

PUBLIC COMMENT SUMMARY AND RESPONSE

Comments made in 2000

on the

1999 Commonwealth of Virginia Policies and Procedures for the
Implementation of Part C of the Individuals with Disabilities Education Act
(IDEA)

General Application Requirements – A. Definitions

Comment

Regarding A – Definitions, Local Fiscal Agent/Intermediary – Suggest deleting the redundant “...at the local level” and change the word “can” to “must” in the second sentence.

Discussion

The Part C Lead Agency agrees with the suggestions.

Action

Definition 37 wording has been changed to read: “A local fiscal agent/intermediary is designated by each local interagency coordinating council to administer local Part C interagency funds. The local fiscal agent/intermediary must be any public agency willing to administer the funds and carry out specified duties.”

Comment

Regarding A – Definitions, Parent - the indication is that a “foster parent” has a “...*long-term parental relationship with the child*”, which could be widely interpreted. If the child is very young, it may not have been possible to have a “long-term” relationship. Consider wording that reflects that the foster parent has entered into a parental relationship with the child.

Discussion

This is federal regulatory language; therefore, no change is indicated.

Action

No change

General Application Requirements – B. Infrastructure

Comment

Public comment noted that currently “Each LICC is strongly encouraged to be staffed by a local council coordinator.” The comment suggests that each LICC be required to have a coordinator, especially with the local monitoring and supervision system being in place.

Discussion

Title 2.1 of the Code of Virginia codifies the local interagency coordinating council. The structure of the local council with regard to bylaws and operational procedures is determined at the local level. Virginia's Policies and Procedures allow the local council to determine the staffing pattern for the council.

Action

No change.

General Application Requirements – D. Description of the Use of Funds

Comments

The following comments were noted: 1) No budgetary information (dollars or justification) for Cultural Diversity was located in budget; 2) HPITP has \$75,000 allocated; however, we do not hear anything about this project. Is it possible to receive an update on this project? 3) The concept of having a Regional Family Representative is excellent. The eight hours a month, however, do not appear sufficient to accomplish anything when the geographic territory is extensive.

Discussion

The Cultural Diversity project is funded with one-time funds as a short-term project, with the feasibility of moving the project into the base budget, as more funds become available in the future. The priority for Part C funds is for direct services to children and families, and to ensure that children receive their entitled services.

An update will be disseminated in the near future on the Virginia Department of Health's initiative to integrate multiple tracking systems.

The expansion of hours for the Regional Family Representatives would require additional budget expenditures. This item will be considered as more funds become available.

Action

No change.

Component I – State Definition of Developmental Delay

Comment

There is inconsistency throughout the document with the definition in terms of the federal language changes. In the definition, the words "fine and gross motor" have been struck. Please consider reinserting these words in the definition. In another section, these words remain. Does this mean that we are not "required" to assess the developmental areas of gross and fine motor? Also, delays in vision and hearing are not documented in percentages. It is misleading to include vision and hearing in the section of the eligibility definition that talks about infants being at least 25% delayed. Clarification would be helpful.

Discussion

The deletion of the words “fine motor, gross motor” in the definition are in keeping with the federal regulations. The statewide IFSP document prompts the evaluation team to include the areas of fine and gross motor development as a part of the evaluation. The Part C Lead Agency concurs that the inclusion of “fine motor, gross motor” helps to present a clearer picture of the child’s overall abilities. The status of vision and hearing is, according to federal regulations, to be included as a part of the evaluation of physical development. Qualified personnel evaluating vision or hearing to determine a delay would be able to judge if the deficit in vision or hearing constituted eligibility for Part C. Technical assistance in regard to the state definition is available from the Part C Lead Agency.

Action

The words “fine motor, gross motor” as specific to Virginia’s definition, regarding physical development, have been reinserted.

Component IV – Public Awareness Program

Comment

Regarding Procedures B 1, LICC procedures for public awareness programs – Language should reflect the requirement to use the new statewide public awareness materials in order give unity to the state’s early intervention system.

Discussion

The Part C Lead Agency agrees with the suggestion.

Action

A sentence has been added to Procedure B 1 that reads: “LICCs will adopt and implement, for their local public awareness activities, the materials and strategies developed by the state.”

Component V – Comprehensive Child Find System

Comment

Regarding A. General Child Find System Requirements, 1a(1), eligible infants and toddlers – The word “eligible” is redundant.

