

Required and Permitted Roles of CCBs and AUs for Early Intervention Colorado (Part C) Implementation of Birth to Age 3 Child Find Requirements

Introduction

This document replaces the documents accompanying a June 22, 2007 memo by the State Departments of Human Services (CDHS) and Education (CDE) which contained implementation charts for Community Centered Boards, Special Education Administrative Units, and a side-by-side comparison of the responsibilities. This document clarifies and updates the roles and responsibilities of local Community Centered Boards (CCBs) and Special Education Administrative Units (AUs) (i.e., boards of cooperative education services and qualifying school districts) to carry out state and federal law, rules, and regulations relevant to identification, screening, evaluation and transition of infants and toddlers suspected to have a developmental delay or disability. Roles identified are the responsibility of the CCB and AU of the child's residence.

Background

Senate Bill 07-255 codified responsibilities for child find activities for all children from birth to twenty-one years of age in the State of Colorado, and distinguished those child find activities for infants and toddlers, birth through two years of age, and those for children age three to twenty-one. The 2007 legislation outlined a collaborative process between CDHS and CDE, as well as between CCBs and AUs. The law was developed with the express purpose to ensure that child find responsibilities were clearly identified for each partner and the system as a whole.

Interagency collaboration

Both Part B and C of the federal Individuals with Disabilities Education Act (IDEA) refer to the relationship and need for collaboration between the two agencies overseeing the state implementation of Part B and C. 34 CFR 303.321 (Part C) requires that the Colorado Department of Human Services (CDHS), as the designated lead agency under Part C of IDEA for early intervention services for infants and toddlers, birth through two years of age, implement a comprehensive child find system that is, "...consistent with part B of the Act". As critical partners to local implementation of a child find system, CCBs and AUs must have local operating agreements that articulate a commitment and plan to carry out federal and state law, rules and regulations. This document may be useful in considering the areas of interaction and collaboration between the CCB and AU. Local agreements are to be developed collaboratively, reviewed on an annual basis, and revised as necessary (*12 C.C.R. 2509-10, Section 7.910 B 2.*).

Defining Local Responsibilities

The table (side-by-side) below specifies the components of the required early intervention (Part C) activities that necessitate interaction between the local CCB and AU, delineating specific activities that must be carried out. Where possible, one agency is designated as "Responsible" for each activity. In some cases, the other entity is "permitted" to carry out that activity. When the "permitted" entity is carrying out the activity, rather than the "responsible" entity, agreements must be made and defined in the local interagency agreement. Additionally, the activities must be carried out meeting all requirements. Some activities contain elements for which each agency has responsibility. Again, local agreements should specify the components of each activity and how they will be carried out by each agency. When an activity indicates that both agencies have specific responsibilities care should be taken to ensure that there is not a duplication or gap of efforts. Local agreements must specify how each entity will carry out their requirements and steps to be taken if there is no consensus.

