the only basis*** for deciding if your child has a delay and is entitled to EI supports and services. The evaluation must be based on multiple tests and opinions and must include a review of your child's records related to current health and medical history. ***The evaluation must also be provided in your native language, be non-discriminatory,*** and be conducted by someone who is not involved in providing services to your child.

***You may have lots of information about your child's early development,*** medical history, and unique needs to share with the evaluation team. Your Service Coordinator can help you determine if the information you already have is enough. But it is up to the County ultimately to decide whether it has enough information to determine if your child is eligible, and if so what help she needs.

***Your family cannot be required to pay for all or part of the evaluation or for any of the early intervention services your child needs.*** The County can ask to use your Medical Assistance to pay for evaluation or early intervention services because you don't pay for Medical Assistance and there is no deductible or limit to the health and mental health services that MA covers. But even so the County can only use your MA with your consent. The County can also ask you to use your private insurance to pay for evaluations or other early intervention services, but you should only agree if you do not incur any cost such as deductibles or higher premiums, and you are not tapping into annual or lifetime capped insurance funds.



## **How long does the evaluation process take?**

Your child's evaluation should be completed, and the initial IFSP developed, **within 45 calendar days** of the date you contacted the MH/MR Office to request help. In an emergency, and with your permission, some EI services can begin for your child before a full evaluation is completed.

## Does the evaluation have to include a family assessment?

Because your family is central to your child's development, the evaluators will ask you what you and your family need to improve your child's development. Early intervention supports and services can include services for you and your family to help your child learn and grow. But it is up to you to decide whether you want to share your family needs as part of the evaluation process or participate in a formal family assessment.

If you agree to a family assessment, personnel trained to use family assessment methods and procedures must conduct the assessment. The results of the assessment must be based on information you provide through a personal interview and must include your own description of your resources, priorities, and concerns about your child's development. If you chose to include your family's needs, the IFSP should contain services and outcomes for the family to help improve your child's development.

## Who participates in the evaluation?

The evaluation team must include you, your Service Coordinator, and at least one qualified professional. The Team can include anyone else who has knowledge you feel can be helpful.

### ***Tip***

**Think about the people in your child's life who know you or your child well and invite them to participate** - even by phone - in the evaluation and planning process. You may want to include your pediatrician or other medical professional, a nurse, a nutritionist, therapists, a childcare provider, an assistive technology specialist, and anyone else who may be able to provide helpful information about the child.

## **If English is not the language that my child understands best, does the Early Intervention agency have to assess the child in her own language?**

The County may be able to provide an assessment in Spanish relatively easily, but have more difficulty doing the same thing in a little known African dialect. The law requires tests and other evaluation materials and procedures to be administered in the native language of the parent, unless it is not feasible to do so. Assessments and evaluation materials must be selected and administered so as not to be racially or culturally discriminatory.



## **Can I get my own independent (“outside”) evaluations and have the County pay for it?**

Sometimes. When you disagree with the evaluation or the services offered to your child and request a due process hearing, the State will help you get an independent evaluation at no cost.

If you feel that the evaluations done by the County do not answer critical questions, or if you disagree with the evaluation report, you can ask that further evaluations be conducted for your child. If the County refuses, you can go to a due process hearing and ask the hearing officer to make a decision about what evaluations are indeed appropriate for your child. If the hearing officer finds that further evaluations are necessary, the County must pay for them.

Any “outside” evaluations or information you would like to share and think would be helpful to the evaluation must be considered (but not necessarily adopted) by the IFSP Team.

### **Tool #2**

To see a copy of the “*EI Process - MDE*” form go to Appendix B or [www.pattanK12pa.us/files/forms/MDE/MDE-IFSPpro82906](http://www.pattanK12pa.us/files/forms/MDE/MDE-IFSPpro82906)

## What happens to the results of the evaluation?

**If Eligible → an Individualized Family Service Plan and EI Services**

If your child is eligible and in need of EI services, the County must complete the evaluation and hold an IFSP meeting within *45 calendar days* of the day the County MH/MR Office was asked to conduct an evaluation of the child. You and other Team members should receive a copy of the evaluation report before the IFSP meeting. The report should include recommendations for the type and amounts of EI services you and your child need.

**If Not Eligible → Dispute Resolution Options**

## What can I do if I disagree with the County's decision that my child is not eligible?

If the County finds your child not eligible, it may refer you to other social and community services, and early childcare and educational programs including Early Head Start programs.



If you disagree with how the County conducted the evaluation or the results, you can try to resolve this dispute by talking with the County administrators, requesting mediation, or challenging the County's decision at a formal due process hearing. For a more detailed

discussion of dispute resolution options, go to page 38.

## Step 2:

### Developing the Individualized Family Service Plan (IFSP)

#### What is an Individualized Family Service Plan?

Before an infant or toddler eligible for EI services can begin receiving EI services, an Individualized Family Service Plan (IFSP) must be developed for the child and her family. An IFSP is the foundation of EI family-centered services. It is a written plan that describes the specific EI services a child needs to develop and grow, and is a commitment from the EI agency that these services will be provided to the child and family.

The IFSP must also state when the services will begin, how frequently they will be provided, and for how long and where the services will be provided to the child. For example, for a child with a speech and language delay, the IFSP could state that the child will receive direct speech and language therapy, two thirty-minute sessions per week, at the child's childcare setting.

### Tool #3

To see a sample IFSP ("intervention Form") go to [www.pattan.k12.pa.us/files/ei/mde.pdf](http://www.pattan.k12.pa.us/files/ei/mde.pdf). Or you can ask your Service Coordinator for a sample of the IFSP form the County uses.

#### Who decides what EI services my child will receive?

The IFSP Team makes the decision about what EI services a child will receive. The IFSP Team must include:

- You (the child's parent);
- Anyone the parent wants to invite (such as other family members, friends, childcare givers, pediatricians, therapists or others);
- Your Service Coordinator; and
- A person involved in the evaluation of your child.

You or the County can ask that other people also be invited to attend. This could include people who are providing early intervention services, or who know about your child's developmental delays. It could also include the childcare provider or an aide who will be helping your child who also needs to understand your child's program.

## **When is the decision about EI services made?**

The IFSP Team makes this decision at an IFSP meeting. The meeting must be held in a place and at a time convenient for the parents. If the parents are unable to attend the meeting in person, they can participate by telephone. Parents must be invited to the meeting in writing at least 5 calendar days before the IFSP meeting.

## **What should happen at an IFSP meeting?**

At the first IFSP meeting the IFSP Team must consider:

- (1) Your child's strengths,
- (2) Your concerns for improving the development of the child,
- (3) The results of the recent evaluations, and
- (4) The views of all Team members.



For each area in which your child is found to have a significant developmental need, the Team must identify types of services to meet the need.

County EI personnel and EI providers may arrive at the IFSP meeting with a draft IFSP, but they cannot arrive with a final version. The draft IFSP must be open for discussion and the parents' views at the IFSP meeting. The final IFSP should reflect the information shared by the parents and other Team members and any insights gained at the meeting.

Once your child is receiving EI services, you can request an IFSP meeting at any time to discuss your child's program. If the Team agrees to make changes to the IFSP, the changes should be listed in a revised IFSP.

## What must be included in an IFSP?

The IFSP must include:

- ❑ **Statement of the child's current level of development:** This section describes how your child is functioning in each of the five developmental areas - cognitive (learning and problem solving), physical (moving, hearing, seeing), communication (talking and listening, expressing needs), social and emotional (getting along with other children and adults), and self-help (eating, dressing, taking care of self).
  
