NEW YORK CITY HEALTH DEPARTMENT
BUREAU OF EARLY INTERVENTION

Table for Initial Service Coordination (ISC) Standard

Initial Service Coordination

1. A face-to-face meeting was held with the family within seven calendar days of the referral.

2. EIP participation occurred only when consent was given.

3. ISC provided the family with a high-quality introduction to the EI program.

4. When referring a family to an evaluation agency, the ISC proactively addressed applicable issues with the family and ensured that the evaluation site clearly matched the needs identified by the family.

5. Once a child was found eligible for EIP, a thorough and timely orientation to the initial IFSP process was completed with family.

6. IFSP meetings were arranged and held in a timely fashion and with full information.

7. If child passed screening and/or once non-eligibility was determined by multidisciplinary evaluation (MDE), the families received full and timely information from the evaluation agency (team) regarding evaluation and/or screening results and from the ISC about other service options, including Developmental Monitoring.

8. The families of children who are 30 months or older when referred to EIP were given full information about their options.

9. For children entering EI close to their second birthday, ISC introduced transition program options.

10. For dually eligible children entering EI and children at least twenty-six (26) months old who were deemed eligible on MDE for early intervention services, ISC discussed the process of exiting the EIP with the family in a thorough and timely manner.

11. For children entering EI by their second birthday, ISC ensured that the family was given full information about the notification to CPSE of child's potential eligibility.

12. ISC provided full information on the transition conference and convened one with all applicable participants within required timeframe.

13. Required tasks and timelines for transition were documented in EI-Hub Transition tabs and service coordination notes and forms were uploaded and maintained in case files.

1. A face-to-face meeting was held with the family within seven calendar days of the referral.

New York State Law and Regulations

PBH 2543 (2)

2. The initial service coordinator shall promptly arrange a contact with the parent after such designation, provided that such contact must be in a time, place and manner reasonably convenient for the parent and consistent with the timeliness requirements of this title.

10 NYCRR 69-4.7 (b)

(b) The initial service coordinator shall promptly arrange a contact with the parent in a time, place and manner reasonably convenient for the parent and consistent with applicable timeliness requirements.

New York State Department of Health Memorandum and Guidance

New York State Department of Health Early Intervention Program
Telehealth Guidance December 2023

III. Introducing and Effectively Incorporating Telehealth into Early Intervention Supports and Services (pg. 5)

A. Service Coordination

The initial service coordinator (ISC) must promptly arrange a contact with the parent in a time, place, and manner reasonably convenient for the parent and consistent with applicable timeliness requirements.[20] It is the Department's expectation that the first meeting between the ISC and family, be in person; however, if the initial home visit needs to be delivered virtually, the service coordinator must document the justification in their notes. This documentation will be subject to municipal and State review.

Standards and Procedures for Service Coordination
Under the Early Intervention Program

pg. 5

<u>Responsibilities Unique to the Initial Service Coordinator</u>

The initial service coordinator is frequently the first representative of the public agency

responsible for the program with whom the parent interacts with subsequent to a referral of their child to the early intervention official. The initial service coordinator has primary responsibility for ensuring that parents are informed about the Early Intervention Program and their rights under the program; securing the essential information and consent from parents necessary for participation in early intervention services; and assisting parents in selecting an evaluator and obtaining a screening and/or multidisciplinary evaluation for their child.

The specific responsibilities, as specified in 10 NYCRR 69-4.7, include:

- promptly arranging an initial contact with the parent(s) in a time, place, and manner reasonably convenient for the parent(s)[13] and within a timeframe consistent with the requirement to convene the IFSP meeting within 45 days of a referral.[14] During these first contacts, the parent(s) may identify family priorities, concerns, and resources. With parental consent, the initial service coordinator should share this information with the evaluator to provide input into the family-directed assessment of the parent's priorities, concerns, and resources as related to the development of the child.

New York State Department of Health – Early Intervention Provider Agreement

XII. <u>EI Model Specific Responsibilities</u>

A. Service Coordination

A9. The Provider shall be reasonably available to the parent in a manner that does not limit service access to daytime and/or weekday hours and does not limit access to a specific location. The Provider shall ensure that accessibility for service coordination are available to families in non-traditional schedules and through a variety of methods and locations. Provider shall be responsible for informing families of changes to their contact number, email address, and the specific times and places of their accessibility.

New York City Policy and Procedures Manual 2024

Chapter 3: Before the Individualized Family Service Plan (IFSP): Policy Number 3-A Initial Service Coordinator Responsibilities.

2. EIP participation occurred only when consent was given.

Federal Law and Regulations

Code of Federal Regulations

34 CFR 303.420 (a) (b)

(a) The lead agency must ensure parental consent is obtained before—

(1) Administering screening procedures under § 303.320 that are used to determine whether a child is suspected of having a disability;

(2) All evaluations and assessments of a child are conducted under § 303.321;

(3) Early intervention services are provided to the child under this part;

(4) Public benefits or insurance or private insurance is used if such consent is required under § 303.520; and

(5) Disclosure of personally identifiable information consistent with § 303.414.

(b) If a parent does not give consent under paragraph (a)(1), (a)(2), or (a)(3) of this section, the lead agency must make reasonable efforts to ensure that the parent—

(1) Is fully aware of the nature of the evaluation and assessment of the child or early intervention services that would be available; and

(2) Understands that the child will not be able to receive the evaluation, assessment, or early intervention service unless consent is given.

(Authority: 20 U.S.C. 1436)

20 U.S.C. 1436 (e)

(e) Parental consent

The contents of the individualized family service plan shall be fully explained to the parents and informed written consent from the parents shall be obtained prior to the provision of early intervention services described in such plan. If the parents do not provide consent with respect to a particular early intervention service, then only the early intervention services to which consent is obtained shall be provided.

New York State Law and Regulations

10 NYCRR 69-4.7 (f)

(f) All information obtained from the parent shall be confidential and may only be disclosed upon written consent, unless otherwise required or permitted to be disclosed by law.

10 NYCRR 69-4.6 (d)(1)

(d) In a format prescribed by the department, initial and ongoing service coordinators shall obtain and update at least quarterly, and parents shall provide, any information and documentation necessary to establish an eligible child's third party payor coverage and the nature and extent of such coverage, including coverage through the medical assistance program, other state governmental insurance or benefit program, and/or other policy, plan, or contract under which the child has coverage. Such service coordinators shall transmit such information and documentation to the early intervention service provider and Early Intervention Official within 14 calendar days of receipt.

(1) Service coordinators shall obtain written parental consent for the exchange of information with the insurer regarding available benefits and to facilitate claiming and payment.

10 NYCRR 69-4.26 (b) (1, 2, 3)

(b) Agency and individual providers shall maintain Early Intervention Program records for each eligible child for whom the provider is authorized to deliver service coordination services, evaluations, and early intervention services. The early intervention record shall be maintained in a confidential manner in accordance with subdivision (c) of section 69-4.17 of this subpart and shall document the performance of activities required to be completed by the provider on behalf of the child and family, including:

(1) written correspondence with or regarding the child/family and documentation of any relevant discussion with parents, other providers, or municipalities regarding the child and family;

(2) signed and dated parental consents relevant to delivery of services to the child and/or family;

(3) signed and dated consents related to the disclosure and/or exchange of information with other parties regarding services provided and/or the child's and family's participation in the Early Intervention Program;

New York State Department of Health Memorandum and Guidance

New York State Department of Health Early Intervention Program
Standards and Procedures for Service Coordination Under the Early Intervention Program

pg. 5

<u>Responsibilities Unique to the Initial Service Coordinator</u>

The initial service coordinator is frequently the first representative of the public agency responsible for the program with whom the parent interacts with subsequent to a referral of their child to the early intervention official. The initial service coordinator has primary responsibility for ensuring that parents are informed about the Early Intervention Program and their rights under the program; securing the essential information and consent from parents necessary for participation in early intervention services; and assisting parents in selecting an evaluator and obtaining a screening and/or multidisciplinary evaluation for their child.

The specific responsibilities, as specified in 10 NYCRR 69-4.7, include:

- promptly arranging an initial contact with the parent(s) in a time, place, and manner reasonably convenient for the parent(s) and within a timeframe consistent with the requirement to convene the IFSP meeting within 45 days of a referral. During these first contacts, the parent(s) may identify family priorities, concerns, and resources. With parental consent, the initial service coordinator should share this information with the evaluator to provide input into the family-directed assessment of the parent's priorities, concerns, and resources as related to the development of the child;

- ascertaining whether the child and family are presently receiving case management services or other services from public or private agencies. When families are engaged in other case management services, the service coordinator must discuss options for collaboration with other case managers who are working with the family and obtain consent for the release of information to facilitate such collaboration;

New York State Department of Health Bureau of Early Intervention
Guidance to Early Intervention Providers
Guidance on Collection of Parent/Guardian Consent Using Electronic Systems
January 2022

pg. 2

After reviewing the federal and State statutory and regulatory requirements, the Department is providing the following updated guidance regarding expanded use of electronic signatures for EIP consents

An approved provider of EIP services may accept an electronic or digital signature to indicate that the parent provides consent under Part C of the IDEA when required for screening, multidisciplinary evaluation, assessment, provision of EIS, to initiate services on the child's Individualized Family Service Plan (IFSP), disclosure of PII or the use of benefits or insurance for their infant or toddler.

The Department cannot endorse use of any particular software, application, or web-based platform. It is also incumbent upon the provider to ensure that once they have obtained the electronic signature, it is maintained properly in the child's record as required by EIP regulations and that the electronically signed, required documentation is maintained by the provider. Electronically signed Part C consents for EIS must be available upon monitoring/audit.

As stated above, all consents for the EIP may be obtained electronically if the provider can ensure:

- the electronic system they have chosen is in compliance with regulations and standards of the EIP, particularly that it is compliant with HIPAA, FERPA, and Medicaid standards;
- that the electronic system/consent/signature;

  1) is signed and dated;
  2) identifies and authenticates a particular person as the source of the electronic consent;
  3) indicates such person's approval of the information contained in the electronic consent; and
  4) is accompanied by a statement that the person understands and agrees to the content of the prior written notice of service terms.

Parental consent must be obtained before PII is disclosed to parties other than authorized representatives, officials, or employees of participating agencies unless a specific exception applies under 34 C.F.R. § 303.414(b) of the IDEA Part C regulations, which incorporates the exceptions under the FERPA regulations in 34 C.F.R. Part 99.31;

Additionally, if the provider will be using email to communicate with the parent and transfer electronic documents containing a consent signature, the provider must first have signed consent from the parent to use email for EIP purposes.

New York City Policy and Procedures Manual 2024

Chapter 3: Before the Individualized Family Service Plan (IFSP): Policy Number 3-A Initial Service Coordinator Responsibilities. PP: 3-A. 5 -11

Chapter 11: Procedural Safeguards: Policy Number 11-A Procedural Safeguards related to Early Intervention Record. PP: 11-A-2

3. ISC provided the family with a high-quality introduction to the EI program.

New York State Law and Regulations

10 NYCRR 69-4.6 (d)

(d) In a format prescribed by the department, initial and ongoing service coordinators shall obtain and update at least quarterly, and parents shall provide, any information and documentation necessary to establish an eligible child's third party payor coverage and the nature and extent of such coverage, including coverage through the medical assistance program, other state governmental insurance or benefit program, and/or other policy, plan, or contract under which the child has coverage. Such service coordinators shall transmit such information and documentation to the early intervention service provider and Early Intervention Official within 14 calendar days of receipt.

(1) Service coordinators shall obtain written parental consent for the exchange of information with the insurer regarding available benefits and to facilitate claiming and payment.

(2) Service coordinators shall submit a written request to, and shall obtain from, the insurer information on the extent of benefits available to the covered child under the child's third party payor coverage, in accordance with applicable state laws and regulations. The service coordinator shall transmit such information, in a format prescribed by the department, to the early intervention service provider and Early Intervention Official within 14 calendar days of receipt.

