

# Early Intervention Screening

New Procedures and Forms

June 2019



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## **1. Background**

In September 2011, the United States Department of Education Office of Special Education Programs (OSEP) released their revised Code of Federal Regulations (CFRs) Early Intervention. Through action by the State Board of Education in April 2012, ODE revised the Oregon Administrative Rules (OARs) for EI/ECSE to reflect these changes. At the time the new CFRs concerning EI screening were not included in the revision package. In the intervening 7 years, Early Intervention practice in Oregon indicated a need to adopt these EI Screening CFRs into the OARs.

The Oregon State Board of Education adopted these changes to the OARs on June 20, 2019, and became in effect on June 21, 2017 when they were registered in the Office of the Oregon Secretary of State.

## **2. What is new?**

These guidelines contain new procedures, forms, and form language, which are unique to the EI Screening process. These new EI Screening OAR revisions treat EI screening in much the same way EI/ECSE programs conduct evaluations. No new procedure or form is radically different from the current EI/ECSE practices, but the total EI Screening process itself is new, and needs to be followed as it is presented in this document.

## **3. OAR Revisions**

The following two pages contain the revisions to the OARs, highlighted in **Red**.

581-015-2774

**Referral Procedures and EI Screening**

Children must be referred to the lead agency for Child Find purposes as soon as possible, but in no case more than seven days after the child has been identified.

- (1) This applies to all referrals including infants and toddlers under the age of three who are the subjects of a substantiated case of child abuse or neglect, or who are identified as directly affected by illegal drug abuse or withdrawal symptoms from prenatal drug exposure.
- (2) Primary referral sources may include: hospitals including prenatal facilities, physicians, parents, child care programs, tribal government, LEAs and schools, public health facilities, other public health or social service agencies, other clinics or health care providers, public agencies and staff in the child welfare system, homeless family shelters, and domestic violence shelters and agencies.
- (3) **Early Intervention screening procedures. Children under the age of three who have been referred to the EI/ECSE program to determine whether they are suspected of having a disability may be screened by EI/ECSE program. If the EI/ECSE program proposes to screen a child, it must:**
  - (a) Provide the parent notice of its intent to screen the child to identify whether the child is suspected of having a disability and include in that notice a description of the parent's right to request an evaluation at any time during the screening process.
  - (b) Obtain parental consent before conducting the screening procedures.
  - (c) If the parent consents to the screening and the screening or other available information indicates that the child is-
    - (A) Suspected of having a disability, after notice is provided and once parental consent is obtained, an evaluation and assessment of the child must be conducted under OAR 581-015-2775
    - (B) Not suspected of having a disability, the EI/ECSE program must ensure that notice of that determination is provided to the parent and that the notice describes the parent's right to request an evaluation.
  - (d) If the parent of the child requests and consents to an evaluation at any time during the screening process, evaluation of the child must be conducted under OAR 581-015-2775 even if the EI/ECSE program has determined that the child is not suspected of having a disability.
  - (e) Definition of screening procedures:
    - (A) Activities under sections (3)(a), (3)(b), and (3)(c) that are carried out by, or under the supervision of the EI/ECSE program to identify, at the earliest possible age, infants and toddlers suspected of having a disability and in need of early intervention services; and
    - (B) Includes the administration of appropriate instruments by personnel trained to administer those instruments.
  - (f) Condition for evaluation or early intervention services. For every child under the age of three who is referred to the EI/ECSE program or screened in accordance with sections (3)(a), (3)(b), and (3)(c), the EI/ECSE program is not required to-
    - (A) Provide an evaluation of the child under OAR 581-015-2775 unless the child is suspected of having a disability or the parent requests an evaluation under section (3)(d); or
    - (B) Make early intervention services available under Division 15 to the child unless a determination is made that the child meets the definition of an infant or toddler with a disability under OAR 581-015-2780.
- (4) **Prior Written Notice for EI**
  - (a) Prior written notice must be provided to parents a reasonable time before the Early Intervention Program proposes, or refuses, to initiate or change the identification, evaluation, or placement of their infant or toddler, or the provision of early intervention services to the infant or toddler with a disability and that infant or toddler's family
  - (b) The notice must be sufficient in detail to inform the parents about-
    - (A) The action that is being proposed or refused;
    - (B) The reasons for taking the action.