Discussion

The Part C Lead Agency agrees with the observation. The first “eligible” is not found in federal regulatory language. The phrase “...*who are eligible for services under this part*” is federal language and should appear in italics.

Action

The wording in Policy A.1a(1) has been changed to read: “*All infants and toddlers in Virginia who are eligible for services under this part are identified, located, and evaluated;*”

Comment

Regarding A. General Child Find System Requirements, 1a(2) - Clarify/explain what is the “effective method” for a comprehensive, interagency, ongoing effort to determine which children are receiving needed early intervention services. Is it the child data collection system?

Discussion

Virginia’s Data Collection Project, through the Individual Child Data Form, is one mechanism which allows determination of the children receiving early intervention services. Another process for determining the number of children served in various age groups, as well as the racial, ethnic, geographic, and linguistic diversity of children served, is the Monitoring and Improvement Measurement System (MIMS). Indicator statements in MIMS address the local council’s success and barriers in implementing a comprehensive child find system. It is the responsibility of local interagency coordinating councils to develop and implement policies and procedures which ensure referrals to the local early intervention system, and to set annual goals for child find, based on past data.

Action

No change.

Comment

Regarding A. General Child Find System Requirements, 2a, LICC policies and procedures for implementing child find activities – Clarify the sentence and rephrase to read, “...to implement child find activities including:”

Discussion

The Part C Lead Agency agrees with the suggestion.

Action

Procedure 2a wording has been changed to read, “...to implement child find activities including:”

Comment

Regarding D. Screening, 1a - Comment was made concerning sharing information with families about available resources and making referrals. A suggested revision is; “...available resources and make referrals as appropriate.”

Discussion

The Part C Lead Agency agrees with the suggestion.

Action

Policy 1a wording has been changed to read “...available resources and make referrals as appropriate.”

Comment

Regarding E. Primary Referral Sources, 1a – A comment was made that the insertion about assistance of VICC with child find is a good addition.

Discussion

This insertion is federal language.

Action

No action

Comment

Regarding G. Referral for Multidisciplinary/Interdisciplinary/Transdisciplinary Team Evaluation and Assessment, 1a and 1b - Clarify the “point of identification” and what the two days means for referral for a team evaluation. When does the 45-day clock start running? Is that when the family is contacted and a screening or needs assessment is completed?

Discussion

Virginia Policies and Procedures state that the “point of identification” is the time when the child is identified as needing a team evaluation and when the parent requests that the child be referred for a team evaluation. Upon receipt of referral for completion of an evaluation, the public agency and/or other participating agency/provider have forty-five (45) calendar days to complete the evaluation and assessment and to hold the IFSP meeting. The Part C Lead Agency will provide clarifications through a policy paper. These clarifications will also be included in the Individual Child Data Form Guidance Package.

Action

No change.

Comment

Regarding H. Tracking, 2b – This section encourages local participation in HPITP. The way this is written implies that the HPITP is available statewide and it is not. Where is it still in existence?

Discussion

The HPITP, an activity of the Division of Child and Adolescent Health, Virginia Department of Health, ended in June 2000 as it was structured. The Virginia Department of Health is in the process of integrating several tracking initiatives for tracking newborn infants. A new process will be in place once the integration has been completed. An update on this project will be disseminated to the field.

Action

Section H. Tracking has been deleted.

Component VI – Evaluation, Assessment & Nondiscriminatory Procedures

Comment

Regarding A. Multidisciplinary Evaluation and Assessment, 1g(4)(b)ii - Please consider adding “fine motor and gross motor” for clarification and completeness in the components required for evaluation and clarify how to use vision and/or hearing status to document eligibility.

Discussion

Please see discussion in Component I – State Definition of Developmental Delay.

Action

See Component I – State Definition of Developmental Delay

Comment

Regarding A. Multidisciplinary Evaluation and Assessment, 1g(4)(b)iv - Since many evaluation tools include “social/emotional” together, it may be helpful for clarification and understanding to define “social” and define “emotional” for purposes of evaluation components.

Discussion

The words as written, “social or emotional development,” are stated in the federal regulations. The statewide IFSP form identifies social/emotional in the team evaluation summary section, as “interacting with others.” Determination of the evaluation of the social or emotional areas is left to the discretion of the team, based on the input and concerns of the family.

Action

No change.

