

Rule Revisions Side-by-Side FY22
Title 26, Part 1, Chapter 350, Early Childhood Intervention Services

Changes in purple and highlighted represent changes made after the public comment period, which have not been posted previously.

Subchapter B Procedural Safeguards and Due Process Procedures

Rule number	Previous language	New language	Rationale	Implementation
§350.209	<p>The contractor must explain the contents of the IFSP to the parents and obtain informed written consent from the parent before providing any early childhood intervention services. The parent has the right to:</p> <p>(1) be present and participate in the development of the IFSP;</p> <p>(2) have decisions about early childhood intervention services made on the individualized needs of the child and family;</p> <p>(3) receive a full explanation of the IFSP;</p> <p>(4) consent to some, but not all, early childhood intervention services;</p> <p>(5) receive all IFSP services for which the parent gives consent;</p> <p>(6) request an administrative hearing or file a complaint if the parent does not agree with the other IFSP team members;</p> <p>(7) indicate disagreement in writing with a part of the IFSP, even though the parent consents to early childhood intervention services;</p> <p>(8) have the IFSP written in the parent's native language, as defined in §108.103 of this chapter (relating to Definitions), or mode of communication; and</p> <p>(9) receive a copy of the IFSP</p>	<p>The contractor must explain the contents of the IFSP to the parents and obtain informed written consent from the parent before providing any early childhood intervention services. The parent has the right to:</p> <p>(1) be present and participate in the development of the IFSP;</p> <p>(2) have decisions about early childhood intervention services made on the individualized needs of the child and family;</p> <p>(3) receive a full explanation of the IFSP, including the identified strengths and needs of the child and family, priorities of the family, the developmental goals for the child and the recommended services to meet those goals, and any identified service coordination/case management goals;</p> <p>(4) consent to some, but not all, early childhood intervention services;</p> <p>(5) receive all IFSP services for which the parent gives consent;</p> <p>(6) request an administrative hearing or file a complaint with the Texas Health and Human Services Commission (HHSC) if the parent does not agree with the other IFSP team members;</p> <p>(7) indicate disagreement in writing in the parent's native language with a part of the IFSP, even though the parent consents to early childhood intervention services;</p> <p>(8) have the IFSP written in the parent's native language, as defined in §350.103 of this chapter (relating to Definitions), or mode of communication; and</p> <p>(9) receive a copy of the IFSP.</p>	<p>This change clarifies what it means to receive a full explanation of the IFSP.</p>	<p>While staff should already be providing a full explanation of the IFSP to parents, contractors should ensure staff understand everything that needs to be explained:</p> <ul style="list-style-type: none"> • Identified strengths and needs of the child and family • Developmental goals for the child • Recommended services to meet those goals • Identified service coordination/case management goals

Subchapter C Staff Qualifications

Rule number	Previous language	New language	Rationale	Implementation
§350.310	<p>(a) The contractor must complete a fingerprint-based criminal background check on any employee, volunteer, or other person who will be working under the auspices of the contractor before the person has direct contact with children or families. The purpose of completing the criminal background check is to protect children and families and to comply with Medicaid and HHSC Child Care Licensing requirements.</p> <p>(c)(2) The contractor must review each employee's criminal background check to ensure that staff members who regularly enter regulated child care facilities or foster homes to provide early childhood intervention services do not have criminal convictions that would result in an absolute bar to entering them in compliance with the 40 TAC §745.651 (relating to What types of criminal convictions may affect a person's ability to be present at an operation?).</p>	<p>(a)The contractor must complete a fingerprint-based criminal background check on every new hire, volunteer, or any other person who will be working under the auspices of the contractor, before the person has direct contact with children or families, including employees who have had a fingerprint-based check as a requirement of their professional licensure.</p> <p>(b)The contractor must complete a fingerprint-based criminal background check renewal on any employee, or any other person who will be working under the auspices of the contractor who has direct contact with children or families, at least every 24 months, unless the contractor uses FBI Rap Back, and gets alerts of any new arrests and convictions. Employees who are covered by the FBI Rap Back service must complete fingerprint-based criminal background checks at least every five years. Employees deemed "unfingerprintable" by the Department of Public Safety or other fingerprinting entity must have a name-based background check completed every 24 months. If at any time a contractor has reason to suspect an employee has been convicted of a crime specified in 26 TAC §745.661 of this title (related to What types of criminal convictions may affect a subject's ability to be present at an operation?), they must complete a fingerprint-based criminal background check renewal on the employee in question.</p> <p>(c)(2) The contractor must review each employee's criminal background check to ensure that staff members who regularly enter regulated child care facilities or foster homes to provide early childhood intervention services do not have criminal convictions that would result in an absolute bar to entering them in compliance with the 26 TAC §745.661 of this title.</p>	<p>This change clarifies that contractors must get a criminal background check on all service providers, even if they had a criminal background check for their licensure. It also removes unnecessary language and updates a TAC reference.</p>	<p>This is information that's already in the contract, so this is something that should already be implemented.</p>

