

TO BE RESCINDED

3701-8-07

Help me grow early intervention system eligibility and determination of need for early intervention services.

Help me grow (HMG) early intervention is the state's early intervention system for infants and toddlers with developmental delays or disabilities and their families. The system has four goals: to enhance the development of infants and toddlers with disabilities; reduce educational costs by minimizing the need for special education; minimize the likelihood of institutionalization and maximize independent living; and, to enhance the capacity of families to meet their child's developmental needs.

For the purposes of this rule, parent means a birth or adoptive parent of a child; a guardian generally authorized to act as the child's parent, or authorized to make early intervention, education, health or developmental decisions for the child (but not the State if the child is a ward of the state); an individual acting in the place of a birth or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives; a person who is legally responsible for the child's welfare; or a surrogate parent who has been assigned by the department.

(A) The following infants and toddlers are eligible for the HMG early intervention system:

- (1) Infants and toddlers who have a documented diagnosed physical or mental condition with a high probability of resulting in a developmental delay, as listed in appendix 07-A to this rule, when documentation is obtained in accordance with paragraph (B)(1) of this rule;
- (2) Infants and toddlers who have a diagnosed physical or mental condition which is not listed in appendix 07-A to this rule, when documentation is obtained in accordance with paragraph (B)(2) of this rule;
- (3) Infants and toddlers with a developmental delay of at least one and one half standard deviations below the mean, or the equivalent determined through informed clinical opinion, in at least one of the following areas: adaptive, cognitive, communication, physical, or social or emotional development, as determined and documented through developmental evaluation in accordance with paragraph (B)(4)(b) of this rule; and
- (4) For infants and toddlers who move into Ohio with "Early Intervention" eligibility determined in another state or U.S. territory, comparable Ohio eligibility shall be established in accordance with paragraph (A)(1) or (A)(3) of this rule and a copy of the out-of-state eligibility shall be documented in the child record.

- (B) Early intervention service coordination contractors shall ensure that every infant or toddler referred to the HMG early intervention system described in paragraph (A) of this rule is determined eligible within forty-five calendar days after program referral in accordance with the following:
- (1) Infants and toddlers who have a documented diagnosed physical or mental condition with a high probability of resulting in a developmental delay, as listed in appendix 07-A of this rule:
 - (a) The service coordinator shall request and obtain documentation of the qualifying diagnosed condition signed by a professional licensed to diagnose and treat mental or physical conditions.
 - (b) Infants and toddlers, for whom documentation of the qualifying diagnosed condition is not obtained by the service coordinator must be offered a developmental evaluation in accordance with paragraph (B)(4)(b) of this rule to determine eligibility for HMG early intervention.
 - (2) Infants and toddlers who have a diagnosed physical or mental condition which is not listed in appendix 07-A of this rule:
 - (a) The service coordinator shall request and obtain documentation of the diagnosed condition on form HEA 8024.
 - (b) Form HEA 8024 shall be filled out completely for the child to be eligible for early intervention, including being signed by professional licensed to diagnose and treat mental or physical conditions.
 - (c) Infants and toddlers, for whom documentation of the diagnosed condition on a completed form HEA 8024 is not obtained by the service coordinator must be offered a developmental evaluation in accordance with paragraph (B)(4)(b) of this rule to determine eligibility for HMG early intervention.
 - (3) Infants and toddlers for whom documentation of the out of state early intervention eligibility is not obtained by the service coordinator shall be offered a developmental evaluation in accordance with paragraph (B)(4)(b) of this rule to determine eligibility for HMG early intervention.
 - (4) Infants and toddlers who are referred to HMG early intervention not otherwise accounted for in paragraphs (B)(1) to (B)(3) of this rule, including infants and toddlers who have been referred from public children's services agencies using form HEA 8021, the early intervention service coordination contractor:

- (a) May offer a global developmental screening to determine whether or not the child is suspected of having a developmental delay. Early intervention service coordination contractors shall ensure that every infant or toddler who receives developmental screening is screened in accordance with the following:
- (i) Provide prior written notice of intent to screen and obtain written consent from the infant or toddler's parent on form HEA 8018 which includes notice of a parent's right to request a developmental evaluation at any time during the screening process, regardless of screening result;
 - (ii) Conduct the screening soon enough to complete all of the required program components within forty-five calendar days after program referral if developmental evaluation and assessment are needed after screening;
 - (iii) Ensure that the personnel screening the infant or toddler is trained to administer the tools; and
 - (iv) Screen the infant or toddler's development with the required tools in accordance with appendix 07-B of this rule.
 - (a) When the screenings yield a concern, or the parent requests a developmental evaluation, the early intervention service coordination contractor shall coordinate a developmental evaluation in accordance with paragraph (B)(4)(b) of this rule.
 - (b) When the screenings yield no concerns, and the parent does not request a developmental evaluation, the early intervention service coordination contractor shall provide notice in person, by e-mail, fax or by postal mail to the parent stating that the screenings did not indicate developmental concerns, information on how to request a developmental evaluation and how to refer to HMG early intervention if there are future developmental concerns; and shall document exit from HMG early intervention in the statewide data system.
- (b) Shall offer developmental evaluation using one of the required tools listed in appendix 07-B to this rule in accordance with the following:

- (i) Obtain informed written consent from the child's parent on form HEA 8018 to conduct the developmental evaluation;
 - (ii) Coordinate a developmental evaluation which shall occur within forty-five calendar days after program referral and as otherwise required, by at least two licensed individuals in two disciplines from the disciplines listed below; unless one individual holds licensure in at least two disciplines: counseling; early childhood education, when licensed for ages three through eight, grades kindergarten through third, or special education; early intervention; hearing impairment intervention; medicine; nursing; occupational therapy; physical therapy; psychology; psychiatry; social work; speech-language pathology; visual impairment intervention; or a professional licensed to diagnose and treat mental and emotional disorders.
 - (iii) Identify the child's level of functioning through the administration of a required evaluation instrument, reviewing the child's history through parent interview and medical, educational, and other records; as well as information from other sources including family members, caregivers, medical providers, social workers, and educators;
 - (iv) Evaluate adaptive, cognitive, communication, physical, and social or emotional developmental domains;
 - (v) Conduct the evaluation in the native language of the child when personnel conducting the developmental evaluation determine it is developmentally appropriate, unless clearly not feasible to do so;
 - (vi) Ensure that at least one discipline has knowledge and expertise in the area of suspected delay; and
 - (vii) Ensure that at least one of the individuals conducting the developmental evaluation is trained to conduct developmental evaluations on infants and toddlers using one of the required tools.
- (5) Infants and toddlers who have been evaluated in accordance with paragraph (B) (4)(b) of this rule, but for whom the developmental evaluation tool does not indicate a developmental delay of at least one and one half standard deviations below the mean in at least one of the following areas: adaptive, cognitive, communication, physical, and social or emotional development may be made eligible using informed clinical opinion when the sources of information

used and a written explanation of how those sources of information support eligibility and a need for at least one early intervention service.

- (C) Early intervention service coordination contractors shall ensure that every infant or toddler receiving an evaluation to determine eligibility or an initial child assessment to determine need for services is screened for concerns with the child's hearing, vision, and nutrition in accordance with appendix 07-B to this rule, within forty-five calendar days after program referral, except for the following:
- (1) No hearing screening is required when the child has a diagnosed condition related to hearing or when a comparable screening conducted by a qualified professional, including a universal newborn hearing screening, can be documented as occurring within one hundred eighty calendar days prior to program referral.
 - (2) No vision screening is required when the child has a diagnosed condition related to vision or when a comparable screening conducted by a qualified professional can be documented as occurring within one hundred eighty calendar days prior to program referral.
 - (3) No nutrition screening is required when the child has a diagnosed condition related to nutrition or when a comparable screening conducted by a qualified professional can be documented as occurring within one hundred eighty calendar days prior to program referral.
- (D) When none of the criteria in paragraph (B) of this rule are met, the child is determined not eligible for HMG early intervention and the following must occur:
- (1) The early intervention service coordination contractor shall provide the prior written notice form, HEA 8022, in person, by e-mail, or by postal mail to the parent stating that the child is not eligible for the early intervention system and the reasons why; and information on how to file a request for reconsideration of eligibility, in accordance with paragraph (I) of this rule and.
 - (2) The child's exit from HMG early intervention shall be documented in the statewide data system.
- (E) Early intervention service coordination contractors shall ensure that every infant or toddler who is determined eligible for early intervention in accordance with paragraph (B) of this rule receives a multidisciplinary assessment of the unique strengths and needs of that infant or toddler and the identification of services appropriate to meet those needs within forty-five calendar days after program referral and as otherwise required, unless the child has received a multidisciplinary assessment in all five

developmental domains within the last ninety calendar days and the results of the assessment are provided to the child's service coordinator. The contractor shall:

- (1) Obtain written consent from the child's parent on form HEA 8018 to conduct assessment;
- (2) Coordinate an initial child assessment which shall:
 - (a) Occur within forty-five calendar days after program referral and annually thereafter;
 - (b) Be based on a review of the results of the developmental evaluation conducted in accordance with paragraph (B)(4)(b) of this rule;
 - (c) Be based on personal observations of the child;
 - (d) Be conducted by at least two licensed individuals in two disciplines from the disciplines listed in this paragraph; unless one individual holds licensure in at least two disciplines: counseling; early childhood education, when licensed for ages three through eight, grades kindergarten through third, or special education; early intervention; hearing impairment intervention; medicine; nursing; occupational therapy; physical therapy; psychology; psychiatry; social work; speech-language pathology; visual impairment intervention; or a professional licensed to diagnose and treat mental and emotional disorders;
 - (e) Include assessment of adaptive, cognitive, communication, physical, and social or emotional developmental domains; and
 - (f) Conduct the assessment in the native language of the child when personnel conducting the assessment determines it is developmentally appropriate, unless clearly not feasible to do so.
- (3) Multidisciplinary child assessment of the unique strengths and needs of that infant or toddler and the identification of services appropriate to meet those needs may be completed simultaneously with a developmental evaluation completed under paragraph (B)(4)(b) of this rule as long as the requirements for both the developmental evaluation and the child assessment are met.
- (4) Offer a family-directed assessment. When the parent chooses to participate, the family-directed assessment shall:
 - (a) Occur within forty-five calendar days after program referral and annually thereafter;

- (b) Provide the family an opportunity to identify its resources, priorities, and concerns; and the supports and services necessary to enhance the family's capacity to meet the developmental needs of their infant or toddler;
 - (c) Be voluntary on the part of each family member participating in the assessment;
 - (d) Be based on information obtained through a tool and an interview with family members who elect to participate; and
 - (e) Be conducted in the native language of the family members being assessed, unless clearly not feasible to do so.
- (5) Ensure that parents are informed of the outcome of the evaluation and assessment, including whether or not the infant or toddler has been determined eligible and in need of early intervention services, in accordance with the following:
- (a) When an infant or toddler is determined eligible and in need of early intervention services, the early intervention service coordination contractor shall coordinate the IFSP team to develop the child's IFSP within forty-five calendar days after program referral.
 - (b) When an infant or toddler is determined eligible, but not in need of early intervention services:
 - (i) The early intervention service coordination contractor shall provide the prior written notice form, HEA 8022, in person, by e-mail, fax or by postal mail to the parent stating that the child does not need early intervention services and the reasons why; and information on how to file a request for reconsideration of need for services, in accordance with paragraph (I) of this rule.
 - (ii) The child's exit from HMG early intervention shall be documented in the statewide data system.
- (F) Infants and toddlers made eligible under paragraph (A)(2) or (B)(5) of this rule shall have early intervention eligibility re-determined in advance of the annual IFSP in accordance with paragraph (B) of this rule, except when toddlers are ninety or less calendar days from their third birthday.
- (G) Every eligible infant and toddler must have their need for early intervention services re-assessed at least annually before the annual IFSP meeting due date.

- (1) A multidisciplinary assessment of the unique strengths and needs of that infant or toddler and the identification of early intervention services appropriate to meet those needs must be completed in accordance with paragraph (E) of this rule and no earlier than ninety calendar days before the annual IFSP meeting due date.
 - (2) Assessment is not required for toddlers who are ninety calendar days or less from their third birthday.
 - (3) Assessment processes may be conducted more frequently than required when the IFSP team members agree it is appropriate.
- (H) Early intervention service coordination contractors and service providers who conduct developmental evaluations or assessments, including family-directed assessments, shall ensure that developmental evaluations and assessments are:
- (1) Provided at no cost to parents;
 - (2) Provided only after consent has been provided in writing;
 - (3) Conducted in settings and times that are convenient;
 - (4) Conducted by qualified personnel who provide evaluations and assessments in accordance with this rule;
 - (5) Inclusive of information about the child's history from the child's parent and other significant sources as necessary to understand the full scope of the child's unique strengths and needs; and
 - (6) Administered so as not to be racially or culturally discriminatory.
- (I) When a parent disagrees with an eligibility or needs determination, they may request reconsideration of the decision by filing a written request with the director within forty-five calendar days after the date on the written notice. The request for reconsideration shall contain a statement of the reasons the parent believes the decision is incorrect or inappropriate and may include any written documentation, argument, or other materials they wish to submit. The request is filed with the director when it is received by the department.
- (1) For the purposes of reconsideration, the director may request additional, relevant records or documentation within forty-five calendar days after receipt of the request for reconsideration. The parent shall file any requested information with the director no later than forty-five calendar days after the date on the director's request for additional information.

- (2) Within forty-five calendar days after receipt of a request for reconsideration from the parent and all necessary additional information filed pursuant to the director's request for information, the director shall issue a written notification of the decision to the parent who requested the reconsideration. If the director upholds the ineligibility decision, the notice shall include the reasons for the decision including citations of statutes, or rules directly involved.
- (3) A parent may simultaneously dispute the child's eligibility determination by filing a complaint with the department in accordance with paragraph (C) or (D) of rule 3701-8-10 of the Administrative Code.

Effective:

Five Year Review (FYR) Dates: 11/7/2017

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 3701.61
Rule Amplifies: 3701.61
Prior Effective Dates: 8/8/2005, 7/16/2010, 9/3/2012, 1/15/2015