Comment

Regarding A. Multidisciplinary Evaluation and Assessment, 2i - review of pertinent records less than six months old for purposes of initial eligibility – There is a need to include the words “with parental consent”, since records cannot be requested without their consent. Also, it is recommended that language be added about the inclusion of documentation in the child’s record if the family chooses not to allow request for information.

Discussion

The Part C Lead Agency agrees with these suggestions. In order to access a child’s records for review it is necessary to have parental consent. Documentation that parental consent has been denied provides justification for a lack of record review, for both service delivery purposes as well as local monitoring.

Action

Procedure 2i wording has been changed to read: "...team must, with parental consent, include a review of pertinent records...". A new sentence has been added which reads: "It must be documented in the child's record if the parent(s) choose not to consent to a review of records."

Comment

Regarding A. Multidisciplinary Evaluation & Assessment 2l, 2m, and 2n - This section is confusing. It appears to be out of sequential order. Recommend changing sequence to; n, l, m. Such a change would allow the flow of information to reflect the following: the family receives an explanation about what are concerns, priorities and resources, the family is informed of the voluntary nature of inclusion of these in the IFSP and, the family is provided with multiple opportunities to provide input about them.

Discussion

The Part C Lead Agency agrees with the recommendation.

Action

The sequence in this section has been reordered to more accurately reflect flow of activities.

Comment

Regarding A. Multidisciplinary Evaluation & Assessment 2p, 2m and 2q - ensuring family opportunities for identification of family resources, priorities and concerns – The content of "p" and "m" appear to be redundant. The use of the word "chat" in "q" appears to be informal for statewide policies and procedures.

Discussion

The Part C Lead Agency agrees.

Action

Changes to Procedure 2 include the deletion of "p", and the rewording of "q" to read: "The service coordinator is responsible for ensuring that the method of obtaining information from the family is directed by the family and may include, but is not limited to, a face-to-face discussion, an informal conversation, or the completion of a checklist or inventory by the family. No one method if recommended for all families."

Comment

Regarding A. Multidisciplinary Evaluation and Assessment, 2u - service coordinator's responsibility for referral of ineligible children – The wording of the first sentence makes it appear that there are always other resources to which to refer any and all families, which is not the case. Suggest inserting "...if available and/or appropriate" at the end of the first sentence. Also, the last sentence needs more specificity – what does "follow-up" mean?

Discussion

The Part C Lead Agency agrees with the recommendation for the first sentence. LICC's have the responsibility of providing families with information that they may recontact the Part C local early intervention system at any time should they have question about potential Part C eligibility.

Action

The first sentence of Procedure 2u has been reworded as follows: "The service coordinator is responsible for ensuring that ineligible children are referred to other resources that may be available, if appropriate, with the permission of the parent(s)". The last sentence has been deleted.

Component VII – Individualized Family Service Plans

Comment

Regarding B. IFSP Development, Review, and Evaluation, Procedures 2b and 2e - There is no indication that the service coordinator must notify appropriate parties that the meetings are being held. This concept, as well as the title of the appropriate procedural safeguard forms, should be included. Also, in Section B, Procedure 2c, the addition of "and other IFSP team members" is a good one. The exact procedural safeguard form for requesting an IFSP review should be noted.

Discussion

Virginia has adopted uniform, statewide written prior notice and consent forms. These forms are titled according to their purpose. Any participant in an IFSP meeting would be provided notice of the time and location of the meeting. Families are also provided a copy of the official notice of infant/toddler and family rights. The statewide prior notice and consent forms indicate that the family is to be given the official notice of rights. Service coordinators are responsible for presenting families with the appropriate forms and with notice of their rights. The May 2000 manual Family-Centered Early Intervention within the Context of Daily Activities and Routines of Children and Families: Development of the IFSP; Procedural Safeguards: Rights and Prior Notice includes a flow chart which identifies the appropriate forms to be used at the appropriate times. Training and technical assistance are also provided from the Part C Lead Agency in regard to use of the appropriate forms.

Action

Procedure 2b has been amended to read: " The service coordinator is responsible for conducting the IFSP meetings and for revising or modifying the IFSP with the family. The service coordinator is also responsible for providing written prior notice of the IFSP meetings to the family and other team members." Procedure 2c has been amended to read: " Families and other IFSP team members can request an IFSP review by contacting the service coordinator at any time." In order to provide consistency throughout the policies and procedures, Procedure 2a has been amended to read: "The temporary service coordinator is responsible for scheduling the initial IFSP meeting within the 45 day timeline and for providing written prior notice and consent, and a copy of the official notice of infant/toddler and family rights in accordance with component X - Procedural Safeguards, A - Protection of the Rights of the Child and Parents, 1- Policies."