- ❑ **Statement (only with your permission) of your family's strengths, priorities and concerns:** This section talks about your family's resources and what you want for your child. For example, "We want our child to be able to eat dinner with our family."
  
- ❑ **Statement of the measurable outcomes and progress tools:** What outcomes-including pre-literacy and language skills - do you want for your child? What do you expect her to achieve? How will you know if there is progress? How will you measure "how much" progress? What modifications, if any, are needed? Your child's progress should be monitored at least every 3 months.
  
- ❑ **Statement of specific EI services to be provided:** What services does your child and your family need to help your child learn and grow? How are these services linked to the early learning standards, research, and your family outcomes for your child? The IFSP must include a description of the early intervention support and other services, including any therapies, transportation, assistive technology or other special support that will be provided to your child.
  
- ❑ **Time and intensity:** The frequency (the number of hours and days) of the specific services (for example, two thirty-minute individual sessions of speech therapy per week); the method of delivering the service (whether the service will be provided in a one-on-one or a group setting).
  
- ❑ **Dates:** The date of review (**at least every 180 days**) and the duration of services (date services will start and anticipated end date). If it is particularly urgent, and the parents agree, services can begin under an interim IFSP even before the evaluation is completed. The evaluation must still be completed **within the 45 calendar day period**.

## IFSP (con't)

- ❑ **Location:** The extent to which the child will get services in the "natural environment." The natural environment is the setting where the child would be if he or she did not have a developmental delay, including community settings and home. If a service is not provided in the natural environment, the IFSP must explain why.
- ❑ **Name:** The name of your "Service Coordinator." This person is responsible for coordinating all of your child's EI services and must make sure that your child gets all of the services listed in the IFSP.
- ❑ **A Transition Plan:** A statement of the steps and early intervention support and services your child needs to transition smoothly to a preschool program at age 3. With your permission, this includes having your child's EI records transferred to your local preschool early intervention provider (the Intermediate Unit or other MAWA). To learn more about transition to preschool go to page 30.
- ❑ **Parents' Signature:** When you sign the IFSP you are agreeing that the services listed, including the time, location, and steps towards transition will meet your child's needs and should begin. Remember: you can agree to some services and disagree with others. The services to which you agree can start while you try to resolve your concerns about the others, informally or through a formal hearing.

### When should the services listed in my child's IFSP start?

Once the IFSP is completed, your child must start receiving services *within fourteen (14) calendar days*. You can request a later date if that is better for your child.

### How often does an IFSP have to be reviewed?

The IFSP must be reviewed - and if needed revised - *at least once every six (6) months (or 180 days) and more often if needed or if you request it*. The purpose of the review is to find out if your child is making progress and whether any changes are needed to her services. If changes are needed, the IFSP must be revised in writing at a meeting that includes the parents.

## IFSP (con't)

You don't need a formal IFSP meeting to review your child's IFSP. Young children grow and change very quickly, and you may just want to talk with staff or meet with them informally to discuss your child's progress and her IFSP. But if changes to the IFSP are needed, an IFSP meeting should be convened. A formal IFSP meeting must be held at least once a year.

### ***Tip***

**Remember the County must review your child's progress every 3 months.** Ask that you receive written progress reports for your child ***every three months or at the 6-month review.*** This will help you keep track of how your child is learning and developing and to address any concerns about needs or services as early as possible.

## **How is the amount of services my child will receive decided?**

PA's Infants and Toddlers Program operates on a 12-month basis. A child's program should provide enough of each type of needed EI services to give the child a chance to make real progress in all areas of developmental delay within the twelve-month period. IFSP Teams, which include the parents, must decide on an individual basis how many hours and how many days of programming are needed to meet that standard.

## **What if I don't agree with the services being offered at the IFSP meeting?**

You have the right to disagree with all or part of the IFSP being offered to you. You have the right to reject those parts of the IFSP you don't agree with - and still get those services that are not in dispute. The services to which you do not object will begin immediately.

## IFSP (Con't)

When the IFSP is completed, you will be given a Parents' Rights Agreement. If you are not in full agreement with the IFSP, you should state on the form how you would like to resolve the disagreement, that is, whether you want to meet with the County administrator, have a mediation session with an independent trained mediator, or have an impartial hearing to argue your case. To learn more about these options and how to resolve disagreements in early intervention turn to page 38 of this Handbook.

### Who will actually provide EI services to my child?

Usually the County MH/MR contracts with a private agency or individual who provides EI services to the child. EI services must be provided by qualified professionals, including service coordinators, early interventionists, therapists, and others who are qualified to provide the services in the IFSP. Early interventionists work with you and your child to help your child grow and learn. This staff helps by providing you with information, and by designing programs and activities to promote your child's intellectual and physical development and social skills.



### Who guarantees that my child's IFSP is appropriate and that my child receives the promised services?

The County is responsible for ensuring that timelines are followed, that your child receives all of the services in the IFSP, and that other legal requirements are met. It is also critical that your EI professionals communicate and collaborate with you and your child's early childcare staff (if appropriate) to make sure that your child is receiving the type and amount of EI services listed in the IFSP.

If your child does not get all of the services listed in the IFSP, the County is in violation of the law. If that happens, and you are unable to persuade the County to fix the problem and give you appropriate compensatory education (makeup services), you can file a complaint with the Department of Public Welfare. For a discussion of how to file a complaint, go to page 41 of this Handbook.

### Step 3:

## *Location of Services - The Natural Environment*

### **Who decides where the EI services will be provided?**

The IFSP Team decides where your child will receive her EI services. The law requires the IFSP Team to ensure that, *to the maximum extent appropriate* to meet the needs of the infant or toddler with a developmental delay, EI services are provided in the child's "natural environment."

The "natural environment" is the setting where the child would spend her day if she did not have a developmental delay. This can be the child's home or a community setting, including the child's early childcare or educational program.

This does not mean that the early intervention agency must pay for the entire childcare program (although this may be appropriate in some cases). It means that the child cannot be required to attend a separate program to receive special services because it is cheaper or more convenient for the public agency.



### ***Tip***

**Keep in mind that EI services should be delivered in the setting that meets the needs of your child and your family.** Help the IFSP Team find the place where early intervention services can be provided, with children without disabilities whenever possible.

For example, an occupational or speech therapist could come to the childcare center and provide the service to the child as part of the daily routine of the early childcare program. Another toddler could receive the same services at home with his mother,

and the occupational and speech therapist could work with the parents to help them understand the child's delays and how to help their child grow and develop.

Since many very young children are at home during the day, the home is often the "natural environment" for the child. EI services can be provided in a setting other than a natural environment only when your child or family outcomes cannot be successfully met in a natural environment.

## Step 4:

### *Transition to Preschool at Age 3*

#### **What does it mean that my child must "transition" to the preschool early intervention program on her third birthday?**



In Pennsylvania, on your child's third birthday, the responsibility for your child's early intervention services shifts at the state level from the Department of Public Welfare to the Department of Education, and on the local level from the County-operated Infant and Toddler Program to the Preschool Early Intervention Program that is usually run by your local Intermediate Unit.

This change in the responsible agency can result in changes in the child's services, therapists and teachers, routines and schedules, and activities and classrooms. Many policies and procedures also change. To make sure that this shift is as painless as possible, the law requires that the infants and toddlers and the preschool EI agencies, together with you, participate in a "transition" process. **The goal of transition** is to ensure that, when your child with a developmental delay or other disability turns 3, a final Individualized Education Program (IEP) replaces her IFSP, and that she begins receiving a "free appropriate public education" (or FAPE) from the preschool early intervention provider without a gap or delay in services.

