



Technical Assistance Bulletin

TO: WV Birth to Three Payees, Practitioners, and Service Coordinators
WV Birth to Three Regional Administrative Units
WV Early Intervention Interagency Coordinating Council
West Virginia Parent Training Information
West Virginia Advocates

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ISSUE: Implications of the Individuals with Disabilities Education Act (IDEA 2004) for Regional Administrative Units (RAUs), Practitioners and Service Coordinators
Guidance Document – Child Find and Public Awareness

The Individuals with Disabilities Education Improvement Act (IDEA 2004), reauthorized by Congress on November 19, 2004 and signed into law on December 3, 2004, includes revisions to IDEA 97 as well as some new provisions. All provisions of the new special education law are effective July 1, 2005. West Virginia must assure that the provision of Part C/WV Birth to Three services is consistent with the new requirements. Current WV Birth to Three policies and procedures, in coordination with IDEA 2004 requirements, will be the authority for the provision of Part C/WV Birth to Three services pending the publication of the final Federal regulations and revised State policies and procedures.

The guidance provided in this document is not intended to address all of the revisions and new provisions in IDEA 2004 but offers direction on the issues around this topic that have the most impact on decision making at the local level. WV Birth to Three will provide ongoing procedural guidance and technical assistance throughout the transition to revised policies and procedures. Revisions and/or additions to the law are added in underlined text.

Changes to Requirements for Statewide System, Sections 634, 635, and 637 applicable to Child Find and Public Awareness, are as follows:

Section 634 (1) – adds that appropriate early intervention services are available to the following children – “... infants and toddlers with disabilities who are homeless children and their families, and infants and toddlers with disabilities who are wards of the State..”

Section 635 (a)(2) – Adds “(1) A rigorous definition of the term ‘developmental delay’ that will be used by the State in carrying out programs under this part in order to appropriately identify infants and toddlers with disabilities that are in need of services under this part.” Previous Senate versions of reauthorization language had included a minimum criteria for developmental delay that would be required of every participating State. The House version did not include this requirement.

However, the term 'rigorous' was included and the Conference Report language stated the following: **"the Conferees intend that States establish rigorous standards for identifying and serving infants and toddlers with developmental delays. The Conferees believe that these standards should encompass a sufficient scope of developmental delays to ensure that these infants and toddlers receive the benefit of Part C services designed to lessen the infant or toddler's need for future or more extensive services"** The WV Birth to Three definition of developmental delay is considered to be 'rigorous' unless future IDEA regulations require further changes.

Section 635 (a)(2) - "A State policy that is in effect and that ensures that the appropriate early intervention services based on scientifically based research, to the extent practical, are available to all infants and toddlers with disabilities and their families including Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the State, and infants and toddlers who are homeless children and their families." The law now requires that Child Find and Public Awareness activities ensure identification and appropriate referral into the system of Indian infants and toddlers and homeless infants and toddlers and families.

Section 635 (a)(5) – "A comprehensive child find system, consistent with part B, including a system for making referrals to service providers that includes timelines and provides for participation by primary referral sources and that ensures rigorous standards for appropriately identifying infants and toddlers with disabilities for services under this part that will reduce the need for future services."

Section 635 (a)(6) – "A public awareness program focusing on early identification of infants and toddlers with disabilities, including the preparation and dissemination by the lead agency designated or established under paragraph (10) to all primary referral sources, especially hospitals and physicians, of information to be given to parents, especially to inform parents with premature infants, or infants with other physical risk factors associated with learning or developmental complications, on the availability of early intervention services under this part and of services under section 619, and procedures for assisting such sources in disseminating such information to parents of infants and toddlers with disabilities."

The intent of these changes is to assure that public awareness activities at the State and local level include a broad range of referral sources such as homeless family shelters, clinics and other health related offices, public schools and staff in the child welfare system.

Section 637(a)(6) – Adds a new (a)(6) as follows: "(6) a description of the State policies and procedures that require the referral for early intervention services under this Part of a child under the age of three who –

- (A) is involved in a substantiated case of child abuse or neglect: or
- (B) is identified as affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure;"

Children under (6)(A) are currently referred to WV Birth to Three as a result of previously implemented CAPTA legislation. Children under (6)(B) would be demonstrating a risk factor likely to have resulted in referral. Changes and further clarifications regarding the requirements for referral of this population will be issued following release of draft regulations for IDEA 2004.