Comment

Regarding C. Prior Notice; Native Language, 2b - A comment was made that the exact statewide procedural safeguard forms to be used should be listed. Also, 2e (1) should be deleted, as LICCs do not ensure the prior notice forms are “written in language understandable to the general public,” as these forms are developed by the state.

Discussion

Procedure 2b indicates that families are to receive an official notice of infant/toddler and family rights. Training and technical assistance efforts in Virginia are provided to inform service coordinators of the appropriate timing and procedures for use of the prior notice forms. The May 2000 manual Family-Centered Early Intervention within the Context of Daily Activities and Routines of Children and Families: Development of the IFSP; Procedural Safeguards: Rights and Prior Notice includes a flow chart which identifies the appropriate forms to be used at the appropriate times. Procedure 2e (1) does need to reflect the use of statewide written prior notice forms, with the recognition that the state assures the use of language understandable to the general public.

Action

Procedure C. 2e(1) has been amended to read as follows: “Available in written format, and disseminated and explained to families within the timelines established through the official prior notice and consent forms.”

Comment

Regarding D. Participants in IFSP Meetings and Periodic Reviews, 1b(2) - A comment was made about requirement that if a person directly involved in conducting the evaluation/ assessment is unable to attend a meeting, a knowledgeable authorized representative may attend the meeting. Who is “authorized”? Who “authorizes”?

Discussion

The addition of “*authorized*” to describe the representative who may attend the meeting is an insertion of federal language. An “authorized” representative is an individual with the competency to participate in the meeting and interpret the evaluation information.

Action

No change.

Comment

Regarding D. Participants in IFSP Meetings and Periodic Reviews, 2c – A comment was made that the wording of the sentence leaves the impression that there are other family members on the team, i.e., family members who serve in family support roles, not that the child’s family is part of the IFSP team.

Discussion

Virginia has always encouraged family participation in the development and implementation of the IFSP to the extent they wish to be involved. Families may choose to invite individuals (family members or non-family members) to the IFSP meetings.

Action

Procedure 2c is amended to read as follows: “The service coordinator is responsible for ensuring that the IFSP meetings are scheduled at times convenient for team members with preferences being given to times that are best for the family.”

Comment

Regarding E. Content of the IFSP, 1a(1) – A concern was expressed about the deletion of fine and gross motor skills in addressing the child’s level of functioning in physical development.

Discussion

The omission of these areas of development occurred at the federal level. See Component I- Definition of Developmental Delay for discussion.

Action

The words “fine motor, gross motor” have been reinserted as Virginia specific language.

Comment

Regarding E. Content of the IFSP, 1b (3) - A comment was made that clarification of “ ‘method’ meaning how a service is provided” would be helpful and appropriate.

Discussion

Technical assistance and guidance was provided in the May 2000 training manual, Family-Centered Early Intervention within the Context of Daily Activities and Routines of Children and Families: Development of the IFSP; Procedural Safeguards: Rights and Prior Notice. Further training and technical assistance is available from the Part C Lead Agency.

Action

No change.

Comment

Regarding E. Content of the IFSP, 2a - A suggestion was made that policies and procedures should reflect the use of the new statewide form. Public comment noted that the state IFSP is a forward-thinking document that greatly enhances the involvement of parents in the decision-making process of developing services for their child. Also noted was the simplification of the approval process for services with insurance companies. The consistency of a statewide format was applauded to promote better collaboration at the state and local levels, and to enhance data collection in the future.

Discussion

The statewide IFSP document has been approved and is required for Part C services across the Commonwealth. A memorandum, dated November 28, 2000, from Commissioner Richard E. Kellogg, Virginia Department of Mental Health, Mental Retardation, and Substance Abuse Services, affirms the finalization of the standardized state Individualized Family Service Plan (IFSP) and procedural safeguard forms for Part C early intervention services, as well as the required use of the IFSP and the forms.

Action

Procedure 2a has been amended to read as follows: “LICCs are responsible for developing policies and procedures for completion of a written IFSP for each child and family using the required statewide IFSP form. The policies and procedures should be consistent with guidance provided by the Part C Lead Agency and should ensure that the IFSP team uses clear, non-technical language in developing the IFSP and uses a family’s own words and language whenever possible.”