Transition can be an exciting time with new opportunities for you and your child, but it can also be a time of great change and adjustment. Transition is a collaborative process, not a specific event. Transition to preschool takes place over a period of time and requires advanced planning, collaboration, and communication to be smooth and effective.

## ***Tip***

### **How to Prepare for Transition**

- Learn what it means to “transition” at age 3.
- Participate in transition planning and find out more about the choices and decisions you will have to make as your child turns 3.
- Get information about your legal rights, and the procedures that are in place to protect you and your child from service interruptions.
- Find out how services and programs differ for children from birth to three from those provided to preschool children ages three to school age.
- Talk to your Service Coordinator and to other parents who have been through the transition process.
- Ask questions until you are satisfied with the answers.

You and the Infants and Toddlers EI staff should begin thinking about “transition” from the time your child begins receiving services, even if formal transition planning doesn’t begin until later. Transition planning should include discussions, training and resources for you about future placements, the transition process (what to expect and when), and the preparation of your toddler for the changes in service delivery, including activities to help your child adjust to and function in a new setting. To ensure that your child moves smoothly from one system to another, you need to know your legal rights, what procedures to expect, and how to participate effectively in transition planning.

## Must transition services be included in my child's IFSP?

A Transition Plan must be developed at the IFSP meeting closest to your child's second birthday and included in the IFSP that is developed at that meeting. If your child is not referred to the EI system until after her second birthday, this plan should be developed at the initial IFSP meeting.



### Tool #4

To see a sample copy of a Transition Plan form go to Appendix B or [www.pattan.net/files/EI/IFSP-TrPlan.pdf](http://www.pattan.net/files/EI/IFSP-TrPlan.pdf)

**The Transition Plan** is part of the IFSP. It describes the specific steps to be taken and the services needed to support your child's move from the Infant and Toddler Program to the Preschool Early Intervention Program. The "Transition Plan," must include:

- Discussions with you about future placements and other transition issues;
- Training and support for you and your child in matters related to transition;
- Services and supports that prepare your child for a change in service delivery, including activities that help the toddler adjust to and function in the new setting;
- An explanation of how the agency will ensure a smooth and effective transition for your child as she moves from the Infant and Toddler Program to the Preschool EI Program, and ultimately, to a school-age program at kindergarten or first grade.

## Can the Team change the Transition Plan?

The Transition Plan can be reviewed and revised at any time and should be kept up to date with new and changing information until your child turns three.

## What is a “transition meeting”?

A transition meeting is the final step in the transition process. In addition to you and the IFSP Team, staff from the preschool EI agency attends and participates. Other individuals who know or who want to know your child should also be included. This can include preschool service providers and others who will be spending time with your child while EI services are being provided.

The group reviews information about transition procedures, timelines, and the legal rights you and your child have as you move from the Infant and Toddler Program into the Preschool Early Intervention Program. At the transition meeting, the group should review all aspects of your child’s current program - services, location, and providers.

The Team (including you) should also identify specific transition outcomes for your child. The Team should further review all other information in the IFSP to make sure that it reflects all the services your child needs to continue to make progress and to support her throughout the transition to preschool early intervention.

### **Tip**

#### **What can I expect as my child transitions to preschool?**

- Expect nothing to be changed without your permission.
- Expect to be involved in the entire process.
- Expect that services will be delivered in different settings, by different providers, under a new set of laws, policies and procedures.
- Expect appropriate and individualized services for your child.
- Expect there will be no “waiting lists” for evaluations or services and no gaps in service delivery.
- Expect any change in program or placement during the transition year will be based on the needs of your child and not on administrative or funding concerns.
- Expect that you may have disagreements with the preschool agency, but that there are systems in place - both formal and informal - to help you resolve these disagreements.
- Expect to have company throughout the process - your Service Coordinator, other parents, and advocates.

## When does the transition meeting have to take place?

The meeting must take place at least 90 days before your child's 3<sup>rd</sup> birthday, but if the Team agrees the meeting can be held even sooner. The meeting cannot take place more than 9 months before your child's 3rd birthday. The meeting must be convened at a time that is convenient for you and the EI personnel who work with your child.

## Can the EI agency send information about my child to the Preschool agency without my permission?

No. The EI agency needs your written permission before they can send information about your child to the preschool agency.

With your consent, the EI agency can send information, including your child's EI records, evaluation data, the IFSP, important medical and immunization records, and other information about your child to the preschool agency. This information should help ensure your child moves smoothly into the preschool programs.

### **Tip**

Learn more about dispute resolution within the preschool EI system and for older school-aged children, visit ELC's web page ([www.elc-pa.org](http://www.elc-pa.org)) and click on "publications" to find our latest Fact Sheet on "Resolving Special Education Disputes."

## What happens if I disagree with the decision about eligibility for preschool EI services or about the type or amount of services my child needs when she turns 3?

If there is a disagreement over your child's eligibility for preschool EI services or the type or amount of services needed, your child should continue to receive the EI services listed on his last agreed-upon IFSP from the preschool EI provider while you use mediation or the formal hearing process to resolve the dispute.<sup>2</sup>

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<sup>2</sup> In a recent court decision, *Pardini v. Allegheny Intermediate Unit*, 420 F.3d 181 (3d Cir. 2005), the Court held that children are entitled to pendency -- that is, the continuation of the services set forth in their IFSP when a dispute arises when they are transitioning into the preschool EI program at age 3 and the family requests a formal hearing to resolve the dispute. The new federal IDEA regulations, however, include a provision that states the IDEA pendency rules do not apply when a child turns 3. It

## **When my child turns three, do I have to start from scratch with the local pre-school agency in developing my child's early intervention program?**

No. If you have participated in the transition planning process, your child has been found eligible to continue to receive EI services from the preschool agency, and there are no disputes, your child's IFSP should be converted to an IEP, or a new IEP should be developed and in effect by her third birthday.

## **Does my child still have an IFSP in the preschool EI program?**

In most cases, the child will move from an Individualized Family Service Plan to an Individualized Education Program or IEP, which will take effect on the child's third birthday. Parents and qualified professionals develop the IEP at a meeting, similar to the IFSP meeting held in the Infant and Toddler system, with notice and opportunities to discuss and challenge any recommended programs and services.

Both the Infant and Toddler and the Preschool EI systems offer families a variety of methods to resolve disputes about, for example, what types of services a child should receive, although the details of these "dispute resolution" systems are different. Both offer families and agencies the chance to "mediate" disputes or to have a formal hearing before an impartial decision maker. A discussion of dispute resolution strategies for the Infant and Toddler Program begins on page 40.

### **Tool #5**

To learn more about Transition Policies and Procedures see the Basic Education Circular - Early Intervention Transition: Infants and Toddlers to Preschool in Appendix B or go to:  
[www.pde.state.pa.us/K12/cwp/view.asp?A=11&Q=54365](http://www.pde.state.pa.us/K12/cwp/view.asp?A=11&Q=54365)

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is the view of ELC and this author that, as of the printing date of this Handbook, *Pardini* is the governing law in this jurisdiction and that your child has the right to continue to receive services set forth in the IFSP pending resolution of any disputes when she turns 3.

## How is the Preschool EI System (for 3 to 5 year olds) different from the EI System for infants and toddler (birth to 3)?

Some of the critical differences are:

**Eligibility criteria:** Infants and toddlers who have a diagnosed condition with a high probability of resulting in a developmental delay are entitled to early intervention services, as are children who have a developmental delay and a need for early intervention. But preschool children must have a developmental delay or one of a list of disabilities and must also need "special education" to qualify for preschool early intervention services.



