



early steps

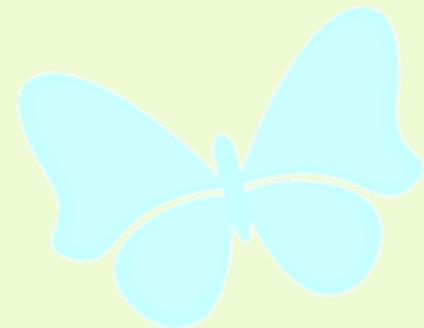
Orientation to Changes in Early Steps Policy Handbook and Operations Guide

Effective January 1, 2013

Conference Call Etiquette



- We have muted your phone until the end of the call
- Do not put phone on hold
- If your phone line is making noises, please hang up and redial



A light blue butterfly illustration with white outlines, positioned to the left of the main text.

*“I never had a policy; I
have just tried to do my
best each and every day.”*

ABRAHAM LINCOLN



Today's Presenters

- *Renee Jenkins*
- *Carol Burch*
- *Catherine Duncan*
- *Dawn Lynch*
- *Kelly Rogers*

Purpose of Today's Call



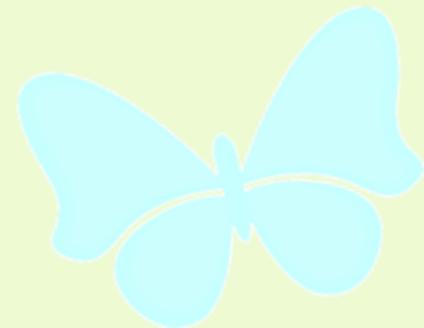
- Orient field to changes in policy documents and related attachments to be implemented January 1, 2013
- Highlight major changes, additions, deletions
- Focus on what field is expected to do differently, change or cease
- Point out what was previously unclear, misinterpreted, etc.



About the Q & A Period



- Q&A period at end, *if time allows*
 - Write questions down during presentation by slide number



Policy Review/Revision Process



- September 2011: new Part C regulations released
 - September 2011 – October 2011: ESSO review of regulations to determine impact on Florida policy
 - November 2011 – January 2012: ESSO drafted policy revisions
 - February - March 2012: public participation period -- comments accepted from LES staff, providers, families, public
 - March – April 2012: ESSO reviewed and considered all comments received
 - April 16, 2012: ESSO submitted draft policies to OSEP for review/approval along with annual Part C Application for Funds – FL implemented system of payments & interagency policies
 - June 2012: OSEP approval of application and policies
 - January 2013: implementation of remaining policies
- 
- 
- 

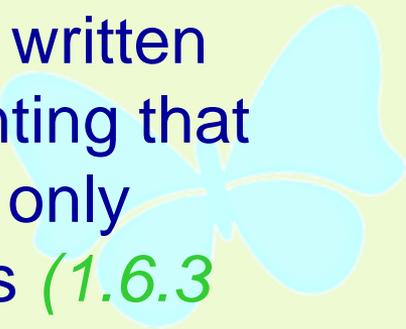


Component 1 – General Supervision and Administration

Public and Private Insurance



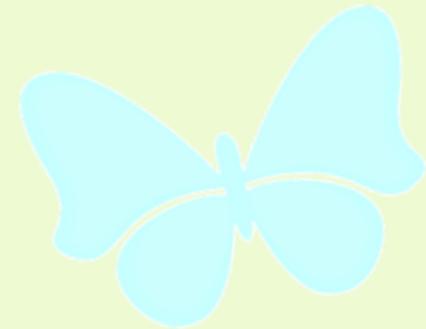
Clarifies that:

- 
- the Early Steps rate may be exceeded when necessary (*1.5.5 Guide*)
 - denials and EOBs must be submitted with the request for reimbursement (*1.6.2 Policy*)
 - documentation should be kept in the child's record whenever an insurance company has a written policy or statement of benefits documenting that certain services are not covered, or are only reimbursed under certain circumstances (*1.6.3 Guide*)
- 
- 

Use of Private Insurance and Medicaid



- Deletes language regarding the use of Medicaid when both private insurance and Medicaid coverage is in place *(1.7.1 A Guide)*
- Deletes guidance related to written consent for use of public insurance *(1.8.2 Guide)*





early steps

Component 2 – Child Find and Referral

Child Find

- Adds new organizations for coordinated child find efforts:
 - *Programs that serve infants and toddlers who are homeless, and wards of the State;*
 - *Kidcare Program (CHIP)*
 - *Newborn Screening Early Hearing Detection System (EHDI)*
 - *Early Learning and Child Care Programs*
 - *Child Welfare/Child Protection (CAPTA and foster care)*
 - *Family Violence Prevention and Services*
 - *Healthy Families under Maternal and Child Health*

(2.1.2 and 2.1.5 Policy)

early steps

Public Awareness



Clarifies that Local Early Steps offices are required to:

- Have public awareness materials that
 - describe the services available,
 - tell how to refer children, and
 - includes the Central Directory's toll-free phone number;
 - Inform parents about the Prekindergarten Program for Children with Disabilities;
 - Conduct activities that accurately and effectively describe the Early Steps system.
- 
- 
- 

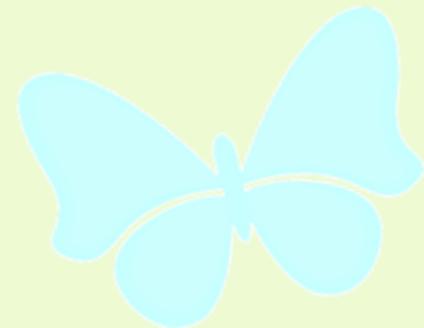
(2.1.6 Policy)

Primary Referral



- Changes timeline for primary referral sources to refer a child to Early Steps to “as soon as possible but in no case later than seven days” after identification.

