



Birth Mandate Referral Process for Children with **Hearing Impairment**

Three Pathways to Identification



DELAWARE HEALTH AND SOCIAL SERVICES
Division of Public Health

This document describes 3 distinct pathways of how a child suspected to have a Hearing Impairment or may be Deaf/Blind may be identified. CDW, LEAs, and the **Statewide Program (SWP) for the Deaf, Hard of Hearing & Deaf-Blind**, should demonstrate a strong partnership in each pathway that keeps children and families at the center of the process, striving to make this a more integrated and straightforward experience for them.

Pathway 1: NEW REFERRALS (Including sub-pathways described in Scenarios 1 and 2)

Referrals for Children not currently receiving Part C or Part B Services who **may be eligible for a Special Education classification under Hearing Impairment**.

CDW Responsibilities

- If referral is made to CDW a Family Service Coordinator (FSC) is assigned to begin the birth mandate process
- **First**, the FSC contacts the responsible LEA's Child Find Coordinator for 619 to determine mutually agreeable dates/times to offer the parent the initial home visit (The LEA representative attending the home visit could be any of the following: Childfind Coordinator for 619, the Psychologist, the Educational Diagnostician, Special Education Coordinator or a representative knowledgeable about 619 and hearing loss)
- **Next**, within two business days the FSC contacts the parent to schedule the initial home visit (to take place within the first week to 10 days) and explains the role of the LEA when there is a Hearing Impairment concern
- **If necessary, the FSC may need to communicate again with the LEA and parent to finalize the date/time of the initial visit-** for greater efficiency and effectiveness, this visit may be conducted with staggered times, such that the LEA representative joins after the Family Service Coordinator has completed their components
- If child has the established condition of Hearing Impairment, with parent consent an interim IFSP is developed as soon as possible to begin Early Intervention.

LEA Responsibilities

- If referral goes to LEA first, then LEA contacts CDW to refer the child.
- The LEA will ensure that a representative from the responsible LEA attends the home visit (The LEA representative attending the home visit could be any of the following: Child Find Coordinator for 619, the Psychologist, the Educational Diagnostician, Special Education Coordinator or a representative knowledgeable about 619 and hearing loss.) The LEA representative may participate by teleconference as an alternative option to attending in person.
- If for some reason the LEA cannot participate in the initial visit, (**which should be the exception**) they should communicate with the family ASAP to obtain consent to evaluate to assure compliance with timely evaluation.

A confirmed hearing loss or a concern about possible Hearing Impairment is shared either verbally by the referral source or shared in a written document by the referral source *Note: The term Hearing Impairment is used throughout this document to align with IDEA terminology, and is also referred to as Deaf and Hard of Hearing.*

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INITIAL HOME VISIT

Shared CDW and LEA Responsibilities

- CDW and LEA provides and explains **Parental Rights and Procedural Safeguards [To be documented in the Prior Written Notice (PWN) that the Rights and Safeguards were given to the parent at the initial home visit]**
- CDW and LEA explain their roles, responsibilities, and services
- CDW and LEA explain the evaluation/assessment process for eligibility under Part C and Part B services, respectively
 - CDW explains their Multidisciplinary evaluation/assessment process- as well as eligibility under established condition- see IDEA Federal Regulations- Section 303.320 (<https://www.gpo.gov/fdsys/pkg/FR-2011-09-28/pdf/2011-22783.pdf>)
 - LEA explains their evaluation/assessment process to determination eligibility under a Hearing Impairment classification- see Delaware Administrative Code Title 14, section 925 2.0 (<http://regulations.delaware.gov/AdminCode/title14/900/925.shtml>)
 - CDW and LEA discuss any evaluations/assessments already completed and determine need for additional evaluations/assessments

CDW Responsibilities:

- CDW proposes to evaluate/assess the child for Part C eligibility and documents in the **PWN** to the parent
- If child meets eligibility criteria for established condition, CDW must still conduct the multidisciplinary evaluation within time lines.
- If parent agrees to the multidisciplinary evaluation, parent provides written consent to conduct the evaluation. **(Consent to Evaluate for Part C)**

