



# Memo

**To:** Directors of Special Education  
Child Find Coordinators

**From:** Mary Morin, Child Find Specialist, Preschool through 3rd Grade Office  
Heidi White, Preschool Director, Preschool through 3rd Grade Office  
Paul Foster, Executive Director, Exceptional Student Services Unit

**Re:** Early Intervention Evaluation Responsibilities Transfer to CDHS/Early Intervention

**Date:** February 17, 2022

This memo outlines changes that will occur in the current 2021-22 school year related to Special Education Administrative Unit (AU) responsibilities for Part C Early Intervention (EI) evaluations.

## **Background**

Colorado law has required that AUs conduct initial evaluations for infants and toddlers referred to EI since 2007. Further, Exceptional Children's Educational Act (ECEA) categorical funds have been utilized since that time to compensate AUs for a portion of the costs associated with carrying out that requirement for the Part C system. The requirement for AUs to participate in Part C evaluations changed when SB21-275 passed and was signed into law in June 2021.

## **Timeline for Transfer of EI Evaluation Responsibilities**

[Colorado Senate Bill 21-275](#) transfers all responsibilities for Early Intervention (EI) evaluations to the lead agency for Part C of IDEA, the Colorado Department of Human Services (CDHS). All referrals to EI for initial evaluation will be the responsibility of the EI program beginning May 1, 2022. For EI referrals received prior to May 1, 2022, AUs will continue to complete evaluations between May and June 30, 2022, within the Part C 45-day calendar requirement.

CDE recommends that AUs schedule their final Part C evaluations on or before June 13th (45 days from last date of AU accepted referrals, April 30th, 2022). In instances when a delay is due to a family circumstance that will push the evaluation completion date beyond the 45-day timeline, any evaluations not anticipated to be completed by June 30th, 2022 should be turned back to the Early Intervention State Referral System (presently under construction) as soon as it is known that the evaluation cannot be completed before June 30th. Any local CCB/AU agreements that include narrower timelines for turn backs should be honored.

## **Data Collection Changes**

The Special Education End of Year data collection for 2021-22 will be the last collection in which AUs will report early intervention referrals and evaluations to CDE. There will be no method of reporting for Part C evaluations conducted by AUs occurring after June 2022. All reporting requirements for Indicator 12, Transition from Part C to Part B remain unchanged.



### **Staffing and Funding Implications**

Funds for AUs to conduct this school year's EI evaluations will be distributed from two sources: 1) Exceptional Children's Educational Act Child Find distribution, which is based on the ECEA formula, distributed in proportion to the number of evaluations conducted by each AU in the prior school year, and 2) As instructed by the new law, an additional allocation of state funds in the amount of \$6,888,983 will also be distributed by CDE to AUs using the ECEA distribution formula. The CDHS and CDE are currently working on the process for transfer of the funds to CDE. Once the timeline for distribution to AUs has been finalized, a notification will be made to Special Education Directors and fiscal contacts for each AU.

Importantly, the ECEA funds previously earmarked for Part C child find evaluations remain in the ECEA fund moving forward and have been reallocated to support Part B. We encourage AUs to consider utilizing these funds to support Part B Child Find requirements, including the transition process for children from Part C to Part B, as well as timely evaluation of preschool children referred to Part B. The number of four-year old children referred to Child Find may increase in the coming years because of changes to Colorado's early childhood system in 2022 and implementation of universal preschool in July of 2023.

Preschool focused Child Find personnel may also need to do more outreach to non-public childcare providers to support relationships and understanding of the referral procedures when a preschool aged child served in the community is suspected to need special education and related services.

### **Transition of Children from Part C to Part B**

The new law requires the CDHS, as the Part C Lead Agency, and CDE, as the Part B Lead Agency, to update our existing Interagency Agreement (IA). Changes to this agreement are needed to remove all references to AU responsibilities for initial Part C evaluations. The focus of the revised agreement is collaboration (at local and state levels) to ensure a smooth transition of children from Part C into Part B, including a change in the timing of Part B/AU notification of children exiting Part C who are potentially eligible for Part B.