(2.3.1 Policy)



Referral and Transition

- Adds requirement that potentially eligible toddlers referred to Early Steps less than 45 days before their third birthday must be referred to the school system and DOE
- The LES is not required to conduct an evaluation/assessment, determine eligibility or develop an initial IFSP under these circumstances

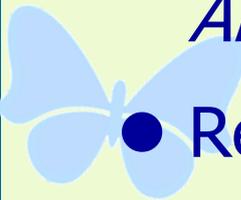
(2.3.7 Policy)



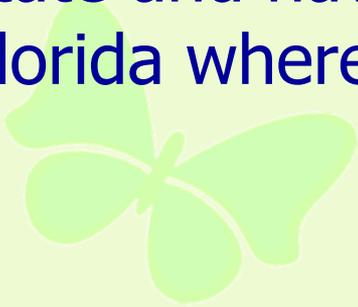
Component 3 – First Contacts/Evaluation/ Assessment

Eligibility



- Adds new information from March 2012 OSEP Ruling related to Part C residency requirements (*Letter to Anonymous, 112 LRP 17501 OSEP, 03/28/12*)
 - Removes outdated reference letter
 - Local Early Steps no longer required to provide services to children who are temporarily visiting the state and have a permanent residence outside of Florida where they are receiving EI services
- 

(3.1.1 Guide)



Eligibility



- **Developmental Delay**

- New policy: When a child is determined eligible by an evaluation instrument, informed clinical opinion cannot be used to deny eligibility when the evaluation scores meet eligibility criteria

(3.1.4C Policy)

- **Established Condition**

- Adds Fetal Alcohol Syndrome to the Established Condition List *(Attachment to 3.1.3 Guide)*

Eligibility



- Adds policy allowing an LES to use medical records to establish a child's eligibility for Early Steps without conducting an evaluation if:

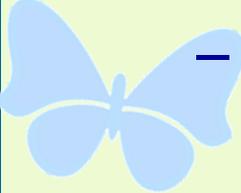
- the records indicate the child's level of functioning meets Florida's eligibility criteria based on developmental delay; and
- the records are from within the past 90 days

(3.1.4D Policy)

- An initial assessment of the child and family must still be conducted. *(3.6.1 Policy)*

Screening



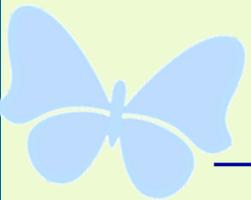
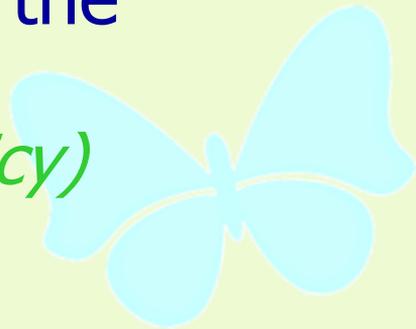
- Adds new screening requirements - If an LES screens as part of its evaluation process, it must:
 - Provide parent with prior written notice of intent to screen;
 - Obtain prior parental consent using new form: *Informed Notice and Consent for Screening, Evaluation, Assessment and Follow-Up Review*;
 - Conduct screening within 45 days of date LES received the referral; and
 - Conduct evaluation of the child if the parent requests one at any time during the screening process.
- 

(3.3.1B Policy)



Screening



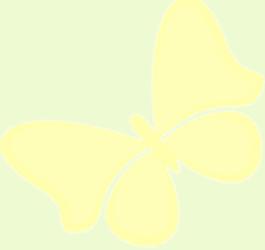
- Adds requirements that the LES must:
 - provide screening results in writing to the parent *(3.3.1C Policy)*
 - conduct an evaluation if results indicate the child may be delayed (with parental consent) *(3.3.1C Policy)*
 - ensure parent is notified in writing if the screening indicates the child is not developmentally delayed *(3.3.1D Policy)*
- 
- 
- 

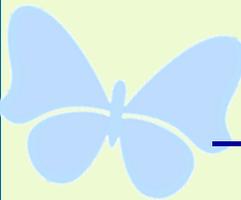
Screening/Evaluation/Assessment



- Requires new consent form for obtaining prior written consent - *Informed Notice and Consent for Screening, Evaluation, Assessment and Follow-Up Review* (*Attachment to 3.4.1 Policy*)
 - Clarifies that if family is provided notice of the screening and evaluation/assessment and consents to both on same day, they may sign one consent form (*3.3.1A Guide*)
- 
- 
- 

Evaluation and Assessment



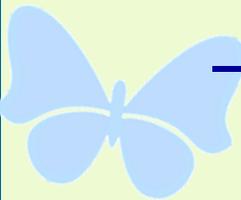
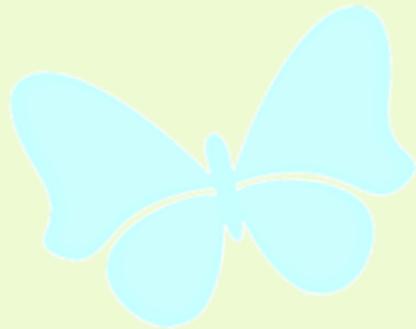
- Adds exceptions to the 45-day timeline when:
 - child or parent is unavailable due to exceptional family circumstances, or
 - parent has not provided consent for either the evaluation or assessment despite attempts by the LES
 - Initial evaluation and/or assessment must still be completed as soon as possible after the documented circumstances no longer exist
- 