LEA Responsibilities:

- LEA proposes to evaluate/assess the child for Part B eligibility and documents in the **PWN** to the parent
- If parent agrees to evaluation, parent provides written consent to conduct the evaluation/assessment. **(Permission to Evaluate for Part B)**

EVALUATION/ASSESSMENT PROCESS

CDW Responsibilities

- CDW conducts the multidisciplinary evaluation/assessment and must convene an IFSP meeting within **45 calendar days (Notice of Meeting)**
- Upon completion of the CDW multidisciplinary evaluation/assessment if the child is eligible for Part C services the team will develop an IFSP- CDW will document the IFSP team decisions in a PWN and the parent will provide written consent for the provision of early intervention services (Consent for Provision of Early Intervention Services, which means signing the IFSP)
- Meanwhile, **(Scenario 1- next page):** the LEA continues their evaluation/assessment process
- **OR**
- **(Scenario 2):** the LEA has completed its evaluation/assessment within the same timeframe as CDW allowing the teams to convene together **(Scenario 2 is best practice. Try to aim for one meeting so the parent does not have to go to two meetings.)**

LEA Responsibilities

- LEA conducts evaluation/assessment and must convene an eligibility meeting **within 45 school days or 90 calendar days whichever comes first**
- In the event that an LEA does not have the internal capacity to conduct the evaluation /assessment - the LEA may utilize an external vendor for parts of or the whole evaluation/assessment
- If the LEA chooses to utilize **SWP** for the evaluation or consultation for the purpose of determining eligibility then the LEA is responsible for obtaining **parental consent (Consent to Release Information form)** to release information between the LEA and SWP.

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Scenario 1: CHILDREN THAT HAVE AN IFSP (refer back to previous page Evaluation/Assessment Process Box - third bullet under CDW Responsibilities)

CONDUCT **JOINT IFSP/IEP MEETING** TO REVIEW RESULTS OF BOTH EVALUATIONS/ASSESSMENTS AND TO DETERMINE PART B ELIGIBILITY UNDER THE CLASSIFICATION OF HEARING IMPAIRMENT. (CDW and LEA are reviewing the LEA evaluation together for the first time) If SWP is involved, they should be included on the Notice of Meeting.

CDW Responsibilities

- CDW attends the Part B 619 eligibility meeting
- Discusses results of evaluation/assessment with parent and the LEA
- CDW provides a copy of the **Multidisciplinary Evaluation/Assessment and the IFSP to the LEA prior to this meeting**

LEA Responsibilities

- LEA sends parent **Notice of Meeting** (same date and time as CDW Service Coordinator) LEA includes CDW on the invitation and provides CDW a copy of **Notice of Meeting**
- LEA discusses results of evaluation/assessment with parent and CDW
- LEA documents the data, discussions and team decisions of Hearing Impairment classification in the **Evaluation Summary Report (ESR)**
- If eligible under the Hearing Impairment classification, team discusses potential service options through Part C or Part B
- Parent decides if they want to continue with the IFSP (Part C) or begin IEP (Part B)

CDW Responsibilities if Part C is chosen

- If any amendments are decided, IFSP will be amended and CDW will continue with their process
- **CDW documents the parent's decision in PWN**
- CDW will still provide transition notification to the LEA and SEA to ensure timely transition planning for Part B under the normal process for children potentially eligible for Part B (not less than 90 days before the child's third birthday and not more than 9 months prior to the third birthday)

CDW Responsibilities if Part C is declined

- Parent signs Consent for Provision of Early Intervention under Part C, declining EI at this time
- CDW documents in PWN that Part C is offering services but parent is declining and opting to begin Part B services under the Birth Mandate classification of Hearing Impairment

LEA Responsibilities if Part B is chosen

- Parent signs **Consent for Initial Provision of Special Education and Related Services** agreeing to Part B services
- Parent and LEA develop the **IEP**
- LEA documents decision in **PWN**