Rule number	Previous language	New language	Rationale	Implementation
§350.313	<p>(a) The contractor must comply with HHSC ECI requirements related to minimum qualifications for an EIS. An EIS must either: (1) be registered as an EIS before September 1, 2011; or</p> <p>(2) hold a bachelor's degree which includes a minimum of 18 hours of semester course credit relevant to early childhood intervention, with at least three of the 18 hours of semester course credit in early childhood development or early childhood special education.</p> <p>(A) Forty clock hours of continuing education in early childhood development or early childhood special education completed within three years prior to employment as an EIS may substitute for the three hour semester course credit requirement in early childhood development or early childhood special education. The EIS must complete these hours before the EIS is entered in the EIS Registry.</p> <p>(B) Coursework or previous training in early childhood development is required to ensure that an EIS understands the development of infants and toddlers because the provision of SST for which an EIS is solely responsible depends on significant knowledge of typical child development. Therefore, the content of the coursework or training must relate to the growth, development, and education of the young child and may include courses or training in:</p> <ul style="list-style-type: none"> (i) child growth and development; (ii) child psychology; (iii) children with special needs; or (iv) typical language development. <p>(b) The contractor must comply with HHSC ECI requirements related to continuing education for an EIS. An EIS must complete:</p>	<p>(a) The contractor must comply with the Texas Health and Human Services Commission (HHSC) Early Childhood Intervention (ECI) requirements related to minimum qualifications for an EIS.</p> <p>(1) An EIS must meet one of the following criteria:</p> <p>(A) be registered as an EIS before September 1, 2011; or</p> <p>(B) hold a bachelor's or graduate degree from an accredited university with a specialization in:</p> <ul style="list-style-type: none"> (a) Early childhood development; (b) early care and early childhood; (c) early childhood special education; or (d) human development and family studies; or <p>(C) hold a bachelor's or graduate degree from an accredited university in a field related to early childhood intervention. For each of the following fields, transcripts of degree coursework must reflect successful completion of at least nine semester course credit hours relevant to early childhood intervention and three semester course credit hours that focus on early childhood development or early childhood special education. Related fields include:</p> <ul style="list-style-type: none"> (i) psychology; (ii) social work; (iii) counseling; (iv) special education (without early childhood emphasis); and (v) sociology; <p>(D) hold a bachelor's or graduate degree from an accredited university in a field unrelated to early childhood intervention. For fields unrelated to early childhood intervention, transcripts of degree coursework must reflect successful completion of at least 15 semester course credit hours relevant to early childhood intervention and three semester course credit hours that focus on early childhood</p>	<p>The current minimum educational qualifications for EISs are too restrictive. Texas supports building and retaining the EIS workforce.</p> <p>The new language related to the minimum qualifications for an EIS clarifies updated requirements related to coursework and out of state reciprocity. The new language also clarifies conditional employment for EISs completing clock hours to meet the minimum qualifications and the amount of time a returning EIS has been inactive before having to re-do all credentialing activities from two years to four years.</p> <p>Allowing for exceptional circumstances allows the state office to determine, on a case-by-case basis, if an EIS can exceed the time frames for credentialing activities if the EIS experienced a significant life event, such as a needing to take extended medical leave.</p> <p>The language related to inactive status aligns with the other requirements for EIS CEUs.</p> <p>The language related to checking the EIS registry ensures contractors are aware of any code of ethics violations before hiring an EIS.</p>	<p>When a prospective EIS submits their transcript to the program as part of the application process, the contractor must verify the EIS meets one of the criteria under (a)(1) of this section:</p> <ol style="list-style-type: none"> 1. If the EIS was registered as an EIS before September 1, 2011, they can be grandfathered in to the system. There are no changes made to this rule. 2. If the applicant has one of the major specializations listed under (a)(1)(B), the applicant automatically meets the qualifications; the contractor only needs to verify successful completion of the EIS's degree. 3. If the applicant has one of the major specializations listed under (a)(1)(C), the contractor must do a thorough review of the applicant's transcript to verify the minimum academic requirements are met. 4. If the applicant has an unrelated major as outlined in (a)(1)(D) the contractor must do a thorough review of the applicant's transcript to verify the minimum academic requirements are met. 5. If it is an out-of-state applicant with three years of IDEA Part C experience providing special instruction, the contractor must verify the EIS's successful