Comment

Regarding E. Content of the IFSP, 2d, comment was made that outcomes are now written as behavioral objectives. Recommendation was made to change “outcomes” to “behavioral objectives.”

Discussion

IFSP outcomes are not the same thing as IEP goals or objectives. Outcomes are statements of the changes that families want to see for their children or themselves as a result of their participation in early intervention and are measurable.

Action

Procedure E. 2d will be amended to read as follows: “The IFSP team is responsible for developing outcomes that are functionally stated. Outcomes are statements of the changes that families want to see for their children or themselves as a result of their participation in early intervention and are measurable.”

Comment

Regarding E. Content of the IFSP, 2h - A comment was made requesting explanation of what “advocacy services” service coordinators are to explain to families.

Discussion

Confusion may exist with this wording. It reads as if specific names of services should be shared with families. The intent is for the service coordinator to inform families of the availability of advocacy services, and may include the sharing of specific information regarding advocacy services. Due process, as noted in the procedure, is only one avenue to pursue in dispute resolution under Part C.

Action

Procedure E. 2h is amended as follows: “The service coordinator is responsible for advising the family of the availability of advocacy services and of the dispute resolution procedures under Part C.”

Comment

Regarding H. Service Coordination, 1d – A suggested change for clarity is “...accept or decline any and/or all early intervention services....”

Discussion

The Part C Lead Agency agrees with the suggestion for a change in wording that reflects that families may choose some or all services.

Action

Policy H. 1d language is modified to read, “...accept or decline any or all early intervention services....”

Comment

Regarding H. Service Coordinator, 2e - A comment suggested deletion of designation of families as co-service coordinators, as families are always involved in any decision-making process. A family/service coordination partnership is implicit in the relationship between the family and service coordinator. The designation of the role of co-service coordinator appears to be a formalized role available to families.

Discussion

Initially, the designation of a co-service coordinator role for families was included in Virginia Policies and Procedures to ensure that service providers included families in decision making, and to assert the role of the family as an equal team member. Current practice in Virginia recognizes the family as an equal team member, with strong partnerships existing between providers and families.

Action

Procedure H. 2e is amended to reflect current practice in Virginia, as follows: “The IFSP team acknowledges the role of the service coordinator. The IFSP team ensures that the family knows who their service coordinator is, and knows the procedures to change their service coordinator. The family may choose the level to which they participate in service coordination activities.”

Comment

Regarding I. Transition, 1c(2) – A comment was made indicating confusion with wording regarding eligibility for Part B services, as children are not determined eligible for Part B services until the eligibility meeting. Suggested wording change was to specify, “Age eligible for Part B services....”

Discussion

As written, I. Transition, 1c(2) incorporates procedures regarding those children who may be age-eligible for Part B services, but whose parents do not consent to a Part B evaluation to determine eligibility, as well as those children who are eligible for Part B services, but whose parents do not consent to placement in Part B services. Families have the option to make such choices in Virginia, and delay transition to a future time before the child reaches age three.

Action

Policy 1 c (2) is amended to read as follows: “Eligible for Part B services but whose parents do not consent to placement under Part B and choose to delay transition to a future time before the child reaches age 3.” Policy 1 c (3) is added to read as follows: Age-eligible for Part B services but whose parents do not consent to an evaluation.”

Comment

Regarding I. Transition, 1d - A comment indicated lack of clarity in the statement as the word “for” is used three times.

Discussion

Multiple uses of the word “for” make for difficult reading.

Action

Policy I. 1d wording is modified to read as follows: “The Lead Agency ensures that children under Part C who are age eligible for referral to the local school division for eligibility determination under Part B.”

Comment

Regarding I. Transition 1d(1) - A request for clarification was made about why birth dates need to be submitted to the schools. In one locality, numbers of children and the severity of their disabilities have worked well.

Discussion

Federal Regulations require that Part C and Part B must both identify and locate children for purposes for child find. Mutual agreement between the Part C Lead Agency and the Virginia Department of Education is that for children who are Part C eligible, the local early intervention system will inform local school divisions of the birth dates of the age-eligible children. The use of birth dates allows for confidentiality of the children, but meets the school division’s need for information as to numbers of children. By providing birth date information on children in Part C, local school divisions are able to anticipate and plan for service needs in subsequent years.

Action

No change.

Comment

Regarding I. Transition, 1f - The word “eligible” is used three times within the first sentence.

Discussion

Multiple usage of the word makes for difficult reading.

