

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 Federal Fiscal Year 2023 (July 1, 2023-June 30, 2024) 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 2023-24 Annual Application.

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 and revised policies and procedures.

The purpose of the public participation period is to gather comments regarding the draft grant application and the draft revised policies prepared by the Program. The revised draft policies are *Section 5: Fiscal Management, item A.4, Section 6: System of Payments, and Section 16: Early Intervention Services, item A.3.*

The draft application and draft revised policies will be available for public review for 60 days beginning March 1 through April 30, 2023 and are posted at <https://dhss.delaware.gov/dhss/dph/birthtothree/index.html>.

SUMMARY OF PROPOSED REVISIONS TO THE MANUAL

Revisions are proposed to:

- *Section 5(A)(4)* to remove the reference to "including a sliding fee scale and cost participation by families," in alignment with the revisions in *Section 6*;
- *Section 5 PR-A* to remove old language describing the lead agency's dispute resolution process and replacing it with revised language that strengthens the process of dispute resolution between two state agencies;
- *Section 6* to eliminate the use of family fees as one of the funding sources for early intervention services; and
- *Section 16(A)(3)* to remove the reference to "a schedule of sliding fees."

The opportunity for public comment on the draft application is available for 60 days beginning March 1 through April 30, 2023. 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 15, 2023; 9:00-10:00 am ET

<https://wested.zoom.us/j/92757149304>

Meeting ID: 927 5714 9304

877 369 0926 US Toll-free

877 853 5247 US Toll-free

March 16, 2023; 5:00-6:00 pm ET

<https://wested.zoom.us/j/91799739118>

Meeting ID: 917 9973 9118

877 369 0926 US Toll-free

877 853 5247 US Toll-free

Comments may also be provided to the Birth to Three Early Intervention Program via use of the Comment Form available at <https://app.smartsheet.com/b/form/902400732955421890e4b0e33509be1c> 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 30, 2023.**

26 DE Reg. 775 (03/01/23) (Gen. Notice)