

**EI Announcement
#26-08**



Pennsylvania
**Office of Child Development
and Early Learning**

Pennsylvania Office of Child Development and Early Learning
Bureau of Early Intervention Services and Family Supports

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Subject: Referrals to Infant Toddler and Preschool Early Intervention Programs

To: Infant Toddler and Preschool Early Intervention Program Leadership

From: Shante' A. Brown
Deputy Secretary, Office of Child Development & Early Learning

PURPOSE

The purpose of this announcement is to define referral date to ensure consistency in referral procedures for local Infant Toddler and Preschool Early Intervention (EI) programs.

BACKGROUND

The Pennsylvania EI program is implemented in compliance with the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400 *et seq.*, as amended by Public Law 108-446; the Early Intervention Services System Act, Pennsylvania Act 212-1990; 22 Pa. Code Chapter 14, Special Education Services and Programs; and 55 Pa. Code Chapter 4226, Early Intervention Services. Infant Toddler and Preschool EI programs have the proactive responsibility to identify all children potentially eligible for EI services and to ensure that children are evaluated, an eligibility determination is made, and, when eligible, an Individualized Family Service Plan (IFSP) or Individualized Education Program (IEP) meeting is held within regulatory timelines.

DISCUSSION

Compliance with 34 CFR § 300.111 requires states to have procedures for the referral, identification, and evaluation of all eligible children.

For Infant Toddler EI programs, procedures shall include guidance to primary referral sources for referring a child under the age of three (3) and methods to ensure referrals of specific at-risk infants and toddlers to the Infant Toddler program.

Pursuant to 22 Pa. Code § 14.152, Preschool EI programs shall develop procedures to locate and identify children between the ages of three (3) and school age who are eligible or thought to be eligible and who reside within the boundary served.

Referral for an Infant Toddler or Preschool EI Program

The date of referral shall be defined as the date the local Infant Toddler or Preschool EI program received the referral. A received referral may be either the date of a synchronous phone contact with the referral source or the date a message (e.g., voicemail, written message, text, email, fax, etc.) was left by the referral source. When messages are left after normal business hours or on a day the program is closed, including holidays, weekends, and scheduled breaks, the date of the message is still considered the referral date. A referral date should not be modified to the next business day.

Referrals may be received through a variety of methods, including, but not limited to phone contact, voicemail, COMPASS, email, CONNECT, and local program referral tools, such as a program's website. A referral with limited content (e.g., missing or incorrect date of birth, geographical location, and/or name, etc.) is still considered a referral received by the local EI program.

Infant Toddler and Preschool EI programs are required to implement locally developed policies and procedures regarding attempts to reach a referral source who is not responding. If the referral source is not a parent or guardian, the service coordinator shall contact the family to verify that the family wishes to have their child referred to EI. In this case, the referral date remains the date the referral was received by the local program from the original source.

Evaluation Timeline Procedures for Infants and Toddlers

55 Pa. Code § 4226.24 requires local Infant Toddler EI programs to have a comprehensive child find system with the following timelines to act on referrals. Upon receipt of a referral by the local EI program, a service coordinator shall be appointed as soon as possible. Initial evaluation and assessments of the child and family will be conducted, and if the child is determined eligible, the evaluation activities and initial IFSP meeting must be completed within 45 calendar days from the date the local program received the referral of the child. Infant Toddler EI programs must implement and follow all Prior Written Notice procedures if the EI program disagrees with a received request for evaluation. Documentation using the [Parent Rights Agreement](#) is required.

Evaluation Timeline Procedures for Preschoolers

22 Pa. Code § 14.123(c) states, “Parents may request an evaluation at any time, and the request must be in writing. The school entity shall make the permission to evaluate form readily available for that purpose. If a request is made orally to any professional employee or administrator of the school entity, that individual shall provide a copy of the permission to evaluate form to the parents within 10-calendar days of the oral request.”

While 22 Pa. Code § 14.123(c) applies to oral parental requests for an evaluation, this guidance extends the same 10-day timeline to all referrals. Preschool EI programs shall consider the act of referral as an oral or written request for an evaluation. When a referral is received, Preschool EI programs shall issue the [Permission to Evaluate](#) form within 10 calendar days of the referral. Parents shall be informed they may return the Permission to Evaluate form immediately upon completion.

As described in 22 Pa. Code § 14.123(b), in addition to the requirements incorporated by reference in 34 CFR § 300.301 (relating to initial evaluations), the initial evaluation shall be completed and a copy of the evaluation report presented to the parents no later than 60 calendar days after the agency receives written parental consent for evaluation. Preschool EI programs must implement and follow all Prior Written Notice procedures if the EI program disagrees with a received request for evaluation. Documentation using the [Notice of Recommended Education Placement/Prior Written Notice \(NOREP/PWN\)](#) is required.

Procedures for conducting an evaluation for children who transfer from another state shall follow 34 CFR § 300.323(f), describing when a free appropriate public education (FAPE) must be in effect.

Preschool EI programs shall ensure that local procedures align with and do not present any barriers to compliance with these timelines.

NEXT STEPS

1. Infant Toddler and Preschool EI programs shall review existing child find and evaluation procedures to ensure they are consistent with this policy announcement and remove any procedures that could result in delays in the process of referral, evaluation, and, when eligible, the development of the IFSP or IEP.
2. Infant Toddler and Preschool EI programs shall ensure that all staff and providers, including service coordination entities, review the information included in this policy announcement and revise local procedures accordingly.

Contact the Bureau of Early Intervention Services and Family Supports at 717-346-9320 or ra-ocdintervention@pa.gov with any questions.