

# **Position Paper on the Provision of Early Intervention Services in Accordance with Federal Requirements on Natural Environments**

**April 2000<sup>1</sup>**

The purpose of this IDEA Infant and Toddlers Coordinators Association position paper is to provide, in one document, a comprehensive policy and practice statement about the provision of early intervention services as part of the routines and daily activities of young children with disabilities and their families to meet the natural environments requirements of Part C of the Individuals with Disabilities Education Act (IDEA). This paper includes a set of principles that characterize successful early intervention in natural environments, the relevant federal requirements, and additional statements from the Office of Special Education Programs (OSEP). The Association believes that:

- Providing services in natural environments is not just the law, but more importantly, it reflects the core mission of early intervention, which is to support families to provide learning opportunities for their child within the activities, routines, and events of everyday life;
- Early intervention should be a truly family-centered process that ensures young children with disabilities and their families receive early intervention services and supports as part of their daily routines and activities;
- A child's parents and other family members are usually the primary individuals supporting and nurturing the child's growth, development and learning.
- Appropriate to their needs, young children with disabilities have a right to receive services in the natural settings of their home or places in which children without disabilities participate in order to increase the opportunities for all children to learn, play, and interact together;
- These requirements are consistent with the IDEA, Part B preference that services for children with disabilities beginning at age three be with typically developing peers; and

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<sup>1</sup> After review and feedback from the IDEA Coordinator's Association membership, the Board of Directors approved the position paper on April 3, 2000.

- It is essential that the early intervention services system be consistent and align with other federal initiatives relating to Head Start, Child Care, Maternal and Child Health, and the Americans with Disabilities Act.

**Therefore, the Association fully supports the provision of early intervention services within the context of families' activities and routines in meeting the natural environments requirements under Part C of IDEA.**

## **Principles Characterizing Successful Implementation**

- a. The concept of providing early intervention services as part of the routines and daily activities of children and families is embedded in all written materials related to early intervention, and in every discussion with families and service providers. These discussions begin at the initial contact and continue through the entire process of service delivery and focus on functional participation in daily routines and activities. The Individualized Family Service Plan (IFSP) team values preserving the family's typical routines and "fits the family" instead of making the family "fit the services".
- b. Early intervention services support or enhance the child's participation in daily activities and in the routines of their family in community settings where a child lives, learns, and plays.
- c. Children and families participate in a variety of community activities that are natural for them including those that occur in their home. Therefore, if the family does not want services in their home, another community setting is identified where the child's needs can be addressed.
- d. Providing early intervention within activities (bathtime, mealtime, reading, playing, etc) that occur in natural settings (home, childcare, playground, etc) offers opportunities for the child to learn and practice new skills to enhance growth and development.
- e. Natural groups of children are groups that would continue to exist with or without children with disabilities. Groups that are not "natural groups" include playgroups, toddler groups or child care settings that include only children with disabilities. However, even the most "natural" of groups is not a natural setting for a particular child if it is not part of that child's family's routine or community.
- f. Service settings that are not "natural settings" include clinics, hospitals, therapists' offices, rehabilitation centers, and segregated group settings. This includes any settings designed to serve children based on categories of disabilities or selected for the convenience of service providers.

- g. The provision of services in natural settings and during daily routines and activities fosters the use and development of natural supports in a family's social and cultural network. This promotes the family's full participation in community life.
- h. Family supports are individualized and based upon each family's daily activities and routines as well as their strengths, resources, and needs.
- i. When parents and other caregivers begin to identify learning opportunities and incorporate suggested interventions into daily activities and routines, using available materials in the environment, the child has more opportunities to experience and practice new skills.
- j. In developing the IFSP, outcomes are identified prior to determining how early intervention services will be provided. Determining intervention strategies begins with identifying and understanding the family's routines and daily activities. Services and supports are provided within these activities to maximize the child's opportunities for learning and practicing new skills.
- k. The primary role of service providers is to serve as consultants, identify key individuals (i.e., parents, care providers, teachers) across environments, and use their knowledge and expertise to help others who are part of the child's daily environments facilitate learning opportunities in natural settings that assist the child in achieving IFSP outcomes.
- l. The IFSP team makes the decision about where the early intervention services within the daily activities and routines of the child and family are provided. No individual member of the team may unilaterally determine the setting for service delivery. The preferences of one team member cannot be considered acceptable justification for not providing services in natural settings. Every effort is made to select a setting that the entire IFSP team, including the parent, supports.
- m. Justification for providing services in a setting outside of a natural environment includes sufficient documentation to support the IFSP team's decision that the child's outcome(s) could not be met in natural settings even with supplementary supports. This justification includes how the services provided in a specialized setting will be generalized into the child's daily activities and routines. It also includes a plan with timelines and the supports necessary to return to early intervention within daily activities and routines.
- n. The concept of providing early intervention services within the child and family's daily activities and routines is promoted through all public awareness strategies and activities.
- o. Inservice and preservice activities include curriculum and objectives to build awareness and understanding of how to identify learning opportunities and to provide early intervention services within the daily activities and routines of children and families in which learning naturally occurs.