**Services and goals:** The Infant and Toddler Program focuses on the child's developmental needs and places emphasis on helping the family help the child. Especially as the child gets older, preschool early intervention programs begin to focus on the child's "educational" goals through the use of specialized instruction and related services. All services for young children must be based on peer reviewed research-based practices.

**Location of services:** The law emphasizes the benefits of helping children with developmental delays and disabilities in settings with children who do not have disabilities. The law uses the words "natural environment" to describe the preferred setting for infants and toddlers; the preschool system calls it the "least restrictive environment." Both programs allow for the provision of services in early childcare and educational programs as well as at home.

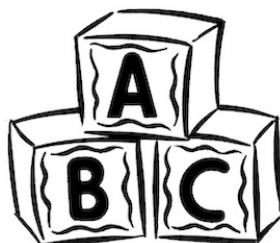
**Service coordination and nutrition services:** While service coordination is an essential service in the Infant and Toddler Program, it is not a mandated service for preschool children. Some children may still be eligible for case management through their County Office of Mental Health and Mental Retardation. You will probably need to take a more active role in coordinating services for your child at age 3 as you build new relationships with preschool early intervention providers, early childcare and educational programs, and ultimately with your local school district.

Nutrition services are also not required in the preschool EI system. To learn more about the rights of children in preschool early intervention programs as well as school-aged children with disabilities, visit ELC's web page at [www.elc-pa.org](http://www.elc-pa.org) and click on publications for children with disabilities.

## ***Tip***

**Keep your child's individual needs in focus and ask these questions to help plan for transition:**

- What are the skills my child needs to learn to be successful in the next environment and who will teach these skills?
- What routines and environments provide natural opportunities to practice these skills?
- What adaptations or changes can be made in my child's current environment (to books, toys, equipment, stairs, seating, bathroom facilities or other things) that will help him adjust and learn in the next environment?
- Are there community and/or family resources to help support learning in the next environment (such as learning to play with others, riding a bus, etc.)?
- Are there contact people in the preschool who can help me get the information I need? Other parents?



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# Resolving Disagreements Within the Early Intervention System

## What happens if I disagree with an EI evaluation, service, or placement?

If you disagree with any of the early intervention evaluations, services or placements recommended for your child, or if the early intervention agency has refused your request for supports or services, you have a variety of options to help you resolve these disputes. The intent of these procedures is to help you resolve any concerns or disagreements as quickly as possible.

## What are "Procedural Safeguards"?

Procedural safeguards in the EI system include:

- (1) **The parent's right to make decisions about early intervention** for the child. You have the right to disagree with any part or all of your child's evaluation, services, program, or placement.
- (2) **The parent's right to prior notice of any new evaluation or reevaluation, services, or placement** of the child. The notice must be in writing and in your native language when feasible. If the parent is deaf, uses Braille or has no written language, the EI agency must use the mode of communication normally used by the parent.
- (3) **The parent's right to be fully informed** of all of the information needed to make a decision about the program, service or activity for which consent is being requested. This includes having questions answered.

## (Procedural Safeguards, cont.)

- (4) **The parent's right to consent (or refuse to consent)** to any action having to do with the evaluation, program development or provision of services to the child. This includes the initial evaluation, referral to the "at risk" tracking system, initiating or changing any EI service.
- (5) **The parent's right to keep confidential any information about the child and family.** EI records cannot be released without the parent's *written* permission designating which records she is releasing and to which specific persons or agencies.
- (6) **The parent's right to request an IFSP meeting at any time.**
- (7) **The parent's right to conflict resolution procedures,** including informal conflict resolution, mediation, due process hearings, and the right to file an administrative complaint.
- (8) **The child's right to continue to receive the EI services currently set forth in the child's IFSP, and those that are not in dispute, while disputes are resolved through mediation or due process procedures.**
- (9) **The right, if the dispute arises as your child is transitioning to the preschool EI program, for your child to continue to receive the services set forth in her IFSP until the dispute is resolved with the preschool EI agency<sup>3</sup>.**



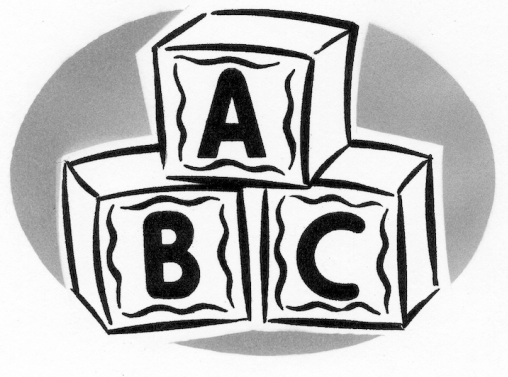
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<sup>3</sup> See previous note on the *Pardini* case in footnote 2 on page 36 of this Handbook.

## When do families learn about procedural safeguards and other due process rights?

When your child is first referred to the County Office of Mental Health and Mental Retardation or the preschool EI agency for an evaluation to determine eligibility for EI services, you will be given notice of your procedural safeguards. This notice sets forth the procedural safeguards that are available to you and must be implemented by the EI system.

After the initial referral, each time the Infant and Toddler agency *proposes* to do something or change something about early intervention, or *refuses* to do something or change something you request, you must be given written information about your rights and all the procedural protections in the EI system. All written notices must be in your native language, if feasible.



# How and When to File a Complaint, Request a Hearing, or Ask for Mediation

## What if I disagree with the IFSP offered to my child?

You have the right to disagree with all or part of the IFSP (including the transition plan) offered to you. At the end of the meeting you will be given a Parents' Rights Agreement, which gives you a number of choices, including rejecting all or only some of the services offered. If you don't agree with everything in the IFSP, you should list the services you do agree with so that those services can start right away. To work out any remaining disagreements over services, the parents can use the informal conference, mediation, or the formal hearing process.

For example, a family may believe that a child needs more or different services or that the services need to be provided more frequently or in a different location. At the end of the IFSP meeting, you will be asked to sign the IFSP indicating that you were part of the IFSP Team. You will also have to note whether you agree or disagree that the services being offered are appropriate for your child. If you disagree, you can use any of the dispute resolution strategies discussed in this section to try to resolve your disagreement.

## Can I try to resolve disputes informally?

Yes. A parent, an advocate, or any other individual can request a meeting at any time with the regional Representative of the County Office of Mental Health and Mental Retardation to try to resolve problems. You can request an informal meeting with the administrator by phone or in writing. You can ask your Service Coordinator to schedule the meeting for **you within seven (7) calendar days** of your request for the meeting.

Be sure to ask for an IFSP meeting to revise your child's Individualized Family Service Plan to reflect any agreements you reach at the informal meeting. The County can only be held to agreements included in the IFSP.

Requesting and attending this meeting does not prevent you from filing a complaint alleging a legal violation, or requesting a due process hearing. You can also skip the meeting and use one of the other options explained below.

## **What can I do if I believe the County or the provider have violated my child's legal rights? Who else can file a complaint?**

If you believe the County or the provider has violated your child's early intervention rights, you (or an advocate or any other individual or organization) may file a complaint with the state. The complaint should state why you think your child's rights have been violated. If the complaint involves early intervention services, you may want to attach a copy of your child's IFSP.

The complaint can be about a single child or a group of children. The complaint can be filed against a County Office of Mental Health/Mental Retardation, private EI provider, or the State.

## **When should I file a complaint?**

You can file a complaint whenever you believe that your child's legal rights are being or have been violated, and your efforts to solve the problem with the Service Coordinator, the County MH/MR Administrator, and the provider have been unsuccessful.