Action

Policy 1f, first sentence, is amended to read as follows: “The Lead Agency ensures that children eligible for services under Part C, but not under Part B, may continue in appropriate early intervention services until their third birthday.”

Comment

Regarding I. Transition, Procedure 2h – A comment was made as to the redundancy of the words, “with parental approval,” as parental permission is needed prior to a referral being made to a local school division.

Discussion

Parental permission is required before a referral to the local school division is made. Use of the Part C written prior notice and consent forms and the transition planning page in the statewide IFSP form will ensure that the 90-day conference is held with the local school division, and that parental permission is obtained, if the parent chooses to have a referral made to the school division.

Action

Procedure 2h is reworded to read as follows: “The service coordinator is responsible for obtaining parental permission through use of the written prior notice and consent forms to convene a conference between the sending Part C providers, the family, and the LEA that occurs at least 90 days prior to the child’s eligibility under Part B (age 2 on or before September 30) or to the first day of the school year, whichever date comes first.”

Comment

Regarding I. Notice to Parents, 2j NOTE - Comments were made pertaining to this NOTE, as follows: Does the Transition Planning page of the statewide IFSP form allow for the individuality described in this NOTE, and is it a new responsibility of the service coordinator to provide families information on Part B timelines in writing?

Discussion

Service coordinators have had the responsibility in the past to provide families with written information on Part B timelines. The Transition Planning page on the statewide IFSP form includes all information cited in this NOTE. Prompts on the Transition Planning page provide the service coordinator with information to share with families to assist them in understanding the transition process and timelines.

Action

The first sentence of the NOTE is amended to reflect use of the statewide IFSP form, to read as follows: “NOTE: The required statewide IFSP form has a specific Transition Planning page that allows for specific transition plans and activities for each child and family.”

Comment

Regarding I. Transition, 2l - The comment indicates that the sentence is seven lines long and very confusing to read.

Discussion

The sentence is confusing to read.

Action

Procedure 2l, is amended to read as follows: “The child who is age 2, on or before September 30, is eligible to continue to receive appropriate early intervention services until the child’s third birthday, or until the child is determined not to be in need of early intervention services, if any of the following situations apply:

- (1) The child is eligible for Part B services, but the parents do not consent to placement under Part B, and choose to delay transition to a future time prior to the child’s third birthday;
- (2) The child is age-eligible for Part B services, but the parents do not consent to an evaluation to determine eligibility for Part B services; or
- (3) The child is found not eligible for Part B services.”

Comment

Regarding I. Transition, 2m & 2n - The recommendation was made to change the order of these procedural statements. Procedure “n” describes the provision to families about choices regarding alternative placements for children not eligible for Part B, and Procedure “m” describes the convening of a transition conference about these alternative placements. Families need to know their options before they can actively participate in a planning conference.

Discussion

The reordering of the Procedures is appropriate.

Action

The order of m & n has been reversed.

Comment

Regarding I. Transition, 2n - A comment was made that this procedures needs to be reworded to delineate the situations that require the investigation of a range of alternative placements. Such situations include children not eligible for Part B services and whose parents choose to continue with Part C services until the child's third birthday, or children who are no longer eligible for Part C services prior to their third birthday. The current second sentence could be incorporated

into the first sentence. The third sentence seems to indicate that the service coordinator refers the child to the school system to determine when transition will occur, rather than the referral being made to determine eligibility.

Discussion

2n is lengthy, and the statements will be revised for clarity. In addition, the current third sentence will become a separate procedural statement.

Action

Procedure 2n is reworded as follows: “The service coordinator or other designated person is responsible for planning transition with the family. The service coordinator assists the family in the investigation of a range of alternative placements, for either the child who is not eligible for Part B services and who continues with Part C services until the third birthday, or for the child who is no longer eligible for Part C services prior to the third birthday. Alternative placements to consider include Head Start, integrated nursery school, or other early education or family support programs.” The last sentence of current 2n will become letter 2o with the subsequent change in lettering of the following procedures. Revised 2o will read as follows: “For children who are age-eligible for transition because they are two on or before September 30, but whose families choose to delay transition until later in the school year, the service coordinator or other designated person is responsible for using the written prior notice and consent forms to initiate a transition planning conference to identify the appropriate activities to ensure a smooth and timely transition.”

Component VIII – Comprehensive System of Personnel Development

Comment

Regarding B. Procedures – It was suggested that in the second paragraph, the word “parents” be changed to “families” for consistency with the rest of the document.