- p. All Part C contracts, grants, and memorandums of understanding are written in a language to reinforce early intervention in natural settings and as part of the normal daily activities and routines of children and families.

## **Federal IDEA Part C Regulations**

The following are the relevant sections related to natural environments from the IDEA Part C regulations at 34 CFR Part 303:

- “To the maximum extent appropriate to the needs of the child, early intervention services must be provided in natural environments, including the home and community settings in which children without disabilities participate.” (34 CFR 303.12(b))
- Each state participating in IDEA, Part C must establish and implement “policies and procedures to ensure that—
  - (1) To the maximum extent appropriate, early intervention services are provided in natural environments; and
  - (2) The provision of early intervention services for any infant or toddler occurs in a setting other than a natural environment only if early intervention cannot be achieved satisfactorily for the infant or toddler in a natural environment.” 34 CFR 303.167(c)
- “Natural environments means settings that are natural or normal for the child’s age peers who have no disabilities.” 34 CFR 303.18
- Each IFSP must include a statement of “the natural environments, as described in § 303.12(b), and § 303.18 in which early intervention services will be provided, and a justification of the extent, if any, to which the services will not be provided in a natural environment;” 34 CFR 303.344(d)(ii)

## **Additional Statements from US Department of Education, Office of Special Education Programs (OSEP)**

OSEP has issued a number of policy letters that clarify questions posed from states related to early intervention services and natural environments. The following is a summary of several of those letters:

- *Letter to Heskett, Missouri, May 26, 1999*

**Digest of question:** Can the IFSP team decide to provide early intervention in a program which provides services only for infants and toddlers with disabilities without a determination that the environment is necessary to satisfactorily achieve appropriate outcomes for the child?

**Selected text from the response:** ...“For the provision of services in a setting outside of a natural environment to occur, the Part C regulations require a determination by the IFSP team that an infant or toddler cannot achieve identified early intervention outcomes satisfactorily if services are provided in a natural environment, and a justification for such an exception in the child’s IFSP.”

**Digest of question:** May a family choose to receive early intervention services in a center-based program which provides services only for infants and toddlers with disabilities, if that family determines the center-based program is best for their child and family?

**Selected text from the response:** “...Although Part C recognizes the importance of, and requires, parent involvement throughout the IFSP process, Part C does not relieve the State lead agency of its responsibility to ensure that other regulatory and statutory requirements, including the natural environments provisions, are met. While the family provides significant input regarding the provision of appropriate early intervention services, ultimate responsibility for determining what services are appropriate for a particular infant or toddler, including the location of such services, rests with the IFSP team as a whole. Therefore, it would be inconsistent with Part C for decisions of the IFSP team to be made unilaterally based solely on preference of the family. The State bears no responsibility under Part C for services that are selected exclusively by the parent; however the State must still provide all other services on the IFSP for which the parents did consent.”

- **Letter to Yarnell, Pennsylvania, October 19, 1999**

**Digest of question:** Can the fact that receiving some services at a center with other families and their special needs child provides opportunities for parents to meet while participating in therapy be considered an appropriate justification for providing some service in a setting other than a natural environment?

**Selected text from the response:** .... “We share your concerns for the isolation and for the networking and training needs of parents. These are particularly important family needs and should be addressed by the IFSP team as a part of the development of the child’s IFSP. ... any justification for the child’s services to take place in a setting other than a natural environment must relate to the child’s individual needs. Nothing in the law precludes such services from being provided in settings that include other children with disabilities as well as non-disabled children, as long as the requirements of part C are met, so that many opportunities may exist for parents of children with disabilities to interact. Because a parent’s need for time with other parents of children with disabilities can be successfully accommodated in the natural environments where the child receives

services, or in separate meetings, this parent need can not be used as a justification to deny the child the appropriate services in natural environments.”