(3.4.3 Policy)



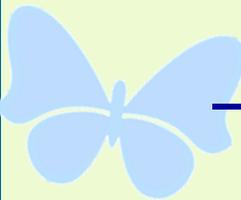
Evaluation and Assessment



- Adds new requirement related to Native Language
 - the evaluation/assessment must be conducted in the child's native language
 - the family assessment must be conducted in the language of family member being assessed *(3.4.6 Policy)*
- 
- 
- 

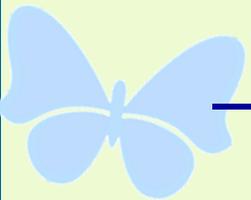
Evaluation



- Clarifies that each evaluation must include:
 - Use of standardized evaluation instrument
 - Documentation of the child's history
 - Child's level of functioning in each developmental area
 - Information from other sources
 - Review of medical, educational or other records *(3.5.3 Policy)*
- 
- 
- 

Assessment



- Clarifies that each assessment must include:
 - Review of evaluation results
 - Personal observations of child
 - Identification of the child's needs in each developmental domain
- 

(3.6.2 Policy)

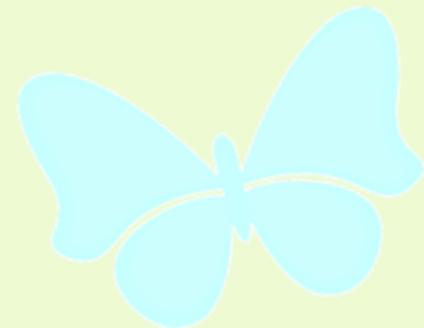


Annual Review



- Replaces use of *progress reports* during the annual review with more definitive wording regarding the use of *progress monitoring data*.

(3.1.11 Guide)



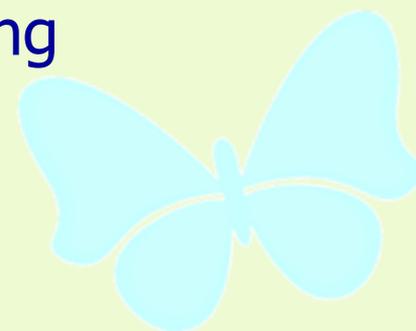


Component 4 – Service Coordination

Service Coordination Responsibilities



- Clarifies that service coordination responsibilities include:
 - Making referrals to providers for needed services and scheduling appointments for infants and toddlers with disabilities *(4.2.6 Policy)*
 - Conducting follow-up activities to determine that appropriate Part C services are being provided *(4.2.6 Policy)*
 - Coordinating funding sources for Part C services ONLY *(4.2.5 Policy)*

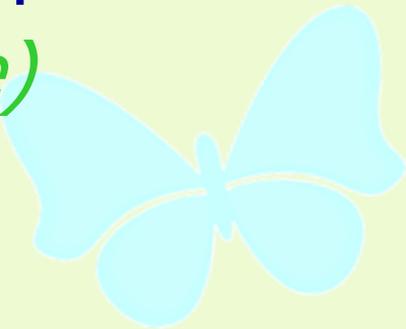




Component 5 – Individualized Family Support Plan (IFSP)

Periodic IFSP



- 
- Clarifies the actions that are considered to be appropriate as a Periodic Review of the IFSP *(5.6.2 Guide)*
 - Clarifies necessary follow-up activities when parents agree to a change in service via telephone *(5.6.3 Guide)*
- 
- 



Component 6 – Early Intervention Services and Supports

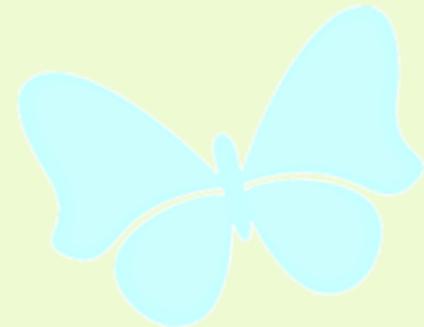
General Requirements



- Strengthens requirement to provide early intervention services in other settings **only** when outcomes and services cannot be achieved in a natural environment
- Clarifies that any justification for not providing a particular early intervention service in the child's natural environment must be based on the child's outcomes as identified by the IFSP team and documented on the IFSP



(6.1.5, 6.1.6 Policy)



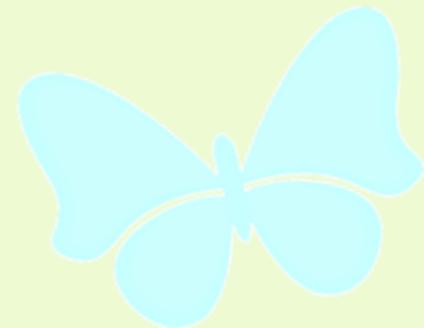
General Requirements



- Deletes from the list of required available services “other services necessary to meet IFSP outcomes”
- Clarifies that any additional type of service is acceptable even if not listed in policy when identified by the IFSP team as an early intervention service



(6.1.1 Policy)



General Requirements



- Clarifies requirements that early intervention services and supports must
 - meet the needs of the family to assist appropriately in the child's development,
 - be provided under public (lead agency) supervision,
 - be selected in collaboration with the parents, and
 - be provided at no cost to the family.



