

# STATE OF DELAWARE



## EXECUTIVE DEPARTMENT DOVER

EXECUTIVE ORDER  
NUMBER: NINETY

TO: HEADS OF ALL STATE DEPARTMENTS, AGENCIES AND OFFICES

RE: SERVICES AND EDUCATION FOR HANDICAPPED CHILDREN AGES 0 to 5  
THEIR FAMILIES

WHEREAS, providing intervention services to handicapped or developmentally delayed children at the earliest ages and doing so in a comprehensive and coordinated fashion is in the best interest of the children served, their parents and the State; and

WHEREAS, it is in the best interest of said children, parents and the State that the various systems of education and services provided for said children and referred to herein below be designed and operated in a manner to maximize the intended benefits therefrom at a reasonable cost and to the extent possible within the currently available resources;

WHEREAS, it is in said interest that these systems, particularly those for infants and toddlers ages 0 - 2, for children ages 3 to 5, and those receiving special education services after age 5 to be complementary to one another and for the education and related services to be delivered in a continuous and coordinated manner;

WHEREAS, Part H of Public Law 99-457 was enacted by Congress to provide for the improved coordination and effectiveness of early intervention services for infants and toddlers age 0-2 who are experiencing developmental delays, who have diagnosed conditions which have a high probability of resulting in developmental delay, or who are at risk of suffering substantial developmental delay by encouraging states to develop a systemic approach to identification, referral, and delivery of services; and

WHEREAS, for the purposes of planning and compliance with Part H the State Board of Education, through the Department of Public Instruction, was initially designated as the Lead Agency; and

WHEREAS, pursuant to PL 99-457, the Inter-agency Coordinating Council (ICC) was established to serve in an advisory capacity to the State Board of Education and, the Department of Public Instruction; and

WHEREAS, Federal funding, assistance and support for implementing Part H is limited to planning and demonstration funds over a five-year phase-in period; and

WHEREAS, Delaware's planning effort is currently in its third year; and

WHEREAS, the submission and subsequent approval of the fourth year planning grant by the Office of Special Education/U.S. Department of Education binds the State to provide services under Part H on an entitlement basis; and

WHEREAS, before a decision can be made as to whether or not the State of Delaware should opt to provide services according to Part H requirements or instead should design and provide early intervention services free of federal mandates, it is necessary:

- A. That a more thorough examination of the options and the potential ramifications of such a decision be completed;
- B. That there be a strategic and operational plan developed that responds to the needs of handicapped infants and toddlers appropriately and within the available resources;
- C. That there be communication, cooperation, and collaboration among the various agencies of this government, particularly including the Department of Services for Children, Youth and Their Families, Department of Health & Social Services, the Department of Public Instruction, Office of the Budget, and the Office of Planning and Coordination to develop said plans and provide said services; and,

WHEREAS, the State of Delaware has received funds from the Federal Government to assist it in complying with Public Laws 94-142 and 99-457 meeting the cost of providing education and related services to these children; and,

WHEREAS, the Federal Government requires that to continue to receive such funds the State of Delaware must provide free, appropriate public education to all such children as defined by the applicable laws commencing during State Fiscal Year 1992; and

WHEREAS, it is in the best interest of the people of the State that, in providing for said education and related services, use is made of currently available services and duplication or redundancies of programs, systems, and/or functions are avoided; and,

WHEREAS, it is in the same interest that there be communication, cooperation, coordination and collaboration among the various agencies of this government, particularly including the Department of Services for Children, Youth and Their Families, Department of Health & Social Services, the Department of Public Instruction, Office of the Budget, the Office of Planning and Coordination, and, where advantageous, institutions of higher education in the development, design, operation and administration of the education and services to be provided in compliance with said Laws;

NOW THEREFORE, I, Michael N. Castle, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare and order the following:

I. Establishment of the Early Intervention Policy Steering Committee:

There is hereby established the Early Intervention Policy Steering Committee which shall be constituted, organized, and operate as follows:

A. Membership:

The early Intervention Policy Steering Committee shall be composed of the following persons:

1. The Director of the Office of Planning and Coordination (OPC),
2. The Superintendent of Public Instruction or the Deputy Superintendent for Instruction, if so designated,
3. The Secretary of the Department of Health and Social Services,
4. The Secretary of the Department of Services for Children, Youth and Their Families,
5. The Chairperson of the Inter-agency Coordinating Council (ICC),
6. The Director of the Office of Budget,
7. The Chair of the Technical Advisory Committee created herein below;

8. Such other members as the Governor shall invite or designate from time to time.

The requirement to participate on the Early Intervention Policy Steering Committee created by this order cannot be fulfilled by those designated through delegates or proxies.

The Director of the OPC shall serve as the Chairperson of the Steering Committee.