Discussion

The Part C Lead Agency agrees with the suggestion to change references to “parents” to “families” and also believes that the word “professional” should be changed to “provider.”

Action

References will be to “families” and “providers”, rather than “parents” and “professionals”.

Comment

Regarding B. Procedures - A comment was made that 2f does not fit in with a – e, as this is a training to be offered in the future, not trainings currently in place.

Discussion

The Part C Lead Agency agrees that revisions are needed.

Action

Procedure 2c will read as follows: “Local training on procedural safeguards, including written prior notice and consent.” Procedure 2f will read as follows: “Training on natural environments, families’ activities and routines, and statewide IFSP form.”

Comment

Regarding B. Procedures - A suggestion was made to delete 4a(1)(a), as council coordinators no longer receive monthly mailings.

Discussion

Monthly communications to local council coordinators continue to occur through monthly regional meetings, e-mail communications, postings on the Virginia Babies Can’t Wait website, and conversations with Part C Lead Agency technical assistance providers.

Action

No change.

Comment

Regarding B. Procedures - A comment was made that there is redundancy within 6a, with mention of the LICC as well as local council members identifying training needs. The LICC is responsible for identifying its training needs and resources, with the needs then being analyzed at the state level.

Discussion

The Part C Lead Agency agrees with the comment.

Action

Procedure 6a will be amended to read as follows: “The LICC members are responsible for identifying their training needs and resources. To facilitate the LICC’s addressing of the identified needs, the training needs are reviewed at the state level.”

Component IX – Personnel Standards

Comment

Regarding Policy A.5 – The current wording implies that the two required trainings must be related to the Indicators of Recommended Practice when this has not been true in the past. The two trainings should relate to the needs of the professional. Is there a possibility of Indicators being developed to reflect the experience and expertise of those individuals who have been in the field for many years?

Discussion

The two training activities each year are to be based on individual need, and based on one’s interpretation of need in accordance with the Indicators of Recommended Practice.

The statement will be revised to allow the training activities to be based on the needs of the provider. The Indicators of Recommended Practice were developed in 1993, as Virginia entered full implementation of Part C, then Part H. The VICC Personnel Training and Development Committee recognizes the need to revisit the Indicators of Recommended Practice in regard to current practice in the field of early intervention.

Action

Policy A.5 is amended in the last sentence, with the deletion of the words “following the self-assessment.” The last sentence thus reads as follows: “Personnel must participate in two (2) training activities each year based on individual need.”

Comment

Regarding Part C Personnel Standards (table) - Occupational therapists are listed as being “certified.” Occupational therapists are now “licensed” by the Board of Medicine. A physical therapy assistant and an occupational therapy assistant are listed as meeting Part C Personnel Standards. As such, it seems they would be able to evaluate and develop IFSPs. However, according to their discipline standards, they are not allowed to do evaluations and plans of care. Please clarify the roles and rules.

Discussion

The licensure of the Occupational Therapist will be so noted. The physical therapy assistant and the occupational therapy assistant are identified as recognized occupational categories in the Part C Personnel Standards Table. These two disciplines are, as the public comment suggests, limited in their scope of practice. They must also be under the supervision of the Physical Therapist or Occupational Therapist to perform their roles as physical therapy assistant or occupational therapy assistant. Any discipline identified must adhere to the particular discipline’s Code of Ethics, licensure regulations, and scope of practice requirements.

Action

Change Highest Standard for Occupational Therapist to Bachelor’s plus Registered Occupational Therapist licensed by the Virginia Board of Medicine.

Change Occupational Therapist Assistant to “...examination by the National Board for Certification of Occupational Therapists.”

Component X – Procedural Safeguards

Comment

Regarding A. Protection of the Rights of the Child and Parents, 2b – f. A comment was made that the addition of the specific names of the procedural safeguard forms to ensure that appropriate forms are given to families at the appropriate times would be helpful.

Discussion

Training and technical assistance is provided to early intervention service providers about the use of written prior notice and consent forms and the official notice of infant/toddler and family rights. The May 2000 manual Family-Centered Early Intervention within the Context of Daily Activities and Routines of Children and Families: Development of the IFSP; Procedural Safeguards: Rights and Prior Notice includes a flow chart which identifies the appropriate forms to be used at the appropriate times.

Action

No change.