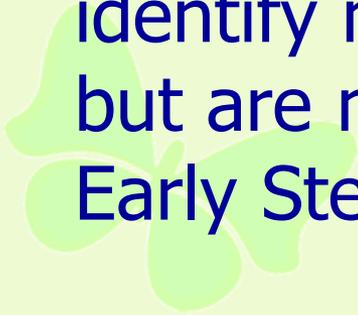
(6.1.7, 6.1.9 Policy)



General Requirements



- Clarifies that:

- The IFSP team must ensure services are necessary to meet the unique needs of the child and family to achieve the outcomes identified on the IFSP
 - To the extent appropriate, the IFSP will identify medical or other services needed but are neither required nor funded under Early Steps
- 
- 
- 

(6.1.13, 6.1.19 Policy)
early steps

Team-Based Primary Service Provider Approach



- Clarifies the Team-Based PSP Approach:
 - PSP as the lead provider, minimizes (not replaces) number of professionals interacting with families on a regular basis
 - PSP works with other team members as each provides direct service, co-visits or consultation
 - the team should still follow a holistic approach for the child and family
- 

(6.2.1, 6.2.2 Policy and Guide)



Assistive Technology



- Adds new form for AT assessment
 - Adds to the requirement that AT vendors should be reimbursed at no more than 80% of the usual and customary charge. If provider is unwilling to accept 80%:
 - parents are not required to pay the difference
 - Part C funds may be used to cover any remaining balance, if necessary
- 

(Policies 6.4.1, 6.4.4 & 6.4.6 and Attachment)



Health Services

- Clarifies what health services do and do not include
(6.5.2 & 6.5.3 Policy & 6.5.1 Guide)
- Clarifies that a medical service is an early intervention service only when provided by a licensed physician to a child for diagnostic or evaluation purposes to assist in eligibility determination *(6.6.1 Policy)*



Component 7 – Transitions

Transition Planning

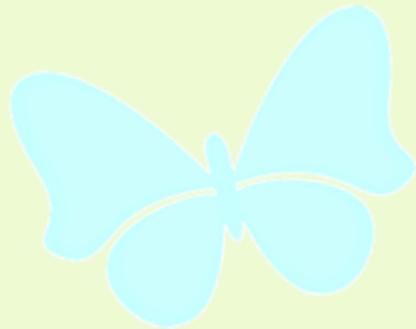


- Adds language to ensure IFSP transition plan:
- 

- Is completed for all children not fewer than 90 days and, at the discretion of all parties, not more than 9 months before the child's third birthday,
 - Includes steps for the toddler and family to exit Early Steps; and
 - Includes any needed transition services the IFSP has identified as needed by the toddler and family. *(7.1.2 Policy)*
- 
- 

Transition Planning



- Adds language to ensure the LES will:
 - inform parents, not fewer than 90 days prior to child's third birthday, of the availability of services in the school district Prekindergarten Program for Children with Disabilities
 - review the child's options for the period from the toddler's third birthday through the remainder of the school year (*7.1.3 A Policy*)
- 
- 
- 

Transition Planning



- Clarifies that:



- families must be included in any meeting to develop the transition plan (Form I)
 - any meeting to develop the transition plan must meet the requirements regarding:
 - accessibility and convenience
 - participants
 - IFSP meeting may be combined with the transition conference (*7.1.3 B and C Policy*)
- 
- 

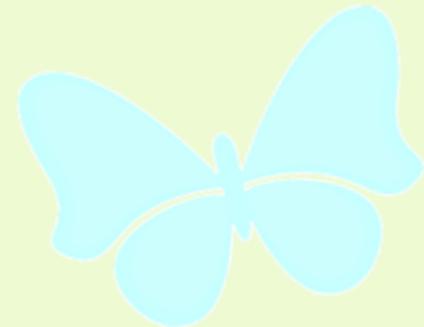
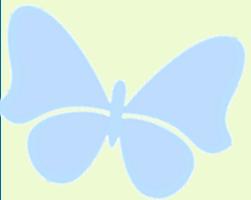
Notification

- Clarifies that unless the parent chooses to opt-out, notification must be provided to the school district and Department of Education (DOE) not fewer than 90 days before the child's third birthday (*7.2.1 Policy*)
- Requires the LES to provide notification to the school district in which the child resides and to the designee at the DOE (*7.2.1 Policy*)

Notification

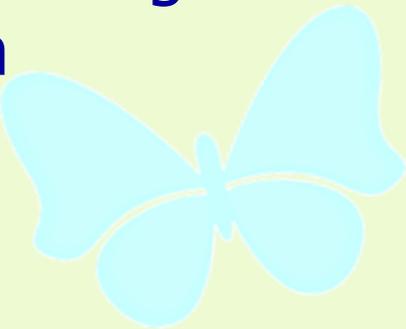


- Requires that the LES provide a copy of the *Understanding Notification* brochure on the date the child who is two and older is determined eligible (*7.2.3 Policy*)