B. Tasks and Responsibilities:

1. The Early Intervention Policy Steering Committee shall do the following regarding Part H of Public Law 99-457:

a. Evaluate the feasibility and desirability of proceeding with the fourth year Federal planning grant application under Part H and make a recommendation to the Governor by March 30, 1991

b. If the recommendation is in the negative, recommend feasible, cost-effective alternatives to meeting the policy objectives of Part H within the time stated therein or as soon thereafter as is reasonably possible free of the mandates incorporated by or set forth in Part H. This recommendation shall specifically address each of the requirements appearing in Part H.

c. By March 30, 1991, provide the information required by Section 215 of the Budget Act for State Fiscal Year 1991:

i. A definition of the children to be served;

ii. How many children there are, by type and location;

iii. What services these children are receiving and by what agency;

iv. What required services are not being provided for these children;

v. Which agency will provide services and what resources will be required to provide these services.

d. Identify all Federal funds currently received by the State or potentially available to the State which are or can be allocated or reallocated to providing services to the client population to be served pursuant to Part H or the recommended alternative;

e. On or before the earlier of the following: May 1, 1991 or the submission of a Part H application to review by the public under the Public Hearing requirements of Part H, submit to the Governor with copies to the Budget Office and the Office of Planning and Coordination, a memorandum detailing such amendments and/or modifications as are necessary to the plans, strategic plans, and budget requests of each agency or other entity represented on the Steering Committee so as to implement each and every recommendation made by the Committee to comply with any or all of Sub-sections "a" through "d", above.

2. The Early Intervention Policy Steering Committee shall do the following regarding compliance with Public Laws 94-142 and 99-457:

a. On or before May 30 1991, recommend in writing to the Governor a program of education and related services for eligible children ages 3 to 5 to comply with said Laws and which provides for the following:

i. that the system of services and education designed for said infants and toddlers ages 0 through 2 and children ages 3 to 5 are coordinated and complementary;

ii. that the two systems in "i", immediately above, are coordinated with and complementary to the system of education and related services provided to children after age 5;

iii. a unified system of administrative authority for the 3 to 5 system;

iv. communication, cooperation, coordination and collaboration among agencies including, to the extent practical and advantageous, higher education, in the development, design, operation, and delivery of the education and services to be provided through the program;

v. the use of currently available services and the avoidance of duplicate or redundant programs, systems and/or functions;

vi. to the extent reasonably possible and consistent with statutory requirements, no budget expenditures in excess of the allocations appearing in the Governor's Recommended Budget for Fiscal Year '92 for Therapeutic Preschool;

b. Identify all funding sources other than the State's General Fund which are now or could reasonably be relied upon to support the education and services recommended;

c. By May 1 1991, using data which is Delaware-specific to the extent reasonably possible, answer questions "i" through "v" and each of them appearing in "I, B, 1, c", above, for the children, ages 3 to 5, proposed to be educated and served under this recommendation.

d. At the time of the making of its recommendation, the Steering Committee shall submit a memorandum to the Governor, the Budget Office and the Office of Planning and Coordination, detailing such amendments and/or modifications as are necessary to the plans, strategic plans, and budget requests of each agency or entity represented on the Steering Committee so as to implement its recommendation;

3. On April 1, 1991, and thereafter until the assignments in "I" "B", above, are deemed completed by the Director of OPC, the Early Intervention Policy Steering Committee shall provide a written progress report describing its activities, significant findings and conclusions to the Governor. These reports will be submitted every third month with and each report will be reviewed and signed by each member of the Steering Committee before its submission.

## II. Establishment of the Technical Staff Subcommittee:

To provide for adequate staff support to accomplish the information gathering and integration of information, and to assist the Steering Committee with planning activities, a Technical Staff Subcommittee (TSC) will be established composed of one or more representatives from each agency on the Early Intervention Policy Steering Committee and appointed by his/her Agency head.

Each appointed staff member shall be assigned sufficient time to adequately accomplish the tasks required.

Members of the Early Intervention Policy Steering Committee shall submit the names of their representatives for the TSC to the Director of OPC by March 1, 1991.

The following two persons currently employed by the Department of Public Instruction shall serve on the TSC: first, the Supervisor of Exceptional Children's Programs for the Infants and Toddlers; second, a person designated by the Superintendent of DPI who is informed and knowledgeable regarding current proposals and currently operating programs in the State designed to comply with PL 94-142 and/or PL 99-457, Part B.

The Chair and any Co-Chair or Vice-Chair of the TSC shall be designated by the Director of OPC.

III. Change of Lead Agency for Part H of Public Law 99-457:

As of the date of the signing of this Order, the Office of Planning and Coordination is hereby designated as the "Lead Agency" as defined under Federal Public Law 99-457 and the designation of DPI as said Agency is terminated.

On or as soon as practicable after the date of signing of this Order, all moneys, property, and other resources not expended as of said date by DPI and acquired in whole or in part for the purposes of carrying out its functions as the Lead Agency shall be transferred to OPC.

Between the date of the signing of this Order and said transfer, no further expenditures of moneys or transfers of equipment or resources shall be made without written approval of the Director of OPC, except as is necessary to pay current salaries of current employees, and/or the ordinary operating expenses associated with said employees' activities and/or the ordinary activities of the PL 99-457 Inter-agency Coordinating Council. An accounting shall be made of any such expenditures and/or transfers at the time of their conveyance to OPC.

From the date of the signing of this Order, the ICC shall serve in an advisory capacity to the Office of Planning and Coordination as the Lead Agency designated pursuant to the aforesaid Part H.

IV. Modification of Deadlines:

If consistent with the goal of producing competent recommendations before the beginning of the State's 1992 Fiscal Year, the Director of OPC may modify any of the specific deadlines stated above.

APPROVED THIS 18<sup>th</sup> DAY  
OF February, 1991.

Michael N. Castle  
MICHAEL N. CASTLE, GOVERNOR,

ATTEST:

[Signature]  
Secretary of State

DATE: 2/19/91