Component XI – Supervision, Monitoring & Evaluation of Programs

Comment

Regarding B.1c – A recommendation was made to indicate how the Department of Social Services and Department for the Visually Handicapped monitor and evaluate services, as listed under all other agencies.

Discussion

State agencies develop their own mechanisms to monitor and evaluate services under their jurisdiction.

Action

No Change.

Comment

Regarding B.2 b – Expenditure Reporting - A comment was made that the use of the word “quarterly” is redundant as the months the expenditure reports are to be submitted are indicated.

Discussion

The Part C Lead Agency agrees.

Action

The first sentence of Procedure 2b now reads: “LICC expenditures of Part C funds are monitored through Part C expenditure reports which are submitted by each local fiscal agent/intermediary to the Lead Agency at the end of the first, second, third, and fourth quarters.”

Comment

Regarding Procedures B. 2c(2)(a)-(d) and 2c(3) - Ongoing LICC participation in the improvement and monitoring measurement system; Clarification was requested as to the frequency of MIMS. Is it going to be every four years?

Discussion

Initial discussion about the timelines for the MIMS cycle was every four years. The EIIMT, however, felt that for at least the initial participation of each council, this process should be accelerated to a two-year cycle. Currently, we are in year one of this two-year cycle. The MIMS Task Force is discussing the review cycle. Once the review cycle timeframe has been determined, the Task Force will develop procedures for implementation.

Action

The phrase "...once every four years" has been deleted from Procedure 2c(2)(a)-(d). Procedure 2c(3) has been reworded: "The state determines the frequency of the review cycle to ensure that noncompliance is identified and corrected in a timely manner."

Component XII – Lead Agency Procedures for Resolving Complaints

Comment

Regarding A. Procedures - A comment was made that number 11 and 12 are good additions for clarification.

Discussion

These additions are federal language.

Action

No Action

Component XIII – Policies and Procedures Related to Financial Matters

Comment

Regarding A. Policy 2(d) - Does the language indicating the provision of a free, appropriate public education to children from their third birthday, and with use of Part C funds, mean that local interagency coordinating councils will be responsible for serving children through our Part C system over the age of thirty-six months, and potentially to the age of forty-seven months? In general, there is concern about the use of Part C funds for children over the age of three, as well as other funding questions that come to mind related to this issue, including maintenance of effort and supplanting of fiscal resources.

Discussion

In Virginia, families have the option to receive free and appropriate public education at age three, or at age two, for the child who is two on or before September 30. Virginia does not use this option of Part C funds to provide FAPE, since there is the two-year-old mandate. LICCs work to provide transition activities to allow smooth and timely transition by the child's third birthday.

Action

Deletion of A. 2(d) since Virginia does not use this option.

Component XVII – Natural Environments

Comment

Regarding B.1 - Lead agency strategies to ensure that the requirements of Part C are met; A comment was made that there is no mention of the IFSP training presented this spring and how the concept of natural environments is integrated into the new IFSP forms.

Discussion

The Part C Lead Agency agrees that procedural statements need revision.

Action

The wording for Procedure B.1b has been revised: “The June 1994 Technical Assistance Document Early Intervention in the Natural Environment: What Does it Mean for Young Children? has been revised. The revised Technical Assistance Documents are in the May 2000 manual, Family-Centered Early Intervention within the Context of Daily Activities and Routines of Children and Families: Development of the IFSP; Procedural Safeguards: Rights and Prior Notice. These manuals have been distributed statewide.”

The wording for Procedure B.1d has been revised: “The Lead Agency conducts state training and technical assistance on the IFSP process which incorporates the natural environments requirements into all aspects of IFSP development.”

The wording for Procedure B.1e has been revised: “The Lead Agency continues to incorporate the natural environments requirements into the Monitoring and Improvement Measurement System (MIMS) indicators for local self-study.”

The phrase “including mechanisms” is added to B.2.

Appendices

Comment

Comments included questions regarding out-of-date information, as well as legibility of a number of appendices.

Discussion

The Part C Lead Agency agrees that the appendices need to be updated.

Action

Updated Appendices are now included with the Policies and Procedures.

Comment

Regarding Appendix T – The “ten day box” on T-11 and T-13 is confusing, redundant and unnecessary and creates more paperwork for the service coordinator.

Discussion

The “ten day box” was added to T-11 and T-13 based on feedback from the pilot sites. Additional input regarding the recently approved form will be addressed by the Part C Lead Agency throughout the implementation and use of the new statewide forms.

Action

No Action.