Notification

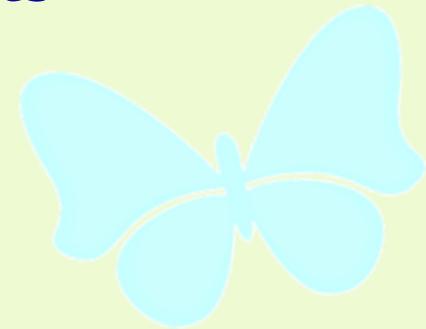


- Clarifies that the LES must provide notification if a child is determined eligible for Early Steps more than 45 days but less than 90 days before the child's third birthday and may be eligible for preschool services
(7.2.4 Policy)
 - Clarifies that parents must indicate in writing if they choose to opt-out of notification
(7.2.6 Policy)
- 
- 
- 

Notification



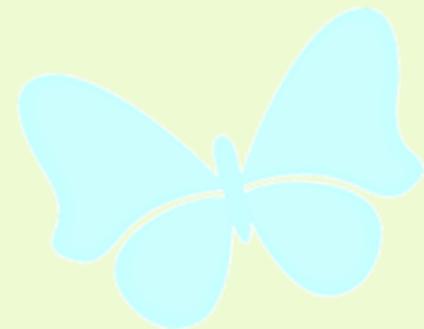
- Requires the new Notification Opt-Out form be used when parent objects to sharing of notification information (*7.2.6 Policy*)
- Revises *Understanding Notification* brochure to include new requirements (*Component 7 Attachments*)



Transition Conference



- Removes a specific timeframe requirement for convening the transition conference for children who may **not** be eligible for the school district Prekindergarten Program for Children with Disabilities (*7.4.1 Policy*)





Component 8 – Procedural Safeguards

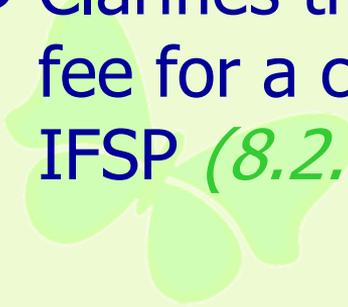
Opportunity to Examine Records



- Combines Confidentiality Section with Opportunity to Examine Records (*Section 8.2.0*)
- Adds “screenings” and “provision of early intervention services” to the list of information in the record that parents have the right to inspect and review (*8.2.3 Policy*)
- Adds guidance that foster parent contact info may be redacted, if necessary (*8.2.3 Guide*)
- Requires LES to inform parents of the locations of records kept on their child, upon request (*8.2.4 Policy*)

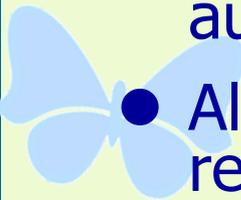
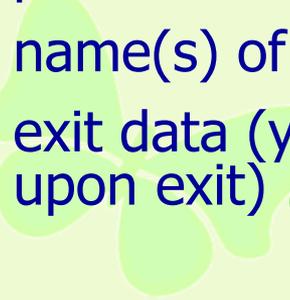
Opportunity to Examine Records



- Changes the timeline for a parents' right to inspect and review their child's record to not more than 10 days after a request *(8.2.5 Policy)*
 - Requires an initial copy of the record be provided at no cost *(8.2.6 A. Policy)*
 - Clarifies that a parent may never be charged a fee for a copy of an evaluation/assessment and IFSP *(8.2.6 B. Policy)*
- 
- 
- 

Opportunity Examine Records



- Clarifies that parents have the authority to inspect/review record unless the LES has been provided with documentation the parent does not have such authority (custody, foster care, etc.) *(8.2.10 Policy)*
 - Allows a permanent record of specific information in the record including:
 - child's name;
 - date of birth;
 - parent contact information;
 - name(s) of service coordinators and provider(s); and
 - exit data (year and age upon exit, programs entered into upon exit) *(8.2.16 B. Policy)*
- 
- 
- 

Native Language



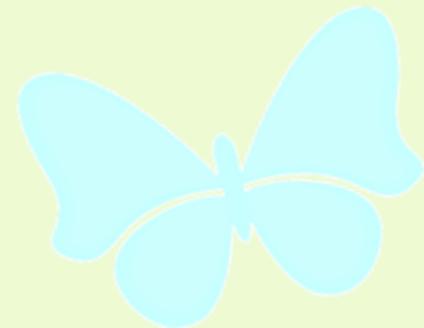
- Requires all prior written notices, evaluations/ assessments, and IFSPs be in the family's native language *(8.3.1 Policy)*
- Requires the LES document that they have met native language requirements when the native language or mode of communication is not a written language *(8.3.2 Policy)*

Prior Written Notice



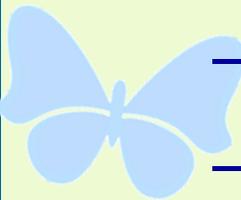
- The term “Written Prior Notice” has changed to “Prior Written Notice”

(Component 8 and Attachments)



Parental Consent



- Requires that parental consent be obtained before:
 - screening (for eligibility purposes);
 - all evaluations/assessments;
 - services are provided;
 - public/private insurance; and
 - disclosure of personally identifiable information
- 

(8.5.1 Policy)



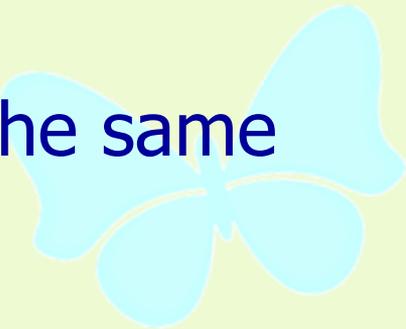
Parental Consent



- Adds exception to allow release of record to an organization conducting a study for ESSO or LES without consent *(8.5.6 F. Policy)*
- Adds statement that due process procedures may not be used to challenge refusal of parental consent *(8.5.9 Policy)*

