

**DISTRICT OF COLUMBIA**  
**OFFICIAL CODE**

**TITLE 7.**  
**HUMAN HEALTH CARE AND SAFETY.**

**CHAPTER 8C.**  
**EARLY INTERVENTION FOR CHILDREN.**

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**DISTRICT OF COLUMBIA OFFICIAL CODE**  
**CHAPTER 8C. EARLY INTERVENTION FOR**  
**CHILDREN.**

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# CHAPTER 8C. EARLY INTERVENTION FOR CHILDREN.

## SUBCHAPTER I. EARLY INTERVENTION, 1995.

### § 7-861. PROGRAM ESTABLISHMENT.[REPEALED]

(Apr. 9, 1997, D.C. Law 11-172, § 2, 43 DCR 4491; Mar. 2, 2007, D.C. Law 16-191, § 33, 54 DCR 6794.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 6-331.

##### *Temporary Addition of Section*

For temporary (225 day) addition, see § 2 of Early Intervention Services Sliding Fee Scale Establishment Temporary Act of 1994 (D.C. Law 10-199, March 14, 1995, law notification 42 DCR 1516).

For temporary (225 day) addition, see § 2 of Early Intervention Services Sliding Fee Scale Establishment Temporary Act of 1996 (D.C. Law 11-132, May 29, 1996, law notification 43 DCR 3360).

##### *Emergency Act Amendments*

For temporary addition of subchapter, see §§ 2 and 3 of the Early Intervention Services Sliding Fee Scale Establishment Emergency Act of 1994 (D.C. Act 10-320, August 4, 1994, 41 DCR 5369), §§ 2 and 3 of the Early Intervention Services Sliding Fee Scale Establishment Congressional Adjournment Emergency Act of 1994 (D.C. Act 10-329, October 21, 1994, 41 DCR 7160), §§ 2 and 3 of the Early Intervention Services Sliding Fee Scale Establishment Congressional Adjournment Emergency Act of 1995 (D.C. Act 11-1, January 18, 1995, 42 DCR 537), §§ 2 and 3 of the Early Intervention Services Sliding Fee Scale Establishment Emergency Act of 1996 (D.C. Act 11-188, January 25, 1996, 43 DCR 395), §§ 2 and 3 of the Early Intervention Services Sliding Fee Scale Establishment Congressional Review Emergency Act of 1996 (D.C. Act 11-245, April 11, 1996, 43 DCR 2121), and §§ 2 and 3 of the Early Intervention Services Sliding Fee Scale Establishment Second Congressional Review Emergency Act of 1996 (D.C. Act 11-484, January 2, 1997, 44 DCR 628).

For temporary (90 day) addition of subchapter, see §§ 502 to 504 of Child and Youth, Safety and Health Omnibus Emergency Amendment Act of 2002 (D.C. Act 14-310, March 26, 2002, 49 DCR 3420).

##### *Legislative History of Laws*

Law 11-172, the "Early Intervention Services Sliding Fee Scale Establishment Act of 1996," was introduced in Council and assigned Bill No. 11-608, which was referred to the Committee on Human Services. The Bill was adopted on first and second readings on June 4, 1996, and July 3, 1996, respectively. Signed by the Mayor on July 19, 1996, it was assigned Act No. 11-320 and transmitted to both Houses of Congress for its review. D.C. Law 11-172 became effective on April 9, 1997.

For Law 16-191, see notes following § 7-103.

##### *Delegation of Authority*

Delegation of authority pursuant to D.C. Law 11-172, the "Early Intervention Services Sliding Fee Scale Establishment Act of 1996", see Mayor's Order 97-110, June 18, 1997 (44 DCR 4128).

Delegation of Rulemaking Authority to the Director of the Child and Family Services Agency under the Newborn Safe Haven Temporary Act of 2009, see Mayor's Order 2009-146, September 1, 2009 (56 DCR 7517).

### § 7-862. RULES.[REPEALED]

(Apr. 9 1997, D.C. Law 11-172, § 3, 43 DCR 4491; Mar. 2, 2007, D.C. Law 16-191, § 33, 54 DCR 6794.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 6-332.

*Temporary Addition of Section*

For temporary (225 day) addition, see § 3 of Early Intervention Services Sliding Fee Scale Establishment Temporary Act of 1994 (D.C. Law 10-199, March 14, 1995, law notification 42 DCR 1516).

For temporary (225 day) addition, see § 3 of Early Intervention Services Sliding Fee Scale Establishment Temporary Act of 1996 (D.C. Law 11-132, May 29, 1996, law notification 43 DCR 3360).

*Emergency Act Amendments*

For temporary addition of subchapter, see note to § 7-861.

For temporary (90 day) addition of subchapter, see §§ 502 to 504 of Child and Youth, Safety and Health Omnibus Emergency Amendment Act of 2002 (D.C. Act 14- 310, March 26, 2002, 49 DCR 3420).

*Legislative History of Laws*

For legislative history of D.C. Law 11-172, see Historical and Statutory Notes following § 7-861.

For Law 16-191, see notes following § 7-103.