For example, if the County has not evaluated your child and developed an Individualized Family Service Plan (IFSP) within the mandated **45 calendar days**, or if the County has not provided all of the services on the IFSP, you can file a complaint. Complaints can also include legal violations that occurred up to a year earlier, or longer if the violation is continuing for that child or other children. If the request is for reimbursement for services that you had to buy because the County or a provider illegally did not provide them, or for makeup (compensatory) services, the request can go back three years.

### **Tool #6**

To view the Dispute Resolution "Flow Chart" created by DPW go to Appendix B or to DPW's web site: [www.dpw.state.pa.us](http://www.dpw.state.pa.us) and turn to page 14 of "A Family's Introduction to Early Intervention."

## How do I “file” a complaint?

You can write a letter, complete a Complaint form, or contact your Regional Representative of the Office of Child Development (“OCD”) to discuss or file your complaint.

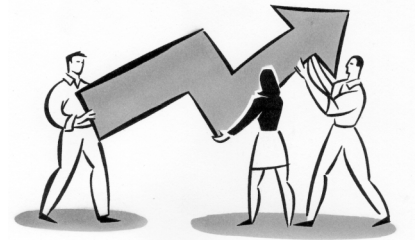
Northeast Region 570 963-4391  
Western Region 412 565-5144

Southeast 215 560-2247  
Central Region 717 772-6507

Your Complaint should provide background information about you and your child and describe the problem you are having. Your Complaint should also explain what you think will fix the problem. You can ask for, among other things, financial reimbursement or additional (compensatory) EI services to help fix the problem. Keep a copy of your complaint for your records.

## What happens after I file a complaint?

The Office of Child Development (“OCD”) has **60 calendar days** to investigate your complaint and issue a **written decision**. An investigation must include a personal interview with you and with local EI officials. You can also submit additional evidence, in writing or by phone. OCD can also convene a meeting of the parties. Sometimes the OCD will visit the site of the EI services as part of the investigation. If OCD finds that the law has been violated, it must make sure there is a plan to correct the problem in place **within 30 calendar days** after the investigation.



## When does it make sense to go to mediation?

Families can use mediation any time there is a disagreement about EI services. Mediation is an informal “no cost” option that often resolves a problem faster than the more formal complaint and hearing procedures.

## What is mediation?

In mediation, both sides agree to attend a meeting with an independent person (“mediator”) who is trained to help both sides solve the disagreement. Mediators do not make decisions, but rather work to develop a joint agreement that resolves the dispute.

Mediation must be scheduled ***within 10 calendar days*** of the parent's request and held at a location convenient to the agency and the family.

If an agreement is reached through the mediation process, a written mediation agreement must be developed. Make sure that the commitments reached in the agreement are included in the child's Individualized Family Service Plan (IFSP) - only then will the early intervention agency be legal responsible for complying with the agreement. Mediation sessions are confidential; neither party can use anything that is said at a mediation session in a later hearing or court proceeding.

## **How do I request mediation?**

You can request mediation or learn more about mediation by calling the Office for Dispute Resolution: 1-800-992-4334 or TTY 1-800-654-5984.

### **Tool #7**

To see a copy of a sample Request for Mediation form, go to Appendix B or [http://odr.pattan.net/files/odr/mediation\\_request.pdf](http://odr.pattan.net/files/odr/mediation_request.pdf).

## **What if mediation doesn't work?**

Families have the right to request a due process hearing before an impartial hearing officer anytime there is a disagreement about EI services. Hearings are designed to resolve questions such as: what types of services your child needs, what amount of services and therapies should be provided, or whether your child is eligible to receive EI services.

## **How do I request a due process hearing?**

Families can request a hearing by calling the Office for Dispute Resolution (ODR) at 1-800-222-3353 or TTY at 1-800-654-5984 or by asking your Service Coordinator. Someone from ODR will work out scheduling and try to answer any questions you may have about the hearing process.

## Tool #8

To see a copy of a sample Due Process Hearing Request form, go to Appendix B or [www.odr.pattan.net/files/odr/dpw\\_dp\\_request.pdf](http://www.odr.pattan.net/files/odr/dpw_dp_request.pdf)

### **\*\*\*No Cost Independent Evaluation\*\*\***

When you request a hearing you can also request that ODR help you get a "no cost" independent evaluation to help you present your case at the hearing. This evaluation can help you convince the hearing officer to give your child what she needs.

An independent evaluation that describes your child's development and explains his special needs can be a valuable tool at due process to help you explain your child's strengths and needs and exactly what early intervention services you think are needed.

### **What happens at a hearing?**

A hearing must be convened and a decision reached **within 30 calendar days** of your request for the hearing. The hearing must be held at a time and place that is reasonably convenient to the parent. A parent has the right to be represented by an attorney and to bring other people with special knowledge or training about EI to advise her.

The parent (and the EI agency) can present "evidence" (for example, testimony from parents or experts and evaluations). You can also ask questions of the other side's witnesses (called "cross-examination"), and they can ask questions of you and your witnesses. You are also entitled to a written or electronic transcript of the hearing.

Remember, you must share with the other side (and they with you) any written evidence and a list of witnesses that you want to present **at least 5 calendar days before the hearing**; otherwise the hearing officer may not let you present it at the hearing.

The hearing officer must send you and the agency a written decision with findings of facts and reasoning **no later than 30 calendar days** after receiving your request for a hearing. Either party can file an appeal to a court.

## Tool #9

To learn more about the dispute resolution system for infants and toddlers and for older children with developmental delays and disabilities, go to the PATTAN web page <http://odr.pattan.net/files/odr/hoh.pdf>. and click on the link for *the Pennsylvania Dispute Resolution Manual* (Formerly known as the "Hearing Officers' Handbook.")

### **What happens to my child's services during the hearing process?**

Once you request a hearing, your child has the right to continue to receive all of the EI services in the last IFSP until there is a final decision of a hearing officer, or if the case is appealed to court, the court makes a decision. If you or the County would like to change any of the services during the hearing process, you can do so by written agreement of both sides. Any changes should be included into your child's IFSP.

***A Note about Attorneys' Fees:*** Unlike the hearings for preschoolers and school-aged children, where families sometimes get educational agencies to reimburse them

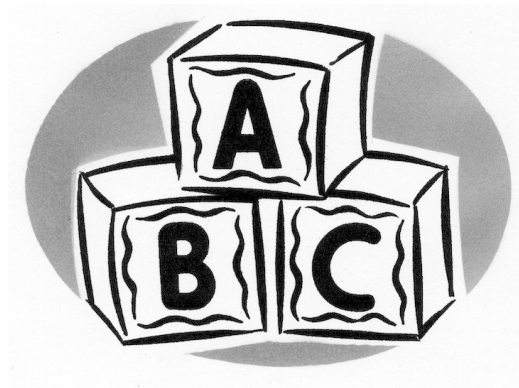


for their attorneys' fees, families of infants and toddlers cannot recover attorneys' fees even if they are successful at the hearing. You may, however, still be able to get back money you paid to provide services the agency should have provided, and may be entitled to extra or "compensatory" education services.

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## CONCLUSION

We hope you are able to use this information to get the early intervention services for your child that will help her learn and grow. Keep in mind that the purpose of early intervention is to enable young children to be active and successful participants in their early childhood years and into the future - at home, in school and in their communities. You - the parent - are the key to making this happen.