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<p>§350.313 continued</p>	<p>(1) a minimum of 20 contact hours of approved continuing education every two years; and</p> <p>(2) an additional three contact hours of continuing education in ethics every two years.</p> <p>(d) Requirements for EIS active status and EIS inactive status are as follows:</p> <p>(2) An EIS goes on inactive status when:</p> <p>(A) the EIS fails to submit the required documentation by the designated deadline.</p> <p>(i) Orientation to ECI training must be completed within 30 days, from the EIS's start date.</p> <p>(ii) If an EIS is transferring from another program, the Orientation to ECI training must be completed within 30 days from the EIS's start date unless the EIS has documentation he or she has completed the current Orientation module.</p> <p>(iii) All credentialing activities (Final IPDP) must be completed within one year from the EIS's start date.</p> <p>(B) the EIS is no longer employed by a contractor; an EIS may return to active status from inactive status by:</p> <p>(i) submitting 10 contact hours of continuing education for every continuing education due date that was missed while the EIS was on inactive status; and...</p>	<p>development or early childhood special education; or</p> <p>(E) hold a bachelor's or graduate degree from an accredited university with three years of experience within the last ten years working for an Individuals with Disabilities Education Act, Part C program in the United States or a United States territory providing special instruction, as defined in 34 CFR §303.13(b)(14), or specialized skills training, as defined in §350.501(a)(4) of this chapter, to infants and toddlers with developmental delays or disabilities and their families.</p> <p>(2) If an EIS has not completed three of the required hours of semester course credit relevant to early childhood intervention provided in paragraph (1)(C) and (D) of this subsection, the EIS must complete forty clock hours of continuing education that is relevant to early childhood intervention within three years prior to employment as an EIS. If the contractor hires an EIS who does not have the necessary hours, the EIS must complete these hours no more than 30 days after the EIS's hire date.</p> <p>(3) If an EIS has not completed the required three hours of semester course credit in early childhood development or early childhood special education provided in paragraph (1)(C) and (D) of this subsection, the EIS must complete forty clock hours of continuing education in early childhood development or early childhood special education within three years prior to employment as an EIS. If the contractor hires an EIS who does not have the necessary hours, the EIS must complete these hours no more than 30 days after the EIS's hire date.</p> <p>(4) Coursework or previous training in early childhood development or early childhood special education is required to ensure that an EIS understands the development of infants and toddlers because the provision of specialized skills training for which an EIS is solely responsible depends on significant knowledge of typical child</p>		<p>completion of a bachelor's or master's degree AND proof of work history.</p> <p>When a prospective EIS submits their transcript to the program as part of the application process and needs to submit clock hours, the contractor must verify the applicant meets the requirements under (a)(2) and (3) of this section:</p> <ol style="list-style-type: none"> 1. If the EIS applicant is missing the three hours of semester course credit in early childhood development or early childhood special education and chooses to submit 40 clock hours, the contractor must verify the clock hours are applicable and completed by the EIS within 30 days of their hire date. The 40 clock hours for this requirement must focus on the typical or atypical development or special education of infants and toddlers, age birth to three. 2. If the EIS applicant is missing three of the required hours that are relevant to early childhood intervention and chooses to submit 40 hours, the contractor must verify the clock hours are applicable and completed by the EIS within 30 days of their hire date. The 40 clock hours for this requirement must be relevant to early childhood intervention. <p>If a previously employed EIS is</p>