## **SUBCHAPTER II. EARLY INTERVENTION, 2005.**

### **§ 7-863.01. SHORT TITLE.**

This subchapter may be cited as the "Early Intervention Program Establishment Act of 2004".

(Apr. 13, 2005, D.C. Law 15-353, § 501, 52 DCR 2331.)

*HISTORICAL AND STATUTORY NOTES*

*Temporary Addition of Section*

For temporary (225 day) addition, see § 501 of the Child and Youth, Safety and Health Omnibus Temporary Amendment Act of 2002 (D.C. Law 14-164, June 25, 2002, law notification 49 DCR 6500).

For temporary (225 day) addition, see § 501 of the Child and Youth, Safety and Health Omnibus Temporary Amendment Act of 2003 (D.C. Law 15-2, May 3, 2003, law notification 50 DCR 3782).

For temporary (225 day) addition, see § 501 of the Child and Youth, Safety and Health Omnibus Temporary Amendment Act of 2004 (D.C. Law 15-117, March 30, 2004, law notification 51 DCR 3804).

For temporary (225 day) addition, see § 501 of the Child and Youth, Safety and Health Omnibus Second Temporary Amendment Act of 2004 (D.C. Law 15-319, April 8, 2005, law notification 52 DCR 4708).

*Emergency Act Amendments*

For temporary (90 day) addition, see § 501 of Child and Youth, Safety and Health Omnibus Emergency Amendment Act of 2003 (D.C. Act 15-3, January 22, 2003, 50 DCR 1426).

For temporary (90 day) addition, see § 501 of Child and Youth, Safety and Health Omnibus Congressional Review Emergency Amendment Act of 2003 (D.C. Act 15-71, April 16, 2003, 50 DCR 3593).

For temporary (90 day) addition, see § 501 of Child and Youth, Safety and Health Omnibus Second Emergency Amendment Act of 2003 (D.C. Act 15-279, December 18, 2003, 51 DCR 60).

For temporary (90 day) addition, see § 501 of Child and Youth, Safety and Health Omnibus Congressional Review Emergency Amendment Act of 2004 (D.C. Act 15-407, March 18, 2004, 51 DCR 3659).

For temporary (90 day) addition, see § 501 of Child and Youth, Safety and Health Omnibus Emergency Amendment Act of 2004 (D.C. Act 15-630, November 30, 2004, 52 DCR 1143).

For temporary (90 day) addition, see § 501 of Child and Youth, Safety and Health Omnibus Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-30, February 17, 2005, 52 DCR 2993).

*Legislative History of Laws*

Law 15-353, the "Child and Youth, Safety and Health Omnibus Amendment Act of 2004", was introduced in Council and assigned Bill No. 15-607 which was referred to the Committees on Human Services, Finance and Revenue, and Education, Libraries and Recreation. The Bill was adopted on first and second readings on December 7, 2004, and December 21, 2004, respectively. Signed by the Mayor on January 19, 2005, it

was assigned Act No. 15-759 and transmitted to both Houses of Congress for its review. D.C. Law 15-353 became effective on April 13, 2005.

## **§ 7-863.02. PURPOSE.**

The purpose of this subchapter is:

- (1) To enhance the development of infants and toddlers with disabilities and to minimize their potential for developmental delay;
- (2) To reduce the educational costs to our society, including our schools, by minimizing the need for special education and related services after infants and toddlers with disabilities reach school age;
- (3) To minimize the likelihood for institutionalization of individuals with disabilities and maximize the potential for their independent living in society;
- (4) To enhance the capacity of families to meet the special needs of their infants and toddlers with disabilities;
- (5) To establish collaborative activities among agencies of the District of Columbia that administer programs relating to young children to maximize the quality of early intervention services; and
- (6) To enhance the capacity of city agencies and service providers to identify, evaluate, and meet the special needs of historically under-represented populations, particularly minorities and low-income and inner-city populations.

(Apr. 13, 2005, D.C. Law 15-353, § 502, 52 DCR 2331.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Temporary Addition of Section*

For temporary (225 day) addition, see § 502 of the Child and Youth, Safety and Health Omnibus Temporary Amendment Act of 2002 (D.C. Law 14-164, June 25, 2002, law notification 49 DCR 6500).

For temporary (225 day) addition, see § 502 of the Child and Youth, Safety and Health Omnibus Temporary Amendment Act of 2003 (D.C. Law 15-2, May 3, 2003, law notification 50 DCR 3782).

For temporary (225 day) addition, see § 502 of the Child and Youth, Safety and Health Omnibus Temporary Amendment Act of 2004 (D.C. Law 15-117, March 30, 2004, law notification 51 DCR 3804).

For temporary (225 day) addition, see § 502 of the Child and Youth, Safety and Health Omnibus Second Temporary Amendment Act of 2004 (D.C. Law 15-319, April 8, 2005, law notification 52 DCR 4708).

#### *Emergency Act Amendments*

For temporary (90 day) addition, see § 502 of Child and Youth, Safety and Health Omnibus Emergency Amendment Act of 2003 (D.C. Act 15-3, January 22, 2003, 50 DCR 1426).