Required Early Intervention (Part C) Activities <i>Relevant Law, Rules, Regulations Shown in Italics, See Key at End of Table</i>	Community Centered Board	Special Education Administrative Unit
Public Awareness		
1. Conduct public education outreach and awareness of early intervention services <i>34 C.F.R. 303.116 and 303.303; 12 C.C.R. 2509-10, Section 7.920 (A) and Procedure A, and C.R.S 27-10.5-103 (h)</i>	Responsible	
2. Develop and implement an overall program of public education outreach and awareness efforts <i>34 C.F.R. 303.116 and 303.301; 12 C.C.R. 2509-10, Section 7.920 (A) and Procedure A and C.R.S 22-20-118 (2) (a)</i>	Responsible	Assist
3. Central Directory of Resources (link to state EI website) www.eicolorado.org <i>34 C.F.R. 303.117; 12 C.C.R. 2509-10, Section 7.920 (A) (2) and (3) and Procedure A</i>	Responsible	
Referral to Early Intervention		
4. Assign Service Coordinator <i>34 C.F.R. 303.34; 12 C.C.R. 2509-10, Section 7.920 (C) (3)</i>	Responsible	
5. Notify AU/CCB with 3 working days of receipt of new referral <i>12 C.C.R. 2509-10, Section 7.920 (C) (5) and Procedure C and C.R.S 22-20-118 (2)(a)</i>	Responsible	Responsible
6. For a child referred to the CCB less than 45 days prior to the child’s third birthday, with parental consent, refer the child directly to the AU for Part B services <i>34 C.F.R. 303.209 (b) (iii); 12 C.C.R. 2509-10, Section 7.920 (D) (2) and Procedure C</i>	Responsible	
7. For a child referred directly to the AU less than 45 days prior to the child’s third birthday, the AU does not need to notify the CCB and proceeds with the Part B evaluation process <i>34 C.F.R. 303.209 (b) (iii); 12 C.C.R. 2509-10, Section 7.920 (D) (2) and Procedure C</i>		Responsible
Initial Service Coordination Functions		
8. Contact the family within 7 days of date of referral <i>12 C.C.R. 2509-10, Section 7.920 (C) (4)</i>	Responsible	*Permitted if trained by State EI in provision of Part C Procedural Safeguards
9. Issue Prior Written Notice (on Part C state-approved form) and inform parents of Procedural Safeguards <i>34 C.F.R. 303.404 and 303.421; 12 C.C.R. 2509-10, Section 7.980 (B) and (D)(3) and Procedures A through H</i>	Responsible	*Permitted if trained by State EI in provision of Part C Procedural Safeguards
10. Obtain parental consent for the intended activity, either screening or evaluation. Consent for	Responsible	*Permitted if trained by

Required Early Intervention (Part C) Activities <i>Relevant Law, Rules, Regulations Shown in Italics, See Key at End of Table</i>	Community Centered Board	Special Education Administrative Unit
both screening and evaluation activities should not be obtained at the same time. <i>34 C.F.R. 303.420; 12 C.C.R. 2509-10, Sections 7.920 (D) (2) (a), 7.920 (E) (3) and (4), and 7.980 (D) (4)</i>		State EI in provision of Part C Procedural Safeguards
11. Provide referral status form to referral source <i>34 C.F.R. 303.302 (c); 12 C.C.R. 2509-10, Section 7.980 (C) (6) (c) and 7.980 (D) (4)</i>	Responsible	*Permitted
12. Complete required data entry into DDDWeb <i>12 C.C.R. 2509-10, Section 7.914 (C)</i>	Responsible, starting at the time of referral	
Post-Referral Screening <i>Note: Post-referral screening is an optional activity. When a Part C referral is received and clarity is needed about whether an evaluation is warranted and/or what evaluation methods and procedures may be most useful, a post referral screening is recommended. Post-referral screening is not recommended when pre-referral screening was done and information from that screening can be utilized to plan the evaluation. When post-referral screening is conducted it must meet all required components, numbers 13 – 17 below.</i>		
13. Issue Prior Written Notice (on Part C state-approved form) and inform parents of Procedural Safeguards <i>34 C.F.R. 303.320 (a) (i), 303.404 and 303.421; 12 C.C.R. 2509-10 Sections 7.901, 7.920 (C) (4), 7.920 (D) (2), 7.920 (E) (3) and (4), and 7.980 (B) and Procedures A through H</i>	Responsible	*Permitted if trained by State EI in provision of Part C Procedural Safeguards
14. Obtain parental consent for post-referral screening <i>34 C.F.R. 303.320 (a) (i) and 303.420; 12 C.C.R. 2509-10 Sections 7.901, 7.920 (D) (2), and 7.980 (B)</i>	Responsible for ensuring consent is gained	*Permitted if trained by State EI in provision of Part C Procedural Safeguards
15. Conduct post-referral screening by appropriately trained screeners <i>C.R.S 22-20-118(2)(b) and 34 C.F.R. 303.320; 12 C.C.R. 2509-10 Sections 7.901 and 7,920 (D)</i>	*Permitted	Responsible
16. Provide written post-referral screening results to family within a reasonable period of time <i>34 C.F.R. 303.401 (b) (2); 12 C.C.R. 2509-10 Section 7.920 (D) (2) (c)</i>	Responsible when CCB conducts the screening	Responsible when AU conducts the screening
17. Issue appropriate Prior Written Notice of the screening results and inform parents of Procedural Safeguards <i>34 C.F.R. 303.320 (a) (2); 12 C.C.R. 2509-10 Sections 7.901, 7.920 (D) (2) (d), and 7.980 (B), (D) (3) and Procedures A through H</i>	Responsible	*Permitted if trained by State EI in provision of Part C Procedural Safeguards

