

Part C Missouri State Plan Proposed Changes – December 2013

NOTE: Language in *red* is the proposed change. Language ***bolded in red*** is a change to the proposed language based on comments received.

Section	Page No.	DESE Proposed Change to Part C State Plan	Reason for the Proposed Change	Summary of Comment(s)	DESE Response
I. Definitions	6	No change proposed.	None.	Request to delete “counseling and home visits” and add “/education.”	Agree to revise the language on page 6 as follows: <u>Family training/education</u> ; counseling, and home visits means services provided, as appropriate, by social workers, psychologists, and other qualified personnel to assist the family of an eligible child in understanding the unique needs of the child and enhancing the child’s development.
	10	Struck “s” to change “developmental delays” to “developmental delay.”	To correct typo.	None.	None.
IX. Referral Procedures	18	Added new language on referrals due to family violence in accordance with federal regulations.	To align with federal regulations.	None.	None.
X. Eligibility Criteria	20	Added new language on the use of informed clinical opinion for developmental delay in accordance with federal regulations. Clarified language on developmental delay.	To clarify.	None.	None.
XII. Individualized Family Service Plan (IFSP)	24	Added new language on the method of providing early intervention services to include teletherapy.	To add an additional method of providing early intervention services.	None.	None.
	25	Clarified language on the content of the IFSP for a Transition	To align with federal regulations.	None.	None.

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		Plan in accordance with federal regulations.			
XIII. Transition to Preschool and Other Programs – LEA Notification	26	No change proposed.	None.	Request to add language to clarify LEA Notification for a specific group of children.	<p>Agree to add language on page 26 as follows:</p> <p>If the SPOE determines a child is eligible for the Part C program 90 days or more before the child's third birthday, Tthe Service Coordinator must notify notifies the LEA in which the child lives, not fewer than 90 days before the child's third birthday, that the child is approaching three years of age and may be eligible for early childhood special education services under Part B of IDEA, unless the parent objects according to the opt out policy.</p>
XIII. Transition to Preschool and Other Programs – Opt Out Policy	26	Revised language on opt out policy.	To clarify.	U.S. Department of Education requested revisions to the opt out policy.	<p>Agree to revise language on page 26 as follows:</p> <p>If the parent requests to opt out of sending directory information to the LEA, the Service Coordinator provides the Directory Information/Opt Out Information form to the parent at the time the request is made, which is must be no later than the</p>

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					<p>transition plan meeting. The parent has until the transition plan meeting to return the Directory Information/Opt Out Information form to the Service Coordinator or directory information will be sent to the LEA upon at the transition plan meeting. Upon receiving the parent’s written objection prior to no later than the transition plan meeting, the Service Coordinator will not send directory information to the LEA.</p>
<p>XIII. Transition to Preschool and Other Programs – Part C Extension for Children with Summer Third Birthdays</p>	28	<p>Revised language on providing early intervention services to children with summer third birthdays.</p>	To clarify.	<p>Requests to remove the sentence, “The Department’s Eligibility criteria for the Part C program are more rigid than eligibility criteria for Part B; therefore, most Part C children qualify for Part B services.”</p>	<p>Agree to remove sentence. See Appendix page 8.</p>
	29	<p>Revised language on providing early intervention services to children with summer third birthdays.</p>	To align with federal regulations	<p>Request to clarify if Family Cost Participation fees are charged for services for children with summer third birthdays.</p>	<p>No change. Language mirrors federal regulations.</p>
	28-30	<p>Revised language on providing early intervention services to children with summer third birthdays.</p>	To align with federal regulations	<p>U.S. Department of Education requested numerous revisions to the Part C Extension for Children with Summer Third Birthdays.</p>	<p>Agree to revise language. See changes in Appendix, pages 8-10.</p>

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XV. Personnel Standards	30	Added new language to describe the purpose of provider enrollment.	To clarify.	None.	None.
	30	No change proposed.	None.	Request to add language regarding provider enrollment.	Agree to add language on page 30 as follows: Additionally, provider enrollment procedures include a criminal background and fingerprint check, insurance liability coverage and proper licensing and credentialing standards.
	30	No change proposed.	None.	Request to correct typo and add “to” to the sentence.	Agree to correct typo on page 30 as follows: Upon successful enrollment, providers have a specified timeline for completion of additional module trainings in order to continue to deliver services.
	30-37	Added Provider Rate Schedule to the Personnel Standards.	To clarify.	None.	None.
	36	Clarified language on Speech Language Pathologist (Provisional) and Speech Language Pathology Assistant/SLPA responsibilities.	To clarify.	None.	None.
	37	Added new language for Policy for Personnel Delivering Transdisciplinary Services to describe how services are delivered.	To clarify.	None.	None.