LEA Responsibilities if Part B is declined

- Parent signs **Consent for Initial Provision of Special Education and Related Services** declining Part B services at this time
- LEA includes in their **PWN** that Part B is offering services, however the parent is declining an IEP
- **LEA includes that Part C is approved to access SWP that can be listed on the IFSP**

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Scenario 2: CHILDREN THAT DO NOT YET HAVE AN IFSP (refer back to previous page Evaluation/Assessment Process Box - fourth bullet under CDW Responsibilities)

CONDUCT **JOINT IFSP/IEP MEETING** TO REVIEW RESULTS OF EVALUATIONS/ASSESSMENTS AND DETERMINE ELIGIBILITY FOR PART C AND PART B UNDER THE CLASSIFICATION OF A HEARING IMPAIRMENT. (CDW and LEA are reviewing the CDW and LEA evaluations for the first time) If SWP is involved, they should be included on the Notice of Meeting.

CDW Responsibilities

- FSC coordinates meeting date with the LEA and family/parent
- CDW sends parent **Notice of Meeting** (same date and time as LEA)
CDW includes LEA on the invitation and provides LEA a copy of **Notice of Meeting**.
- CDW discusses results of evaluation/assessment with parent and the LEA
- CDW provides a copy of the **Multidisciplinary Assessment to the parent and LEA prior to this meeting**

LEA Responsibilities

- LEA sends parent **Notice of Meeting** (same date and time as FSC)
LEA includes CDW on the invitation and provides CDW a copy of **Notice of Meeting**
- LEA discusses results of evaluation/assessment with parent and CDW
- LEA documents the data, discussions and team decisions of Hearing Impairment classification in the **Evaluation Summary Report** (ESR)
- If eligible under the Hearing Impairment classification, team discusses potential service options through Part C or Part B
- Parent decides if they want an IFSP (Part C) or an IEP (Part B)

CDW Responsibilities if Part C is chosen

- Parent and CDW develop IFSP
- **CDW documents the parent's decision to continue with Part C in PWN**
- CDW will still provide transition notification to the LEA and SEA to ensure timely transition planning for Part B under the normal process for children potentially eligible for Part B (not less than 90 days before the child's third birthday and not more than 9 months prior to the third birthday)

CDW Responsibilities if Part C is declined

- Parent signs Consent for Provision of Early Intervention under Part C, declining EI at this time
- CDW documents in **PWN** that Part C is continuing to offer services but parent is now declining Part C and opting to begin Part B services under the Birth Mandate classification of Hearing Impairment

LEA Responsibilities if Part B is chosen

- Parent signs **Consent for Initial Provision of Special Education and Related Services** agreeing to Part B services
- Parent and LEA develop the **IEP**
- LEA documents decision that parent is accepting Part B services and opting to discontinue Part C participation in **PWN**

LEA Responsibilities if Part B is declined

- Parent signs Consent for Initial Provision of Special Education and Related Services declining Part B services at this time
- LEA includes in their **PWN** that Part B is offering services and that at this time parent is declining an IEP and has chosen to continue with Part C services.
- LEA includes that Part C is approved to access SWP that can be listed on the IFSP

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Pathway 2: CHILDREN WITH MDA OR AN IFSP

- CDW completes the multidisciplinary evaluation/assessment and there is now a concern about a Hearing Impairment (no IFSP yet)
- For children with an IFSP and already receiving Part C services, and over time a concern about a Hearing Impairment has emerged.

CDW Responsibilities

- FSC discusses concern with the parent. Parent signs consent to forward Early Intervention records that family agrees to share (which may include evaluation/assessments) to the LEA (**Consent to Release Information**)
- CDW completes their **Referral Form** and sends to the LEA, (copying the Field agent/EC Transition Coordinator) sharing the Multidisciplinary evaluation/ assessment and IFSP (if there is one) with the LEA.
- CDW continues with IFSP services **or** develops an IFSP (while the LEA completes the evaluation/assessment for Hearing Impairment).
- If the child is not found eligible for Part B services at the eligibility meeting held by the LEA OR the parent declines Part B services, CDW continues providing IFSP services under Part C
- If parent agrees to Part B services, CDW completes **PWN** indicating the parent is now declining continuation in the Part C program.