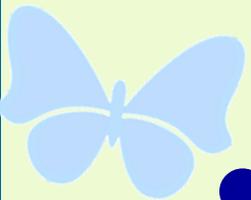
Surrogate Parent



- Adds provision that a surrogate parent may be appointed by the judge overseeing a child's case if a child is a ward of the state *(8.8.3 B. Policy)*
- Clarifies that a surrogate parent may not be an individual providing services, education, care, or other services to the child *(8.8.4 D. Policy)*
- Adds policy giving surrogate parents the same rights as "parents" *(8.8.7 Policy)*

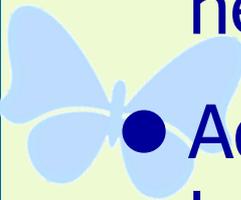
Due Process Hearing



- Adds the ability for providers to file a due process hearing request *(8.10.1 Policy)*
- Requires the party submitting a hearing request provide the other party with a copy *(8.10.5 Policy)*
- Expands the required contents of a hearing request *(8.10.7 Policy)*

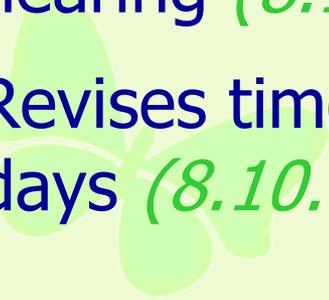
Due Process Hearing



- Revises process to determine sufficiency of a hearing request *(8.10.8 Policy)*
 - Adds steps and timelines for amendment of a hearing request *(8.10.9 Policy)*
 - Requires the subject of a hearing request send the parent and ESSO a response within 10 days, when applicable *(8.10.10 Policy)*
- 
- 
- 

Due Process Hearing



- Revises policy to give parents the right to one verbatim transcription of the hearing and findings of fact, either electronic or written (based on family preference) at no cost *(8.10.11 D. & E. Policy)*
- Adds statement that only issues addressed in a hearing request may be raised at a due process hearing *(8.10.13 Policy)*
- Revises timeline for a due process hearing to 45 days *(8.10.15 Policy)*

Due Process Hearing



- Requires the child continue to receive the services in the setting consented to by the parent on the IFSP during the hearing process *(8.10.16 Policy)*
- Lists circumstances in which a hearing officer will determine a violation during a due process hearing *(8.10.23 Policy)*
- Adds steps and timelines for a resolution meeting after a due process request is received to discuss the due process hearing request *(8.10.24 – 8.10.29 Policy)*



Due Process Hearing



- Adds steps for LESs when a due process request is received that include:
 - Identify an individual to serve as the point person for the due process
 - If prior notice has not been provided or not applicable to the issues, send written documentation to the parents and copy ESSO on why the action(s) in dispute were taken
 - Assist ESSO in securing a location for a resolution meeting or mediation, if applicable
 - Continue to provide the services in the setting currently consented to on the IFSP
- 
- 
- 

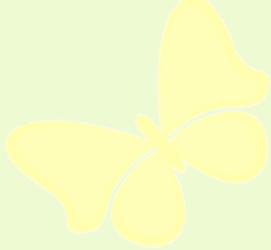
(Component 8 Policy)

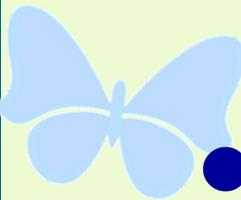
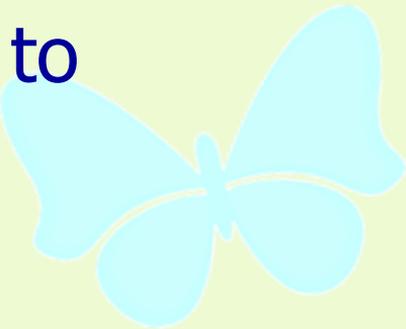
Complaints



- Requires the party filing a complaint to forward a copy to the agency/provider serving the child *(8.11.3 Policy)*
- Adds requirements that must be included in a complaint *(8.11.5 C.-G. Policy)*
- Clarifies the timeline for complaints to be filed *(8.11.5 H. Policy)*

Complaints

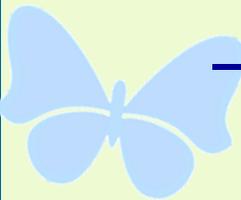


- Provides the subject of a complaint an opportunity to respond to the complaint and propose a resolution *(8.11.10 Policy)*
 - Allows an extension if the parties agree to mediation *(8.11.12)*
 - Deletes statement that final reports will include a statement about the right to appeal *(8.11.14 Policy)*
- 
- 
- 

Attachments



- Revises following attachments to reflect new/revised policies and timelines:
 - Comparison of Mediation/Complaints/Due Process Hearing Chart
 - Due Process Brochure
 - Prior Written Notice
 - Summary of Family Rights





Component 10 – Personnel Development and Standards

Training Requirements

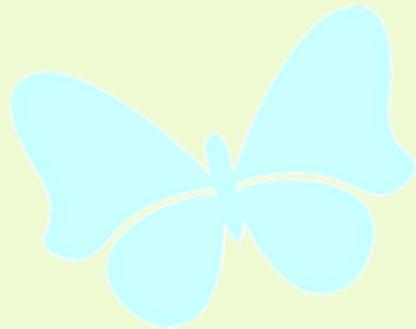


- 
- Incorporates components of personnel development system that were previously permitted in federal regulations but are now required