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§350.313 continued		<p>development. Therefore, the content of the three hours of coursework described in paragraph (1)(C) and (D) of this subsection, and the forty clock hours of continuing education described in paragraph (2) of this subsection [or training] must relate to the growth, development, and education of the young child and may include courses or training in:</p> <p>(A) child growth and development; (B) child psychology; (C) children with special needs; or (D) typical language development.</p> <p>(d) Requirements for EIS active status and EIS inactive status are as follows:</p> <p>(2) An EIS goes on inactive status when:</p> <p>(A) the EIS fails to submit the required documentation by the designated deadline.</p> <p>(i) Orientation to ECI training must be completed within 30 days, from the EIS's start date.</p> <p>(ii) If an EIS is required to submit the clock hours described in (a)(2) or (a)(3) of this section, the clock hours must be completed no more than 30 days after the EISs hire date.</p> <p>(iii) If an EIS is transferring from another program, the Orientation to ECI training must be completed within 30 days from the EIS's start date unless the EIS has documentation he or she has completed the current Orientation module.</p> <p>(iv) All credentialing activities (Final IPDP) must be completed within one year from the EIS's start date.</p> <p>(v) If, due to exceptional circumstances, an EIS is unable to submit documentation of completion of credentialing activities by the designated due date, the EIS's supervisor must contact the HHSC ECI EIS credentialing specialist as soon as he or she is aware the due date will not be met. The credentialing specialist and his or her supervisor will</p>		<p>returning to work within four years of their last missed continuing education due date, the contractor should use best judgment when determining whether the EIS will need to re-do any credentialing activities. While the returning EIS would only be required to complete all credentialing activities if they have been inactive for longer than four years, the contractor should ensure the EIS enters the field with proper preparation.</p> <p>If there is an exceptional circumstance which prevents an EIS from submitting credentialing activities by the designated submission date, the contractor must contact the early intervention credentialing specialist. This should be done before an EIS goes past due.</p> <p>If a program receives an application from an individual who has previously worked as an EIS for an ECI program, the contractor must contact the early intervention credentialing specialist to ask if there are any existing code of ethics violations.</p> <p>Contact the early intervention credentialing specialist at eci.eisregistry@hhs.texas.gov.</p>