Evaluation of the Child and Assessment of the Child and Family		
<p>18. Provide prior written notice and obtain parental consent for evaluation activities</p> <p><i>34 C.F.R. 303.321 and 303.420; 12 C.C.R. 2509-10 Sections 7.901, 7.920 (E) (3) and (4), and 7.980 (D) (3) and (4)</i></p>	Responsible	*Permitted if trained by State EI in provision of Part C Procedural Safeguards
<p>19. Based on the primary area of developmental concern, plan and administer initial multi-disciplinary evaluation and assessment in the child’s language using a minimum of two appropriately qualified (i.e. CDE licensed) personnel, at least one of whom is qualified in the primary area of developmental concern</p> <p><i>34 C.F.R. 303.24 and 303.321 (a) (1) (i) and (a) (2) (i); 12 C.C.R. 2509-10 Sections 7.901, 7.920 (E) (2) (a), 7.920 (E) (5) through (7), 7.951 (Appendix G); and 7.920 Procedure E; C.R.S 22-20-118 (2)(b) and ECEA 4.02 (1)(a)(i)(B)</i></p>	Required when the CCB conducts the evaluation	Responsible
<p>20. Within 45 days from the date of referral, administer the evaluation and assessment of the child using an evaluation instrument, gathering the child’s medical and developmental history, identifying the child’s level of functioning in each development area (physical development including hearing and vision screening, cognitive development, communication development, social and emotional development, and adaptive development), gathering information from other sources, including review of medical and other records</p> <p><i>34 C.F.R. 303.21 (a) (1), 303.310 (c) (2), and 303. 321 (b) and (c) (1); 12 C.C.R. 2509-10 Sections 7.901, and 7.920 and Procedure E and ECEA 4.02 (1)(a)(i)(B)</i></p>	*Permitted when the AU cannot meet the 45 day timeline, and if the CCB has the capacity to conduct the evaluation within the 45 days	Responsible
<p>21. After eligibility has been established, when the family elects to participate, conduct a family directed assessment using an assessment tool (by personnel trained in the use of that tool), and through an interview, with family members in the family’s native language</p> <p><i>34 C.F. R. 303.310 (d), 303.321 (a) (1) (ii) (B) and 303.321 (c) (2); 12 C.C.R. 2509-10 Section 7.920 (E) (8) and (9) and Procedure (E) (5)</i></p>	Responsible	*Permitted
<p>22. Evaluation and assessment methods, procedures and results are documented in the IFSP</p> <p><i>34 C.F.R. 303.344; 12 C.C.R. 2509-10 Section 7.920 (G) (3) and Procedures (E) (6) and (7)</i></p>	Responsible for ensuring results are documented in the IFSP	Responsible for sharing methods, procedures and results verbally with the family and CCB representative
<p>23. Use informed clinical opinion when conducting an evaluation</p> <p><i>ECEA 4.02 (1)(a)(i)(B) and 34 C.F.R. 303.321 (a) (3) (ii); 12 C.C.R. 2509-10 Sections 7.901 and 7.920 (E) (6) and Procedure (E) (9)</i></p>	*Permitted when the CCB conducts the evaluation	Responsible

