Kansas Administrative Regulations

Department of Health and Environment

Article 4.—Maternal and Child Health—Infant Toddler Services—I.D.E.A.

28-4-550. Definitions.

(a) "Assessment" means the initial and ongoing procedures used by qualified personnel to identify early intervention services.

(b) "Child find" means a public awareness program provided by community and state agencies that prepares information on the availability of early intervention services, disseminates information given to parents of infants and toddlers with disabilities to all primary referral sources, and adopts procedures for assisting the primary referral sources for the purpose of identifying the potential need for early intervention services.

(c) "Collaboration" means the establishment and maintenance of open communication and cooperative working relationships among service providers and other caregivers and the family when identifying goals and delivering care to children.

(d) "Community" means an interacting population of various kinds of individuals in a common location.

(e) "Community-based," when used to describe a place, means a place where small groups of infants and toddlers without disabilities are typically found, including child care centers and day care facilities.

(f) "Continuing education experience" means either of the following:

(1) College and university coursework completed after an individual receives a professional credential; or

(2) an inservice, workshop, or conference that offers professional continuing education credit.

(g) "Developmental delay" means any of the following conclusions obtained using evidence-based instruments and procedures in one or more areas of development, including cognitive, physical, communication, social or emotional, or adaptive development:

(1) There is a discrepancy of 25 percent or more between chronological age, after correction for prematurity, and developmental age in any one area.

(2) There are delays of at least 20 percent in two or more areas.

(3) The informed clinical opinion of a multidisciplinary team concludes that a developmental delay exists when specific tests are not available or when testing does not reflect the child's actual performance.

(h) "Early intervention records" means reports, letters, and educational and medical records that are collected, maintained, or used by the local lead agency in the screening, evaluation, and development of an IFSP or in the delivery of services, or both.

(i) "Eligible," when used to describe a child, means a child from birth through two years who has one of the following:

(1) A developmental delay or a known condition leading to a developmental delay; or

(2) an established risk for developmental delay. The developmental delay does not have to be exhibited at the time of diagnosis, but the common history of the condition indicates the need for early intervention services.

(j) "Evaluation" means the procedures used by qualified personnel to determine a child's eligibility for early intervention services.

(k) "Family" means the individuals identified by the parent or parents of an infant or a toddler with special needs to be involved in developing the IFSP and early intervention services.

(l) "Family service coordinator" means a person who is responsible for coordinating all early intervention services required under part C across agency lines and for serving as the single point of contact for carrying out these early intervention services.

(m) "Family service coordination services" means the services provided by a family service coordinator.

(n) "Home-based," when used to describe a site, means a site identified by a family as the home where individualized services for a child and family are delivered.

(o) "IDEA" means the individuals with disabilities education act, as specified in 20 U.S.C. 1400 et seq.

(p) "Individualized family service plan" and "IFSP" mean a written plan for providing early intervention services to an eligible child and the child's family.

(q) "Local community" means a geographic service area with various boundaries, including cities, counties, parts of counties, and multicounty regions, as defined by a local council.

(r) "Local fiscal agency" means a legal entity designated by a local council and approved by the secretary that ensures compliance with part C of IDEA grant award and maintains an accounting system that meets the state and federal requirements under IDEA for generally accepted accounting principles for recording receipts, obligations, and disbursements of grant funds.

(s) "Local lead agency" means a legal entity designated by the local council and approved by the secretary that ensures compliance with part C of IDEA.

(t) "Local tiny-k program" means the part C early intervention services network, as determined by the local council, that serves a specific geographic area.

(u) "Local tiny-k program coordinator" means the person designated by the local lead agency to be the central contact for the local tiny-k program.

(v) "Mediation" means the process by which parties, together with the assistance of an impartial individual, move toward resolution or resolve a dispute through discussion of options, alternatives, and negotiation.

(w) "Multidisciplinary IFSP team" means a parent and two or more individuals from separate professions who determine the early intervention services needed.

(x) "Multidisciplinary evaluation and assessment team" means individuals from two or more professions, which may include one individual who is qualified in more than one profession, who complete an assessment and an evaluation.

(y) "Parent" means any of the following:

(1) A biological or adoptive parent of a child;

(2) a foster parent, unless state law or a contractual obligation with a state or local entity prohibits the foster parent from acting as a parent;

(3) a guardian authorized to act as a child's parent or authorized to make decisions regarding early intervention services, education, health, or development for a child;

(4) an individual acting in the place of a biological or adoptive parent; or

(5) a child advocate, as specified in K.A.R. 28-4-568.

(z) " Part C" means the portion of IDEA that governs the grant program for states to develop a statewide, comprehensive, coordinated, multidisciplinary, interagency system to provide early intervention services for infants and toddlers with disabilities and their families.

(aa) "Party," when used in K.A.R. 28-4-569 to identify any participant in a complaint proceeding, means the lead agency, any local tiny-k program, any provider of early intervention services, or any person that files a complaint with the lead agency.

(bb) "Payor of last resort" means the federal program that makes part C funds available to pay for early intervention services for an eligible child that are not paid from other public or private sources.

(cc) "Person," when used in this regulation and in K.A.R. 28-4-569 to identify any participant in a complaint proceeding, means a parent, an individual, or an organization.

(dd) "Potentially eligible," when used to describe a child, means that the child receives early intervention services at least 90 days before that child's third birthday or that the child is identified as eligible for part C at least 45 days before that child's third birthday.

(ee) "Primary referral source" means any of the following:

(1) A hospital;

(2) a physician;

(3) a parent;

(4) a child care program;

(5) an early learning program;

(6) a local educational agency;

(7) a school;

(8) a public health facility;

(9) a public health agency;

(10) a social service agency;

(11) a clinic;

(12) a health care provider;

(13) a public agency in the child welfare system;

(14) a homeless family shelter; or

(15) a domestic violence shelter.

(ff) "Referral to the local tiny-k program" means a transfer of information by a primary referral source to determine eligibility for part C or to initiate or continue early intervention services.

(gg) "Screening process" means the clinical observation of or the use of a developmentally appropriate screening tool by a local tiny-k program to determine the need for evaluation.

(hh) "Secretary" means secretary of the Kansas department of health and environment.

(Authorized by and implementing K.S.A. 75-5649; effective Jan. 30, 1995; amended Aug. 15, 1997; amended March 7, 2014.)

***** Authenticated Kansas Administrative Regulation *****