BACKGROUND

Include the following points for new OARs, OAR updates or changes

1. History:
   a. What prompted the rule (why do we have it)? State law? Federal law? Incident? Why are changes/amendments being proposed? *Early Intervention (EI) referral and evaluation data over the past seven years indicates a number of cases in which screening children under the age of three would streamline the referral and evaluation process. Screening of infants and toddlers will reduce the number of cases where evaluation is not necessary, as well as those cases where families decline an evaluation due to insufficient developmental information on the child.*
   b. What is the current requirement in rule or statute? *There are no ORS nor any OARs which address Early Intervention Screening, only referral: OAR 581-015-2774*

2. Purpose
   a. What function does the current rule hold? *Adoption of these OAR revisions would enable Early Intervention referral staff to offer families a screening to assist them in deciding whether to move on to an evaluation of their child.*
   b. How long has the rule been in place? *OAR 581-015-2774 has been in place since 4/2/2012.*

3. Does the board have any areas of discretion or is this strictly mirroring statute?
   If the board does have discretion, those areas should be called out here or in the next section. *The board may decline or approve these proposed OAR revisions, delay adoption, and/or decide to create a stand alone OAR for these procedures.*

4. Stakeholder voice/input (individual and collective i.e., groups)
   a. Who was involved in bringing this to the Board? *1) Office of Student Services EI/ECSE Team, Office of Student Services Assistant Superintendent and directors, Office of Student Services Legal Team Lead Specialist EI/ECSE Area Contractors, State Interagency Coordinating Council.*
b. What did engagement in this process entail? **Review of proposed OAR changes at two EI/ECSE Contractor meetings, convening by phone and email a work group composed of ODE staff and EI/ECSE Contractors, review by Office of Student Services Directors, review by Office of Student Services Legal Team Lead Specialist, review at one SICC meeting.**

c. Who may be affected by this? **Early Intervention Referral Teams, parents and families, school district EI/ECSE evaluation teams.**

d. Whose voice is missing potentially? **Community partners who may referral infants and toddlers to Early Intervention without a screening result.**

e. What additional information does the Board need prior to moving forward? **Plans have been drafted to provide information and training to EI/ECSE staff throughout the state when/if these OAR changes are adopted.**

**SUMMARY OF PREVIOUS BOARD ACTION**

1. Has this been before the board before? If so, what action did the board take? **Yes, this OAR revision was before the board at the April meeting.**

2. **HAS THE RULE CHANGED SINCE LAST BOARD MEETING?**

   - N/A; first read—hasn’t been before board
   - No; same as last month
   - **X** Yes – As follows: We have added language from CFR 303.421 concerning what constitutes Parent Notice. These Parent Notice requirements were embedded within the previous revision references but it was determined it would be helpful to place this language up front in the revision of OAR 581-015-2774.

**POLICY ISSUE OR CONCERNS**

These policy issues or concerns could be from the field, stakeholder groups, statements submitted during the comment period, or discussions among ODE staff. Consider the following questions:

1. **Stakeholders**
   a. How have you intentionally involved stakeholders who are also members of communities affected by this report or update? **It was presented to the EI/ECSE Contractors and the SICC.**
   b. Who are the historically underserved groups affected by this report or update? **Children and families of color, and who are English Language Learners.**
   c. Does this update or report have tribal implications and has it been deemed appropriate by the Department’s Tribal Liaison, the Deputy Superintendent, or State Board? **At this point in time it has been reviewed by the tribal liaison.**
   d. How has the Oregon Department of Education modified or enhanced the report or update to address the needs of historically underserved communities? **In December an ASQ Guide was presented in a webinar and posted on the web. This guide**
includes screening considerations for children and families of color, and who are English Language Learners.

2. Negative/Positive Effects
   a. What is the impact on the population most affected by this report or update that the board should consider? This OAR revision would provide families a better continuum of post-referral options than the current choices between evaluation or no evaluation.
   b. What is the impact on eliminating the opportunity or achievement gap? It would provide families better information in their evaluation decision, helping them decide to have their children evaluated for Early Intervention eligibility, and thus getting their children and families education and support in a timely manner.
   c. Have all the potential unintended consequences been considered? Yes. The cost to programs could even out: conducting the screening would cost more but the practice should reduce the number of unneeded evaluations.
   d. Does this update or report advance the 40/40/20 goals? As indicated in “b.”, this new screening practice would help children and families get the help they need in order for the children to be more successful when they start school in kindergarten.

3. What are the barriers to more equitable outcomes, either:
   a. State or federally mandated? The EI screening provisions mandated in CFR § 303.320 must be included in any OAR revisions.
   b. Political? No
   c. Emotional? No
   d. Financial? Anticipated to be zero sum (see 2.c above).
   e. Programmatic? Our EI/ECSE programs endorse these changes and see these screening practices as a positive support in their management of referrals to our Early Intervention services.

EQUITY IMPACT ANALYSIS

The following questions are designed to examine how the proposed rule, policy or action systematically affect historically underserved students and/or communities.

1. Will historically underserved populations be impacted by this docket item? Yes.
   a. If yes, describe how the rule changes, policy, or action could produce other unintended consequences not listed in the docket. (previously documented in Policy Issue or Concerns section)
2. Examine the potential impact of the rule changes, policy, or action on historically underserved populations in Oregon. Describe this ongoing and/or foreseeable impact, using as much detail as possible. (previously documented in Policy Issue or Concerns section)
3. Explain how the rule change, policy, or action works toward the elimination of either (one or both):
a. the achievement gap *(previously documented in Policy Issue or Concerns section)*
b. the opportunity gap *(previously documented in Policy Issue or Concerns section)*

**FISCAL ANALYSIS**

What is the fiscal impact of the proposed rule changes to the Department of Education, school districts, education service districts or schools? Use the following suggestions as a guide:

1. How does the proposed rule fit within the budget of the agency? *(no fiscal impact)*
   a. Which units/divisions/offices will be impacted and how?
2. How does the proposed rule change impact school districts and ESDs? *(has the potential of saving school districts and ESDs funding in that it may reduce the number of full evaluations conducted.)*
3. How does the proposed rule change impact schools and other educational institutions? *(See #2.)*
4. Does the proposed rule change impact other stakeholders? *No*

**EFFECT OF A “YES” OR “NO” VOTE**

Explain the consequences of a Board approving or not approving the staff recommendation.

**STAFF RECOMMENDATION**

- **X Approve**  ☐ Approve next month  ☐ No recommendation at this time
- **Prompted by:**  ☐ State law changes  X Federal law changes  ☐ other

**ATTACHMENTS**

Attachment 1: EI Screening OAR: 581-015-2774, Referral Procedures and EI Screening

Attachment 2: Consent: 581-015-2730 Parent Consent for EI

Attachment 3: ASQ Guide