

**DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF PUBLIC HEALTH**

Statutory Authority: 16 Delaware Code, Sections 210-218 (16 Del.C. §§210-218)

GENERAL NOTICE

NOTICE OF PUBLIC COMMENT

Birth to Three Early Intervention Program

Notice of Public Participation:

Public comment on the FFY 2022 (July 1, 2022-June 30, 2023) Annual Part C Grant Application Under Part C of the Individuals with Disabilities Education Act (IDEA)

The Department of Health and Social Services, Birth to Three Early Intervention Program (the Program) is announcing the publication of the draft FFY 2021-22 Annual Application. The Department is also announcing revisions to Section 13 of the Program's policy manual.

In order to meet the public participation requirements under §441 of the General Education Provisions Act (GEPA) at 20 USC 1232d(b)(7)(B) and Part C of the IDEA at 34 CFR §303.208, the Program, as lead agency for implementation of Part C of the IDEA in Delaware, is publishing the draft application, which includes the budget for the Part C federal funds. The draft application will be available for public review at <https://dhss.delaware.gov/dhss/dph/birthtothree/index.html> for 60 days beginning February 1 through April 2, 2022.

The purpose of the public participation period is to gather comments regarding the draft grant application and a draft revised policy prepared by the Program. The revised draft policy, *Section 13: Eligibility for Delaware's Birth to Three Early Intervention Program*.

SUMMARY OF PROPOSED REVISIONS TO SECTION 13 OF THE MANUAL

1. While the definition of "communication development" in Section 1 of the Birth to Three Early Intervention Program Policies and Procedures Manual expressly includes both receptive and expressive language, the state's eligibility criteria, in Section 13.C of the Manual, excludes expressive language unless the child also a developmental delay in another developmental area. This limitation on eligibility for children with a developmental delay in communication development is inconsistent with the federal definition of "infant or toddler with a disability" in 34 CFR §303.21 and the definition of "communication development" in Section 1 of the Manual.
2. Revisions are proposed to strengthen Sections 13.C.4 and C.5, and to ensure that family service coordinators (FSCs), early intervention service provider agencies, and parents fully understand that infants and toddlers with diagnosed established condition are eligible to receive early intervention services whether are not they also have a developmental delay, and that they have all of the same rights as children with developmental delays.
3. A revision to the standard deviation in Section 13.C.1.d. from 1.75 to 1.66 to better align with a 25% delay.

The opportunity for public comment on the draft application is available for 30 days beginning March 4 through April 2, 2022. Comments will be accepted from the general public during this time period, including parents of infants and toddlers with disabilities, providers of services, advocacy groups and organizations and other stakeholders in the state.

Public hearings will be held virtually via Zoom on the following days and times:

March 8, 2022; 5:00-6:00 pm ET
<https://wested.zoom.us/j/98679501793>
Meeting ID: 986 7950 1793 877-853-5247
US Toll-free; or 877-369-0926 US Toll-free

March 11, 2022; 10:00-11:00 am ET
<https://wested.zoom.us/j/95235025071>
Meeting ID: 952 3502 5071 877-853-5247
US Toll-free; or 877-369-0926 US Toll-free

Comments may also be provided to the Birth to Three Early Intervention Program via use of the [Comment Form \(https://app.smartsheet.com/b/form/5fd32cbe43ef4d04b74766610a2be062\)](https://app.smartsheet.com/b/form/5fd32cbe43ef4d04b74766610a2be062) or by mail or email to:

Birth to Three Early Intervention Program
410 Federal St, 3rd Fl, Suite 7, Dover, DE 19901
DHSS_DPH_BirthToThree@delaware.gov

Responses to individual questions and comments will not be provided; however, the Birth to Three staff will review and consider all comments and make any modifications to the application that are deemed necessary. **The Birth to Three Program must receive your comments no later than April 2, 2022.**

25 DE Reg. 791 (02/01/22) (Gen. Notice)