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# Appendix A: Legal Background - Early Intervention Law

## Introduction

Pennsylvania's Early Intervention System is governed by the Individuals with Disabilities Education Act (IDEA) and the Pennsylvania Early Intervention Services System Act (Act 212). Other federal and state laws also protect young children with disabilities. This Section provides an overview of the federal and state laws, regulations, and other guidance and precedents that govern early intervention in Pennsylvania.

## Federal Laws

### The Individuals with Disabilities Education Act ("IDEA")

Since 1975, the Individuals with Disabilities Education Act (IDEA)<sup>4</sup> has mandated that all of Pennsylvania's school-aged children receive a free appropriate public education (FAPE) in the least restrictive environment. An appropriate education is an individualized program of education that includes all of the special education and related services a child needs to make meaningful educational progress in light of her individual potential.

Since 1986, The IDEA has included a mandate that eligible infants, toddlers, and preschool children, from birth to school age, receive early intervention services. Part C of the IDEA requires Pennsylvania and other states that receive funding under IDEA Part C to provide appropriate programs of Early Intervention (EI) services to all infants and toddlers below the age of three who have developmental delays. Part C<sup>5</sup> further requires service coordination, nutrition services, and other family focused

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<sup>4</sup> 20 U.S.C. §§1400 et seq. (formerly the Education for the Handicapped Act and reauthorized in 2004 as the Individuals with Disabilities Education Improvement Act).

<sup>5</sup> In the original law it was referred to as "Part H."

supports and services to help enhance the child's development. IDEA Part B Preschool extends the special education rights (a free appropriate public education and procedural safeguards) to young children with developmental delays and specific disabilities from age three to school age. Both Parts of the law also mandate, *inter alia*, evaluations, parent involvement, and a system of procedures for reaching agreement about programs and services.

Part C was amended in 1991, 1997, and most recently in 2004. The amendments require, among other things, that infants and toddlers receive their EI services in a "natural environment" unless a different placement is required. A child's receipt of EI services outside a natural environment must be justified in the child's Individualized Family Service Plan. The law defines a "natural environment" as where children without disabilities normally spend their time.

The 2004 amendments to Part C permit states to adopt policies that would allow parents, under special circumstances, to extend Part C early intervention services until the child is eligible for kindergarten. Other recent changes include the addition of "registered dietitians" (nutritionists have been removed from the list) and vision specialists to the list of qualified providers of early intervention services, and the elimination of the Federal Interagency Coordinating Council.

## **Federal Regulations**

The Part C regulations, 34 C.F.R. Part 303, provide further detail regarding the legal requirements for developing and implementing EI services for infants and toddlers, and these regulations are closely tracked by Pennsylvania in its implementing regulations.

With the reauthorization of the IDEA in 2004, Congress made substantive changes to Part C. Those changes went into effect on July 1, 2005, but have yet to be incorporated into the existing Part C regulations. New regulations are moving forward, but proposed regulations have yet to be published. Until final regulations are adopted, the current regulations remain in effect, subject to the changes made in the statute itself. To assist parents and EI providers to understand these substantive changes, Pennsylvania's Department of Public Welfare's Office of Child Development issued a statement that provides clarification and explanation of substantive changes

in the areas of child find criteria, transition, qualified professionals, and procedural safeguards.

The IDEA Part B regulations that govern school-aged students with disabilities also govern the preschool EI program. 34 C.F.R. Part 300 (2006). In 2006, final regulations that incorporate the 2004 Part B statutory changes were published.

## State Law

### Early Intervention Services System Act ("Act 212")

Pennsylvania interprets and carries out its IDEA obligations to infants, toddlers and preschoolers using state laws, regulations and formal guidance. In 1990, it passed the state's first EI law, the EI Services System Act<sup>6</sup> (commonly known as "Act 212"), which mandates appropriate EI and special education programs for children birth through school-age.

Act 212 defines as "handicapped infants and toddlers" eligible children from birth through to the child's third birthday, and "eligible young children" as children from 3 years of age to the "age of beginners." 11 P.S. §§875-103. In Pennsylvania, the "age of beginners" ranges between five years, seven months and six years, and is the age at which a child can attend first grade in a district. 22 Pa. Code §11.15. Many children stop receiving EI services when they reach kindergarten age, which usually ranges from four years to the age of beginners. 22 Pa. Code §11.14. However, the Individualized Education Program (IEP) Team, which includes the parents, can conclude that a child should remain in an EI program until the child reaches the age of "beginners." See 22 Pa. Code §14.157(a)(1).

## PA Early Intervention Regulations

### Re: Infants and Toddlers Birth to age 3:

**55 Pa. Code Chapter 4226:** In 2003, the Department of Public Welfare issued extensive regulations to implement Part C.<sup>7</sup> These regulations incorporate many of the

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<sup>6</sup> 11 Pa. Cons. Stat. Ann §§875-101 (Purdon 2005) and §875-103 (definition of lead agency) and §§875-303. DPW has in turn designated its Office of Child Development as the responsible division.

<sup>7</sup> 55 Pa. Code Chapter 4226.

policies and procedures previously set forth only in Departmental Bulletins known as MH/MR Bulletins.

### **Re: Preschool Children Ages 3-5:**

**22 Pa. Code §14.151 et seq.:** State regulations that govern EI programs for children aged 3 to school-age are found in Chapter 14, the State's special education regulations that also govern programs for school-aged children with disabilities,<sup>8</sup> and with some notable modifications, extend the rights and procedures applicable to school-age children to preschoolers with disabilities. One important difference is that timelines for preschoolers are measured in calendar days, rather than school days.

### **Other State Administrative Guidance**

The Department of Public Welfare (DPW) issues policy statements and administrative guidance on the implementation of state and federal laws in documents called "MH/MR Bulletins." The Pennsylvania Department of Education (PDE) uses a Basic Education Circular (BEC) to provide its policy and administrative guidance. The Departments have issued Joint Policy statements on issues such as transition. Several of these documents are included in the Appendix to this Handbook and are referenced throughout the text.

### **Case Law Precedents**

In Pennsylvania and across the nation, there has been an increasing number of court decisions involving EI services for young children with disabilities. ELC has filed a significant amount of EI litigation, most of which has been settled. These cases include: *DeJesus v. PA Department of Education* (PDE's failure to assure services to Philadelphia 3-5 year olds); *Jill D. v. PA Department of Public Welfare* (hearing officers in DPW's hearing system not qualified, and decisions not timely); *Jacob M. v. PDE* (PDE's failure to establish a transition scheme, including pendency, at school age); *Arthur L. v. DPW* (challenge to DPW's Secretary's review of hearing officers' decisions); *Sebastian I. v. Houstoun and City of Philadelphia* (County's failure to develop and implement timely IFSPs).

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<sup>8</sup> 22 Pa. Code §14.151 et seq.

Most recently, the Third Circuit Court of Appeals held that children are entitled to "pendency," that is to a continuation of the services set forth in a child's Individualized Family Services Plan (IFSP), when a dispute arises as the child transitions from EI to preschool services at age 3. *Pardini v. Allegheny Intermediate Unit*, 420 F.3d 181 (3d Cir. 2005). However, the new federal IDEA regulations include a provision, 34 C.F.R. Section 518(c), which states that the IDEA's pendency rules do not apply when a child turns 3. Which rule applies - that stated by the *Pardini* court or the new regulation - will clearly have to be resolved by the courts. However, it is the author's view that *Pardini* is still the governing law in this jurisdiction, and that pendency applies when there is a dispute between the parents and the preschool agency at the child's third birthday.