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- (c) The notice must be-
  - (A) Written in language understandable to the general public; and
  - (B) Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.
  - (C) If the native language or other mode of communication of the parent is not a written language, the Early Intervention Program must ensure that-
    - (i) The notice is translated orally or by other means to the parent in the parent's native language or other mode of communication;
    - (ii) The parent understands the notice; and
    - (iii) There is written evidence that the native language requirements have been met.

Stat. Auth.: ORS 326.051, 343.475

Stats. Implemented: 34 CFR 303.303, 303.320, 303.321, 303.421

Hist.: ODE 14-2012, f. 3-30-12, cert. ef. 4-2-12

## Consent

### 581-015-2730

#### Parent Consent for EI

(1) The public agency must obtain written parental consent before conducting a screening, an initial evaluation or reevaluation.

(2) Written parental consent must also be obtained before the provision of EI services described in the IFSP. The parents of a child eligible for EI services must determine whether they, their child, or other family members will accept or decline any EI services, and may decline such a service after first accepting it, without jeopardizing other EI services. If the parents do not provide consent for a particular EI service or withdraw consent after first providing it, that service will not be provided. The EI services for which parental consent is obtained will be provided.

(3) If consent is not given, the public agency must make reasonable efforts to ensure that the parent:

- (a) Is fully aware of the nature of the evaluation and assessment or the services that would be available; and
- (b) Understands that the child will not receive the evaluation and assessment or services unless consent is given.

Stat. Auth.: ORS 343.475, 343.531

Stats. Implemented: ORS 343.475, 343.531, 34 CFR 303.420 (c)

Hist.: EB 4-1995, f. & cert. ef. 1-24-95; ODE 24-2000, f. & cert. ef. 10-16-00; ODE 2-2003, f. & cert. ef. 3-10-03; ODE 1-2004, f. & cert. ef. 1-15-04; Renumbered from 581-015-0938, ODE 10-2007, f. & cert. ef. 4-25-07; ODE 14-2012, f. 3-30-12, cert. ef. 4-2-12

## 4. EI Screening Procedures

### Step 1: When to screen?

If the EI/ECSE program receives an EI referral without screening results, there is insufficient information available to make an informed decision about screening, and the parent has not requested an evaluation at this point in the process you must inform the parent of her/his rights to stop the considerations for screening and ask for an evaluation. Informing the parent includes talking to the parent and providing her/him a copy of the Procedural Safeguards. If the referral is accompanied with screening results, evaluate those results, and “re-screen” only if absolutely necessary.

### Step 2: Notice and Consent for EI Screening

The revised OARs require you to provide notice to and obtain consent from the parent before conducting the screening. Similar to the Prior Notice and Consent for EI/ECSE Evaluation, there is a combination Notice and Consent for EI Screening form that combines the notice and consent requirements in one form. This form is available in ecWeb, on the ODE EI/ECSE forms web page, and in the Appendix at the end of this document. Once you provide notice and obtain consent, you may move on to screening.

### Step 3: Administer the screening tool.

You must follow these EI Screening procedures regardless of the type of screening instrument utilized. As with the use of any screening, evaluation, or assessment instrument, practitioners must have the training and qualifications for administering the instrument. This also includes sending the screening instrument to the parent and reviewing and/or scoring the instrument at a later date, with or without the parent.

### Step 4: Review the screening results.

Review with the parent the screening results and discuss whether the results indicate the child may or may not be a child with a disability in need of special education. Remember: The parent has the right to ask for an evaluation at any time during this process. For programs using the ASQ 3 the ASQ 3 Guide (available in English and Spanish) developed in 2018 and presented in a webinar in December 2018, is a good resource in reviewing the screening results of this instrument. The

resources are found at: <https://www.oregon.gov/ode/students-and-family/SpecialEducation/earlyintervention/Pages/asq3guide.aspx>.

Step 5: Determine next steps with parents.

Confer with the parents to determine whether or not you will move on to an evaluation. Once that is determined, that decision needs to be documented with the proper form in Step 6.