(3) Service coordinators shall obtain, and parents shall provide, a written referral from a primary health care provider as documentation of the medical necessity of each early intervention service and shall, within 14 calendar days of receipt, forward this documentation to the early intervention service provider(s) delivering the service(s) to which the written referral applies and to the Early Intervention Official.

10 NYCRR 69-4.7 (b-k) (p-q)

(b) The initial service coordinator shall promptly arrange a contact with the parent in a time, place and manner reasonably convenient for the parent and consistent with applicable timeliness requirements.

(c) The initial service coordinator shall inform the parent of their rights and entitlement under the Early Intervention Program and shall document the information provided in the child's record.

(1) At the initial contact with the parent, the initial service coordinator shall ensure the parent has a copy of the Early Intervention Program parents' handbook, review the handbook, provide an overview of the early intervention system and services, discuss the role of the initial service coordinator, and review the parent's rights, responsibilities and entitlements under the program.

(d) The initial service coordinator shall ascertain if the child and family are presently receiving case management services or other services from public or private agencies. If so, the initial service coordinator shall discuss options for collaboration with the parent and obtain consent for the release of information for the purpose of collaboration with other case management services.

(e) All information provided to the parent shall be in the parent's dominant language or other mode of communication unless clearly not feasible to do so.

(g) The initial service coordinator shall inform the family that services must be at no cost to parents and use of Medicaid and/or third party insurance for payment of services is required under the Early Intervention Program.

(h) The initial service coordinator must obtain, and parents must provide, information about the status of the family's third party insurance coverage and Medicaid status and promptly notify the early intervention official of such status, including:

(1) Medicaid enrollment status and identification number, if any;
(2) type of health insurance policy or health benefits plan, name of insurer or plan administrator, and policy or plan identification number;
(3) type of coverage extended to the family by the policy; and,
(4) such additional information necessary for reimbursement.

(i) The service coordinator shall assist the parent in identifying and applying for benefit programs for which the family may be eligible, including:

(1) the Medical Assistance Program;
(2) Supplemental Social Security Income Program;
(3) Children and Youth with Special Health Care Needs Program;
(4) Child Health Plus; and,
(5) Social Security Disability Income.

(j) The initial service coordinator shall review all options for evaluation and screening with the parent from the list of approved evaluators including location, types of evaluations performed, and settings for evaluations (e.g., home vs. evaluation agency). Upon selection of an evaluator by the parent, the initial service coordinator shall ascertain from the parent any needs the parent may have in accessing the evaluation.

(k) The initial service coordinator shall at the parent's request assist the parent in arrangement of the evaluation after the parent selects from the list of approved evaluators.

(p) Upon determination of the child's eligibility for the early intervention program, the initial service coordinator shall discuss the IFSP process with the parent and shall inform the parent:

(1) of the required participants in the Individualized Family Service Plan meeting, and the parent's option to invite other parties;

(2) that the initial service coordinator may invite other participants, provided that the service coordinator obtains the parent's consent and explains the purpose of this person's participation;

(3) that inclusion of family-directed assessment information is optional;

(4) that their priorities, concerns and resources shall play a major role in the establishment of outcomes and strategies among the parent, evaluator, service coordinator and early intervention official;

(5) of the opportunity to select an ongoing service coordinator, who may be different from the initial service coordinator, at the Individualized Family Service Plan meeting or at any other time after the formulation of the Individualized Family Service Plan.

(6) that the final decisions about the services to be provided to the child will be made by the parent and the early intervention official; and,

(7) that services can be delivered in a range of settings such as an approved provider's facility, as well as a variety of natural environments, including the child's home, child care site or other community settings.

(q) The initial service coordinator shall assist the parent in preparing for the meeting to develop the individualized family service plan, including facilitating their understanding of the child's multidisciplinary evaluation and identifying their resources, priorities, and concerns related to their child's development.

(1) The initial service coordinator shall discuss with the parent the options for early intervention services and facilitate the parent's investigation of various options as requested by the parent.

New York State Department of Health Memorandum and Guidance

**Standards and Procedures for Service Coordination
Under the Early Intervention Program**

pg. 5

Responsibilities Unique to the Initial Service Coordinator

The specific responsibilities, as specified in 10 NYCRR 69-4.7, include:

- providing parents with an overview of the early intervention system and services, as well as the role of service coordinators; ensure parents have a copy of, and reviews The Early Intervention Program: A Parent's Guide, the parental handbook that provides information about the program, to ensure parents understand the information contained within the handbook; and reviewing parents' rights under the Early Intervention Program; [15]

pg. 7

Initial Service Coordinators and Ongoing Service Coordinators' Responsibility for Obtaining Information about the Status of the Family's Third Party Insurance.

Initial service coordinators and ongoing service coordinators are required to obtain, and parents are required to provide, information about the family's third party insurance coverage, including Medicaid status and/or private health insurance. 25 Initial service coordinators are responsible for obtaining this information at the initial meeting with the family and ongoing service coordinators are responsible for ensuring that insurance information remains current and accurate throughout the time of the child's participation in the Early Intervention Program.

The Insurance Toolkit for Service Coordinators describes in detail the various steps and procedures required for the collection and sharing of insurance information, including forms, to implement the following activities:

- collection of insurance information, including:
  - Medicaid enrollment status and identification number, if any; and
  - type of other health insurance policy or health benefits plan, name of insurer or plan administrator, and policy or plan identification number;
- entering the insurance data into the New York Early Intervention System (NYEIS) and, if available, service coordinators may also upload a copy of the insurance card into NYEIS;
- keeping providers informed of current insurance data;
- completing notice of parent declination to provide insurance information;
- determining if a family's insurance is regulated by New York Insurance Law or is non-regulated;

- obtaining parent consent to bill non-regulated insurance;
- obtaining authorization to release health insurance information;
- completing and submitting request for coverage information; and
- obtaining a written referral from the child's primary health care practitioner. [26]

NYS DOH Early Intervention Program Guidance Document
Individual Family Service Plans 2017

pg. 2

Step 1: First contacts with the family

The IFSP process begins with the first contacts between the family and the initial service coordinator designated by the early intervention official. The initial service coordinator is responsible for promptly arranging a first contact in a time, place, and manner reasonably convenient for the parent.2 During first contacts with the family, the initial service coordinator obtains basic information necessary to enroll the child and family in the Early Intervention Program, ensures parents have received The Early Intervention Program: A Parent's Guide, and provides parents with an overview of the program, including their rights and responsibilities under the program.

Step 2: Planning, obtaining, and understanding the results of the multidisciplinary evaluation and assessment for the child and the optional family assessment

The initial service coordinator is responsible for explaining the multidisciplinary evaluation process, reviewing evaluation options with the parent, and assisting the parent in planning and arranging all aspects of their child's evaluation, including the optional family assessment.4 Initial service coordinators discuss pertinent information about potential evaluators with parents, including their location, the circumstances under which a developmental screening is performed as part of the evaluation (i.e., a screening should not be done when the child has a diagnosed physical or mental condition with a high 2 10 NYCRR § 69-4.7(b) 3 10 NYCRR § 69-4.7(c) 4 10 NYCRR § 69-4.7(j); § 69-4.7(k) 3 probability of developmental delay), types of evaluations performed, and settings for evaluations. Initial service coordinators are also responsible for discussing with the parent any needs they might have pertaining to their child's evaluation, for example, need for an interpreter, or inviting additional family members to be present. (For more detailed discussions of the evaluation process and initial service coordination, see Early Intervention Memorandum 2005-2, Evaluation and Eligibility and Early Intervention Memorandum 94-4, Service Coordination).

NYS DOH Bureau of Early Intervention:
Health Insurance Tool Kit for Service Coordinators (July 2024)

pg.2

Health Insurance Toll Kit Item 1
SERVICE COORDINATOR HEALTH INSURANCE RESPONSIBILITIES

1. Provide parent(s)/legal guardian with a copy of the Parent Notice Regarding Health Insurance (Tool Kit Item 2) and review this information with the parent. Discuss with the family the requirement of the Early Intervention Program regulations to have service coordinators collect and parents provide the early intervention child's health insurance information to assist with early intervention reimbursement for Early Intervention Program services.

2. Early Intervention Providers will receive early intervention payment from municipal funds (escrow account) for services that are not fully paid by Medicaid if the provider claim has met all other applicable early intervention billing and claiming rules.

3. Collect health insurance policy information from family (10 NYCRR section 69-4.6(d)).

4. Obtain from the parent a written referral from the child's primary health care provider as documentation of the medical necessity of Early Intervention Program services.

5. Service coordinators must document all efforts to obtain health insurance information and discussions with the family regarding health insurance in the Early Intervention Program.

New York State Department of Health – Early Intervention Provider Agreement

XII. <u>EI Model Specific Responsibilities</u>

A. Service Coordination:

A10. Provider shall communicate with the family about the purpose of Early Intervention, provide all information to the family in the family's dominant language or other mode of communication unless clearly not feasible to do so, and shall ensure that the family has received or has access to the current version of <u>The Early Intervention Program: A Parent's Guide,</u> the parent's handbook that provides information about the program upon referral to the EI Program.

A11. Provider shall describe the rationale for services in natural environments. Provider shall describe each step of the IFSP process, including its purpose, and what service delivery might look like.

A12. Provider shall collaboratively balance listening to the family with sharing information and shall use open-ended questions that encourage the family to share their thoughts and concerns. Provider shall discover family preferences for sharing and receiving information as well as the family's teaching and learning strategies they prefer to use with their child.

A13. Provider shall review with the EI family the EIP procedural safeguards/due process rights upon initial contact with the family and whenever the family may disagree with an eligibility decision or with the early intervention official/designee decision regarding services for their child/family.

A14. Provider shall assist families to obtain the services and/or assistance they need.

A15. Provider shall inform the family that services must be at no cost to families, use of Medicaid and/or third party insurance for payment of services is required under the EIP, that any deductible or co- payments is not the responsibility of the family; the use of third party insurance for payment of early intervention services will not be applied against lifetime or annual limits specified in their insurance policy, if such policy is subject to New York State law and regulation; and, that the Municipality/Department/service coordinator will not obtain payment from their insurer, if such policy is not subject to New York State law and regulation and if the insurer is therefore not prohibited from and will apply payment for early intervention services to the annual and lifetime limits specified in their insurance policy. Provider shall collect, from the family, information on any insurance policy, plan or contract under which an eligible child has coverage.

A16. Provider shall review all options for evaluation and screening with the family from the list of approved evaluators including location, types of evaluations performed, and settings for evaluations (e.g., home vs. at the evaluation agency). Upon selection of an evaluator by the family, the Provider shall ascertain from the family any needs the family may have in accessing the evaluation. Provider shall at the family's request, assist the family in arranging of the evaluation after the family selects from the list of approved evaluators.

A21. Provider shall, upon the determination of a child as ineligible for EIP services, inform the family of the right to due process procedures as set forth in 10 NYCRR § 69-4.17 and shall inform the family of other services which the family may choose to access and for which the child may be eligible and offer assistance with appropriate referrals.

A23. Provider shall assist the family in preparing for the meeting to develop the IFSP, including facilitating their understanding of the child's multidisciplinary evaluation and identifying their resources, priorities, and concerns related to their child's development.

A25. Provider shall ensure that the IFSP, including any amendments thereto, is implemented in a timely manner within thirty (30) days of parent consent to the IFSP, or if the projected date for the initiation of a service is greater than thirty (30) days of parent consent to the IFSP, not later than thirty (30) calendar days after the projected date for initiation of the service.

A29. Provider shall identify transition issues and discuss steps to prepare the family for choices/options at different transition points and to prepare the child for participating in the new setting when transition occurs. Provider shall ensure that the family understands the timeframe for transition from the EIP and when transition planning should occur.