Rule number	Previous language	New language	Rationale	Implementation
§350.313 continued		<p>work with the EIS’s supervisor and the EIS to determine an appropriate course of action.</p> <p>(B) the EIS fails to submit documentation of required continuing education and ethics training by the designated deadline; an EIS may return to active status from inactive status by submitting the required documentation</p> <p>(C) the EIS is no longer employed by a contractor; an EIS may return to active status from inactive status by:</p> <p>(i) submitting 10 contact hours of continuing education for each year of inactive status; and...</p> <p>(3) An EIS who has been on inactive status for longer than 48 months from his or her first missed continuing education submission date must complete all credentialing activities, including the current Orientation to ECI and EIS IPDP.</p> <p>f) Before a contractor hires an EIS who is currently employed with or has previously been employed with another ECI contractor, the contractor must contact the HHSC ECI state office to inquire whether the EIS has an ethics violation.</p>		
§350.315	<p>(a) ECI case management may only be provided by an employee or subcontractor of an ECI contractor. The contractor must comply with HHSC ECI requirements related to minimum qualifications for service coordinators.</p> <p>(1) A service coordinator must meet one of the following criteria:</p> <p>(A) be a licensed professional in a discipline relevant to early childhood intervention;</p> <p>(B) be an EIS;</p>	<p>(a) Early Childhood Intervention (ECI) case management may only be provided by an employee or subcontractor of an ECI contractor. The contractor must comply with the Texas Health and Human Services Commission (HHSC) ECI requirements related to minimum qualifications for service coordinators.</p> <p>(1) A service coordinator must meet one of the following criteria:</p> <p>(A) be a licensed professional in a discipline relevant to early childhood intervention;</p> <p>(B) be an Early Intervention Specialist (EIS) or meet the qualifications for an EIS as defined in §350.313 of this subchapter;</p>	<p>This change will allow ECI contractors to hire qualified service coordinators without having to enter them in the EIS registry if they do not deliver specialized skills training.</p>	<p>If the service coordinator meets criteria by meeting the qualifications for an EIS, but will not be providing SST, the contractor must review the applicant’s transcript to verify they meet the minimum requirements in §350.313(a).</p>

Subchapter H Eligibility, Evaluation, and Assessment

Rule number	Previous language	New language	Rationale	Implementation
§350.823	<p>(a) The contractor must determine the child's eligibility for continued early childhood intervention services at least annually if the child was younger than 21 months of age. A child who is determined eligible at 21 months of age or older remains eligible for ECI until the child's third birthday or until the child has reached developmental proficiency, whichever happens first.</p> <p>(b)(1) Continuing eligibility is based on one of the following:</p> <p>(B) an auditory or visual impairment as defined by the Texas Education Agency in 19 TAC §89.1040 (relating to Eligibility Criteria) with:</p>	<p>(a)The contractor must determine the child's eligibility for continued early childhood intervention services at least annually if the child was younger than 21 months of age at the previous eligibility determination. A child who is determined eligible at 21 months of age or older remains eligible for ECI until the child's third birthday or until the child has reached developmental proficiency, whichever happens first.</p> <p>(b)(1) Continuing eligibility is based on one of the following:</p> <p>(B) a visual impairment or deafness or hard of hearing as defined by the Texas Education Agency in 19 TAC §89.1040 (relating to Eligibility Criteria) with:</p>	<p>This change adds clarity to when a child’s eligibility for continued services should be conducted depending on the child’s age at the last eligibility determination. It also aligns the rule with the Person First Respectful Language Initiative.</p>	<p>N/A</p>

Subchapter J Individualized Family Service Plan (IFSP)