Multidisciplinary Assessment for Children with Established Conditions		
<p>24. Provide prior written notice and obtain parental consent for assessment activities</p> <p><i>34 C.F.R. 303.321 and 303.420; 12 C.C.R. 2509-10 Sections 7.901, 7.920 (E) (3) and (4), and 7.980 (D) (3) and (4)</i></p>	Responsible	*Permitted if trained by State EI in provision of Part C Procedural Safeguards
<p>25. Based on the primary area of developmental concern, plan and administer initial multi-disciplinary assessment in the child’s language using a minimum of two appropriately qualified (i.e. CDE licensed) personnel, at least one of whom is qualified in the primary area of developmental concern</p> <p><i>34 C.F.R. 303.24 and 303.321 (a) (1) (i) and (a) (2) (i); 12 C.C.R. 2509-10 Sections 7.901, 7.920 (E) (2) (a), 7.920 (E) (5) through (7), 7.951 (Appendix G); and 7.920 Procedure E; C.R.S 22-20-118 (2)(b) and ECEA 4.02 (1)(a)(i)(B)</i></p>	Responsible	*Permitted
<p>26. Within 45 days from the date of referral of an infant or toddler who is eligible due to an established condition, administer the assessment of the child using an evaluation instrument, gathering the child’s medical and developmental history, identifying the child’s level of functioning in each development area (physical development including hearing and vision screening, cognitive development, communication development, social and emotional development, and adaptive development), gathering information from other sources, including review of medical and other records</p> <p><i>34 C.F.R. 303.321 (a) (3) and (c); 12 C.C.R. 2509-10 Section 7.920 (H); 12 C.C.R. 2509-10 Sections 7.901 and 7.920 (H) (5) and Procedure (H)</i></p>	Responsible	*Permitted
<p>27. After eligibility has been verified in the established conditions database, when the family elects to participate, conduct a family directed assessment using an assessment tool (by personnel trained in the use of that tool), and through an interview, with family members in the family’s native language</p> <p><i>34 C.F. R. 303.310 (d), 303.321 (a) (1) (ii) (B) and 303.321 (c) (2); 12 C.C.R. 2509-10 Section 7.920 (E) (8) and (9) and Procedure (E) (5)</i></p>	Responsible	*Permitted
<p>28. Evaluation and assessment methods, procedures and results are documented in the IFSP</p> <p><i>34 C.F.R. 303.344; 12 C.C.R. 2509-10 Section 7.920 (G) (3) and Procedures (E) (6) and (7)</i></p>	Responsible	*Permitted
Eligibility Determination		
<p>29. Evaluation results document in the IFSP whether or not a child exhibits a significant delay</p> <p><i>ECEA 4.02 (1)(a)(i)(B); 34 C.F.R. 303.21, 303.111, and 303.321 (b) (3); 12 C.C.R. 2509-10 Sections 7.901, 7.920 (E) (7), and 7.920 (G) and Procedure (E) (6) through (8)</i></p>	*Permitted when the CCB conducts the evaluation	Responsible

30. Based on results of the evaluation, document in the IFSP whether the child meets the Part C eligibility criteria for developmental delay <i>12 C.C.R. 2509-10 Sections 7.901, 7.920 (E) (7), and 7.920 (G)</i>	Responsible, following IFSP Instruction Manual	
31. Issue appropriate Prior Written Notice and inform parents of Procedural Safeguards <i>34 C.F.R. 303.322 and 303.421; 12 C.C.R. 2509-10 Sections 7.920 (E) (10) and (G) (4), and 7.980 (B) (D) (3) and Procedures A through H</i>	Responsible	
Initial Individualized Family Service Plan (IFSP)		
32. A meeting is held to develop the initial IFSP within 45 days from referral <i>34 C.F.R. 303.342 (a); 12 C.C.R. 2509-10 Sections 7.901, 7.920 (E) (10), 7.940 and Procedure (A) (new draft procedure)</i>	Responsible	
33. A person or persons directly involved in conducting the evaluation participates in the initial IFSP meeting. If unable to participate in person, arrangements must be made for the person's involvement through participating via phone, having a knowledgeable authorized representative attend, or making pertinent records available <i>C.R.S 22-20-118(2)(c) and 34 C.F.R. 303.343 (a) (1) (v); 12 C.C.R. 2509-10 Sections 7.901, 7.940 and Procedures (A) through (D)</i>	*Permitted when the CCB conducts the evaluation	Responsible
34. Participate in the development of the measurable outcomes expected to be achieved by the child and the family <i>34 C.F.R. 303.343 (a) (1) and 303.344 (c); 12 C.C.R. 2509-10 Section 7.940 (H) and Procedure (B) (7) and C.R.S 22-20-118(2)(c)</i>	Responsible	Responsible as a member of the initial IFSP team meeting
35. Determine appropriate early intervention services to meet the measurable outcomes, including length, duration, frequency, intensity, and method <i>34 C.F.R. 303.343 (a) (1) and 303.344 (d) and (2); 12 C.C.R. 2509-10 Sections 7.940 (H) and Procedure (B) (8), and 7.950 and C.R.S 22-20-118(2)(c)</i>	Responsible	Responsible as a member of the initial IFSP team meeting
36. Determine appropriate setting for providing the service <i>34 C.F.R. 303.343 (a) (1) and 303.344 (d) (1) (ii) (B); 12 C.C.R. 2509-10 Section 7.940 (H) and Procedure (B) (9) and C.R.S 22-20-118(2)(c)</i>	Responsible	Responsible as a member of the initial IFSP team meeting
37. Identify medical or other services that the child needs or is receiving from other sources <i>34 C.F.R. 303.343 (1) and 303.344 (e); 12 C.C.R. 2509-10 Section 7.940 (H) and Procedure (B) (10) and C.R.S 22-20-118(2)(c)</i>	Responsible	Responsible as a member of the initial IFSP team meeting