## **Other Related Laws and Regulations:**

### **The Americans with Disabilities Act ("ADA")<sup>9</sup>**

Early childcare and educational programs, including EI programs, regardless of size or whether they have public funds, are considered "public accommodations" and must comply with the ADA. This includes childcare and education programs operated by the state or local governments, including programs operated by local school districts, parks and recreation departments and Head Start. Childcare programs operated by religious organizations are not subject to the ADA, but they may still be subject to state or local anti-discrimination laws.

The Americans with Disabilities Act ("ADA") is a federal civil rights law that protects persons with disabilities, including infants, toddlers and preschoolers. The law protects children and adults who have physical or mental impairments that substantially limit one or more of their major life activities, like walking, speaking, seeing, hearing, or learning. Also included under the protection of this law are persons who have a history of these types of impairments or who are thought to have such impairments (even if they really don't).

Childcare providers must eliminate restrictive admissions policies that single out children with disabilities or treat them differently. A childcare provider cannot assume a child's disabilities are too severe to be included in the childcare setting. It

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<sup>9</sup> 42 U.S.C. §§12101 et seq.

must first assess, on an individual basis, whether the child can be cared for in the program with reasonable accommodations, without fundamentally altering its program. Reasonable accommodations include modifying basic policies, practices and procedures; providing auxiliary aids and services (including equipment and services necessary to ensure effective communication) to children with speech, hearing and visual impairments; and, under certain circumstances removing physical barriers (e.g. adding a ramp or re-organizing the use of physical space.)

Higher insurance rates are not a valid reason for excluding a child with a disability from a childcare program. These costs should be treated as an "overhead" cost to the program and divided equally among all paying customers. Nor can a childcare provider use a policy that states it does not accept children over three who need diapering to exclude children with disabilities who need assistance with toileting, when they are providing similar assistance to other toddlers.

Generally, childcare settings can reasonably accommodate children with disabilities who continue, beyond the age of three, to need assistance with toileting. To learn more about the rights of infants, toddlers and preschoolers with disabilities under the ADA to access and participate in early childcare and education programs go to U.S. Department of Justice website at [www.usdoj.gov](http://www.usdoj.gov).

### **Other laws that impact young children and early intervention:**

- Section 504 of the Rehabilitation Act of 1973; 29 U.S.C. §794 (1973)
- No Child Left Behind, 20 U.S.C. §§6301 et seq.
- Kindergarten, 24 P.S. §5-503
- Pennsylvania Accountability Grants, 24 P.S. § 2599.2
- Admission to Kindergarten When Provided, 22 Pa. Code § 11.14
- Head Start Supplemental Assistance Program, 24 P.S. §15-15-01-D
- **Tool #10:** Pennsylvania Early Learning Standards for Pre-Kindergarten (available at PDE's web page [www.pde.state.pa.us/\\_childhood](http://www.pde.state.pa.us/_childhood)) or in Appendix B (Table of Contents only)
- Teacher Quality and Certification for Preschool Programs, 24 P.S. §2599.2(b)(3)

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# Appendix B: Tools

## Tool #1

This is a listing of Regional MH/MR Offices in PA with contact information. Or you can go to: <http://pacounties2.org/mhmrpaap/membership/html> and click on your County to find the County office nearest you.

## Tool #2

To see a copy of the "Evaluation Report Form" go to Appendix B or [www.pattanK12pa.us/files/forms/MDE/MDE-IFSPpro82906](http://www.pattanK12pa.us/files/forms/MDE/MDE-IFSPpro82906)

## Tool #3

To see a sample IFSP ("Intervention Form") go to [www.pattan.k12.pa.us/files/ei/mde.pdf](http://www.pattan.k12.pa.us/files/ei/mde.pdf). Or you can ask your Service Coordinator for a sample of the IFSP form the County uses.

## Tool #4

To see a sample copy of a Transition Plan form go to Appendix B or [www.pattan.net/files/EI/IFSP-TrPlan.pdf](http://www.pattan.net/files/EI/IFSP-TrPlan.pdf)

## Tool #5

To learn more about Transition Policies and Procedures see the Basic Education Circular - Early Intervention Transition: Infants and Toddlers to Preschool in Appendix B or go to: [www.pde.state.pa.us/K12/cwp/view.asp?A=11&Q=54365](http://www.pde.state.pa.us/K12/cwp/view.asp?A=11&Q=54365)

## **Tool #6**

To view the Dispute Resolution "Flow Chart" created by DPW go to Appendix B or to DPW's web site: [www.dpw.state.pa.us](http://www.dpw.state.pa.us) and turn to page 14 of "A Family's Introduction to Early Intervention"

## **Tool #7**

To see a copy of a sample Request for Mediation form go to Appendix B or [http://odr.pattan.net/files/odr/mediation\\_request.pdf](http://odr.pattan.net/files/odr/mediation_request.pdf)

## **Tool #8**

To see a copy of a sample Due Process Hearing Request form go to Appendix B or [http://odr.pattan.net/files/odr/dpw\\_dp\\_request.pdf](http://odr.pattan.net/files/odr/dpw_dp_request.pdf)

## **Tool #9**

To learn more about the dispute resolution system for infants and toddlers and for older children with developmental delays and disabilities,  
go to the PATTAN web page  
<http://odr.pattan.net/files/odr/hoh.pdf> and click on the link for *the Pennsylvania Dispute Resolution Manual* (Formerly known as the "Hearing Officers' Handbook.")

## **Tool #10**

Pennsylvania Early Learning Standards for Pre-Kindergarten  
(available at PDE's web page: [www.pde.pa.us](http://www.pde.pa.us) or in Appendix B (Table of Contents only))

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## Appendix C: Glossary of Terms

Some of the terms you are likely to hear as you become involved in Early Intervention and a brief explanation:

**IDEA:** Individuals with Disabilities Education Act (its most recent version is often referred to as IDEA 2004). This is the federal law that sets out the rights of children with disabilities and developmental delays to early intervention and special education services. This law includes children from birth to graduation or age 21 (whichever occurs first).

**Part C:** This is the section of the IDEA that refers to early intervention programs and services for infants and toddlers, birth to age three, including dispute resolution procedures.

**Part B:** This is the section of the IDEA that refers to special education programs and services and dispute resolution procedures for preschoolers (starting on the child's 3<sup>rd</sup> birthday) and school age children.

**Section 504:** Section 504 of the Rehabilitation Act of 1973 is a federal law that protects *qualified* individuals from disability-based discrimination. (These protections include infants and toddlers.)

**ADA:** The Americans with Disabilities Act of 1990 (ADA), prohibits private employers, state and local governments, employment agencies, and labor unions from discriminating against qualified individuals with disabilities.

**Act 212:** (11 P.S. §§875-103) The Early Intervention Services System Act of 1990 provides for Early Intervention services for eligible children in Pennsylvania birth to the age a child begins school.

**Adaptive skills (functional skills):** Those skills used in daily living such as eating, dressing, and toileting.

**Advocacy:** Advocacy is using laws, policies, procedures, and common sense to obtain what you and your child need from a public agency. You are the best advocate for your child. You know your child best.

**Age of beginners:** The minimum age that a child can attend first grade in his or her own school district.

**Assessment:** A process that helps identify whether your child is eligible for special help and helps find your child's unique strengths and needs.

**Assistive technology services:** Services that directly assist a child with a developmental delay or other disability in the selection, acquisition, or use of an assistive technology device.

**Child Find:** Child Find is a component of Individuals With Disabilities Act (IDEA) that requires states to identify, locate, and evaluate all children with disabilities, aged birth to 21, who are in need of early intervention or special education services.

