

WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES

BUREAU FOR PUBLIC HEALTH

OFFICE OF MATERNAL, CHILD AND FAMILY HEALTH

POLICY 5101

FOR: West Virginia Department of Health and Human Resources, Bureau for Public Health, Office of Maternal, Child and Family Health

DATE: January, 1994, Revised - February, 2013

SUBJECT: Lead Agency Administration

I. **PURPOSE:** To designate a lead agency that will be responsible for the administration of the early intervention service system, including funds provided under 34 CFR Part 303

II. **DISCUSSION:** None.

III. **POLICY:** The West Virginia Department of Health and Human Resources, designated by the Governor as the lead agency in West Virginia, through the Bureau for Public Health, Office of Maternal, Child and Family Health, is responsible for the administration of funds provided under Part C of the Individuals with Disabilities Education Act (IDEA).

IV. **PROCEDURES:**

The West Virginia Department of Health and Human Resources is responsible for carrying out the following duties with the advice and assistance of the West Virginia Early Intervention Interagency Coordinating Council:

a. General administration, supervision, and monitoring of early intervention programs and activities to ensure compliance with Part C law and regulations and with state early intervention policies, including:

- 1) Monitoring of early intervention agencies, institutions, and organizations receiving Part C funding or providing early intervention services under Part C of IDEA;
- 2) Enforcement of any obligations imposed on those agencies under Part C of IDEA law and regulations;

- 3) Provision of technical assistance, if necessary, to those agencies; and
 - 4) Timely correction of deficiencies that are identified through monitoring;
- b. Resolution of complaints regarding the requirements of Part C of IDEA;
 - c. Informing parents and other interested individuals about policies related to complaint resolutions;
 - d. Establishment of policies related to payment for early intervention services, which include a prohibition against charging parents any fees, copays or deductibles for early intervention services (Policy 8905) and which are included in all contracts for services;
 - e. Identification and coordination of all federal, state, local, and private resources, including necessary updating of information about funding sources if legislative or policy change is made under any of those sources;
 - f. Formal interagency agreements if other state-level agencies are involved in early intervention services including financial responsibility of the agencies, procedures for resolving disputes, and additional components as necessary;
 - g. The resolution of intra-agency and interagency disputes and interim payments for ensuring the provision of services in a timely manner pending the resolution of such disputes.
 - h. In accordance with 303.208, prior to the adoption of any new policy or procedure, or revision to an existing policy or procedure necessary to meet the requirements of Part C of IDEA, the Department will publish the policy in a manner that will ensure a 60-day circulation throughout the state, with an opportunity for public comment for at least 30 days during that period. The Department will:
 - (1) Hold public hearings on the new policy or procedure (or revision to existing policy or procedure);
 - (2) Provide notice of the hearings at least 30 days before the hearings are conducted to enable public participation; and
 - (3) Provide an opportunity for the general public, including individuals with disabilities, parents of infants and toddlers with disabilities, early intervention providers, and member of the West

Virginia Early Intervention Interagency Coordinating Council to comment for at least 30 days on the new or revised policy or procedure.

- V. **RESPONSIBILITIES:** The West Virginia Department of Health and Human Resources, Bureau for Public Health, Office of Maternal, Child and Family Health, is responsible for complying with this policy.
- VI. **EFFECTIVE DATE:** February, 2013(Revised)

DRAFT

WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES

BUREAU FOR PUBLIC HEALTH

OFFICE OF MATERNAL, CHILD AND FAMILY HEALTH

POLICY 5104

FOR: West Virginia Department of Health and Human Resources, Bureau for Public Health, Office of Maternal, Child and Family Health and West Virginia Early Intervention Interagency Coordinating Council.

DATE: Replaces Previous Policy 5104, Timetables for Serving All Eligible Children, Revised February, 2013

SUBJECT: Comprehensive Child Find and Referral System Under Part C of the Individuals with Disabilities Education Act (IDEA)

- I. **PURPOSE:** To ensure that infants and toddlers in the State who are eligible for Part C of IDEA are identified, located, and evaluated.
- II. **DISCUSSION:** None.
- III. **POLICY:** West Virginia Department of Health and Human Resources assures implementation of a comprehensive child find system in accordance with Part C of IDEA, 303.302 and 303.303 that is consistent with Part B of IDEA, includes timelines, provides for participation by primary referral sources and includes a system for making referrals to WV Birth to Three.
- IV. **PROCEDURES:**

Scope of Child Find

The Department ensures that all infants and toddlers in the state who are eligible for WV Birth to Three services are identified, located and referred for evaluation, including: (a) Indian infants or toddlers with disabilities residing on a reservation located in the state; (b) infants and toddlers with disabilities who are homeless, in foster care, and wards of the state; (c) infants and toddlers with disabilities who are the subject of a case of substantiated abuse or neglect; and (d) infants and toddlers with disabilities who are directly affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure.

