



EARLY INTERVENTION SERVICES FOR CHILDREN WITH DISABILITIES UNDER AGE THREE

IMPORTANT: ELC's publications are intended to give you a general idea of the law. However, each situation is different. If, after reading our publications, you have questions about how the law applies to your particular situation, contact us for a referral, or contact an attorney of your choice.

WHO CAN GET EARLY INTERVENTION SERVICES?

Children from birth to age three are eligible for Early Intervention (EI) services if they have a developmental delay or have a physical or mental disability (such as Down Syndrome) that is likely to result in a developmental delay. The term "developmental delay" includes delays in physical development (including hearing and vision), communication, or social/emotional development, thinking (cognition), or in self-help skills.

WHAT TYPES OF SERVICES ARE AVAILABLE AND WHERE ARE THEY PROVIDED?

Early Intervention services can include - but are not limited to - special instruction; occupational, physical, speech and language therapies; and psychological services. Early Intervention services can also include training and other services needed by the family to support the child's development. All necessary services must be provided without cost to the family. Whenever possible, EI services must be provided in the child's "natural environment," that is, the child's home, the day care center or in another community setting. A separate, specialized facility can be used only if the child's needs require such a restrictive setting.

HOW DO I FIND OUT IF MY CHILD QUALIFIES FOR EARLY INTERVENTION SERVICES?

If you think your child needs services, call your County's Office of Mental Health/Mental Retardation (MH/MR). These Offices are usually listed in the blue pages of your local phone book. MH/MR is the contact for all children under three needing Early Intervention services,

including children who do not have mental health problems or mental retardation. MH/MR must then arrange for a full evaluation.

WHAT KIND OF EVALUATION IS DONE?

The evaluation must be free and must look at your child's development in all five key developmental areas. It must also include a review of the records regarding your child's health status and medical history. Evaluators must also consider, with your approval, what types of services your family needs to help your child's development.

WHO DECIDES WHAT SERVICES MY CHILD WILL GET?

The decision is made at a meeting of an Individualized Family Service Plan (IFSP) Team. Required Team members include the parents and anyone else the parents invite, the service coordinator, a person who was involved with the evaluation of the child, and, as appropriate, persons who will be involved in providing services to the child or family. The Team develops an IFSP for the child and (with the parents' consent) the family. The IFSP lists the specific types and amount of each service needed and where the services will be provided. Pennsylvania has combined the IFSP and the Preschool Individualized Education Program forms. See, http://www.pde.state.pa.us/early_childhood/lib/early_childhood/IFSP_IEP_Annotations_Final.pdf. The IFSP must also contain goals and expected outcomes for the child, and must explain how data will be collected and the child's progress measured. If some of the services are not being provided in the natural environment - where the child would be if he or she did not have a developmental delay - the IFSP must explain why. The IFSP must be reviewed - and, if needed, revised - at least once every six (6) months or more often if requested by the parents. The Team doesn't have to meet every time the IFSP is reviewed, but each year, a formal IFSP meeting must be held.

WHAT IF I DON'T AGREE WITH THE SERVICES OFFERED?

You have the right to reject those parts of the IFSP with which you disagree and still get those services on which there is agreement. With the IFSP you will get a Parents Rights Agreement (<http://www.pattan.net/files/Forms/English/EI/PRA-071108.pdf>) on which you can explain the disagreement and choose an option to resolve the problem. Options include a discussion with your service coordinator or someone from the County Office, IFSP facilitation, a "mediation" session with an independent trained mediator (call: 1-800-992-4334), and an impartial hearing. If you believe that your child's legal rights have been violated, you can file a complaint with the state. Call 717-346-9320 or click <http://odr.pattan.net> for a complaint and for more information and forms for mediation, IFSP facilitation, and due process hearings. For more information on how to resolve disagreements, see ELC's Fact Sheet on "Resolving Disputes

in the Early Intervention System for Infants and Toddlers under Age Three" at <http://www.elc-pa.org/pubs/downloads/english/dis-Early%20Intervention%20Resolving%20Disputes%204-08.pdf>.

HOW LONG DOES THIS PROCESS TAKE?

The evaluation of your child and the initial IFSP must all be completed *within 45 calendar days* of your contact with the County Office requesting services. However, in an emergency, and with your permission, services can begin before the full evaluation is completed.

WHO ACTUALLY PROVIDES THE SERVICES?

Early Intervention services are usually provided by a private agency or individual who contracts with the County Office. However, it remains the responsibility of the County to make sure that timelines are followed, and that your child receives all needed services and other protections.

WHAT HAPPENS WHEN THE CHILD TURNS THREE YEARS OLD?

Many children who are eligible for EI services will also be eligible for Early Intervention Preschool Services from age three until they start kindergarten (or, in some cases, first grade). Preschool services are provided through the education system, usually through local Intermediate Units. *At least 90 days (but not more than nine months) prior* to your child's third birthday, a meeting - which includes the parents and the preschool agency - must be held to plan for future services. If there is disagreement over what services your child will receive after age three, your child will continue to receive the Early Intervention Services on the IFSP from the pre-school agency while you use the mediation or the formal hearing process to resolve the dispute.

FOR MORE INFORMATION ABOUT THE EARLY INTERVENTION PROCESS, CONTACT:

Disability Rights Network
800-692-7443

CONNECT
800-692-7288

Hispanics United for Exceptional Children (HUNE)
215-425-6203

Parents Exchange
610-962-0337

Parent Education Network
800-522-5827

Parent Education & Advocacy Leadership (PEAL) Center
412-422-1949
(Western and Central Pennsylvania)

Funding for this brochure was provided by:

Disability Rights Network of Pennsylvania (DRN), pursuant to the Developmentally Disabled Assistance and Bill of Rights Act, P.L. 101-496, and the P&A for Mentally Ill Individuals Act, P.L. 99-319. DRN is located at 1414 N. Cameron Street, Suite C, Harrisburg, PA 17103. Telephone: 800-692-7443 or 717-236-8110. Website: www.drnpa.org.

Pennsylvania Interest on Lawyers Trust Account Board (PA IOLTA)

*Prepared by: Education Law Center (Rev 8/08)
(215) 238-6970 (Philadelphia)
(412) 258-2120 (Pittsburgh)
www.elc-pa.org*