New York City Policy and Procedures Manual 2024

Chapter 3: Before the Individualized Family Service Plan (IFSP): Policy Number 3-A Initial Service Coordinator Responsibilities. PP: 3-A. 5 -11

Chapter 3: Before the Individualized Family Service Plan (IFSP): Policy Number 3-A Initial Service Coordinator Responsibilities. Appendix A: Family Concerns, Priorities, and Resources (CPRs): Frequency Asked Questions

4. When referring a family to an evaluation agency, the ISC proactively addressed applicable issues with the family and ensured that the evaluation site clearly matched the needs identified by the family.

Federal Law and Regulations

Code of Federal Regulations

34 CFR 303.34(a)(3), (b)(3)

(a) General.

(3) Service coordination is an active, ongoing process that involves—

(i) Assisting parents of infants and toddlers with disabilities in gaining access to, and coordinating the provision of, the early intervention services required under this part; and

(b) Specific service coordination activities. Service coordination activities include—

(3) Coordinating the performance of evaluations and assessments;

New York State Law and Regulations

10 NYCRR 69-4.1 (k)

(k) Dominant or native Language, when used with respect to an individual who is limited English proficient, means the language or mode of communication normally used by that individual, or in the case of the child, the language normally used by the parent of an eligible or potentially eligible child, except that:

(1) For evaluations and assessments conducted pursuant to section 69-4.8 of this Subpart, dominant or native language means the language normally used by the child, if determined developmentally appropriate for the child by qualified personnel conducting the evaluation and assessment.

(2) When used with respect to an individual who is deaf or hard of hearing, blind or visually impaired, or for an individual with no written language, dominant or native language means the mode of communication that is normally used by the individual.

10 NYCRR 69-4.6 (b) (1)

(b) Service coordination shall be an active ongoing process that involves:

(1) assisting parents of eligible infants and toddlers in gaining access to the early intervention services and other services identified in the individualized family service plan, including

making referrals to providers for needed early intervention services and other services identified in the IFSP, and scheduling appointments for infants and toddlers with disabilities and their families;

(2) facilitating the timely delivery of early intervention services; as soon as possible after written parental consent for the services in the IFSP is obtained and,

10 NYCRR 69-4.6 (c) (1)

(c) Specific service coordination activities shall include:

(1) coordinating the performance of evaluations and assessments;

10 NYCRR 69-4.7 (j)

(j) The initial service coordinator shall review all options for evaluation and screening with the parent from the list of approved evaluators including location, types of evaluations performed, and settings for evaluations (e.g., home vs. evaluation agency). Upon selection of an evaluator by the parent, the initial service coordinator shall ascertain from the parent any needs the parent may have in accessing the evaluation.

New York State Department of Health Memorandum and Guidance

New York State Department of Health Early Intervention Program Memorandum 2005-02 Standards and Procedures for Evaluations, Evaluation Reimbursement, and Eligibility Requirements and Determinations Under the Early Intervention Program

pg. 6 (2nd paragraph)

The initial multidisciplinary evaluation and assessment results are fundamental to documenting children's eligibility for services under the EIP. While the evaluation includes an assessment of the unique needs of the child in each developmental domain, including the identification of services appropriate to meet those needs, the evaluator should avoid making recommendations regarding the frequency, intensity, and duration of specific services until such time as the family's total priorities, resources, and concerns have been assessed and the total plan for services under the IFSP is under discussion.

pg. 45 – Question 21

21. If a child's and family's dominant language is a language other than English, and the child is referred due to a concern about communication development in his/her native language, and there is no professional available to evaluate the child in his/her native language, what is the responsibility of the EIP?

EIP regulations at 10 NYCRR §69-4.8(a)(14) require that tests and other evaluation materials and procedures must be administered in the dominant or other mode of communication of the child, unless it is clearly not feasible to do so. Dominant language is defined at 10 NYCRR §69-4.1(i) to mean the language or mode of communication used by parent or the potentially eligible child, including Braille, sign language, or other mode of communication. For purposes of the multidisciplinary evaluation, the dominant language of the potentially eligible child, and not the parent, is relevant. The EIO and initial service coordinator should assist the family in accessing a bilingual evaluation if possible. If an evaluator cannot be identified to conduct a bilingual evaluation, the EIO and initial service coordinator should arrange for the services of an interpreter to assist in the evaluation process.

Standards and Procedures for Service Coordination
Under the Early Intervention Program

pg. 6

Responsibilities Unique to the Initial Service Coordinator

The specific responsibilities, as specified in 10 NYCRR 69-4.7, include:

- coordinating all aspects of the screening and evaluation process to determine a child's eligibility for the Early Intervention Program. The initial service coordinator is responsible for:
  - reviewing with parents the list of evaluators approved by the Department to perform screenings and/or evaluations; [17]
  - discussing pertinent information about potential evaluators with parents, including their location, types of evaluations performed, and settings for evaluations (e.g., home versus evaluation agency). Initial service coordinators are also responsible for discussing with parents any needs they might have in accessing an evaluation for their children and arranging or assisting the parent with arranging for the child's multidisciplinary evaluation. [18]

pg. 9

Responsibilities Common to both Initial Service Coordinators and Ongoing Service Coordinators

- coordinating with medical and health care providers: Initial service coordinators and ongoing service coordinators are responsible for facilitating any necessary collaboration between early intervention service providers and medical and health care providers providing services to the child and/or family. Service coordinators should ascertain whether the child and family are engaged with a primary health care provider and refer for primary health care as appropriate. With parental consent, the service coordinator may maintain communication

with health care providers by providing information about the child's participation in the program and relevant documentation. Initial service coordinators and ongoing service coordinators may, with parental consent, obtain medical information from the child's primary health care provider and/or specialty physicians when the information is relevant for the provision of services in the IFSP;

New York State Department of Health Early Intervention Program
Telehealth Guidance December 2023

pg. 6

IV. Considerations Before Conducting EI Evaluations Utilizing Telehealth [20]

Children referred to the EIP are assigned an initial service coordinator and will have an MDE to determine their eligibility for the Program. It is important to explain to families that there are two methods for conducting an MDE – in person, or via telehealth, and that most of the time evaluations are conducted in person unless there are extenuating circumstances. The family and evaluator should make the decision on the most effective way to deliver the MDE based on the child's unique needs and the family's concerns, priorities, and resources. With that said, telehealth MDEs are not intended to be routinely conducted to make an eligibility determination for the EIP and should be the exception rather than the rule. Telehealth evaluations should only be conducted in the following instances with parental consent in writing:

- When the family requests a telehealth MDE.
- When the child has a complex medical condition, and the family does not want evaluators in their home.
- When the family speaks a language for which a bilingual evaluator or interpreter, as appropriate, is not readily available.
- When the appropriate evaluators are not available in the region where the evaluation is to be conducted.

If the MDE needs to be delivered virtually (i.e., via telehealth) due to one of the above extenuating circumstances, the evaluator must document the justification in their MDE report. This documentation will be subject to municipal and State review.

New York State Department of Health - Early Intervention Provider Agreement

XII. EI Model Specific Responsibilities

A. Service Coordination:

A16. Provider shall review all options for evaluation and screening with the family from the list of approved evaluators including location, types of evaluations performed, and settings for evaluations (e.g., home vs. at the evaluation agency). Upon selection of an evaluator by the family, the Provider shall ascertain from the family any needs the family may have in accessing the evaluation. Provider shall at the family's request, assist the family in arranging of the evaluation after the family selects from the list of approved evaluators.

A17. Provider shall contact the family to ensure that the family has received information concerning alternative approved evaluators and ascertain from the family any needs the family may have in accessing the evaluation, if the family has accessed an approved evaluator prior to contact by the initial service coordinator.

A23. Provider shall assist the family in preparing for the meeting to develop the IFSP, including facilitating their understanding of the child's multidisciplinary evaluation and identifying their resources, priorities, and concerns related to their child's development.

A25. Provider shall ensure that the IFSP, including any amendments thereto, is implemented in a timely manner within thirty (30) days of parent consent to the IFSP, or if the projected date for the initiation of a service is greater than thirty (30) days of parent consent to the IFSP, not later than thirty (30) calendar days after the projected date for initiation of the service.

New York City Policy and Procedures Manual 2024

Chapter 3: Before the Individualized Family Service Plan (IFSP): Policy Number 3-B Choice and Approval of the Evaluation/Screening Site. PP: 3-B. 1-4

5. Once a child was found eligible for EIP, a thorough and timely orientation to the initial IFSP process was completed with family.

Federal Law and Regulations

Code of Federal Regulations

34 CFR 303.34(b)(3)
(b) ***Specific service coordination services.*** **Service coordination services include—**
(4) Facilitating and participating in the development, review, and evaluation of IFSPs;

New York State Law and Regulations

PBH 2544 (2)(c)

(c) If, in consultation with the evaluator, the service coordinator identifies a child that is potentially eligible for programs or services offered by or under the auspices of the office for people with developmental disabilities, the service coordinator shall, with parent consent, notify the office for people with developmental disabilities' regional developmental disabilities services office of the potential eligibility of such child for said programs or services.

NYCRR 69-4.7 (m) (p) (q)

(m) If, in consultation with the evaluator, the service coordinator identifies a child that is potentially eligible for programs or services offered by or under the auspices of the Office for People With Developmental Disabilities (OPWDD), the service coordinator shall, with parental consent, notify OPWDD’s developmental disabilities regional office of the potential eligibility of such child for said programs or services.

(p) Upon determination of the child's eligibility for the early intervention program, the initial service coordinator shall discuss the Individualized Family Service Plan process with the parent and shall inform the parent:

(1) of the required participants in the Individualized Family Service Plan meeting, and the parent's option to invite other parties;

(2) that the initial service coordinator may invite other participants, provided that the service coordinator obtains the parent's consent and explains the purpose of this person's participation;

(3) that inclusion of family assessment information is optional;

(4) that their priorities, concerns and resources shall play a major role in the establishment of outcomes and strategies among the parent, evaluator, service coordinator and early intervention official;

(5) of the opportunity to select an ongoing service coordinator, who may be different from the initial service coordinator, at the Individualized Family Service Plan meeting or at any other time after the formulation of the Individualized Family Service Plan.

(6) that the final decisions about the services to be provided to the child will be made by the parent and the early intervention official; and

(7) that services can be delivered in a range of settings such as an approved provider's facility, as well as a variety of natural environments, including the child's home, child care site or other community settings.

(q) The initial service coordinator shall assist the parent in preparing for the meeting to develop the individualized family service plan, including facilitating their understanding of the child's multidisciplinary evaluation and identifying their resources, priorities, and concerns related to their child's development.

(1) The initial service coordinator shall discuss with the parent the options for early intervention services and facilitate the parent's investigation of various options as requested by the parent.

NYCRR 69-4.11 (a) (6) (9)

(a) Individualized Family Service Plan (IFSP) Participation.

(6) The early intervention official, initial service coordinator, parent, and evaluator or designated contact from the evaluation team shall jointly develop an IFSP for a parent who requests services.

(9) If the IFSP team members, including the early intervention official and the parent, do not agree on an IFSP, the service coordinator shall implement the sections of the proposed IFSP that are not in dispute, and the parent may exercise his or her due process rights to resolve the dispute.

New York State Department of Health Memorandum and Guidance

Standards and Procedures for Service Coordination
Under the Early Intervention Program

pg. 6

Responsibilities Unique to the Initial Service Coordinator

The specific responsibilities, as specified in 10 NYCRR 69-4.7, include:

• discussing the IFSP process with the parents of children determined to be eligible for early intervention services. [19] Service coordinators are required to inform parents:

- of the required participants in the IFSP meeting and the parent's option to invite other parties;
- that the initial service coordinator may invite other participants provided that the initial service coordinator explains the purpose of inviting other participants and obtains the parent's consent;
- that inclusion of the family assessment is optional;
- That the family's priorities, concerns, and resources will play a major role in the establishment of outcomes and strategies among the parent, evaluator, service coordinator, and early intervention official;
- of the opportunity to select an ongoing service coordinator, who may be different from the initial service coordinator, at the IFSP meeting or at any other time after the formulation of the IFSP;
- that the final decisions about the services to be provided to the child will be made by the parent and the early intervention official; and
- that services can be delivered in a range of settings such as an approved provider's facility, as well as a variety of natural environments, including the child's home, childcare site, or other community settings; [20]

Notification to the Office for People With Developmental Disabilities (OPWDD) of a Child's Potential Eligibility for Services
Tool Kit for Service Coordinators
Revised May 2022

pg. 3-4

How to Tell if a Child may be Potentially Eligible for OPWDD Services:

the EI initial service coordinator, with parental consent, consults with the multidisciplinary or supplemental evaluator by phone or in person, to identify a child in the EIP who may have

significant developmental needs and who may be potentially eligible for OPWDD services. This discussion includes the level of the child's needs identified by the evaluator, and any diagnosis(es) identified by the evaluator or the physician. Consider the information provided by OPWDD (included in the Tool Kit).

