

902 KAR 30:001. Definitions for 902 KAR Chapter 30.

RELATES TO: KRS 200.650-200.676, 20 U.S.C. Chapter 33, 34 C.F.R. Part 303

STATUTORY AUTHORITY: KRS 194A.050, 200.660(8)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 200.660 requires the Cabinet for Health and Family Services to administer all funds appropriated to implement provisions, to enter into contracts with service providers, and to promulgate administrative regulations necessary to implement KRS 200.650 to 200.676. This administrative regulation establishes the definitions for 902 KAR Chapter 30 pertaining to First Steps, Kentucky's Early Intervention Program.

Section 1. Definitions. (1) "Ability to pay" means a family has an income at 200 percent of the poverty level or above.

(2) "Assessment" means the ongoing procedures used by appropriate qualified service providers throughout the child's period of eligibility in First Steps to identify:

(a) The child's unique strengths and needs and the services appropriate to meet those needs;

(b) The resources, priorities, and concerns of the family; and

(c) The supports and services necessary to enhance the family's capacity to meet the developmental needs of the family's infant or toddler with a disability.

(3) "Assistive technology device" means any item, piece of equipment, or product system:

(a) Whether acquired commercially off the shelf, modified, or customized;

(b) That is used to:

1. Increase, maintain, or improve the functional capabilities of a child with a disability; and

2. Implement the individualized family service plan; and

(c) Except for a medical device that is surgically implanted, including a cochlear implant, or the optimization (e.g. mapping), maintenance, or replacement of that device.

(4) "Assistive Technology Service" means a service that directly assists the child with a disability in the selection, acquisition, or use of an assistive technology device in accordance with 20 U.S.C. 1401(2).

(5) "Cabinet-approved criterion referenced instrument" means any of the three (3) assessments, incorporated by reference in 902 KAR 30:120, used to assess children from birth to three (3) years of age.

(6) "Cabinet-approved screening protocol" means a screening protocol that is:

(a) Designed to evaluate the developmental status of children; and

(b) Used by the cabinet.

(7) "Child find" is defined by KRS 200.654(3).

(8) "Consent" is defined by 34 C.F.R. 303.7.

(9) "Destruction" means the physical destruction of the record or ensuring that personal identifiers are removed so that the record is no longer personally identifiable under 34 C.F.R. 303.29.

(10) "Direct supervision" means the continuous, on-site observation and guidance as activities are implemented with children and families.

(11) "District Early Intervention Committee" or "DEIC" is defined by KRS 200.654(6).

(12) "Early intervention record" means all records, electronic and hard copy, regarding a child that are required to be collected, maintained, or used under part C of the Individuals with Disabilities Education Act, 20 U.S.C. 1400-1482, and 902 KAR Chapter 30.

(13) "Early intervention service provider" is defined by 34 C.F.R. 303.12.

(14) "Early intervention services" is defined by 34 C.F.R. 303.13(a)-(d) and 34 C.F.R.

303.16.

(15) "Established risk" means a diagnosed physical or mental condition that has a high probability of resulting in a developmental delay.

(16) "Evaluation" means the use of procedures to determine eligibility for First Steps services in accordance with 902 KAR 30:120.

(17) "Extraordinary family expenses" means those out of pocket expenses, including purchases, medical care cost, and home or automobile modifications to accommodate the needs related to the eligible child's disability and to other family members with a disability, except for medical services for other family members without a disability.

(18) "Family-centered" means practices that:

(a) Are driven by the family's priorities and concerns;

(b) Support the family's role as the constant in a child's life;

(c) Complement a family's natural activity settings and daily routines; and

(d) Support, respect, encourage, and enhance the strengths, competence, and confidence of the family.

(19) "First Steps" means Kentucky's early intervention system, which is defined by KRS 200.654(8).

(20) "First Steps data management system" means the online data system that consists of each child's early intervention record and financial management data.

(21) "Homeless child" means a child who meets the federal definition of homeless children and youths established in 42 U.S.C. 11434a(2).

(22) "Inability to pay" means a family's income is below 200 percent of the poverty level.

(23) "Indirect supervision" means the regular, periodic, on-site observation and guidance as activities are implemented with children and families.

(24) "Individualized family service plan" or "IFSP" means an individual family service plan as defined by 34 C.F.R. 303.340.

(25) "Initial assessment" means the assessment of the child and family assessment conducted prior to the child's first IFSP meeting.

(26) "Kentucky Early Childhood Data System" or "KEDS" means the internet based data collection system to provide data for analysis to determine the degree to which Kentucky's children are meeting the major child outcomes and learning standards required by the Office of Special Education Programs (OSEP) in the United States Department of Education and the state early childhood standards.

(27) "Multidisciplinary team" is defined by 34 C.F.R. 303.24

(28) "Natural environments" is defined by 34 C.F.R. 303.26.

(29) "Parent" means:

(a) A natural, adoptive, or foster parent of a child;

(b) A guardian, except for the state if the child is a ward of the state;

(c) An individual acting in the place of a natural or adoptive parent including a grandparent, stepparent, or other relative with whom the child lives, or an individual who is legally responsible for the child's welfare; or

(d) An individual assigned as a surrogate parent pursuant to 20 U.S.C. 1439(a)(5).

(30) "Part C Coordinator" means the individual designated by the cabinet to be Kentucky's liaison with the federal Department of Education, Office of Special Education Programs (OSEP), to oversee the state's implementation of the early intervention system.

(31) "Participating provider or agency" is defined by 34 C.F.R. 303.403(c).

(32) "Period of eligibility" means the time from referral to First Steps to termination of services due to:

(a) Failure to meet initial program eligibility requirements;

- (b) Attainment of age three (3);
- (c) Documented refusal of service by the child's parent or legal guardian, inclusive of disappearance; or
- (d) Change of residence to another state.

(33) "Personally identifiable" means information that contains:

- (a) The name of the child, the child's parent, or other family member;
- (b) The address of the child;
- (c) A personal identifier, such as the child's social security number or TOTS number; or
- (d) A list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty.

(34) "Point of entry" or "POE" is defined by KRS 200.654(12).

(35) "Prematurity" means a gestational age, at birth, of less than thirty-seven (37) weeks.

(36) "Primary referral source" is defined by 34 C.F.R. 303.302(c) and 34 C.F.R. 303.303(c).

(37) "Primary service provider" means a professional who is a member of the IFSP team and is selected by the parent as the team lead to provide regular support to the family.

(38) "Qualified service provider" means a provider who meets the qualifications listed in 902 KAR 30:150.

(39) "Record review team" means a group of early intervention experts representing each discipline of early intervention providers as listed in 902 KAR 30:150, Section 2(1)(a)-(r), who are utilized by the state lead agency to review complex cases for eligibility and service provision, and make recommendations to IFSP teams.

(40) "Referral" means a child identified between birth and three (3) years of age who is:

(a) A Kentucky resident or a homeless child within the boundaries of the Commonwealth; and

(b) Suspected of having an established risk diagnosis or a developmental delay.

(41) "State Lead Agency" means the designated staff in the Department for Public Health who are responsible for implementing the First Steps Program in accordance with 34 C.F.R. 303.22, 20 U.S.C. Chapter 33, and KRS 200.650 to 200.676.

(42) "Ward of the state" means a child declared by a circuit court judge to be a ward of the state pursuant to KRS 625.043(2) or 625.100(2). (39 Ky.R. 2403; Am. 40 Ky.R. 602; eff. 10-16-2013; 2869; 41 Ky.R. 784; eff. 10-15-2014.)