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	37-38	Added new language for Policy to Reimburse Personnel to describe how payments are made to qualified personnel.	To clarify.	None.	None.
XVI. Parental Rights	41	Clarified language on destruction of information in accordance with federal regulations.	To clarify.	Request to clarify destruction of information and how long data is kept.	No change. Language mirrors federal regulations.
	42	Clarified language on parental consent and the use of public or private insurance.	To clarify.	None.	None.
	44-45	Clarified language on System Point of Entry (SPOE) responsibilities for, and evaluation of, Educational Surrogates.	To clarify.	None.	None.
	46	Corrected a typo under Mediator qualifications.	To correct typo: changing "a" to "an."	None.	None.
	47	Clarified language on processing a child complaint.	To clarify.	None.	None.
	47-48	Added language on investigation timelines and resolution of the child complaint.	To clarify.	None.	None.
XVII. Fiscal Administration	50	Struck previous language on use of funds for Free Appropriate Public Education (FAPE). Added language on use of funds for continuing Part C services in accordance with federal regulations.	To clarify.	None.	None.
XVIII. System of Payments	52-53	Clarified language on assessment of family cost participation.	To clarify.	None.	None.
	54	Clarified language on direct option for private insurance carriers.	To clarify.	None.	None.

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	55	No change proposed.	None.	U.S. Department of Education requested revisions to the System of Payments policy.	Agree to revise language on page 55 as follows: The SPOE obtains parental consent for use of private insurance before the Part C program uses the parent's private insurance to pay for: before the Part C program seeks to use the parent's private insurance to pay for the 1) initial provision of early intervention services in accordance with the IFSP;- The SPOE also obtains parental consent before the Part C program seeks to use the parent's private insurance to pay for 2) an increase in length, duration, frequency, or intensity to early intervention services in accordance with the IFSP; and, 3) services in the Part C Extension for children with summer third birthdays.
	55	Struck previous language on parental consent. Added language on parental consent for private insurance in accordance with federal regulations.	To clarify.	None.	None.
XXI. Data Collection and Annual Reports	58	Added new language on reporting requirements for children in the Part C	To clarify.	None.	None.

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		Extension in accordance with federal regulations.			

Appendix

Section XIII. TRANSITION TO PRESCHOOL AND OTHER PROGRAMS

Part C Extension for Children with Summer Third Birthdays (34 CFR ~~300.323 (b), 303.501 (e)(1))~~ **303.211 and 303.501(d)**)

~~In Missouri, once a Part C child with a third birthday of April 1 through August 15 is determined eligible for Part B, parents have the option for their child to receive a Free Appropriate Public Education (FAPE) upon the child's third birthday through an IEP or an IFSP. Children exiting Part C and eligible for Part B must have an Individualized Education Program (IEP) developed on or before the child's third birthday in order to receive FAPE through an IFSP that serves as the IEP.~~

~~A discussion of the parent's options for the child to receive FAPE through an IEP or an IFSP developed under 34 CFR 300.323(b) and a detailed explanation of the differences between the IEP and IFSP is part of the child's transition conference.~~

~~Children who will receive FAPE through an IFSP will continue to be served in Part C, where the IFSP developed under 34 CFR 300.323(b) serves as the IEP, until the initiation of the local district's school year in the fall. The IFSP team reviews the IEP information in order to develop the summer third birthday IFSP, which must include a statement of the natural environment and an educational component that promotes school readiness and incorporates pre-literacy, language and numeracy skills.~~

~~Children who will receive FAPE through an IEP will transition to the local school district upon the child's third birthday to receive services through Part B.~~

~~FAPE services provided to children with summer third birthdays, whether provided through an IEP or an IFSP, will be provided at no cost to the family.~~

~~The Department's eligibility criteria for the Part C program are more rigid than eligibility criteria for Part B; therefore, most Part C children qualify for Part B services.~~ The Department has developed policies and procedures to alleviate any gaps in services for children who may transition from Part C to Part B. Depending on where the child's birth date falls in a calendar year, the following provisions apply to children in the Part C program:

Birthdays on April 1 through August 15

~~In Missouri, parents of a child determined eligible for both Part C and Part B, and who has a third birthday on April 1 through August 15, may choose to: (1) continue Part C services until the initiation of the local district's school year following the child's third birthday, or (2) transition to Part B to receive early childhood special education and related services upon the child's third birthday. If the child's Part B eligibility determination is in process, Part C services as identified in the child's IFSP must continue beyond age three until the child's eligibility for Part B is determined. This provision does not apply if the LEA has requested parental consent for the initial evaluation and the parent has not provided that consent. If the child is found ineligible for Part B, Part C services will end upon the child's third birthday or upon the LEA's determination of ineligibility if the child is over age three.~~

~~All requirements for the Transition Plan Meeting and Transition Conference with LEA described above are applicable to children with summer third birthdays. If the parent opts out of sending directory information to the LEA, Part C Extension is not available and the Service Coordinator informs the parent that Part C services end upon the child's third birthday.~~

The Service Coordinator notifies the parents of their options for services over age three through written and verbal information at the Transition Plan Meeting or Transition Conference with LEA. Written information **provided to the parents** includes a **description** of the parent’s right to choose to: (1) continue Part C services until the initiation of the local district’s school year following the child’s third birthday, or (2) choose to transition to Part B upon the child’s third birthday. Written information **provided to the parents** also includes ~~copies of both the Part C parental rights and the Part B procedural safeguards~~ and an explanation of the differences between the programs **Part C and Part B procedural safeguards and services, in accordance with 303.211(b)(1)(ii)(A through C)**, as follows:

Services	Extended Part C at age three	Part B at age three
Types	Early intervention services are identified by the IFSP team, which includes the parent, and designed to meet the developmental needs of the family related to enhancing the child’s development. a child with a disability. Services are available on a throughout the calendar year schedule.	Special education services are identified by the Individualized Education Program (IEP) team, which includes the parent. are specially designed instruction conducted in the classroom, home, and other settings. Related services are developmental, corrective or other supportive services necessary to assist the child to benefit from special education services. Services are available on a throughout the school-year calendar; however, the IEP must include a statement indicating the child’s eligibility or ineligibility for Extended School Year services.
Location	Early intervention services are delivered in the child’s natural environment, including home and community settings, to the maximum extent appropriate.	Special education and related services are provided in the least restrictive environment, to the maximum extent appropriate. Removal of children with disabilities from the regular educational environment only occurs when the nature or severity of the disability is such that education in regular classrooms with use of supplementary aids and services cannot be achieved satisfactorily.
Procedural Safeguards	State regulations under Part C detail the rights of children and parents who participate in First Steps.	State regulations under Part B detail the rights for all parties involved in the education of students with disabilities.
Cost	Families pay a monthly fee for early intervention services delivered through an IFSP, except services provided at no-cost. See Section XVIII System of Payments.	Special education and related services are at no cost to the parent and designed to provide a Free Appropriate Public Education (FAPE) through an IEP Individualized Education Program (IEP).
Funding Sources	Early intervention services are paid for with state general revenue, federal Part C, federal Medicaid,	Special education and related services are paid for with state general revenue funds, federal

	private insurance and family cost participation.	Part B, and federal Medicaid.
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Parents who choose the option to continue Part C services must provide consent, which may be obtained as early as the Transition Plan Meeting or Transition Conference with LEA but no later than the child’s third birthday. Once parent consent is obtained, the Service Coordinator must hold a Summer Third Birthday IFSP meeting by the child’s third birthday.

Parents are informed the Summer Third Birthday IFSP must include an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills. Parents of children who continue Part C services have the right, at any time, to receive Part B services instead of Part C services. However, the LEA is not required to provide a FAPE under Part B for the period of time a child is receiving services through the Part C Extension.

Parents who choose the option to transition to Part B **have the right for their child with a summer third birthday to** receive a FAPE through an IEP upon the child’s third birthday. Parents who choose Part B services cannot later choose to return to Part C services once consent for Part B services is obtained and the child has turned three.

Extended Part C services are paid for with state general revenue, federal Part C, federal Medicaid, private insurance and family cost participation. See Section XVII Fiscal Administration for Use of Funds and Section XVIII System of Payments.

Birthdays on August 16 through March 31

The Service Coordinator informs parents of children with birthdates on August 16 through March 31 that Part C services end upon the child’s third birthday. If eligible for Part B, the child will transition to Part B and receive early childhood special education and related services upon the child’s third birthday.