Steps for the Early Intervention Service Coordinator to Submit Notification to OPWDD:

1. The early intervention (EI) initial service coordinator (SC) should educate the parent(s)/guardian(s) about each of the programs for which the child may be potentially eligible, including information on services available through OPWDD and other support programs.
2. Ensure that the parent(s)/guardian(s) understand what services are available. Inform the parent(s)/guardian(s) that the notification to OPWDD is not a referral for an eligibility determination.
3. Obtain written parental consent if notification will be made to OPWDD (Tool Kit Item 4), by completing the form Notification of Potential Eligibility to OPWDD, which should be sent by secure email to: EIP.OPWDD.Notification@opwdd.ny.gov
4. Suggest that parent(s)/guardian(s) contact their local OPWDD Front Door Regional Office if they have questions regarding potential OPWDD eligibility or services. (See Tool Kit Item 2 for contact information).

Standards and Procedures for Service Coordination
Under the Early Intervention Program

pg. 10

<u>Responsibilities Common to both Initial Service Coordinators and Ongoing Service Coordinators</u>

The specific activities required of initial service coordinators and ongoing service coordinators are specified in 10 NYCRR 69-4.6(c) and include:

• notifying the Office for People with Developmental Disabilities (OPWDD): When the service coordinator identifies, in consultation with the evaluator, a child who is potentially eligible for programs or services under the auspices of OPWDD, the service coordinator is responsible, with parental consent, for sending a notification to the OPWDD's regional developmental disabilities office.34 The service coordinator may also assist the family in making a formal referral to pursue an OPWDD eligibility determination for the child and should refer to the OPWDD Toolkit for Service Coordinators for more detail and to access relevant forms.

NYS DOH Early Intervention Program Guidance Document
Individual Family Service Plans 2017

pg.4

Step 3: Planning the initial IFSP meeting and identifying the family's resources, priorities, and concerns

When a child is determined eligible for the Early Intervention Program, the initial service coordinator is responsible for facilitating the parent's understanding of the results of their child's multidisciplinary evaluation and assisting them in preparing for the IFSP meeting. To enable the initial service coordinator to meet their responsibilities to facilitate the parent's understanding of the results of the evaluation prior to the IFSP meeting, it is important that the evaluator submit the report to all parties expeditiously. The initial service coordinator, early intervention official, and parent should receive the evaluation report and summary several days in advance of the IFSP meeting, to allow adequate preparation time.

The initial service coordinator discusses the IFSP process with parents and informs them:

- of the required participants in the IFSP meeting and the parent's option to invite other parties;
- that the initial service coordinator may invite other participants, provided that the service coordinator explains the purpose of including other participants and obtains the parent's consent;
- that inclusion of family assessment information is optional;
- that family resources, priorities, and concerns will play a major role in the identification of anticipated outcomes and strategies among the parent, evaluator, service coordinator, and early intervention official;
- of the opportunity to select an ongoing service coordinator, who may be different from the initial service coordinator, at the IFSP meeting or at any other time after the formulation of the IFSP; and
- of the types of services available and their benefits, and the due process rights of parents under the Early Intervention Program.

An important part of planning the initial IFSP meeting is teamwork between the initial service coordinator and the parent to identify and explore options for appropriate early intervention services that may be included in the IFSP. The initial service coordinator is responsible for discussing service options with the parent prior to the initial IFSP meeting and facilitating the parent's investigation of various options, as requested by the parent.11 For example, the initial service coordinator may arrange for meetings with potential service providers and/or childcare sites or other community locations where early intervention services might be delivered. The initial service coordinator may also share materials and informational resources that might be

helpful to the family in exploring options for service delivery, such as books, articles, and videos, and may help the family connect with other families with similar situations.

New York State Department of Health – Early Intervention Provider Agreement

XII. <u>EI Model Specific Responsibilities</u>

A. Service Coordination

A23. Provider shall assist the family in preparing for the meeting to develop the IFSP, including facilitating their understanding of the child's multidisciplinary evaluation and identifying their resources, priorities, and concerns related to their child's development.

A24. Provider shall inform the family of the opportunity to select an ongoing service coordinator, who may be different from the initial service coordinator, at the Individualized Family Service Plan meeting or at any other time after the formulation of the IFSP.

New York City Policy and Procedures Manual 2024

Chapter 3: Before the Individualized Family Service Plan (IFSP): Policy Number 3-A Initial Service Coordinator Responsibilities.

6. IFSP meetings were arranged and held in a timely fashion and with full information.

Federal Law and Regulations

Code of Federal Regulations

34 CFR 303.34(a)(b)

(a) ***General.***

(1) As used in this part, *service coordination services* mean services provided by a service coordinator to assist and enable an infant or toddler with a disability and the child's family to receive the services and rights, including procedural safeguards, required under this part.

(2) Each infant or toddler with a disability and the child's family must be provided with one service coordinator who is responsible for—

(i) Coordinating all services required under this part across agency lines; and

(ii) Serving as the single point of contact for carrying out the activities described in paragraphs (a)(3) and (b) of this section.

(3) Service coordination is an active, ongoing process that involves—

(i) Assisting parents of infants and toddlers with disabilities in gaining access to, and coordinating the provision of, the early intervention services required under this part; and

(ii) Coordinating the other services identified in the IFSP under § 303.344(e) that are needed by, or are being provided to, the infant or toddler with a disability and that child's family.

(b) ***Specific service coordination services.*** Service coordination services include—

(4) Facilitating and participating in the development, review, and evaluation of IFSPs;

34 CFR 303.310

(a) Except as provided in paragraph (b) of this section, any screening under § 303.320 (if the State has adopted a policy and elects, and the parent consents, to conduct a screening of a child); the initial evaluation and the initial assessments of the child and family under § 303.321; and the initial IFSP meeting under § 303.342 must be completed within 45 days from the date the lead agency or EIS provider receives the referral of the child.

(b) Subject to paragraph (c) of this section, the 45-day timeline described in paragraph (a) of this section does not apply for any period when—

(1) The child or parent is unavailable to complete the screening (if applicable), the initial evaluation, the initial assessments of the child and family, or the initial IFSP meeting due to exceptional family circumstances that are documented in the child's early intervention records; or

(2) The parent has not provided consent for the screening (if applicable), the initial evaluation, or the initial assessment of the child, despite documented, repeated attempts by the lead agency or EIS provider to obtain parental consent.

(c) The lead agency must develop procedures to ensure that in the event the circumstances described in (b)(1) or (b)(2) of this section exist, the lead agency or EIS provider must—

(1) Document in the child's early intervention records the exceptional family circumstances or repeated attempts by the lead agency or EIS provider to obtain parental consent;

(2) Complete the screening (if applicable), the initial evaluation, the initial assessments (of the child and family), and the initial IFSP meeting as soon as possible after the documented exceptional family circumstances described in paragraph (b)(1) of this section no longer exist or parental consent is obtained for the screening (if applicable), the initial evaluation, and the initial assessment of the child; and

(3) Develop and implement an interim IFSP, to the extent appropriate and consistent with § 303.345.

(d) The initial family assessment must be conducted within the 45-day timeline in paragraph (a) of this section if the parent concurs and even if other family members are unavailable.

34 CFR 303.342

(a) ***Meeting to develop initial IFSP—timelines.*** For a child referred to the part C program and determined to be eligible under this part as an infant or toddler with a disability, a meeting to develop the initial IFSP must be conducted within the 45-day time period described in § 303.310.

(d) ***Accessibility and convenience of meetings.***

(1) IFSP meetings must be conducted—

(i) In settings and at times that are convenient for the family; and
(ii) In the native language of the family or other mode of communication used by the family, unless it is clearly not feasible to do so.

(2) Meeting arrangements must be made with, and written notice provided to, the family and other participants early enough before the meeting date to ensure that they will be able to attend.

34 CFR 303.344

(b) ***Family information.*** With the concurrence of the family, the IFSP must include a statement of the family's resources, priorities, and concerns related to enhancing the development of the child as identified through the assessment of the family under § 303.321(c)(2).

New York State Law and Regulations

PBH 2545 (1) (2)

1. If the evaluator determines that the infant or toddler is an eligible child, the early intervention official shall convene a meeting, at a time and place convenient to the parent, consisting of the parent, such official, the evaluator, the initial service coordinator and any other persons who the parent or the initial service coordinator, with the parent's consent, invite, provided that such meeting shall be held **no later than forty-five days** from the date that the early intervention official was first contacted regarding the child, except under exceptional circumstances prescribed by the commissioner. The early intervention official, at or prior to the time of scheduling the meeting, shall inform the parent of the right to invite any person to the meeting.

2. The early intervention official, initial service coordinator, parent and evaluator shall develop an IFSP for an eligible child whose parents request services. The IFSP shall be in writing and shall include, but not be limited to:

(a) a statement, based on objective criteria, of the infant's or toddler's present levels of physical development, including vision and hearing; cognitive development; communication development; social or emotional development; and adaptive development;

(b) with parental consent, a statement of the family's strengths, priorities and concerns that relate to enhancing the development of the infant or toddler;

(c) a statement of (i) the major outcomes expected to be achieved for the child and the family, including timelines, and (ii) the criteria and procedures that will be used to determine whether progress toward achieving the outcomes is being made and whether modifications or revisions of the outcomes or services are necessary;

(d) a statement of specific early intervention services, including transportation and the mode thereof, necessary to meet the unique needs of the child and the family, including the frequency, intensity, location and the method of delivering services;

(e) a statement of the natural environments, including the home and community settings where children without disabilities participate, in which early intervention services shall appropriately be provided and an explanation of their appropriateness, and, where the child is in day care, a plan for qualified professionals to train the day care provider to accommodate the needs of the child, where appropriate;

(f) a statement of other services, including but not limited to medical services, that are not required under this title but that are needed by the child and the family;

(g) a statement of other public programs under which the child and family may be eligible for benefits, and a referral, where indicated;

(h) the projected dates for initiation of services and the anticipated duration of such services;

(i) the name of the service coordinator selected by the parent who will be responsible for the implementation of the IFSP and coordination with other agencies and persons;

(j) the steps to be taken supporting the potential transition of the toddler with a disability to services provided under section forty-four hundred ten of the education law or to other services, to the extent the child is thought to be eligible for such services, including:

(i) discussions with and education of parents regarding potential options and other matters related to the child's transition;

(ii) procedures to prepare the child for changes in service delivery, including steps to help the child adjust to, and function in, a new setting; and

(iii) with parental consent, the transmission of information about the child to the committee on preschool special education, to ensure continuity of services, if appropriate, including evaluation and assessment information and copies of IFSPs.

10 NYCRR 69-4.6 (b)(2)

(b) Service coordination shall be an active ongoing process that involves:

(2) ensuring the individualized family service plan outcomes and strategies reflect the family's priorities, concerns and resources, and that changes are made as the family's priorities concerns and resources change;

10 NYCRR 69-4.6 (c)(2)

(c) Specific service coordination activities shall include:

(2) facilitating and participating in the development, review and evaluation of individualized family service plans;

10 NYCRR 69-4.11 (a)(1)

(a) Individualized Family Service Plan (IFSP) Participation.