(10.1.1 and 10.1.2 Policy)

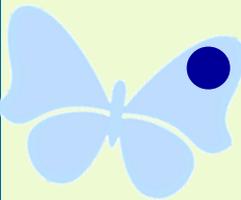


early steps



Qualified Personnel



- Updates types of qualified early intervention personnel
 - Clarifies that special educators include teachers of children with hearing impairments and also teachers of children with visual impairments
- 

(10.1.5 Policy)



Service Coordinators

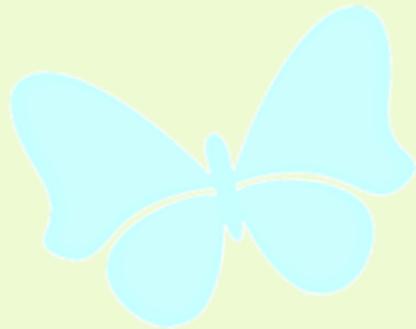


- Adds language related to service coordinators enrolling in Medicaid Targeted Case Management (TCM) to comply with:
 - payor of last resort requirements
 - revised description of service coordination services
- 

(10.4.7 Policy)



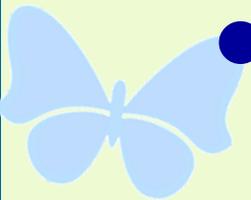
early steps



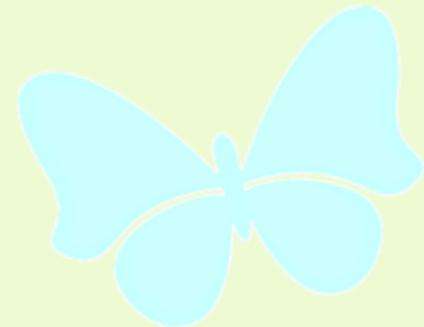
Personnel Standards



- Adds physical therapy and occupational therapy assistants as types of providers that may not serve as a Primary Service Provider



(10.5.6 Policy)



ITDS Personnel Standards



- Revises policies related to ITDS mentorship:
 - Infant Toddler Developmental Specialists may no longer complete a mentorship as a substitute for one year of experience
 - Local Early Steps may decide if they want to continue to maintain an ITDS mentorship program and who must complete it
- 

(10.6.2 and 10.6.3 Policy)

- Adds Guidance to specify who may serve as the primary mentor for an ITDS mentorship

(10.6.2 Guide)

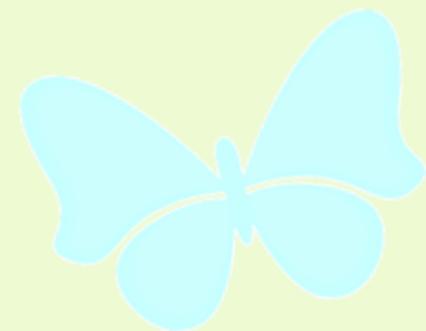


ITDS Personnel Standards



- Clarifies that only the Local Early Steps may request an ITDS workforce hardship waiver, not the applicants

(10.6.5A Guide)





Component 12 – Data Collection/Reporting & Record Keeping

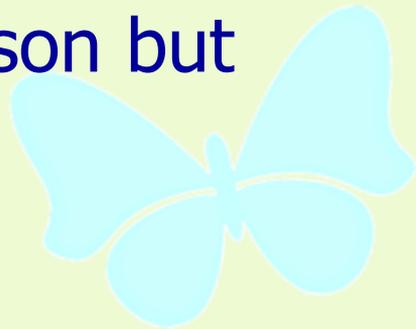
Closure



- Adds new disposition code for closure - "L" to be used for:

- 
- Children for whom the required re-determination of eligibility indicates they no longer meet eligibility criteria OR
 - Children closed after an initial IFSP and then re-referred for a different reason but found not eligible
- 

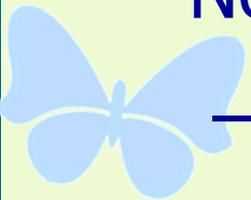
(12.3.11C Guide)



Early Steps Record



- Replaces Form 1064 with two new Informed Notice and Consent forms:

- *Informed Notice and Consent for Screening, Evaluation, Assessment and Follow-Up Review*
 - *Informed Consent for the Use of Private Insurance*
- 

(12.5.2 Policy, 12.5.1.D.7 Guide)

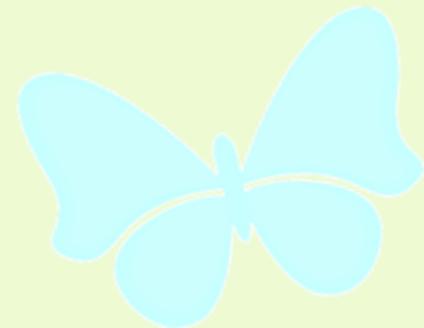


Early Steps Record



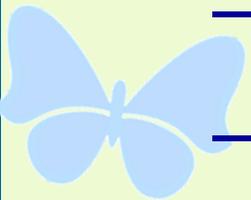
- Requires closed Early Steps records to be maintained for a minimum of six years from the date of closure (previously five years)

(12.5.5 Policy)



