

Department of Education
255 Capitol Street NE
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Department of Human Services
800 NE Oregon Street
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DATE: December 14, 2005

TO: DHS County Child Welfare Supervisors
EI/ECSE Contractors and Subcontractors

FROM: Nancy Latini, ^{NR} Assistant Superintendent
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Oregon Department of Education

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Oregon Department of Human Services

SUBJECT: New mandate for Child Welfare and Early Intervention/Early Childhood Special
Education Programs (EI/ECSE)

1. What is the purpose of this memorandum?

The purpose of this memorandum is to inform you that new laws are in place requiring collaboration between local Child Welfare Offices and Early Intervention and Early Childhood Special Education (EI/ECSE) Programs. Specifically, the mandate requires Oregon to have policies and procedures requiring children, birth to age 3, who are victims of child abuse or neglect, to be referred to Early Intervention. These laws are referenced at the end of this memorandum.

2. What are the expectations included in this mandate?

- a. Local Child Welfare offices and county Early Intervention (EI/ECSE) programs must collaborate to ensure that child victims of abuse or neglect, birth to age 3, are referred to the EI/ECSE Program in the county where the child resides.
- b. Child Welfare workers will refer children under the age of 3, who are victims of child abuse or neglect, to Early Intervention services, beginning January 1, 2006. This practice will be outlined in the DHS Child Welfare Procedural manual. A standard CAPTA Referral Form designed for this mandate must be used.
- c. Each EI/ECSE Program will use the Department of Education's monthly count database to record all CAPTA referrals received by Child Welfare.
- d. Each Child Welfare Office will use FACIS case notes to record all children referred to the EI/ECSE program.

2. What are the expectations included in this mandate? (continued)

- e. Minimally, each child who falls under this mandate must receive a valid and reliable developmental screening to determine if a child should receive an evaluation to determine eligibility for Early Intervention.
- f. County EI/ECSE programs may use developmental information provided by other agencies or providers as part of the screening process to determine need for conducting an evaluation.
- g. Child Welfare Administrative Rule will direct Child Welfare staff to refer all children who fall under this mandate to their local EI/ECSE program. The Child Welfare Procedure manual will further support this referral process. Because there may be variance in Oregon communities as to who will receive the referral, each local EI/ECSE Program will provide information and local procedures to the local Child Welfare Office that serves the same clients. Each county EI/ECSE Program and local Child Welfare Office must have a joint agreement that describes referral procedures that will be used to refer each child within 30 days of the founded date and subsequent follow-up procedures. Early Intervention contractors and subcontractors must submit their local joint procedures to the Department of Education by February 1, 2006.

3. Is there an approval process at the state level?

Yes. The Early Intervention Unit at ODE will review each agreement to assure that it meets the requirements of federal mandates and state administrative rules.

4. If I have questions about this mandate, who can I contact?

For questions related to Child Welfare expectations, contact Stacey Daeschner with the Department of Human Services at 503-947-5244 or email Stacey.Daeschner@state.or.us

For questions related to Early Intervention expectations, contact Kay Halverson with the Oregon Department of Education at 503-378-3600 Ext. 2331 or email Kay.Halverson@state.or.us

Footnote: The following two laws mandate the referral to Early Intervention of child victims of substantiated abuse or neglect, birth to age 3.

The *Keeping Children and Families Safe Act of 2003* includes language requiring states to establish "provisions and procedures for referral of a child under the age of 3 who is involved in a substantiated case of child abuse or neglect to early intervention services funded under Part C of the Individuals with Disabilities Education Act." 42 USC § 5106a(b)(2)(A)(xxi).

The *Individuals with Disabilities Act (IDEA) 2004* requires "a description of the State policies and procedures that require the referral for early intervention services of a child under the age of 3 who (A) is involved in a substantiated case of child abuse or neglect; or (B) is identified as affected by illegal substance abuse, or withdrawal symptoms resulting from prenatal drug exposure." 20 USC § 1437(a)(6).