Coordination of Child Find Efforts

1. The Department, in consultation with the West Virginia Early Intervention

Interagency Coordinating Council shall coordinate the WV Birth to Three child find system with all other major efforts to locate and identify children by other state and regional agencies responsible for administering the various education, health, and social service programs. These other entities include but are not limited to:

- (a) The West Virginia Department of Education, Office of Special Education is the agency responsible for Part B of IDEA;
 - (b) The Office of Maternal, Child and Family Health, including the West Virginia Home Visitation Program;
 - (c) The Health Check Program, West Virginia's Early Periodic, Screening, Diagnosis and Treatment program under Title XIX of the Social Security Act;
 - (d) The Office of Behavioral Health and Health Facilities, Developmental Disabilities Division;
 - (e) The Head Start State Collaboration Office and local Head Start Grantees;
 - (f) The Supplemental Security Income program under Title XVI of the Social Security Act;
 - (g) The Bureau for Children and Families, Child protection and child welfare programs, including foster care and child abuse prevention;
 - (h) Child care programs in the state;
 - (i) Family violence prevention programs
 - (j) The Newborn Hearing Screening Program; and
 - (k) West Virginia Children's Health Insurance Program
2. The Department, with advice and assistance from the WVEIICC, takes steps to assure that there will not be unnecessary duplication of effort by the programs listed above and that the state will make use of the resources available through each of the programs and early intervention agencies in the state to implement the child find system at the state and local level in an effective manner.

Referral Procedures

1. The Department, through collaborative efforts with the agencies/entities listed above, disseminates child find material and information to primary referral sources that informs them of their responsibility to refer a child under the age of three as soon as possible, and in no case more than seven days after the child has been identified as potentially in need of Part C early intervention services, to the Regional Administrative Unit for the county in which the child resides.
2. WV Birth to Three Regional Administrative Units (RAUs) shall coordinate child find activities in their respective regions in a manner reasonably calculated to reach populations and referral sources through which children who are potentially

eligible for early intervention services are likely to be located. On an annual basis at least, each RAU will evaluate the effectiveness of public awareness and child find efforts.

3. Child find materials include the requirement for primary referral sources to refer specific at-risk infants and toddlers under the age of three who are the subject of substantiated child abuse or neglect, or are identified as directly affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure.
4. Child find materials are branded with WV Birth to Three logo and include a statewide toll free number that routes callers to the RAU for the region where the call originated. A listing of RAUs and contact information is posted on the WV Birth to Three website and included in child find materials.
5. The Department posts child find resources on the WV Birth to Three website and makes the materials available to primary referral sources.
6. Primary referral sources for the purpose of this policy include: hospitals; physicians; parents; child care programs and early learning programs; local education agencies and schools; public health facilities; other public health or social service agencies; other clinics and health care providers; public agencies and staff in the child welfare system, including child protective services and foster care; homeless family shelters; and domestic violence shelters and agencies.

WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES

BUREAU FOR PUBLIC HEALTH

OFFICE OF MATERNAL AND CHILD HEALTH

POLICY 5106

FOR: West Virginia Department of Health and Human Resources, Bureau for Public Health, Office of Maternal and Child Health and Early Intervention Interagency Coordinating Council

DATE: Replaces Previous Policy 5106, Revised February, 2013

SUBJECT: Public Awareness Program

- I. **PURPOSE:** To implement a comprehensive public awareness program in accordance with Part C of the Individuals with Disabilities Education Act (IDEA). inform the general public, parents, human service professionals, and state legislators about the availability of services for infants and toddlers with developmental delays and their families and about the importance and value of early intervention.
- II. **DISCUSSION:** None.
- III. **POLICY:** The West Virginia Department of Health and Human Resources, with coordination through Regional Administrative Units, provides public awareness activities on early identification and services to infants and toddlers with developmental delays as defined in 34 CFR 303.116.
- IV. **PROCEDURES:**

The Department will conduct the following activities under the public awareness program:

1. Prepare information and materials on the availability of early intervention services.
2. Disseminate to all primary referral sources (especially hospitals and physicians), the information to be given to parents of infants and toddlers, especially parents with premature infants or infants with other physical risk factors associated with learning or developmental complications;

3. Assist primary referral sources in disseminating information including: (a) a description of the availability of early intervention services under Part C of IDEA, provided through WV Birth to Three; (b) a description of the State's child find system including how to refer a child under the age of three for an evaluation or early intervention services; and (c) a central directory of public and private early intervention services, resources and experts available in the state. Public awareness resources are posted on the WV Birth to Three website for easy access, or provided in alternative formats upon request.
4. Inform parents of toddlers with disabilities of the availability of services under Section 619 of IDEA, including informing parents of all toddlers exiting Part C not fewer than 90 days prior to the child's third birthday.

V. **RESPONSIBILITIES:** The West Virginia Department of Health and Human Resources with advice from the WV Early Intervention Interagency Coordinating Council is responsible for complying with this policy.

VI. **EFFECTIVE DATE:** February, 2013