(1) If the evaluator determines that the infant or toddler is an eligible child, the early intervention official shall convene a meeting of the IFSP team within 45 days of the receipt of the child's referral, to develop the initial IFSP, provided however that such timeline does not apply for any period when:

(i) the child or parent is unavailable to complete the initial evaluation and assessment of the child and family or is unavailable for the initial IFSP meeting due to exceptional family circumstances that are documented in the child’s early intervention records and the multidisciplinary evaluation, and the initial evaluation and assessment and the initial IFSP meeting are completed as soon as possible after the exceptional family circumstances no longer exist; or

(ii) the parent has not provided timely consent for the initial evaluation and assessment of the child despite documented repeated attempts by the evaluator to obtain parental consent, and the initial evaluation and assessment and the initial IFSP meeting are completed as soon as possible after parental consent has been obtained for the initial evaluation and assessment of the child.

New York State Department of Health Memorandum and Guidance

Standards and Procedures for Service Coordination
Under the Early Intervention Program

pg. 6

Responsibilities Unique to the Initial Service Coordinator

The specific responsibilities, as specified in 10 NYCRR 69-4.7, include:

• participating in the meeting to develop the IFSP. The initial service coordinator is a required participant in the meeting to develop the initial IFSP, along with the parent, early intervention official or designee, and the evaluator. [21] The early intervention official is required to convene a meeting to develop the IFSP within 45 days of the receipt of the child's referral, provided however that such timeline does not apply for any period when:

- the child or parent is unavailable to complete the initial evaluation and assessment of the child and family or is unavailable for the initial IFSP meeting due to exceptional family circumstances that are documented in the child's early intervention records and the multidisciplinary evaluation and assessment and the initial IFSP meeting are completed as soon as possible after the exceptional family circumstances no longer exist;[22] or
- the parent has not provided timely consent for the initial evaluation or assessment of the child, despite documented, repeated attempts by the evaluator to obtain parental consent, and the multidisciplinary evaluation and assessment and the initial IFSP meeting are completed as soon as possible after parental consent is obtained for the initial evaluation and assessment of the child.[23]

The initial service coordinator must document in the child's record reasons for extension of the 45 day time period for the development of the IFSP;

NYS DOH Early Intervention Program Guidance Document
Individual Family Service Plans 2017

pg. 4

Step 3: Planning the initial IFSP meeting and identifying the family's resources, priorities, and concerns

The initial service coordinator discusses the IFSP process with parents and informs them:

- of the required participants in the IFSP meeting and the parent's option to invite other parties;
- that the initial service coordinator may invite other participants, provided that the service coordinator explains the purpose of including other participants and obtains the parent's consent;
- that inclusion of family assessment information is optional;
- that family resources, priorities, and concerns will play a major role in the identification of anticipated outcomes and strategies among the parent, evaluator, service coordinator, and early intervention official;
- of the opportunity to select an ongoing service coordinator, who may be different from the initial service coordinator, at the IFSP meeting or at any other time after the formulation of the IFSP; and
- of the types of services available and their benefits, and the due process rights of parents under the Early Intervention Program.

New York City Policy and Procedures Manual 2024

Chapter 3: Before the Individualized Family Service Plan (IFSP): Policy Number 3-A Initial Service Coordinator Responsibilities. PP. 3-A-17, 3-A-18.

Chapter 5: Individualized Family Service Plan (IFSP): Policy Number 5-A Individualized Family Service Plan Scheduling.

Chapter 5: Individualized Family Service Plan (IFSP): Policy Number 5-B The Initial Individualized Family Service Plan Meeting. PP. 5-B-1

7. If child passed screening and/or once non-eligibility was determined by multidisciplinary evaluation (MDE), the families received full and timely information from the evaluation agency (team) regarding evaluation and/or screening results and from the ISC about other service options, including Developmental Monitoring.

Federal Law and Regulations

Code of Federal Regulations

34 CFR 303.322

If, based on the evaluation conducted under § 303.321, the lead agency determines that a child is not eligible under this part, the lead agency must provide the parent with prior written notice required in § 303.421, and include in the notice information about the parent's right to dispute the eligibility determination through dispute resolution mechanisms under § 303.430, such as requesting a due process hearing or mediation or filing a State complaint.

New York State Law and Regulations

PBH 2544 (10)

10. (a) If the screening indicates that the infant or toddler is not an eligible child and the parent elects not to have an evaluation, or if the evaluation indicates that the infant or toddler is not an eligible child, the service coordinator shall inform the parent of other programs or services that may benefit such child, and the child's family and, with parental consent, refer such child to such programs or services.

(b) A parent may appeal a determination that a child is ineligible pursuant to the provisions of section twenty-five hundred forty-nine of this title, provided, however, that a parent may not initiate such appeal until all evaluations are completed.

NYCRR 69-4.7 (o)

(o) Upon the determination of a child as ineligible for early intervention services, the initial service coordinator shall inform the parent of the right to due process procedures as set forth in this Subpart.

(1) The initial service coordinator shall inform the parent of other services which the parent(s) may choose to access and for which the child may be eligible and offer assistance with appropriate referrals.

NYCRR 69-4.8 (j)

(j) If a child is determined ineligible for services, including determinations that additional evaluations or supplemental evaluations are not necessary or appropriate, the parent may request a mediation or a hearing. However, the parent may not make such a request until all evaluations are complete and a determination of ineligibility has been made.

New York State Department of Health Memorandum and Guidance

**Standards and Procedures for Service Coordination
Under the Early Intervention Program**

pg. 8

<u>Responsibilities of the Initial Service Coordinator for a Child who is found to be Ineligible for the Early Intervention Program</u>

Initial service coordination must be provided for any child thought to be eligible for early intervention services and referred to the early intervention official. For a child determined by an approved evaluator to be ineligible for early intervention services, the responsibilities of the initial service coordinator include:

- informing the parent of the right to due process procedures, including the right to mediation and an impartial hearing to contest the evaluator's eligibility determination;28 and
- informing the parent of other services which the parent may choose to access and for which the child may be eligible and offer assistance with appropriate referrals.[29]

Early Intervention Program Memorandum 2005-02: Standards and Procedures for Evaluations, Evaluation Reimbursement, and Eligibility Requirements and Determination Under the Early Intervention Program

pg. 13

Intake and Screening Procedures

If the screening results are within normal limits, the child is not eligible for the EIP and does not require a full multidisciplinary evaluation. The evaluator must inform the parent of the results of the screening, including that the child's development is appropriate and further evaluation is not indicated at this time. The evaluator must prepare and submit a report to the Early Intervention Official, parent, and with parent consent, the child's primary health care provider. The evaluator may recommend developmental surveillance for the child, if appropriate. If the parent requests a full multidisciplinary evaluation for the child, the evaluator must provide a multidisciplinary evaluation.

pg. 22

Children Found To Be Typically Developing and Who Are Not Eligible for the EIP

When the results of the multidisciplinary evaluation show that children are typically developing, or developing at a level above the EIP eligibility criteria, the multidisciplinary evaluation team and the service coordinator should ensure that the child's parents receive practical information regarding possible next steps as appropriate. For example, the multidisciplinary evaluation team can provide parents with information about child development milestones and what to look for as their child grows and develops to ensure they continue to make age-appropriate progress. If a child does not meet the threshold for eligibility for service delivery under the Early Intervention Program, but there are concerns about the child's progress, it may be reasonable for the family to seek assistance through other service delivery systems or other early childhood programs (e.g., Early Head Start, community-based programs). The multidisciplinary evaluation team is responsible for providing clinical information and making recommendations about alternative resources or services that may be beneficial to the child and family. For children who appear to be at-risk for developmental problems in the future, the multidisciplinary evaluation team may recommend that the child be included in municipal child find activities for at-risk children (screening and tracking), with parent consent. Service coordinators can provide parents with information about available resources in their communities, including contact information for such programs and services.

New York State Department of Health – Early Intervention Provider Agreement

XII. <u>EI Model Specific Responsibilities</u>

A. Service Coordination

A21. Provider shall, upon the determination of a child as ineligible for EIP services, inform the family of the right to due process procedures as set forth in 10 NYCRR § 69-4.17 and shall inform the family of other services which the family may choose to access and for which the child may be eligible and offer assistance with appropriate referrals.

New York City Policy and Procedure Manual as Amended

Chapter 3: Before the Individualized Family Service Plan (IFSP): Policy Number 3-A Initial Service Coordinator Responsibilities. PP. 3-A-17, 3-A-18.

Chapter 4: Evaluation and Eligibility: Policy Number 4-A Screening,

Chapter 4: Evaluation and Eligibility: Policy Number 4-B Multidisciplinary Evaluation

Chapter 6: Service Delivery: Policy Number 6-J Case Closure and Transfer.

8. The families of children who are 30 months or older when referred to EIP were given full information about their options.

Federal Law and Regulations

Code of Federal Regulations

34 CFR 303.209(b)(1)(ii)(iii)

(ii) Subject to paragraph (b)(2) of this section, if the lead agency determines that the toddler is eligible for early intervention services under part C of the Act more than 45 but less than 90 days before that toddler's third birthday and if that toddler may be eligible for preschool services under part B of the Act, the lead agency, as soon as possible after determining the child's eligibility, notifies the SEA and the LEA for the area in which the toddler with a disability resides that the toddler on his or her third birthday will reach the age of eligibility for services under part B of the Act, as determined in accordance with State law; or

(iii) Subject to paragraph (b)(2) of this section, if a toddler is referred to the lead agency fewer than 45 days before that toddler's third birthday and that toddler may be eligible for preschool services under part B of the Act, the lead agency, with parental consent required under § 303.414, refers the toddler to the SEA and the LEA for the area in which the toddler resides; but, the lead agency is not required to conduct an evaluation, assessment, or an initial IFSP meeting under these circumstances.

New York State Law and Regulations

10 NYCRR 69-4.20 (b) (3), (4)(iii)(d)

(b) For children thought to be eligible for services under section 4410 of the Education Law, not fewer than 90 days prior to the child's potential eligibility for services under the Education Law, Section 4410, the service coordinator shall provide written notification to the committee on preschool special education of the local school district in which an eligible child resides of the potential transition of the child.

(3) The service coordinator shall review information concerning the transition procedure with the parent and obtain parental consent for the transfer of appropriate evaluations, assessments, Individualized Family Service Plans, and other pertinent records.

(4) With parent consent, the service coordinator shall convene a transition conference with the parent, service coordinator, and the chairperson of the CPSE or designee, at least 90 days prior to the child's eligibility for services under Education Law, Section 4410, or no fewer than 90 days before the child's third birthday, whichever is first, provided, however, that such

conference shall not be held more than nine months prior to the child's third birthday, to review program options and if appropriate, establish a transition plan.

(d) With parental consent, the service coordinator shall notify the committee on preschool special education of those children potentially eligible for transition to the preschool special education program but whose parents have selected to continue with early intervention services for the specified period of eligibility for the Early Intervention Program.

New York State Department of Health Memorandum and Guidance

The Transition of Children from the New York State Department of Health Early Intervention Program to the State Education Department Preschool Special Education Program or Other Early Childhood Services

Children Referred to the EIP when Age-Eligible for Preschool Special Education

pg. 8

It is strongly recommended that primary referral sources and parents of children age two and a half or older, who may have a developmental delay or disability and are not in the EIP, contact their school district CPSE to begin the CPSE process.

If a child is referred to the EIP when s/he is age-eligible for services under Section 4410 of the Education Law and has a disability or developmental delay that may impact on his/her education, the EIO may recommend to the parent that s/he refer the child directly to the CPSE rather than continue with the referral to the EIP. However, if a parent chooses to continue with the child's referral to the EIP, the EIO must designate an initial service coordinator and the service coordinator must assist the parent in the receipt of a multidisciplinary evaluation consistent with EIP requirements. The multidisciplinary evaluation must be completed and an IFSP must be developed within forty-five calendar days of the child's referral. The initial service coordinator must also explain to the parent that to ensure the child continues to receive services when s/he turns three – either through the EIP or preschool special education - the child must also be referred to the CPSE and be determined eligible for services under Section 4410 of the Education Law by her/his third birthday. If the child is found eligible for services under Section 4410 of the Education Law by the child's third birthday, the parent then has the option to transition his/her child to preschool special education programs and services, or the child may remain in the EIP until s/he ages out of EIP.