Data Reporting Requirements



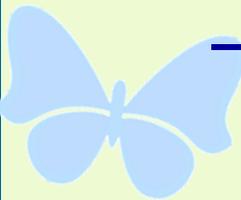
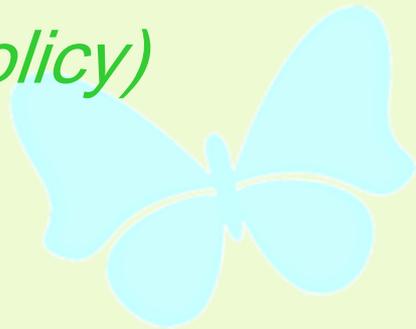
- Revises options for travel reimbursement:
 - flat rate
 - per minute basis for actual minutes of travel
 - Revises Natural Environment Travel Log to be required only for those travelers being reimbursed on a per-minute basis
- 

(12.6.2 Policy, Guide, and Attachments)

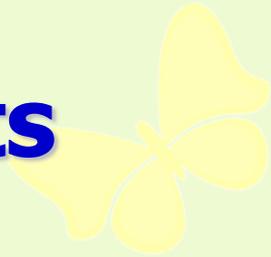


Data Reporting Requirements



- Adds ESSO data reporting requirements:
 - Count and report number and percentage of infants and toddlers receiving early intervention services on a specified date between October 1 and December 1 each year (*12.7.1 Policy*) in a manner that does not identify individual children (*12.7.4 Policy*)
- 
- 
- 

Data Reporting Requirements (cont.)



- Ensures the data collection system for compiling and reporting data includes:
- Certifications regarding how count was made *(12.7.3 Policy and 12.7.5 B & C Policy)*
 - Description of process used to count children receiving EI services *(12.7.5A Policy)*
 - State's sampling methods *(12.7.5D Policy)*
 - State's method for reporting data collected through monitoring and sampling *(12.7.6 Policy)*
- 
- 
- 

Data Reporting Requirements



- Requires ESSO to report to OSEP on an annual basis:
 - number of hearings conducted
 - mediations held
 - settlement agreements reached through mediation (*12.7.2 Policy*)
- 
- 

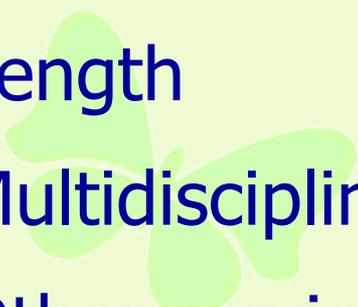
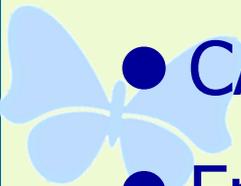


Component - Definitions

Definitions Added



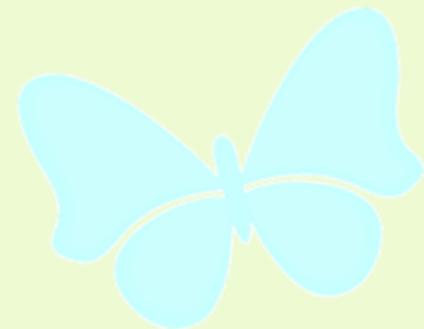
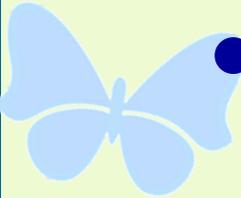
- Authorized Representative
- CAPTA
- Free appropriate public education (FAPE)
- Length
- Multidisciplinary
- Other services
- Primary Service Provider (PSP) Approach
- Progress Monitoring
- Scientifically-based Research
- Sign Language
- State Educational Agency (SEA)



Definitions Updated



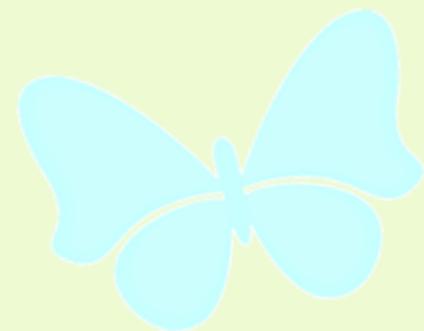
- Nineteen definitions updated to be consistent with changes in federal regulations and state policy
- Those with substantive changes include:
 - Assistive technology device
 - Intensity
 - Native language
 - Notification
 - Opt Out



ESSO NEXT STEPS



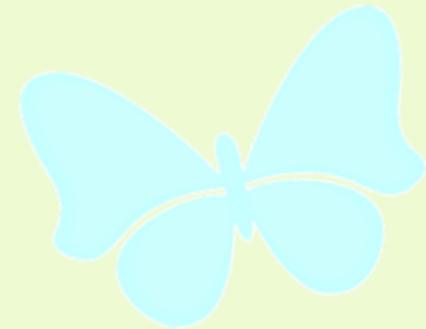
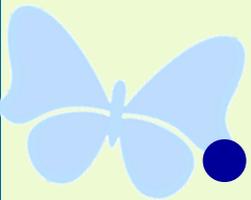
- Ensure implementation
- Incorporate changes into training materials
- Ensure performance standards are consistent
- Update policies and guidance as an on-going process
- Other



LES NEXT STEPS



- Review all policy documents
- Orient staff, providers, families, and other stakeholders
- Inform program manager of questions or need for further clarification
- Make changes to local systems as necessary to implement revised policies





early steps

More Information at Early Steps website

www.cms-kids.com/families/early_steps/early_steps.html



"Policies are many. Principles are few. Policies will change. Principles never do."



John Maxwell



Thank You!