Transition from Early Intervention for Children Potentially Eligible for Preschool Special Education		
<p>38. Between 2 years 3 months and 2 years 9 months, prior to presenting the AU Notification Opt Out policy, review current assessment information to determine if a child is potentially eligible. A child who is potentially eligible is defined as: a) has not met all outcomes on his or her IFSP; and/or b) is demonstrating a delay in any developmental domain based on the expertise of a member of the IFSP team</p> <p><i>34 C.F.R. 303.309 (b) (1) (i); and 12 C.C.R. 2509-10, Section 7.970 (A) through (C)</i></p>	Responsible	
<p>39. Explain the Part C Procedural Safeguards and AU Notification Opt Out policy to family between 2 years 3 months and 2 years 9 months (or as soon as possible for a child referred to Part C less than 90 days prior to the third birthday)</p> <p><i>34 C.F.R. 303.209 (b) (2) and 303.401 (d) and (e); 12 C.C.R. 2509-10 Sections 7.970 (A) through (C) and Procedure A, and 7.980</i></p>	Responsible	
<p>40. If the family does not opt out, personally identifiable information is shared with the AU on the Special Education Administrative Unit Notification form, at least 10 days after the date the opt out was explained and not fewer than 90 days before the child's 3rd birthday.</p> <p><i>34 C.F.R. 303.209 (b) (2) and 303.401 (d) and (e); 12 C.C.R. 2509-10 Section(D)</i></p>	Responsible	
<p>41. The notification form sent by the CCB to the AU is treated as the referral to Part B special education. The referral to Part B should be made between 2 years 3 months and 2 years 9 months or at the time of referral if the child is referred to Part C after 2 years 9 months.</p> <p><i>C.R.S 22-20-118 (2)(d)</i></p>		Responsible
<p>42. With parental consent, additional information (current IFSP and assessment information) is shared with the AU</p> <p><i>34 C.F.R. 303.404 and 303.414; 12 C.C.R. 2509-10 Sections 7.970 (E) and 7.980 (D) (1), (3) and (4)</i></p>	Responsible	
<p>43. With verbal or written parental consent, collaboratively schedule a transition conference with representation from the AU and the family between 2 years 3 months and 2 years 9 months (or as soon as possible for a child referred to Part C less than 90 days prior to the third birthday)</p> <p><i>34 C.F.R. 303.209 (c); 12 C.C.R. 2509-10 Section 7.970 (H) and (I)</i></p>	Responsible	
<p>44. Provide Prior Written Notice of the transition conference</p> <p><i>34 C.F.R. 303.404; 12 C.C.R. 2509-10 Sections 7.901 and 7.980 (3)</i></p>	Responsible	