Step 6: Provide Prior Notice of Action (not to evaluate), or Prior Notice and Consent for Evaluation

There are three basic options after reviewing the screening results with the parent:

a) Provide a Prior Notice of Action that the screening results do **not** indicate a need for an EI evaluation. (See an example in the Appendix) Also, provide the parent with the same kinds of referrals, information, and follow up you set up with parents who decline any EI screening or evaluation, or parents of children who are evaluated and are not eligible for Early Intervention.

b) Provide a Prior Notice of Action that the screening results indicate a need for an evaluation, but the parent declines to move on to an evaluation. (See an Example in the Appendix). Again, provide the parent with the same kinds of referrals, information, and follow up you set up with parents who decline any EI screening or evaluation, or parents of children who are evaluated and are not eligible for Early Intervention.

c) When the screening results indicate a need for an EI evaluation, and the parent wants to consent to an evaluation, use the current Prior Notice and Consent for EI/ECSE Evaluation.

## Appendix

### Recording results in ecWeb Placement History

#### Codes for most common outcomes

ia-snr screening materials not returned

*--still in contact but parent does not follow up*

ia-so screened out

*--passed screening and no evaluation*

ia-re family refused evaluation

*--screening indicates a need for eval and parent declines*

e- global development eval

*--screening indicates a need for eval and parent accepts*

A link to the complete coding sheet is on the ecWeb login screen at [ecWeb.uoregon.edu](http://ecWeb.uoregon.edu)

### Other Considerations:

- If the screening indicates one or a few areas of development in the grey or black, and you evaluate, you must evaluate in all areas of development.
- Once the contact information is determined to be valid, the 45 day timeline starts. EI Screening does not stop or suspend the 45 day timeline.
- The best way to document that procedural safeguards were given to the parents is to check the box on the Notice and Consent for EI Screening forms and in the contact log in ecWeb.



Notice and Consent for EI Screening

Agency Logo and Information

Date\_\_\_\_\_

Dear (parent[s] name[s])

(EI/ECSE Program) received a referral from (referral source) because of concerns or questions about (child's first name)'s development. We would like to do a developmental screening to better understand and identify the area or areas of concern.

(choose this option)

Please complete all of the questions on the enclosed developmental screening packet and return it to (EI/ECSE Program) in the postage-paid envelope by (date). This information will help us get a good idea about your child's skills. You may choose not to complete this packet and request a developmental assessment to determine eligibility for early intervention services at any time. Please complete all of the questions on the enclosed developmental screening packet and return it to (EI/ECSE Program) in the postage-paid envelope by (date to return).

When our program receives your packet, a developmental specialist will review the information and contact you by telephone to discuss your child's development. If you have any questions, feel free to contact our office at (phone number).

(or choose this option)

We would like to do the developmental screening with you and your child. When we finish the screening we will review the information and discuss your child's development with you. You may choose not to participate in the screening and request a developmental assessment to determine eligibility for early intervention services at any time.

Sincerely,

(Specialist name and contact information)

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**I give my consent for (EI/ECSE Program) to:**

yes no Review the (*Screening instrument and description*). Results help to determine if a child's development is on schedule or if further evaluation with a professional may be needed.

(*Child's Name*) (*dob*)

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Parent / Legal Guardian PRINT

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Parent / Legal Guardian Signature

Date

A copy of the procedural safeguards was provided to the parent.

581-1484-E (6/2019)

**PRIOR NOTICE OF EARLY INTERVENTION OR  
EARLY CHILDHOOD SPECIAL EDUCATION ACTION**

**(EXAMPLE: SCREENING INDICATES NO NEED FOR EVALUATION)**

Dear: \_\_\_\_\_,

This notice informs you of the following action: The Pacific EI/ECSE program will not evaluate your child to determine an eligibility for a disability that would require special education.

which is a  proposal or  refusal to  initiate or  change

The following aspect of \_\_\_\_\_ 's early intervention or special education:

- Identification
- Placement (other than initial placement)
- Provision of appropriate early intervention services (birth to 3)
- Provision of a free, appropriate public education (3 to K)
- IFSP

**The team is proposing this action because:** There is no information that would lead the Pacific EI/ECSE program to suspect the child is a child with a disability.