**Digest of question:** When the focus is on parent training, is this considered an appropriate justification for providing service in a setting other than a natural environment?

**Selected text from the response:** “... for services directed solely at the parent such as parent support, those services are not required to take place in a natural environment. No justification, therefore, is needed on the IFSP. Such services solely for the parent, however, cannot be used as a justification for providing services to the child in other than natural environments.”

- **Letter to Elder, Texas, July 17, 1998**

**Digest of question:** If the IFSP team determines services can be satisfactorily achieved in the natural environment, does it violate Part C to provide services in a setting selected by the parent, which does not meet the definition of a natural environment even if the parents are incurring the cost of the setting?

**Selected text from the response:** “... if the parents do not consent to a particular location for a service specified in the IFSP, the State may not use Part C funds to provide that service in a location different from that identified on the IFSP. The parents are free to reject any service(s) on the IFSP by not providing written consent for that service(s) or by withdrawing consent after first providing it. If the parents do not provide consent for a particular early intervention service, which also includes the location, that service may not be provided. ...”

**Digest of question:** Can the state use state funds to provide services in settings other than those determined to be appropriate in the IFSP?

**Selected text from the response:** “... All funds used to implement the early intervention system under Part C must be used consistent with Part C. Thus, the State cannot circumvent the requirement to provide early intervention services in natural environments by using State funds that are budgeted for early intervention services under Part C and used to satisfy the nonsupplanting requirement. State and local funds used in a way inconsistent with the requirements of Part C may not be considered in determining whether a State has met the standard regarding supplanting in 34 CFR 303.124(b).”

- **Letter to the Honorable Lynn Woolsey, California, March 21, 2000 :**

**Digest of the Letter:** In response to concerns raised by constituents, the Honorable Lynn Woolsey requested clarification from the U.S. Department of Education on the interpretation of the definition of natural environments. Specifically, does natural environments “mean only settings where children without disabilities are present and participate” and can programs such as those conducted by a hospital be excluded as a

provider of early intervention services because it did not meet the definition of natural environments?

**Selected text from the response:** “. . .In general, providing services in a setting limited exclusively to infants and toddlers with disabilities would not constitute a natural environment. However, if a determination is made by the IFSP team that, based on all relevant information regarding the unique needs of the child, the child cannot satisfactorily achieve the identified early intervention outcomes in natural environments, then services could be provided in another environment. In such cases, a justification must be included on the IFSP.”

“ . . . It is not the Department’s practice to dictate which providers meet the requirements of qualified personnel, consistent with Part C, in order to provide early intervention services.. California must continue to ensure that early intervention services are provided consistent with all the requirements of Part C, regardless of who is providing the early intervention services. However, it is not true that Part C makes “ineligible” or “illegal” a centered-based program serving only children with disabilities. . . . [I]f justification is made on the IFSP based on the needs of the individual child for a particular service, a service may be provided in such a setting.”

- **Letter to the Honorable Dianne Feinstein, California, March 21, 2000:**

**Digest of the letter:** In response to a letter from constituents, the Honorable Dianne Feinstein requested clarification from the U.S. Department of Education on regulations related to natural environments.

**Selected text from the Response:** . . .”We share . . .concerns for the networking and training needs of parents. These are particularly important family needs and should be addressed by the IFSP team as part of the development of the child’s IFSP. The identification of parent support, training or counseling, as a needed early intervention service, can be provided either through Part C, or by referral to an organization that offers these services (e.g., a Parent-to-Parent Training and Information Center, a Parent-to-Parent program, or other family support or advocacy organizations.) Where these meetings or training will take place should be part of the overall discussion in the development of the IFSP. A variety of locations for training activities could be considered, such as a public library, another family’s home, etc. Services for parents alone, such as parent support, are not required to take place in ‘natural environments’.”

- **Direction Provided by OSEP Staff at the 1998 DEC Conference.**

“Services in natural environments support the natural flow of a family’s activities; are delivered where the child lives, learns and plays; decreases family’s marginalization; uses natural supports; and builds on existing capacity of the community.”