<p>45. Plan a transition conference and invite the AU representative to attend. Hold the transition conference. Hold the meeting whether or not the AU representative attends. Note: Transition conference may be held as a part of an IFSP meeting to develop a Transition Plan</p> <p><i>34 C.F.R. 303.209 (c) (1); 12 C.C.R. 2509-10 Section 7.970 (G) through (I)</i></p>	<p>Responsible for holding the conference</p>	
<p>46. Attend the transition conference held by the CCB</p> <p><i>C.R.S 22-20-118 (2)(d)</i></p>		<p>Responsible</p>
<p>47. During the transition conference the AU of residence shall share with the family: Part B eligibility definitions, state timeline and process for Part B evaluation and eligibility determination, information on the IEP and program options for special education and related services. The AU should share this information with the family prior to the transition conference if the AU cannot attend the conference</p> <p><i>C.R.S 22-20-118 (2)(d); ECEA 4.02 (1)(c) and 34 C.F.R. 303.209 (c)(1)</i></p>		<p>Responsible</p>
<p>48. Document transition conference decisions and required participants' signatures on the IFSP, Transition Plan page</p> <p><i>34 C.F.R. 303.209 (c) (1); 12 C.C.R. 2509-10 Section 7.970 (H)</i></p>	<p>Responsible, following IFSP Instruction Manual</p>	
<p>49. For a child referred to the CCB less than 45 days prior to the child's third birthday, with parental consent, refer the child directly to the AU for Part B services</p> <p><i>34 C.F.R. 303.209 (b) (iii); 12 C.C.R. 2509-10, Section 7.920 (D) (2) and Procedure C</i></p>	<p>Responsible</p>	
<p>50. For a child referred directly to the AU less than 45 days prior to the child's third birthday, the AU does not need to notify the CCB and proceeds with the Part B evaluation process</p> <p><i>34 C.F.R. 303.209 (b) (iii); 12 C.C.R. 2509-10, Section 7.920 (D) (2) and Procedure C</i></p>		<p>Responsible</p>
<p>51. Conduct the initial evaluation for Part B within 60 days of receiving parental consent. Consider early intervention assessments, the current IFSP, and information from the parents when families have consented to share the information as a part of the Part B evaluation and eligibility determination</p> <p><i>ECEA 4.02 (1)(a) and ECEA 4.02 (ii)(3)(c)</i></p>		<p>Responsible</p>
<p>52. At parent request, invite an early intervention representative to attend the IEP meeting</p> <p><i>34 C.F.R. 300.321(f); ECEA 5.01 (6)</i></p>		<p>Responsible</p>
<p>53. For each child determined eligible for Part B services, begin a Free and Appropriate Public Education in the Least Restrictive Environment by age 3 or as soon as possible after IEP</p>		<p>Responsible</p>

development <i>34 C.F.R 300.101(b)(i) and (ii); 300.123(a) and (b); ECEA 4.03(1)(c) and 5.01(6) and C.R.S. 22-20-118 (2)(d)</i>		
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***Permitted – Allowed for the designated partner to carry out that activity as long as all requirements for that activity are met and designated within local interagency agreements** Note: For a child found eligible for state early intervention services solely because they live with a parent who has a developmental disability the child should be referred to the AU for an evaluation when/if there is a developmental concern

Relevant Law, Rules, Regulations

The citations shown in italics in the table above refer to state and federal law, rules and regulations. Citations are color coded, above, to denote where the requirements may be found in either **Early Intervention/Part C (CCB) references** or **Part B (AU) references**.

Key:

- The **Code of Federal Regulations** (C.F.R.), Title 34, Parts 300, 301, and 303 published by the Office of the Federal Register, refers to the Individuals with Disabilities Education Act Regulations
- The **Colorado Revised Statute** (C.R.S) refers to Colorado law. References contain three numbers that identify that statute’s specific title, article, and section. For example, C.R.S. 22-20-118 tells the searcher that 22 is the title, 20 is the article, and 118 is the section.
- **Code of Colorado Regulations** (C.C.R.) refers to State of Colorado Rules and Regulations.
 - Regulations under the Colorado Department of Education authorized by the State Board of Education for the **Exceptional Children’s Education Act Rules** (E.C.E.A) are part of the Code of Colorado Regulations (C.C.R.), 301-8 and are referenced above as E.C.E.A.
 - Colorado Department of Human Services Rules and Regulations for the administration of **Early Intervention Colorado** are referenced in this document as C.C.R. Procedure citations refer to the procedures that follow the corresponding state rules in Section II of the Early Intervention State Plan that is available at www.eicolorado.org under Policies and Procedures.