The parent must also be informed that if a child meets the eligibility criteria for the EIP but is not determined to be eligible for services under Section 4410 of the Education Law, the child's eligibility for EIP services will end at the child's third birthday. The last date that services can be delivered under the child's IFSP under these circumstances is the day before the child's third birthday.

New York City Policy and Procedure Manual 2024

Chapter 10: Transition Out of the Early Intervention Program: Policy Number 10-B Referral of Children to Early Intervention who are dually eligible for EI and CPSE.

9. For children entering EI close to their second birthday, ISC introduced transition program options.

New York State Law and Regulations

PBH 2548

To the extent that a toddler with a disability is thought to be eligible for services pursuant to section forty-four hundred ten of the education law, the service coordinator shall notify in writing the committee on preschool special education of the local school district in which an eligible child resides of the potential transition of such child and, with parental consent, arrange for a conference among the service coordinator, the parent and the chairperson of the preschool committee on special education or his or her designee at least ninety days before such child would be eligible for services under section forty-four hundred ten of the education law to review the child's program options and to establish a transition plan, if appropriate. If a parent does not consent to a conference with the service coordinator and the chairperson of the preschool committee on special education or his or her designee to determine whether the child should be referred for services under section forty-four hundred ten of the education law, and the child is not determined to be eligible by the committee on preschool special education for such services prior to the child's third birthday, the child's eligibility for early intervention program services shall end at the child's third birthday.

10 NYCRR 69-4.20 (a)

(a) A transition plan shall be established in the IFSP to ensure a smooth transition for every child exiting the Early Intervention Program.

(1) If the child may be eligible for preschool services under section 4410 of the Education Law, the service coordinator, with parental consent, shall convene a conference among the early intervention official, the parent, and the chairperson of the CPSE or designee, not fewer than 90 days, and at the discretion of all parties, not more than nine months before the child’s third birthday to discuss any services the child may receive under education law.

(2) If the child is not potentially eligible for preschool services under section 4410 of Education Law, the service coordinator, with parental consent, shall make reasonable efforts to convene a conference among the early intervention official, the parent, and providers of other appropriate services for the toddler to discuss appropriate services that the child may receive, including early education, Head Start, Early Head Start, child care programs or other appropriate services.

(3) All meetings to develop the transition plan, including the transition conference, must be at a time and place mutually convenient to all participants and must meet all requirements pertaining to IFSP meetings in section 69-4.11(a)(2)-(5) of this Subpart.

10 NYCRR 69-4.20 (b) (1) (3)

(b) For children thought to be eligible for services under section 4410 of the Education Law, not fewer than 90 days prior to the child's potential eligibility for services under the Education Law, Section 4410, the service coordinator shall provide written notification to the committee on preschool special education of the local school district in which an eligible child resides of the potential transition of the child.

(1) The service coordinator shall ensure the parent is informed in accordance with procedures in subdivision 69-4.11(a)(10)(xiii) of this subpart of the opportunity to object to such notification prior to providing notice to the CPSE of the child's potential transition.

(3) The service coordinator shall review information concerning the transition procedure with the parent and obtain parental consent for the transfer of appropriate evaluations, assessments, Individualized Family Service Plans, and other pertinent records.

New York State Department of Health Memorandum and Guidance

The Transition of Children from the New York State Department of Health Early Intervention Program to the State Education Department Preschool Special Education Program or Other Early Childhood Services

pg. 8

CHILDREN REFERRED TO THE EIP WHEN AGE-ELIGIBLE FOR PRESCHOOL SPECIAL EDUCATION

It is strongly recommended that primary referral sources and parents of children age two and a half or older, who may have a developmental delay or disability and are not in the EIP, contact their school district CPSE to begin the CPSE process.

If a child is referred to the EIP when s/he is age-eligible for services under Section 4410 of the Education Law and has a disability or developmental delay that may impact on his/her education, the EIO may recommend to the parent that s/he refer the child directly to the CPSE rather than continue with the referral to the EIP. However, if a parent chooses to continue with the child's referral to the EIP, the EIO must designate an initial service coordinator and the service coordinator must assist the parent in the receipt of a

multidisciplinary evaluation consistent with EIP requirements. The multidisciplinary evaluation must be completed and an IFSP must be developed within forty-five calendar days of the child's referral. The initial service coordinator must also explain to the parent that to ensure the child continues to receive services when s/he turns three – either through the EIP or preschool special education - the child must also be referred to the CPSE and be determined eligible for services under Section 4410 of the Education Law by her/his third birthday. If the child is found eligible for services under Section 4410 of the Education Law by the child's third birthday, the parent then has the option to transition his/her child to preschool special education programs and services, or the child may remain in the EIP until s/he ages out of EIP.

The parent must also be informed that if a child meets the eligibility criteria for the EIP but is not determined to be eligible for services under Section 4410 of the Education Law, the child's eligibility for EIP services will end at the child's third birthday. The last date that services can be delivered under the child's IFSP under these circumstances is the day before the child's third birthday.

Early Intervention Provider Agreement

XII. <u>EI Model Specific Responsibilities</u>

A. Service Coordination:

A29. Provider shall identify transition issues and discuss steps to prepare the family for choices/options at different transition points and to prepare the child for participating in the new setting when transition occurs. Provider shall ensure that the family understands the timeframe for transition from the EIP and when transition planning should occur.

A30. Provider shall, together with the IFSP team, develop a transition plan as part of the IFSP process which includes the outcomes and activities to prepare the child and family for success after early intervention.

A31. When applicable, Provider shall notify the local Committee on Preschool Special Education of a child's potential transition to CPSE services utilizing Department-standardized forms, procedures, and timelines in accordance with applicable law and regulations.

New York City Policy and Procedure Manual 2024

Chapter 10: Transition Out of the Early Intervention Program: Policy Number 10-A Transition Out of Early Intervention, PP: 10-A. 2-4

10. For dually eligible children entering EI and children at least twenty-six (26) months old who were deemed eligible on MDE for early intervention services**,** ISC discussed the process of exiting the EIP with the family in a thorough and timely manner.

Federal Law and Regulation

Code of Federal Regulations

34 CFR 303.34 (b)(10)
(b) ***Specific service coordination services.*** Service coordination services include—

(10) Facilitating the development of a transition plan to preschool, school, or, if appropriate, to other services.

34 CFR 303.209(d)
(d) Transition plan.
(1)

(i) It reviews the program options for the toddler with a disability for the period from the toddler's third birthday through the remainder of the school year; and

(ii) Each family of a toddler with a disability who is served under this part is included in the development of the transition plan required under this section and § 303.344(h);

New York State Law and Regulations

10 NYCRR 69-4.6 (c)(7)(10)

(c) Specific service coordination activities shall include:

(7) informing families of the availability of advocacy services;

(10) facilitating the development of a transition plan to preschool services if appropriate or to other available supports and services.

10 NYCRR 69-4.20 (b) (3)

(b) For children thought to be eligible for services under section 4410 of the Education Law, not fewer than 90 days prior to the child's potential eligibility for services under the Education Law, Section 4410, the service coordinator shall provide written notification to the committee on preschool special education of the local school district in which an eligible child resides of the potential transition of the child.

(3) The service coordinator shall review information concerning the transition procedure with the parent and obtain parental consent for the transfer of appropriate evaluations, assessments, Individualized Family Service Plans, and other pertinent records.

New York State Department of Health Memorandum and Guidance

The Transition of Children from the New York State Department of Health Early Intervention Program to the State Education Department Preschool Special Education Program or Other Early Childhood Services

pg. 8-9

IV. TRANSITION PROCEDURES

TRANSITION PLANNING FOR ALL CHILDREN

A transition plan must be developed for all children exiting the EIP, whether the child will be transitioning to programs and services under Section 4410 of the Education Law or to other early childhood services and supports. It is very important to begin planning for transition as early as possible to ensure a successful transition for the child and family. It is also important for parents, service coordinators, providers, and public officials to work together to:

- review the progress made by the child and family, and consider whether any services may be needed when the child exits the EIP;
- determine whether a referral is appropriate for preschool special education programs and services;
- determine whether the child and family may need services from other programs under the auspices of the NYSDOH, or services administered by other state or local agencies such as the Office of Mental Retardation and Developmental Disabilities (service coordination services, respite, etc), Office of Mental Health (children's mental health services), Office of Children and Family Services (child care services), etc.;
- ensure a transition plan is in place within required timelines to ensure continuity of services, as appropriate, for the child and family, and with parent consent, to incorporate the transition plan into the IFSP;
- develop a transition plan for the child and family, that includes steps to help the child adjust to and function in a new setting; and, procedures to prepare program staff or individual qualified personnel who will be providing services to the child to facilitate a smooth transition; and,
- identify community resources needed by and available to assist the child and family.

If a child has made such significant progress in the EIP that the child and family do not require any type of continuing services, the IFSP should include the steps that will be taken

to discharge the child and family from the EIP.

TRANSITION PLANNING FOR CHILDREN FOR WHOM A REFERRAL TO PROGRAMS UNDERSECTION 4410 OF THE EDUCATION LAW IS NOT THOUGHT TO BE APPROPRIATE

Transition planning for children for whom a referral to preschool special education programs and services is not thought to be appropriate should begin at the IFSP meeting within six months prior to the child's third birthday, or earlier, if local procedures require that transition planning for these children begin at an earlier time. The transition plan must include steps to ensure the transition is completed by the time the child exits the EIP before his/her third birthday (when the child is no longer age eligible for the EIP). The last date for services under the IFSP must be the day before the child's third birthday.

The service coordinator is responsible for assisting the parent in identifying, locating, and accessing other early childhood and supportive services that may be needed by the child and family. The service coordinator may refer the family to the Early Childhood Direction Center (ECDC) or to the Child Care Resource and Referral Program (CCRR), which may assist the family in accessing child care services. Lists of the ECDCs and CCRRs are included in Appendix B and Appendix C.

New York State Department of Health Bureau of Early Intervention
Transition Tool Kit for Service Coordinators (November 2024)

Transition Process Quick Guide

p. 1

Transition Plan

• Identify important transition dates using the Early Intervention Program (EIP) to 4410 calculator: https://www.p12.nysed.gov/sedcar/ei_to_4410_calculator.html.

• Develop a transition plan with the family for all children not fewer than 90 days – and, at the discretion of all parties, not more than nine months – before the child's third birthday (Individualized Family Service Plan (IFSP) Transition Plan Forms A/B can be used but are not required).

• Explain to the family the transition options, including the Committee on Preschool Special Education, and other supports and services (e.g., Head Start, local play groups, etc.).

• Explain to the family the transition steps to the Committee on Preschool Special Education (notification, transition conference, referral, choosing/sharing Early Intervention Program records, evaluation by the Committee on Preschool Special Education, initial Committee on Preschool Special Education meeting, determining transition date).

Notification

• Explain opt-out policy and deadline for objecting in writing to the Committee on Preschool Special Education notification.

• Obtain parent signature on the Parent Form: ***Written Notification and Written Opt-Out Requirements and Timeline (DOH-5809A)***. Provide parent with a copy of this form.

• Send written ***Notification of Potential Eligibility to the Committee on Preschool Special Education (CPSE) Form (DOH-5089B)***, to the Committee on Preschool Special Education of the child's local school district at least 90 days prior to the date the child is potentially eligible for services through the Committee on Preschool Special Education, or no fewer than 90 days before the child's third birthday, whichever is first, if the parent has not objected in writing.