**Cognitive skills:** The ability to learn, understand, and solve problems.

**DPW: Department of Public Welfare:** The Pennsylvania agency responsible for, among other things, the provision of early intervention services to children birth to three years of age.

**Due process:** The family's right to notice of proposed action and an opportunity to have their point of view heard by an impartial decision maker. The complaint, hearing, and appeal systems for resolving disagreements are due process rights.

**FAPE:** A "free appropriate public education" - what all states must make available to qualified children with disabilities ages 3 to graduation or age 21 (which comes first).

**Goals/Outcomes:** The target areas of development written by the IFSP or IEP team.

**Head Start:** Head Start and Early Head Start are comprehensive child development programs that serve children from birth to age 5, pregnant women, and their families. They are child-focused programs and have the overall goal of increasing the school readiness of young children in low-income families.

**SICC: The State Interagency Coordinating Council** is an advisory group made up of parents and professionals to advise the Governor and the Departments about the early intervention issues in Pennsylvania.

**IEP: Individualized Education Plan** is a written statement for a preschool or school-aged child with a disability that is developed, reviewed, and revised at a meeting that includes the family.

**IFSP: Individualized Family Service Plan** is the written statement of EI services to be provided to an infant or toddler and her family.

**Inclusion:** Participation in the activities of non-disabled peers.

**Literacy:** Ability to interact with written materials.

**MAWA: The Mutually Agreed Upon Written Agreement** the Department of Education enters into with local agencies (usually intermediate units) to provide Early Intervention services to children three through five years of age.

**OCD (Office of Child Development):** The State Office in Pennsylvania responsible for, among other things, oversight of early intervention services for children birth to three years of age.

**OCR (Office of Civil Rights):** The Office within the federal Department of Education responsible for preventing or correcting disability-based discrimination.

**PDE (Pennsylvania Department of Education):** The PA agency that is responsible for overseeing, among other things, the operation of early intervention and special education programs for children three to age 21.

**Physical skills:** The ability to move, see, and hear.

**Screening:** A process to determine if a more extensive assessment or evaluation needs to be completed.

**School District:** This the local educational agency (LEA) that provides public education to children from kindergarten through high school to students in a geographical area.

**Service coordinator:** The individual assigned to coordinate or manage the planning and delivery of early intervention services to children and their families (B-3).

**Social and emotional skills:** The ability to interact with peers and adults.

**Special education:** Specially designed instruction, including accommodation, modifications and supplementary aids and services, to meet the unique needs of a child with a disability.

**Standards:** State academic standards are the standards that the PA has identified as what all students should know at certain grade levels and upon graduation. Special education for students with disabilities should be directed to the same goals whenever possible. See 22 PA Code Chapter 4. These standards are the basis of PA's periodic assessments of student performance as required by No Child Left Behind.

**Transition:** Planning for success in and transition to preschool, to school age, and to life after school.



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# Appendix D: Helpful Resources

## INFORMATION RESOURCES FOR FAMILIES

**The following organizations provide information and guidance, for parents and others on, among other things, early intervention:**

**Connect Information Service** - will assist in locating local, state, and national associations for children ages birth to three, local services and information.  
800-692-7288 (V/TTY)

**COPAA (Council of Parent Attorneys and Advocates):** COPAA is an independent, nonprofit, tax-exempt organization of attorneys, advocates, and parents established to improve the quality and quantity of legal assistance for parents of children with disabilities. COPAA's site includes links to other websites of interest, including a link to EDLAW, which maintains a list of attorneys who represent parents throughout the United States.  
443-451-5270  
www.copaa.net

**Early Learning Standards For Pre-Kindergarten** - Obtain copies of Standards guiding the development of pre-kindergarten programs in PA.  
[www.pde.state.pa.us/early\\_childhood/cwp/view.aspx=179&Q=101706&early\\_childhoodNav=|3950|&early\\_childhoodNav=|](http://www.pde.state.pa.us/early_childhood/cwp/view.aspx=179&Q=101706&early_childhoodNav=|3950|&early_childhoodNav=|)

**NECTAC (National Early Childhood Technical Assistance Center)** has compiled a variety of helpful and informative resources on Early Intervention and Early Childhood Special Education. [www.nectac.org](http://www.nectac.org)  
919-962-2001 or 919-843-3269 (TTY)

**Head Start Performance Standards for Programs**

<http://www.acf.hhs.gov/programs/hsb/performance/index.htm>

Office Locator: <http://eclkc.ohs.acf.hhs.gov/hslc/hsd/SCO>

**NAEYC (National Association for the Education of Young Children) [www.naeyc.org](http://www.naeyc.org)**

**NICHCY (National Dissemination Center for Children with Disabilities)** provides information on disabilities and disability-related issues for families. 800-695-0285  
[www.nichcy.org](http://www.nichcy.org)

**National Early Childhood Transition Center:** This website provides publications and products on early childhood transition.  
[www.ihdi.uky.edu/nectc](http://www.ihdi.uky.edu/nectc)

**Free Booklets from the U.S. Department of Education**

*A Child Becomes a Reader: Birth to Preschool* (proven ideas from research for parents)

*Healthy Start, Grow Smart* (twelve booklets, each focused on one month in a baby's first year)

*Helping Your Preschool Child* (with activities for children, infancy through age 5)

The can be ordered online at [www.ed.gov/pubs/edpubs.html](http://www.ed.gov/pubs/edpubs.html), by telephone at 877-433-7827 or by mail to:

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U.S. Department of Education  
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## Advocacy and Support Groups with Information and Services

<p>ABOARD (Advisory Board on Autism &amp; Related Disorders) 800-827-9385 412-781-4116 www.aboard.org</p>	<p>Achieva 888-272-7229 412-995-5000 www.achieva.info</p>
<p>The ARC of PA 800-692-7258 717-234-2621 www.thearcpa.org</p>	<p>Autism Society of America - PA Chapter 610-385-5256 www.asaphilly.org</p>
<p>CHADD (Children with Attention Deficit Disorders) 301-306-7070 www.chadd.org</p>	<p>DRN (Disability Rights Network of Pennsylvania) 800-692-7443, ext. 301 717-236-8110 www.ppainc.org</p>
<p>Epilepsy Foundation 800-887-7165 www.efsepa.org</p>	<p>Mentor Parent Program 888-447-1431 www.mentorparent.org</p>
<p>Muscular Dystrophy Association 800-572-1717 www.mda.org</p>	<p>PEAL (Parent Education &amp; Advocacy Leadership Center) 866-950-1040 412-281-4404 www.pealcenter.org</p>
<p>PEN (Parent Education Network) 800-522-5827 (V/TTY) 717-600-0100 (V/TTY) www.parentednet.org</p>	<p>PIAT (Pennsylvania Initiative on Assistive Technology) 215-204-1356 (V/TTY) www.temple.edu/instituteondisabilities</p>
<p>Parent to Parent of Pennsylvania 215-751-1800 www.parenttoparent.org</p>	<p>PIN (Parents Involved Network) 215-735-2465 www.pinofpa.org</p>

<p>Special Kids Network  800-986-4550  877-232-7460 (TTY)  www.dsf.health.state.pa.us</p>	<p>Tourette Syndrome Association, Inc.  717-337-1134  www.patsainc.org</p>
<p>United Cerebral Palsy Central  www.ucpofpa.org  www.ucpittsburgh.org:  412-683-7100  www.ucpcentralpa.org:  717-975-0611  www.ucpphila.org:  215-242-4200</p>	<p>Wright's Special Education Law  http://wrightslaw.com  (Helpful web page with extensive  resources for parents, advocates and  attorneys with links to multiple  resources.</p>