Rule number	Previous language	New language	Rationale	Implementation
§350.1004	(f) An IFSP meeting must be conducted at least annually to evaluate and revise, as appropriate, the IFSP for a child and the child's family in accordance with 34 CFR §303.342. The meeting may be conducted by a method other than face-to-face if:	(f) An IFSP meeting must be conducted at least annually, if the child was younger than 21 months of age on the date of the previous initial or annual IFSP meeting, to evaluate and revise, as appropriate, the IFSP for a child and the child's family in accordance with 34 CFR §303.342. The meeting may be conducted by a method other than face-to-face if: Add new (g) If the child was 21 months of age or older on the date of the previous initial or annual IFSP, the IFSP team must conduct a periodic review that meets the requirements in 26 TAC §350.1017. Shift current (g) and (h) to become (h) and (i).	This change allows for administrative efficiencies related to IFSPs for children within three months of their third birthday.	If the child is within three months of turning three at the time the Annual Meeting to Evaluate the IFSP is due, the contractor does not need to hold another annual IFSP meeting.
§350.1004	(a) The IFSP team must develop a written initial IFSP within 45 days from the date HHSC ECI receives a referral on a child. The IFSP is completed during a face-to-face meeting with the family in accordance with 20 USC §1436 and 34 CFR §§303.340 - 303.346.	(a) The IFSP team must develop a written initial IFSP within 45 days from the date HHSC ECI receives a referral on a child, unless the child or parent is unavailable due to exceptional family circumstances documented in the child's record. The IFSP is completed during a face-to-face meeting with the family in accordance with 20 USC §1436 and 34 CFR §§303.340 - 303.346.	This change aligns with federal regulations and allows for flexibilities related to exceptional circumstances.	N/A
§350.1007	An interim IFSP is developed for an eligible child and family who need supports and services to begin immediately. ECI services may begin before completing an evaluation and assessment if the following conditions are met: (1) parental consent is obtained; (2) the interim IFSP includes the name of the assigned service coordinator; (3) the interim IFSP includes the services that have been determined to be needed immediately; and (4) the evaluation, assessment, and initial IFSP are completed within the 45-day timeframe in accordance with 34 CFR §303.310.	(a) An initial interim IFSP is developed for an eligible child and family who need supports and services to begin immediately. ECI services may begin before completing an evaluation and assessment if the following conditions are met: ... (b) An annual interim IFSP is developed for an eligible child and family who need supports and services to continue when exceptional family circumstances prevent the team from completing all required components of the annual meeting to evaluate the IFSP in accordance with 26 TAC §350.1019. ECI services may continue if the following conditions are met: (1) parental consent is obtained; (2) the interim IFSP is in accordance with 34 CFR § 303.342;	This change allows for flexibilities for families and contractors who may be unable to meet for an annual IFSP meeting due to exceptional family circumstances.	If a family has an exceptional circumstance and cannot meet for an annual IFSP meeting, the contractor must subsequently develop an interim annual IFSP. This could happen when there's a natural disaster, a parent in the hospital, or potentially a death in the family. An interim annual IFSP can be used if: <ul style="list-style-type: none"> • The parent is available to provide written consent. • The parent is unable to attend an annual meeting to evaluate the IFSP. • The reason for their absence is

Rule number	Previous language	New language	Rationale	Implementation
§350.1007 continued		<p>(2) the interim IFSP includes the name of the assigned service coordinator;</p> <p>(3) the interim IFSP includes the services that have been determined to be needed; and</p> <p>(4) the evaluation, assessment, and all required components of the annual meeting to evaluate the IFSP must be completed within 45 days of the date the annual review of the IFSP was due.</p>		<p>beyond the parent’s control.</p> <ul style="list-style-type: none"> • The ECI contractor has access to the child to continue providing services (e.g., at daycare, staying with a relative). <p>When an interim annual IFSP is developed, it’s important to note that the evaluation, assessment, and all required components of the annual meeting to evaluate the IFSP must still be completed within 45 days of the date the annual review of the IFSP was due.</p>