Transmittal of Child Records

• Obtain parental Consent Form for Transmittal of Early Intervention Program (EIP) ***Evaluations and Records to the Committee on Preschool Special Education (DOH-5809E).***

• Assist parent in choosing the Early Intervention Program records to send to the Committee on Preschool Special Education and/or other programs with parental consent.

• Send child records, with copy of parental consent, to the Committee on Preschool Special Education.

New York City Policy and Procedures Manual 2024

Chapter 10: Transition Out of the Early Intervention Program: Policy Number 10-A Transition Out of the Early Intervention program (EIP)

Chapter 10: Transition Out of the Early Intervention Program: Policy Number 10-C Developing a Transition Plan for Children who Leave the Early Intervention Program Before Three Years of Age.

11. For children entering EI by their second birthday, ISC ensured that the family was given full information about the notification to CPSE of child's potential eligibility.

Federal Law and Regulations

Code of Federal Regulations

34 CFR 303.209(b)(1)(i)

(i) Subject to paragraph (b)(2) of this section, not fewer than 90 days before the third birthday of the toddler with a disability if that toddler may be eligible for preschool services under part B of the Act, the lead agency notifies the SEA and the LEA for the area in which the toddler resides that the toddler on his or her third birthday will reach the age of eligibility for services under part B of the Act, as determined in accordance with State law;

New York State Law and Regulations

PBH 2548

To the extent that a toddler with a disability is thought to be eligible for services pursuant to section forty-four hundred ten of the education law, the service coordinator shall notify in writing the committee on preschool special education of the local school district in which an eligible child resides of the potential transition of such child and, with parental consent, arrange for a conference among the service coordinator, the parent and the chairperson of the preschool committee on special education or his or her designee at least ninety days before such child would be eligible for services under section forty-four hundred ten of the education law to review the child's program options and to establish a transition plan, if appropriate. If a parent does not consent to a conference with the service coordinator and the chairperson of the preschool committee on special education or his or her designee to determine whether the child should be referred for services under section forty-four hundred ten of the education law, and the child is not determined to be eligible by the committee on preschool special education for such services prior to the child's third birthday, the child's eligibility for early intervention program services shall end at the child's third birthday.

10 NYCRR69-4.20 (b) (1, 2)

(b) For children thought to be eligible for services under section 4410 of the Education Law, not fewer than 90 days prior to the child's potential eligibility for services under the Education Law, Section 4410, the service coordinator shall provide written notification to the committee on preschool special education of the local school district in which an eligible child resides of the potential transition of the child.

(1) The service coordinator shall ensure the parent is informed in accordance with procedures in subdivision 69-4.11(a)(10)(xiii) of this subpart of the opportunity to object to such notification prior to providing notice to the CPSE of the child's potential transition.

(i) The parent shall be afforded at least thirty calendar days to object in writing to written notification to the CPSE of the child's potential transition.

(ii) If the parent objects to such notification, the notification shall not be made, and the parent's objection shall be documented in the child's record.

(iii) If the parent does not object to such notification, the service coordinator shall include the following information in the written notice to the CPSE of the child's potential transition:

(a) the child's name;
(b) the child's date of birth and date of referral to the early intervention program;
(c) the method by which the parent may be contacted, including the parent's name, address, and telephone number; and,
(d) the name and contact information for the child's service coordinator who is transmitting the notification.

(iv) if notification in subdivision (b)(1)(iii) of this section is required the service coordinator must confirm, in written documentation, the transmission of the notification to the CPSE and include such documentation in the child's and family's transition plan established under section 69-4.11(a)(10)(xiii).

New York State Department of Health Memorandum and Guidance

The Transition of Children from the New York State Department of Health Early Intervention Program to the State Education Department Preschool Special Education Program or Other Early Childhood Services

pp. 8-9

IV. TRANSITION PROCEDURES

TRANSITION PLANNING FOR ALL CHILDREN

A transition plan must be developed for all children exiting the EIP, whether the child will be transitioning to programs and services under Section 4410 of the Education Law or to other early childhood services and supports. It is very important to begin planning for transition as early as possible to ensure a successful transition for the child and family. It is also important for parents, service coordinators, providers, and public officials to work together to:

- review the progress made by the child and family, and consider whether any services

may be needed when the child exits the EIP;

- determine whether a referral is appropriate for preschool special education programs and services;
- determine whether the child and family may need services from other programs under the auspices of the NYSDOH, or services administered by other state or local agencies such as the Office of Mental Retardation and Developmental Disabilities (service coordination services, respite, etc), Office of Mental Health (children's mental health services), Office of Children and Family Services (child care services), etc.;
- ensure a transition plan is in place within required timelines to ensure continuity of services, as appropriate, for the child and family, and with parent consent, to incorporate the transition plan into the IFSP;
- develop a transition plan for the child and family, that includes steps to help the child adjust to and function in a new setting; and, procedures to prepare program staff or individual qualified personnel who will be providing services to the child to facilitate a smooth transition; and,
- identify community resources needed by and available to assist the child and family.

If a child has made such significant progress in the EIP that the child and family do not require any type of continuing services, the IFSP should include the steps that will be taken to discharge the child and family from the EIP.

TRANSITION PLANNING FOR CHILDREN FOR WHOM A REFERRAL TO PROGRAMS UNDERSECTION 4410 OF THE EDUCATION LAW IS NOT THOUGHT TO BE APPROPRIATE

Transition planning for children for whom a referral to preschool special education programs and services is not thought to be appropriate should begin at the IFSP meeting within six months prior to the child's third birthday, or earlier, if local procedures require that transition planning for these children begin at an earlier time. The transition plan must include steps to ensure the transition is completed by the time the child exits the EIP before his/her third birthday (when the child is no longer age eligible for the EIP). The last date for services under the IFSP must be the day before the child's third birthday.

The service coordinator is responsible for assisting the parent in identifying, locating, and accessing other early childhood and supportive services that may be needed by the child and family. The service coordinator may refer the family to the Early Childhood Direction Center (ECDC) or to the Child Care Resource and Referral Program (CCRR), which may assist the family in accessing child care services. Lists of the ECDCs and CCRRs are included in Appendix B and Appendix C.

pp. 11-12

Notice Requirements and Timeframes for the Transition Conference

Under Section 2548 of the PHL and Section 69-4.20(b) of EIP regulations, the EIO is required, with parental consent, to notify the school district in which a child resides of the child's potential

eligibility for services under Section 4410 of the Education Law at least 120 days before the child is first eligible for these services. In addition, the EIO must, with parental consent, arrange for a transition conference among the EIO, service coordinator, parent, and the chair (or her/his designee) of the CPSE at least 90 days before the child is first eligible for services under Section 4410 of the Education Law, or the child's third birthday, whichever is first. If the child is already receiving, or may need additional services from another state agency (for example, if a child is in an Office of Mental Retardation and Developmental Disabilities (OMRDD) waiver program or may be eligible for services under (OMRDD) it may be appropriate to invite representatives of that agency, with the parent's consent.

EIOs must obtain parental consent for the notice to the CPSE of the child's potential eligibility for services under Section 4410 of the Education Law, convening of the transition conference, and referral to the school district in writing and ensure these consents and all actions related to transition are documented in the child's record. It is recommended that the EIO send the referral to the CPSE with a return receipt requested.

pg. 25 – Question 8

8. **Question:** Must the Early Intervention Official (EIO) notify school districts and arrange transition conferences **EXACTLY** 120 days and 90 days, respectively, prior to the child's potential eligibility for services under Section 4410 of the Education Law?

Answer: No. EIP regulations require the notice be **AT LEAST** 120 days prior to the child's potential eligibility for services under Section 4410 of the Education Law; and, the transition conference to be convened **AT LEAST** 90 days prior to a child's potential eligibility for services under Section 4410 of the Education Law or the child's third birthday, whichever is first. To manage notice and transition conferences at the municipal level, it is permissible for the EIO to notify school districts and arrange for transition conferences during the month or quarter in which a child's birth date falls, as long as the notice is sent and the transition conference is convened within the timeframes required in regulations and within sufficient time for the CPSE to render an eligibility determination before the child's third birthday.

pg. 27 – Question 19

19. **Question:** When should the transition planning process begin?

Answer: Because children are in the EIP for a short time, it is appropriate to begin transition planning as early as possible. For children potentially eligible for services under Section 4410 of the Education Law, transition planning must be initiated in accordance with requirements in PHL in this document. For children for whom a referral to the CPSE is not appropriate, a transition plan should be developed at the IFSP meeting within six months prior to the child's third birthday.

pp. 45-46

APPENDIX D - ROLES AND RESPONSIBILITIES IN THE TRANSITION PROCESS TO PRESCHOOL SPECIAL EDUCATION PROGRAMS AND SERVICES

Designated Staff	Role(s) and Responsibilities in the Transition Process
Early Intervention Official/Designee	• Decides, in consultation with parents, service coordinators, and service providers, whether it is appropriate to notify the CPSE of the child's potential eligibility for services under Section 4410 of the Education Law. Obtains parental consent for the notice. • With parent consent, notifies the CPSE of the child's potential eligibility for services under Section 4410 of the Education Law. The notice must be provided at least 120 days prior to the date the child is first age-eligible for preschool special education. • With parent consent, arranges for a transition conference among the service coordinator, parent, and CPSE chair or designee, at least 90 days prior to the date the child is first age-eligible for preschool special education. • If a parent chooses not to participate in a transition conference, notifies the parent in writing of the steps that must be taken to have the child evaluated by the CPSE; and, that the child's eligibility for the EIP will end on the child's third birthday, unless the child is evaluated and found eligible for services under Section 4410 of the Education Law before the child's third birthday. • If parent chooses not to participate in a transition conference, but would like their child referred to the CPSE, with parental consent, refers the child to the CPSE. • With parent consent, refers the child to the CPSE following the transition conference. • With parent consent, and when applicable, notifies the CPSE of the parent's decision to have the child remain in the EIP until the child is no longer age-eligible for the EIP. • Ensures that a transition plan is developed for all children exiting the EIP.
Service Coordinator	• Is knowledgeable about services under Section 4410 of the Education Law. • Attends the transition conference. • When applicable, helps to ensure the transition from the Early Intervention Program to the CPSE is smooth and seamless.

	• Explains the differences between the EIP and preschool special education programs and services available under Section 4410 of the Education Law, the CPSE process, and differences in eligibility between the two programs. • With parent consent, provides information to the CPSE on what programs and services the child received under the EIP. • With parent consent, incorporates the transition plan into the IFSP. • With parent consent, transfers relevant evaluation records to the CPSE. • May participate in the initial CPSE meeting as the licensed or certified professional from the EIP.

New York State Department of Health Bureau of Early Intervention
Transition Tool Kit for Service Coordinators (November 2024)

Transition Process Quick Guide

p. 1

Notification

- Explain opt-out policy and deadline for objecting in writing to the Committee on Preschool Special Education notification.
- Obtain parent signature on the Parent Form: ***Written Notification and Written Opt-Out Requirements and Timeline (DOH-5809A).*** Provide parent with a copy of this form.
- Send written ***Notification of Potential Eligibility to the Committee on Preschool Special Education (CPSE) Form (DOH-5089B)***, to the Committee on Preschool Special Education of the child's local school district at least 90 days prior to the date the child is potentially eligible for services through the Committee on Preschool Special Education, or no fewer than 90 days before the child's third birthday, whichever is first, if the parent has not objected in writing.

New York State Department of Health - Early Intervention Provider Agreement

XII. <u>EI Model Specific Responsibilities</u>

A. Service Coordination:

A29. Provider shall identify transition issues and discuss steps to prepare the family for choices/options at different transition points and to prepare the child for participating in the new setting when transition occurs. Provider shall ensure that

the family understands the timeframe for transition from the EIP and when transition planning should occur.

A31. When applicable, Provider shall notify the local Committee on Preschool Special Education of a child's potential transition to CPSE services utilizing Department-standardized forms, procedures, and timelines in accordance with applicable law and regulations.