**This action is based on the following evaluation procedures, tests, records or reports:** Parent interview, parent report, Medical reports, ASQ-3.

**Other options we considered were:** We considered conducting an evaluation.

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**We rejected these options because:** There is no indication the child may be a child with a disability, and the parent does not want an evaluation at this time.

**Any other factors considered by the team:** The parent may contact the Pacific EI/ECSE program at any time and request an evaluation.

Parents of a child with a disability have protection under procedural safeguards. For a copy of the Procedural Safeguards or for assistance in understanding this information you may contact the person named below

If you believe that your child or you have not received the rights due to you under the Individuals with Disabilities Education Act, you may file a written complaint with the Oregon Department of Education. Complaints must include a description of the problem(s), and the complainant's name and contact information. Complaints are sent to the Oregon Department of Education (ODE). The ODE must investigate and send a written order within 60 days. This timeline may be extended under certain circumstances.

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Name	Title	Phone
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**PRIOR NOTICE OF EARLY INTERVENTION OR  
EARLY CHILDHOOD SPECIAL EDUCATION ACTION**

**(EXAMPLE: SCREENING INDICATES NEED FOR EVALUATION BUT PARENT DECLINES)**

Dear: \_\_\_\_\_,

This notice informs you of the following action: The Pacific EI/ECSE program will not evaluate your child to determine an eligibility for a disability that would require special education.

which is a  proposal or  refusal to  initiate or  change

The following aspect of \_\_\_\_\_ 's early intervention or special education:

- Identification
- Placement (other than initial placement)
- Provision of appropriate early intervention services (birth to 3)
- Provision of a free, appropriate public education (3 to K)
- IFSP

**The team is proposing this action because:** Screening results indicate the to suspect the child may a child with a disability.

**This action is based on the following evaluation procedures, tests, records or reports:** Parent interview, parent report, Medical reports, ASQ-3.

**Other options we considered were:** We considered conducting an evaluation.

**We rejected these options because:** The parent does not want an evaluation at this time.

**Any other factors considered by the team:** The parent may contact the Pacific EI/ECSE program at any time and request an evaluation.

Parents of a child with a disability have protection under procedural safeguards. For a copy of the Procedural Safeguards or for assistance in understanding this information you may contact the person named below

If you believe that your child or you have not received the rights due to you under the Individuals with Disabilities Education Act, you may file a written complaint with the Oregon Department of Education. Complaints must include a description of the problem(s), and the complainant's name and contact information. Complaints are sent to the Oregon Department of Education (ODE). The ODE must investigate and send a written order within 60 days. This timeline may be extended under certain circumstances.

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Name	Title	Phone
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**ecWeb Notice and Consent for EI Screening**

Date

### Notice and Consent for EI Screening

Dear ,

Child's Name:  Birthdate:

received a referral  from  because of concerns or questions about your child's development. We would like to do a developmental screening to better understand and identify the area or areas of concern.

*choose this option*

Please complete all of the questions on the enclosed developmental screening packet and return it to [program entered above] in the postage-paid envelope by . This information will help us get a good idea about your child's skills. You may choose not to complete this packet and request a developmental assessment to determine eligibility for early intervention services at any time.

When our program receives your packet, a developmental specialist will review the information and contact you by telephone to discuss your child's development. If you have any questions, feel free to contact our office at:

*or choose this option*


We would like to do the developmental screening with you and your child. When we finish the screening we will review the information and discuss your child's development with you. You may choose not to participate in the screening and request a developmental assessment to determine eligibility for early intervention services at any time.

Sincerely,

## Notice and Consent for EI Screening - Page 2

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Parent/Guardian Contact Info:

Child's Name:  Birthdate:  

I give my consent for [program entered above] to review the following screening instrument and description.  
yes no Results help to determine if a child's development is on schedule or if further evaluation with a professional may be needed.

### Screening Tools

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- [+]
- [+]

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Signature (Parent/Guardian/Surrogate Parent)

Date

A copy of the procedural safeguards was provided to the parent.