Specifically, changes to notification timing will take effect on July 1, 2022. Starting at that point, timely notification by EI to AUs of potentially eligible children must occur not later than when a child is two years six months of age. However, if the child has a low incidence diagnosis including, but not limited to, visual impairment (including blindness), hearing impairment (including deafness), or deaf-blind, timely notification is defined as two years and three months.

The revised Interagency Agreement was developed with significant stakeholder input through a task force that has advised CDHS and CDE throughout the timeline of planning and implementing the changes made through SB21-275. One of the products required in the new law, and outlined in the revised IA, as well as informed by stakeholder input, is the development of standard parent communication materials for families of children enrolled in Part C, to inform them of the requirements and opportunities related to transition from Part C into Part B services.

The parent materials will be customizable to include the specific local contacts for both Part C and Part B who will support families through the transition process. All AUs and Part C entities are expected to utilize the new parent materials and to comply with the requirements of the revised Interagency Agreement. We expect these materials to be available for use with parents starting in the Spring, and no later than July 1, 2022.

Training and technical assistance is being prepared collaboratively between CDHS/EI and CDE Preschool staff to support personnel through the changes to this process, including use of newly developed materials and compliance with the revised Interagency Agreement, including changes to the AU notification timelines. More information about upcoming training and new parent materials will be shared through the ESSU standard communication networks as it becomes available.

### **Additional Resources and Related Information**

EI Colorado has engaged stakeholders in planning to implement initial EI evaluations effective with referrals received to their system on or after May 1, 2022. To learn more about that process, input, and decisions about how the initial evaluations will be provided, go to: [Early Intervention Colorado, EI Evaluations](#).

We encourage review of the final [SB21-275 statute](#). In summary, the Colorado Revised Statutes which were amended, repealed, and added, include:

*Title 22 – Education, Article 20 - Education of Exceptional Children*  
22-20-103, amend (4), (11), (12)(a), (16), and (23); and repeal (8.5)  
22-20-104, amend (1)(a) introductory portion and (1)(a)(III)  
22-20-114, repeal (1)(a.5)(II)  
22-20-114, add (1)(a.7)  
22-20-118, add 118.5 Child find - responsibilities – interagency operating agreements.  
22-20-118, repeal

*Title 27 - Human Services, Article 10.5 (Early Intervention)*  
27-10.5-103, amend (1) introductory portion and (1)(b)  
27-10.5-702, amend (17) and (18)  
27-10.5-703, amend (3) introductory portion, (3)(c), and (3)(d)  
27-10.5-704, amend  
27-10.5-704, add (4), (5), and (6)  
27-10.5-707, repeal (1)(a)  
27-10.5-707, add (3)  
27-10.5-703.5., repeal

The existing April 2014 guidance from both CDHS and CDE entitled [Required and Permitted Roles of CCBs and AUs for Early Intervention Colorado \(Part C\) Implementation of Birth to Age 3 Child Find Requirements](#) is still effective, and continues to serve as guidance related to referrals received by the AU prior to May 1, 2022. We anticipate amending or reissuing an updated version of this document with a focus on Transition from Part C to Part B.

State and federal grant allocations made available to AUs for Part C Child Find over the last several years may be found on our website. Distribution information for the new allocations will also be published on this page: <https://www.cde.state.co.us/cdefisgrant/allocations>

### **CDE Contacts**

Please reach out to Mary Morin, Child Find Specialist at [morin\\_m@cde.state.co.us](mailto:morin_m@cde.state.co.us), or Heidi White, Preschool Director at [white\\_h@cde.state.co.us](mailto:white_h@cde.state.co.us), with questions.

Please accept our gratitude for the significant investments made over these many years to evaluating infants and toddlers referred for Part C of IDEA services. We also acknowledge the EI Evaluation Task Force members who contributed significant time and knowledge to the transfer work, including with the bill drafting, content for the standard parent materials, advisement on the IA language, as well as general support and input on this work over the last three years.