

## ECI Programs in Texas

Part C of the Individuals with Disabilities Education Act (IDEA) provides for states to have programs for children from birth through age two with developmental delays. In Texas these programs are generally operated by agencies other than public schools. However, Texas public schools are to be involved in the provision of services for children of this age with visual impairments, blindness, hearing impairments, deafness or deaf-blindness. Schools must also be involved in evaluating and considering children in ECI programs for eligibility for school services as they prepare to turn three years of age.

In a September, 2007 letter, the Office of Special Education Programs (OSEP) says early intervention services means “services that (1) Are designed to meet the **developmental needs of each child** eligible under this part **and the needs of the family related to enhancing the child’s development**; (2) Are **selected in collaboration with the parents**; (3) Are provided (i) Under public supervision; (ii) By qualified personnel, ... ; (iii) In conformity with an individualized family service plan; ... Federal or State law provides for a system of payments by families, including a schedule of sliding fees; and (4) Meet the standards of the State, including the requirements of this part”. The letter then answers the question of “When a family whose child is eligible for and receiving Part C early intervention services wishes to pursue additional services beyond those identified on the individualized family services plan (IFSP) with their own personal resources, is it allowable for the IFSP Team to reduce the level of services to the family based on what the family may have accessed outside the IFSP process?” The answer is “No. Under Part C, early intervention services needed by a particular child are determined through the IFSP process.” “Therefore, States have the responsibility to ensure that the participants at the IFSP meeting identify the early intervention services that meet the unique needs of the child and supports and services necessary to enhance the family's capacity to meet the developmental needs of the child. It would be inconsistent with Part C for a State to prohibit the provision of any service that meets the definition of early intervention services specified on an IFSP to meet the developmental needs of the child because a family wishes to provide additional services to their child outside of the Part C system.”

While addressing the developmental needs of the infant or toddler is critical, addressing the needs of the family and their ability to support their infant or toddler is just as crucial. Evaluation includes a family-directed assessment to identify the family’s resources, priorities, and concerns and the supports and services necessary to enhance the family's capacity to meet the developmental needs of the family's infant or toddler with a disability. Goals, outcomes or results are generated based on information gathered from the developmental assessment.

The IFSP must be reviewed every six months, or more frequently if conditions warrant, or if the family requests a review, and at an annual meeting. When a family receives ECI services, they are asked to contribute a monthly fee for those services, called a Family Cost Share (FCS). A FCS is based on the family’s abilities to pay and is determined by a sliding scale. There is no fee for some services. The family and child can receive these services, even if they are not able to pay for the services with a fee.

In another Sept. 2007 letter, OSEP addresses the question of "If a parent of an autistic 2 year old child can produce scientific research that demonstrates that ABA-DT therapy improves the autistic child's development and the local Part C provider does not provide such therapy can the parent insist on an out of network provider that does provide that therapy?" OSEP says that the IFSP team determines if a particular method is needed, which could include a specific “methodology”. “If the IFSP includes a specific method, the State would need to ensure that services are provided in accordance with that specific method. It is the responsibility of the lead agency, not the IFSP team, to determine the appropriate provider of a particular early intervention service (including any method).” The letter then says that if the parent disagrees with the team’s decision, they have mediation, due process procedures and state complaint procedures “available for resolving these disputes”.



States are required to report to OSEP on the percent of infants and toddlers with IFSPs or preschool children with IEPs who demonstrate improved: positive social-emotional skills; acquisition and use of knowledge and skills; and use of appropriate behaviors to meet their needs. ECI programs must also report the percent of families who report that services have helped their family: know their rights; effectively communicate their children's needs; and help their children develop and learn.

TEA has developed an Early Childhood Outcomes Guidance document to assist schools in reporting the required outcome data for assessing students, ages 3, 4, or 5 when they enter and exit preschool programs. Information about this process is at: [http://tea.texas.gov/Curriculum\\_and\\_Instructional\\_Programs/Special\\_Education/Data\\_and\\_Reports/General\\_Information\\_-\\_SPP\\_Indicator\\_7](http://tea.texas.gov/Curriculum_and_Instructional_Programs/Special_Education/Data_and_Reports/General_Information_-_SPP_Indicator_7).

TEA has also developed Key Elements of Early Transition (KEET): A Guide for Planning, Implementing, and Evaluating Smooth and Effective Transitions for Children and their Families from Local Early Childhood Intervention (ECI) Programs to Local Preschool Programs for Children with Disabilities. This document can be seen at: <http://www.esc1.net/cms/lib/TX21000366/Centricity/Domain/40/keetchecklist.pdf>

The purpose of the KEET Guide is “to provide guidance in the building of relationships” between ECI programs and schools as they work together “to develop, maintain, evaluate, and refine their collaborative systems for **the smooth transition of children and their families** who leave (ECI) services and enter public school services. 24 required and 11 suggested items are listed in the Guide. Parents can use the KEET Checklist to quickly review the required transition activities. While all elements are important, parents should pay particular attention to items 2, 4, 5, 10, 11, 13-17, 19, and 23-28. Eligibility for ECI services is based on developmental delays, so some children will not meet the school's eligibility criteria for special education services which is based on specific disability categories.

Schools typically have self-contained early childhood classes for 3-5 year olds often called pre-school programs for children with disabilities (PPCD). Schools can serve children with disabilities in regular pre-kindergarten classes, Headstart programs, private schools or other community-based settings (see items 24-26). However, many schools are reluctant to use these options very much. Self-contained classes are easier and cheaper to use and more accepted by administrators. Schools also have limited experience working with other settings and agencies. TEA rules allow the dual enrollment of 3-4 year olds in both the public school where the child resides and a private school or home school. “From the IEP, the parent and the district shall determine which special education and/or related services will be provided to the student and the location where those services will be provided, based on the requirements concerning placement in the least restrictive environment ... and the policies and procedures of the district.” Schools generally want to provide services at the public school, but should provide transportation to the child between the private school or the home school and the public school. Parents can certainly request placements and services in other settings.

### **Resources:**

- The state ECI website is at: <https://hhs.texas.gov/services/disability/early-childhood-intervention-services>
- Locating an ECI in your area of Texas: <https://citysearch.hhsc.state.tx.us/>
- Early childhood resources: <http://www.kpir.org/resources/for/early-childhood>
- Research Synthesis Points on Early Childhood Inclusion: <http://npdci.fpg.unc.edu>
- Council for Exceptional Children; Individuals With Disabilities Education Act Part C: Early Intervention Program for Infants and Toddlers With Disabilities; Final Regulations Side-by-side Comparison October 2011 & 1999 Regulations: [www.cec.sped.org/~media/Files/Policy/Early%20Learning/Finished%20Part%20C%20Regs.pdf](http://www.cec.sped.org/~media/Files/Policy/Early%20Learning/Finished%20Part%20C%20Regs.pdf)



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