



**State of Florida
Department of Children and Families**

**Rick Scott
Governor**

**David E. Wilkins
Secretary**

DATE: January 10, 2013
TO: Regional Managing Directors
THROUGH: Pete Digne, Deputy Secretary for Operations
FROM: Elisa Cramer, Director, Family and Community Services *ESC*
SUBJECT: Part C of Individuals with Disabilities Education Act (IDEA) Update

PURPOSE: This memorandum is in reference to federal requirements regarding individuals authorized to give consent for services provided by Florida's Early Steps system.

BACKGROUND: The Infants and Toddlers with Disabilities Program (Part C of IDEA) is a federal grant program that assists states in operating a comprehensive statewide program of early intervention services for infants and toddlers with disabilities, from birth up to 36 months of age, and their families. Florida's Department of Health, Children's Medical Services' Early Steps Bureau is the lead agency for this federal program as administered by Florida's Department of Health.

Part C eligibility is determined in part through an evaluation process for infants and toddlers (from birth up to 36 months), which includes informed clinical opinions of professionals experienced with the development of very young children. If determined to be eligible, the next step is to create an Individualized Family Service Plan (IFSP) that outlines the services necessary to facilitate the child's development and enhance the family's capacity to do so for the child. The IFSP is a multidisciplinary assessment of the unique strengths and needs of the infant or toddler and identification of early intervention services appropriate to meet those needs.

Part C defines a parent as:

"(A) a biological, adoptive or foster parent of a child (unless a foster parent is prohibited by State law from serving as a parent);

(B) a guardian (but not the State if the child is a ward of the State);

(C) an individual acting in the place of a natural or adoptive parent (including a grandparent, stepparent or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare; or

1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

(D) except as used in IDEA sections 615(b)(2) and 639(a)(5), an individual assigned under either of those sections to be a surrogate parent.”

The Department of Health, Children's Medical Services' Early Steps Division, as the designated lead agency, must provide assurances to the federal government's Office of Special Education Programs that Florida's state policy regarding consent for children in foster care is in compliance with the federal regulations specific to Part C of IDEA.

Historically, there has been some confusion regarding Florida's consent policy and a memorandum providing clarification was issued by the Office of Family Safety on October 1, 2010. Please refer to the attachment provided.

ACTION REQUESTED: As a follow-up to the memorandum, the Department of Health, in collaboration and full support of DCF's family-centered practice model, shall maintain in policy that Early Steps will work with the local Community-Based Care (CBC) Lead Agency caseworker to identify the most appropriate individuals to be involved in the development of the IFSP.

Effective January 1, 2013, the Department of Health will encourage each local Early Steps office, in cases specific on reunification, to make every effort to include the child's parent or identified future caregiver in the development of the IFSP.

As a requirement, both Departments require the following:

1. Case manager participation to be documented on Form H of the IFSP (where all the other participants document their participation); and,
2. Consent from the CBC case manager (along with the documentation in the appropriate section of the IFSP) must be obtained by local Early Steps offices in cases where there is not a biological or foster parent available.

CONTACT INFORMATION: If you have any questions, or for additional information, please contact Johana Hatcher, Prevention Manager, at johana_hatcher@dcf.state.fl.us or 850-717-4658.

Attachment

cc: Community-Based Care Lead Agencies
Sheriffs' Offices
Melanie Coats, Assistant General Counsel
Christopher Meadows, Assistant General Counsel
Renee Jenkins, Policy Unit Director, Department of Health
Kelly Rogers, Children's Medical Services, Department of Health