New York City Policy and Procedure Manual 2024

Chapter 10: Transition Out of the Early Intervention Program: Policy Number 10-A Transition Out of Early Intervention, PP: 10-A. 2-4

12. ISC provided full information on the transition conference and convened one with all applicable participants within required timeframe.

Federal Law and Regulations

Code of Federal Regulations

34 CFR 303.209(c) (e)

(c) ***Conference to discuss services.*** The State lead agency must ensure that—

(1) If a toddler with a disability may be eligible for preschool services under part B of the Act, the lead agency, with the approval of the family of the toddler, convenes a conference, among the lead agency, the family, and the LEA not fewer than 90 days—and, at the discretion of all parties, not more than 9 months—before the toddler's third birthday to discuss any services the toddler may receive under part B of the Act; and.

(2) If the lead agency determines that a toddler with a disability is not potentially eligible for preschool services under part B of the Act, the lead agency, with the approval of the family of that toddler, makes reasonable efforts to convene a conference among the lead agency, the family, and providers of other appropriate services for the toddler to discuss appropriate services that the toddler may receive.

(e) ***Transition conference and meeting to develop transition plan.*** Any conference conducted under paragraph (c) of this section or meeting to develop the transition plan under paragraph (d) of this section (which conference and meeting may be combined into one meeting) must meet the requirements in §§ 303.342(d) and (e) and 303.343(a).

New York State Laws and Regulations

PBH 2548

To the extent that a toddler with a disability is thought to be eligible for services pursuant to section forty-four hundred ten of the education law, the service coordinator shall notify in writing the committee on preschool special education of the local school district in which an eligible child resides of the potential transition of such child and, with parental consent, arrange for a conference among the service coordinator, the parent and the chairperson of the preschool committee on special education or his or her designee at least ninety days before such child would be eligible for services under section forty-four hundred ten of the education law to review the child's program options and to establish a transition plan, if appropriate. If a parent does not consent to a conference with the service coordinator and the chairperson of the preschool committee on special education or his or her designee to determine whether the child

should be referred for services under section forty-four hundred ten of the education law, and the child is not determined to be eligible by the committee on preschool special education for such services prior to the child's third birthday, the child's eligibility for early intervention program services shall end at the child's third birthday.

10 NYCRR69-4.20 (b) (4)(iii)

(b) For children thought to be eligible for services under section 4410 of the Education Law, not fewer than 90 days prior to the child's potential eligibility for services under the Education Law, Section 4410, the service coordinator shall provide written notification to the committee on preschool special education of the local school district in which an eligible child resides of the potential transition of the child.

(4) With parent consent, the service coordinator shall convene a transition conference with the parent, service coordinator, and the chairperson of the CPSE or designee, at least 90 days prior to the child's eligibility for services under Education Law, Section 4410, or no fewer than 90 days before the child's third birthday, whichever is first, provided, however, that such conference shall not be held more than nine months prior to the child's third birthday, to review program options and if appropriate, establish a transition plan.

(iii) The parent may decline a transition conference; provided, however, that the parent shall be informed that the child's eligibility for services under section 4410 of the Education Law must be determined by the child's third birthday to continue receiving early intervention services after the child's third birthday and that if a determination of eligibility for services under section 4410 of the Education Law has not been made by the CPSE prior to the child's third birthday, eligibility for early intervention services will end the day before the child's third birthday.

(a) Declination of a transition conference by the parent shall be documented in the child's record.

(b) The service coordinator shall explain to the parent that if the parent declines a transition conference, the parent may refer the child to the CPSE for determination of eligibility for Education Law 4410 services and shall provide information on how the parent may make such referral.

(c)For children thought not to be eligible for programs under Education Law, Section 4410, the service coordinator shall assist the parent in the development of a transition plan to other appropriate early childhood and supportive services. The service coordinator shall assist the parent in identifying, locating, and accessing such services.

(d) With parental consent, the service coordinator shall notify the committee on preschool special education of those children potentially eligible for transition to the preschool special education program but whose parents have selected to continue with early

intervention services for the specified period of eligibility for the Early Intervention Program.

New York State Department of Health Memorandum and Guidance

The Transition of Children from the New York State Department of Health Early Intervention Program to the State Education Department Preschool Special Education Program or Other Early Childhood Services

pp. 11-12

Notice Requirements and Timeframes for the Transition Conference

Under Section 2548 of the PHL and Section 69-4.20(b) of EIP regulations, the EIO is required, with parental consent, to notify the school district in which a child resides of the child's potential eligibility for services under Section 4410 of the Education Law at least 120 days before the child is first eligible for these services. In addition, the EIO must, with parental consent, arrange for a transition conference among the EIO, service coordinator, parent, and the chair (or her/his designee) of the CPSE at least 90 days before the child is first eligible for services under Section 4410 of the Education Law, or the child's third birthday, whichever is first. If the child is already receiving, or may need additional services from another state agency (for example, if a child is in an Office of Mental Retardation and Developmental Disabilities (OMRDD) waiver program or may be eligible for services under (OMRDD) it may be appropriate to invite representatives of that agency, with the parent's consent.

EIOs must obtain parental consent for the notice to the CPSE of the child's potential eligibility for services under Section 4410 of the Education Law, convening of the transition conference, and referral to the school district in writing and ensure these consents and all actions related to transition are documented in the child's record. It is recommended that the EIO send the referral to the CPSE with a return receipt requested.

pg. 14

Procedures to Refer the Child to the Committee on Preschool Special Education

If a determination is made at the transition conference to refer the child to the CPSE, and the parent consents to the referral, the EIO must refer the child in writing to the chairperson of the CPSE in the school district in which the child resides. If the parent does not participate in the transition conference, the EIO is still responsible for referring the child to the CPSE, with parental consent, if the EIO believes the child is potentially eligible for services under Section 4410 of the Education Law. The referral must specify the extent to which the child has received EIP services prior to the referral.

pg. 26 – Question 14

14. **Question**: Who else should participate in the transition conference?

Answer: With the parent's consent, representatives of other service delivery systems, with whom the child and family are currently involved or from whom the child may need services (such as OMRDD or OCFS) should be invited to participate in the transition conference.

pp. 45-46

APPENDIX D - ROLES AND RESPONSIBILITIES IN THE TRANSITION PROCESS TO PRESCHOOL SPECIAL EDUCATION PROGRAMS AND SERVICES

Designated Staff	Role(s) and Responsibilities in the Transition Process
Early Intervention Official/Designee	• Decides, in consultation with parents, service coordinators, and service providers, whether it is appropriate to notify the CPSE of the child's potential eligibility for services under Section 4410 of the Education Law. Obtains parental consent for the notice. • With parent consent, notifies the CPSE of the child's potential eligibility for services under Section 4410 of the Education Law. The notice must be provided at least 120 days prior to the date the child is first age-eligible for preschool special education. • With parent consent, arranges for a transition conference among the service coordinator, parent, and CPSE chair or designee, at least 90 days prior to the date the child is first age-eligible for preschool special education. • If a parent chooses not to participate in a transition conference, notifies the parent in writing of the steps that must be taken to have the child evaluated by the CPSE; and, that the child's eligibility for the EIP will end on the child's third birthday, unless the child is evaluated and found eligible for services under Section 4410 of the Education Law before the child's third birthday. • If parent chooses not to participate in a transition conference, but would like their child referred to the CPSE, with parental consent, refers the child to the CPSE. • With parent consent, refers the child to the CPSE following the transition conference. • With parent consent, and when applicable, notifies the CPSE of the parent's decision to have the child remain in the EIP until the child is no longer age-eligible for the EIP.

	• Ensures that a transition plan is developed for all children exiting the EIP.
Service Coordinator	• Is knowledgeable about services under Section 4410 of the Education Law. • Attends the transition conference. • When applicable, helps to ensure the transition from the Early Intervention Program to the CPSE is smooth and seamless. • Explains the differences between the EIP and preschool special education programs and services available under Section 4410 of the Education Law, the CPSE process, and differences in eligibility between the two programs. • With parent consent, provides information to the CPSE on what programs and services the child received under the EIP. • With parent consent, incorporates the transition plan into the IFSP. • With parent consent, transfers relevant evaluation records to the CPSE. • May participate in the initial CPSE meeting as the licensed or certified professional from the EIP.

New York State Department of Health Bureau of Early Intervention
Transition Tool Kit for Service Coordinators (November 2024)

pg. 2

Transition Conference

• Explain the purpose of a transition conference and obtain written parental consent or declination.

• If parent declines a transition conference, provide parent with the documents titled Transition Information for Parents including Steps to Transition (DOH-5809F) and Comparison of the Early Intervention Program (EIP) and Preschool Special Education.

• Arrange for the transition conference with parent(s), Committee on Preschool Special Education chairperson/designee, and other members of the Individualized Family Service Plan team, as invited.

• Maintain documentation of the invitation to the transition conference sent to the Committee on Preschool Special Education. (If the Committee on Preschool Special Education chairperson does not attend, the service coordinator can meet requirements for convening the conference if documentation of this invitation is maintained in the child's record.)

• Hold the transition conference at least 90 days prior to the child's potential eligibility for preschool special education services, or no fewer than 90 days before the child's third birthday, whichever is first, provided however, that the conference is not held more than nine months prior to the child's third birthday and document discussion of the following topics:

— Differences between Committee on Preschool Special Education and Early Intervention Program services

— Committee on Preschool Special Education evaluation/eligibility process

— Eligibility criteria for Committee on Preschool Special Education services

— Options for Committee on Preschool Special Education service delivery

— Last day for Early Intervention Program services is the day before the child's third birthday, if the child is not found eligible by the Committee on Preschool Special Education before their third birthday

— Options for other services and supports (e.g., Head Start, local play groups, etc.).

New York City Policy and Procedure Manual 2024

Chapter 10: Transition Out of the Early Intervention Program: Policy Number 10-A Transition Out of Early Intervention.

13. Required tasks and timelines for transition were documented in EI-Hub Transition tabs and service coordination notes and forms were uploaded and maintained in case files.

Federal Law and Regulations

Code of Federal Regulations

34 CFR 303.34(b)(10)
(b) ***Specific service coordination services.*** Service coordination services include—

(10) Facilitating the development of a transition plan to preschool, school, or, if appropriate, to other services.

New York State Law and Regulations

10 NYCRR 69-4.6 (c)(10)

(c) Specific service coordination activities shall include:

(10) facilitating the development of a transition plan to preschool services if appropriate or to other available supports and services.

10 NYCRR 69-4.20 (b)(3)

(b) For children thought to be eligible for services under section 4410 of the Education Law, not fewer than 90 days prior to the child's potential eligibility for services under the Education Law, Section 4410, the service coordinator shall provide written notification to the committee on preschool special education of the local school district in which an eligible child resides of the potential transition of the child.

(3) The service coordinator shall review information concerning the transition procedure with the parent and obtain parental consent for the transfer of appropriate evaluations, assessments, Individualized Family Service Plans, and other pertinent records.

10 NYCRR 69-4.26 (a)(13)

(a) Municipalities shall maintain an early intervention record for each child referred to the program which documents the performance of all activities required to be completed by early intervention officials or their designees on behalf of eligible children under Article 25 of Title II-A of Public Health Law. The early intervention record shall be maintained in a confidential

manner in accordance with section 69-4.17(c) of this Subpart. The early intervention record shall include the following:

(13) original or copies of all correspondence with the local school district regarding the child's transition from the Early Intervention Program to services under section 4410 of the Education Law. Municipalities must also maintain in the child's record notations of all actions taken to ensure a smooth transition for the child from the Early Intervention Program to services under section 4410 of Education Law;

New York State Department of Health Bureau of Early Intervention
Transition Tool Kit for Service Coordinators (November 2024)

pg. 3

Documentation

• For each step above, there are standardized forms in the Transition Tool Kit for Service Coordinators.

• Maintain copies of all completed and signed forms in the child's record.

New York City Policy and Procedure Manual 2024

Chapter 10: Transition Out of the Early Intervention Program: Policy Number 10-A Transition Out of Early Intervention