LEA Responsibilities

- LEA contacts the parent and explains the evaluation/assessment process for the Hearing Impairment classification
- LEA proposes to evaluate/assess the child for Part B eligibility and documents in the **PWN** to the parent along with providing the Procedural Safeguards/ Parental Rights
- If parent agrees to evaluation, parent provides written consent to complete the evaluation and eligibility determination process (**Permission to Evaluate for Part B**). LEA compliance timeline for eligibility begins when LEA receives the signed consent
- **LEA may contact Statewide Programs for Deaf, Hard of Hearing & Deaf-Blind to make them aware of referral as appropriate**
- In the event that an LEA does not have the internal capacity to conduct the evaluation/assessment, the LEA may utilize SWP or an external vendor for parts of or the whole evaluation/assessment.
- If the LEA chooses to utilize SWP or a vendor for the evaluation, the LEA is responsible for obtaining parental consent (**Consent to Release Information form**) to release information between the LEA and vendor.
- LEA sends parent, CDW, and as appropriate SWP the **Notice of Meeting**.
- LEA documents the data, discussions and team decisions of the Hearing Impairment classification in the **Evaluation Summary Report** at the eligibility determination meeting, which must be done within 45 school days or 90 calendar days whichever comes first
- If eligible under the Hearing Impairment classification, team discusses potential service options through Part C or Part B
- If family chooses an IEP, family/parent signs consent (**Consent for Initial Provision of Special Education and Related Services**) agreeing to Part B services
- The IEP team which includes the parent will develop the IEP.
- **If family chooses an IFSP, LEA includes that Part C is approved to access SWP that can be listed on the IFSP- Document in PWN for either choice made by parent**

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Pathway 3: LATE REFERRALS TO PART C

Children nearing 33 months of age (who are more than 90 days away from the third birthday) and who are not currently receiving Part C or Part B services and the parent contacts CDW **with concerns for possible Hearing Impairment (refer back to page 1 for what this means)**

Shared CDW and LEA Responsibilities

- If child is found eligible for Part C, based on established condition, CDW must immediately notify the SEA/LEA in writing (via the CDW Referral Form) to ensure an IEP is in place by the child's third birthday and that there is a concern regarding the child's hearing status. (This is considered a notification of a child in Part C who is potentially eligible for Part B-therefore no parental consent is required in Delaware)
- If referral/eligibility determination for Part C ends up being 90 days or less before child's third birthday, **a transition conference is not required**; however, it is best practice to hold/ invite the LEA to the IFSP meeting to insure timely identification and access to services for the child.
- If referral /eligibility determination to Part C is 90 days or less before child's third birthday, an **IEP is not required to be in place by age 3**; however, LEAs must strive to have an IEP developed as soon after age 3 as possible if child is found eligible.
- **Follow the process described in Pathway#1** if parent confirms they wish to have Part C remain involved.
- If parent declines to go any further with CDW given that the child will soon be turning three, then LEA follows the state special education regulations for timely evaluation and identification, just as with any new referral
- Both CDW and the LEA must issue a **PWN** based on their proposed actions.

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Important Notes

- ❖ Child cannot have an IFSP and IEP simultaneously which means that a child cannot continue with Service Coordination from CDW, while receiving services from the LEA through an IEP
- ❖ Whether or not a child receives an IEP or an IFSP is determined individually - a child's classification does not necessarily lead to an IEP over an IFSP or vice versa
- ❖ A timely transition conference must occur before the child turns 3 years of age (transition from Part C to Part B)
- ❖ If a family contacts Statewide Programs for the Deaf and Hard of Hearing first, Statewide Programs will provide the family with contact information for CDW and the LEA to initiate a referral
- ❖ If a family contacts the Listening and Spoken Language program within Christina, they will provide the family with contact information for CDW and the LEA to initiate a referral

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