Subchapter K Service Delivery

Rule number	Previous language	New language	Rationale	Implementation
§350.1104	<p>(a) Early childhood intervention services needed by the child must be initiated in a timely manner and delivered as planned in the IFSP. Only qualified staff members, as described in Subchapter C of this chapter (relating to Staff Qualifications) are authorized to provide early childhood intervention services.</p> <p>(b) The contractor must ensure that early childhood intervention services are appropriate, as determined by the IFSP team, and based on scientifically based research, to the extent practicable. In addition to the requirements in 34 CFR §303.13, early childhood intervention services must be provided:</p> <p>(1) according to a plan and with a frequency that is individualized to the parent and child to effectively address the goals established in the IFSP;</p> <p>(2) in the presence of the parent or other routine caregiver, with an emphasis on enhancing the family's capacity to meet the developmental needs of the child; and</p> <p>(3) in the child's natural environment, as defined in 34 CFR Part 303.26, unless the criteria listed in 34 CFR §303.126 are met and documented in the case record, and may be provided via telehealth with the written consent of the parent. If the parent declines to consent to telehealth for some or all services, those services must be provided in person.</p>	<p>(a) Early childhood intervention services needed by the child must be initiated in a timely manner and delivered as planned in the Individualized Family Services Plan. Only qualified staff members, as described in Subchapter C of this chapter (relating to Staff Qualifications) are authorized to provide early childhood intervention services.</p> <p>(b) The contractor must ensure that early childhood intervention services are appropriate, as determined by the IFSP team, and based on scientifically based research, to the extent practicable. In addition to the requirements in 34 CFR §303.13, early childhood intervention services, with the exception cited in subsection (c) of this section, must be provided:</p> <p>(1) according to a plan and with a frequency that is individualized to the parent and child to effectively address the goals established in the IFSP;</p> <p>(2) only to children who are located in the state of Texas at the time of service delivery;</p> <p>(3) in the presence of the parent or other routine caregiver, with an emphasis on enhancing the family's capacity to meet the developmental needs of the child; and</p> <p>(4) in the child's natural environment, as defined in 34 CFR Part 303.26, unless the criteria listed in 34 CFR §303.126 are met and documented in the case record, and may be provided via telehealth with the written consent of the parent. If the parent declines to consent to telehealth for some or all services, those services must be provided in person.</p> <p>(c) Family education and training, as defined in §350.1105(5) of this subchapter:</p> <p>(1) must be provided:</p> <p>(A) according to a plan and with a frequency that is individualized to the parent and child to effectively address the goals established in the IFSP; and</p>	<p>The requirement for service recipients to be in Texas aligns with therapy practice acts/rules.</p> <p>The amendment allows for flexibilities for family education services, which do not require the child to be present.</p>	<p>Contractors must inform families that the child must be in the state of Texas to receive services. Providers don't need to confirm this during each visit, but should explain this to all the families they are currently serving as soon as possible, and to all newly enrolled families before providing services. If the family informs you that the child will be out of state for any period of time, the contractor should inform the family that services cannot be provided while the child is out of state. Family education and training can still be provided to the family in the absence of the child.</p>

Rule number	Previous language	New language	Rationale	Implementation
§350.1104 continued		(B) with a parent or other routine caregiver, with an emphasis on enhancing the family's capacity to meet the developmental needs of the child; and (2) may be provided: (A) when a child who resides in Texas is not located in the state at the time of service; and (B) in a setting other than a child's natural environment.		

Subchapter J Transition

Rule number	Previous language	New language	Rationale	Implementation
§350.1205	<p>(a) At the first meeting with the family after the referral, the contractor must explain:</p> <p>(1) circumstances that would cause the child no longer to meet the eligibility requirements for early intervention services; and</p> <p>(2) the ECI transition process.</p> <p>(b) The contractor must provide the enrolled family an overview of transition concepts and activities including:</p> <p>(1) ways to plan ahead and help the child adjust to and function in new settings;</p> <p>(2) future placement options for the child such as LEA special education services, community childcare settings, and home care;</p> <p>(3) referral and contact information for relevant advocacy groups, local resources, parent support organizations, Medicaid programs, and other governmental agencies; and</p> <p>(4) LEA Notification requirements and the LEA Notification Opt Out option.</p> <p>(c) The contractor must document the transition conversation with the family in a progress note.</p>	<p>(a) At the first meeting with the family after the referral, the contractor must explain:</p> <p>(1) circumstances that would cause the child no longer to meet the eligibility requirements for early intervention services; and</p> <p>(2) the ECI transition process.</p> <p>(b) The contractor must provide the enrolled family an overview of transition concepts and activities including:</p> <p>(1) ways to plan ahead and help the child adjust to and function in new settings;</p> <p>(2) future placement options for the child such as LEA special education services, community childcare settings, and home care;</p> <p>(3) referral and contact information for relevant advocacy groups, local resources, parent support organizations, Medicaid programs, including waivers offering long-term services and supports, if the child has a condition that would make them eligible for waiver programs, and other governmental agencies; and</p> <p>(4) LEA Notification requirements and the LEA Notification Opt Out option.</p> <p>(c) The contractor must document the transition conversation with the family in a progress note.</p>	<p>This amendment will support ECI’s goal of setting babies and toddlers with developmental delays up for long-term success in Texas. Adding a requirement to educate families on Medicaid waivers and enroll children on interest lists will ensure potentially eligible children have access to services more quickly.</p>	<p>Contractors must educate families about Medicaid waivers and, with the family’s consent, help enroll children on interest lists if the child has a condition that would make them eligible for the waiver programs. This would include children with life-long disabilities including, but not limited to:</p> <ul style="list-style-type: none"> • Down syndrome • Spina bifida • Cerebral palsy • Seizure disorders • Etc.
§350.1207	<p>(3) The appropriate steps and transition services that the IFSP team plans at the meeting must be documented in the IFSP and must include:</p> <p>(A) timelines and responsible party for each transition activity;</p> <p>(B) discussions with and training of parents, as appropriate, regarding future placements and other matters related to the child's transition;</p>	<p>(3) The appropriate steps and transition services that the IFSP team plans at the meeting must be documented in the IFSP and must include:</p> <p>(A) timelines and responsible party for each transition activity;</p> <p>(B) discussions with and training of parents, as appropriate, regarding future placements and other matters related to the child's transition;</p>	<p>This amendment will support ECI’s goal of setting babies and toddlers with developmental delays up for long-term success in Texas. Adding a requirement to educate families on Medicaid waivers and enroll children on interest lists will ensure potentially eligible children have access to services more quickly.</p>	<p>Contractors must educate families about Medicaid waivers and, with the parent’s consent, help enroll children on interest lists if the child has a condition that would make them eligible for the waiver programs. This would include children with life-long disabilities including, but not limited to:</p> <ul style="list-style-type: none"> • Down syndrome • Spina bifida • Cerebral palsy

Rule number	Previous language	New language	Rationale	Implementation
§350.1207 continued	<p>(C) procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting;</p> <p>(D) the family's choice for the child to transition into a community or educational program or for the child to remain in the home;</p> <p>(E) identification of appropriate steps and transition services, deemed necessary by the IFSP team, to support the family's exit from early childhood intervention services to LEA special education services or other appropriate activities, places, or programs the family would like the child to participate in after exiting early childhood intervention services;</p> <p>(F) confirmation that the transition notification, which requires child find information to be transmitted to the LEA or other relevant agency, has occurred; and</p> <p>(G) program options, if the child is potentially eligible for special education services, for the period from the child's third birthday through the remainder of the school year.</p>	<p>(C) procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting;</p> <p>(D) the family's choice for the child to transition into a community or educational program or for the child to remain in the home;</p> <p>(E) identification of appropriate steps and transition services, deemed necessary by the IFSP team, to support the family's exit from early childhood intervention services to LEA special education services or other appropriate activities, places, or programs the family would like the child to participate in after exiting early childhood intervention services;</p> <p>(F) confirmation that the transition notification, which requires child find information to be transmitted to the LEA or other relevant agency, has occurred;</p> <p>(G) program options, if the child is potentially eligible for special education services, for the period from the child's third birthday through the remainder of the school year; and</p> <p>(H) for children who are likely to be eligible for long-term specialized services and supports, providing the parents with information on Texas Medicaid waivers for people with disabilities or special health care needs, including information on how to add children to the waiver interest lists.</p>		<ul style="list-style-type: none"> • Seizure disorders • Etc.

Subchapter N Family Cost Share System

Rule number	Previous language	New language	Rationale	Implementation
§350.1425	(m) If a child is covered by private insurance only, once the contractor has verified that the private insurance plan will not pay for certain ECI services for a child, the contractor is not required to continue to bill the private insurance plan for those services for that child. The contractor must verify coverage for ECI services with the private insurance plan at least annually.	*Remove from §350.1425 Public Benefits and Insurance and add to §350.1419 Private Insurance as (g).	This amendment moves the language to a more appropriate section of the rule.	N/A

Contact Information:

Rachel Phillips

Rachel.Phillips01@hhs.texas.gov

Early Intervention Specialist Registry

eci.eisregistry@hhs.texas.gov