For temporary (90 day) addition, see § 502 of Child and Youth, Safety and Health Omnibus Congressional Review Emergency Amendment Act of 2003 (D.C. Act 15-71, April 16, 2003, 50 DCR 3593).

For temporary (90 day) addition, see § 502 of Child and Youth, Safety and Health Omnibus Second Emergency Amendment Act of 2003 (D.C. Act 15-279, December 18, 2003, 51 DCR 60).

For temporary (90 day) addition, see § 502 of Child and Youth, Safety and Health Omnibus Congressional Review Emergency Amendment Act of 2004 (D.C. Act 15-407, March 18, 2004, 51 DCR 3659).

For temporary (90 day) addition, see § 502 of Child and Youth, Safety and Health Omnibus Emergency Amendment Act of 2004 (D.C. Act 15-630, November 30, 2004, 52 DCR 1143).

For temporary (90 day) addition, see § 502 of Child and Youth, Safety and Health Omnibus Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-30, February 17, 2005, 52 DCR 2993).

#### *Legislative History of Laws*

For Law 15-353, see notes following § 7-863.01.

## **§ 7-863.03. ESTABLISHMENT OF EARLY INTERVENTION PROGRAM AND INTERAGENCY COORDINATING COUNCIL.**

(a) There is established in the District of Columbia an Early Intervention Program ("Program") to provide early intervention services to infants and toddlers, from birth through 2 years of age, and their families. The program shall be administered by the Office of the State Superintendent of Education. The services shall be provided in accordance with the requirements of the Individuals with Disabilities Education Act, approved June 4, 1997 (111 Stat. 37; 20 U.S.C. § 1400 *et seq.*).

(b) There is established an Interagency Coordinating Council to advise and assist the Mayor with the implementation of the Program, including the establishment of interagency agreements.

(c) Early intervention services shall not be required under this subchapter, if a minor's parent or guardian submits in good faith a written notarized statement to the appropriate official affirming the intervention in question would violate the established tenets and practices of the parent's or guardian's church or religious denomination.

(Apr. 13, 2005, D.C. Law 15-353, § 503, 52 DCR 2331; June 12, 2007, D.C. Law 17-9, § 304(a), 54 DCR 4102; Mar. 25, 2009, D.C. Law 17-353, § 203(a), 56 DCR 1117.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Effect of Amendments*

D.C. Law 17-9, in subsec. (a), substituted "families, which shall be an office of and administered by the Office of the State Superintendent of Education" for "families. The Program will be administered and supervised by a lead agency designated by the Mayor".

D.C. Law 17-353, in subsec. (a), substituted "families. The program shall be" for "families, which shall be an office of and".

##### *Temporary Addition of Section*

For temporary (225 day) addition, see § 503 of the Child and Youth, Safety and Health Omnibus Temporary Amendment Act of 2002 (D.C. Law 14-164, June 25, 2002, law notification 49 DCR 6500).

For temporary (225 day) addition, see § 503 of the Child and Youth, Safety and Health Omnibus Temporary Amendment Act of 2003 (D.C. Law 15-2, May 3, 2003, law notification 50 DCR 3782).

For temporary (225 day) addition, see § 503 of the Child and Youth, Safety and Health Omnibus Temporary Amendment Act of 2004 (D.C. Law 15-117, March 30, 2004, law notification 51 DCR 3804).

For temporary (225 day) addition, see § 503 of the Child and Youth, Safety and Health Omnibus Second Temporary Amendment Act of 2004 (D.C. Law 15-319, April 8, 2005, law notification 52 DCR 4708).

##### *Emergency Act Amendments*

For temporary (90 day) addition, see § 503 of Child and Youth, Safety and Health Omnibus Emergency Amendment Act of 2003 (D.C. Act 15-3, January 22, 2003, 50 DCR 1426).

For temporary (90 day) addition, see § 503 of Child and Youth, Safety and Health Omnibus Congressional Review Emergency Amendment Act of 2003 (D.C. Act 15-71, April 16, 2003, 50 DCR 3593).

For temporary (90 day) addition, see § 503 of Child and Youth, Safety and Health Omnibus Second Emergency Amendment Act of 2003 (D.C. Act 15-279, December 18, 2003, 51 DCR 60).

For temporary (90 day) addition, see § 503 of Child and Youth, Safety and Health Omnibus Congressional Review Emergency Amendment Act of 2004 (D.C. Act 15-407, March 18, 2004, 51 DCR 3659).

For temporary (90 day) addition, see § 503 of Child and Youth, Safety and Health Omnibus Emergency Amendment Act of 2004 (D.C. Act 15-630, November 30, 2004, 52 DCR 1143).

For temporary (90 day) addition, see § 503 of Child and Youth, Safety and Health Omnibus Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-30, February 17, 2005, 52 DCR 2993).

##### *Legislative History of Laws*

For Law 15-353, see notes following § 7-863.01.

Law 17-9, the "Public Education Reform Amendment Act of 2007", was introduced in Council and assigned Bill No. 17-1, which was referred to Committee of the Whole. The Bill was adopted on first and second readings on April 3, 2007, and April 19, 2007, respectively. Signed by the Mayor on April 23, 2007, it was assigned Act No. 17-38 and transmitted to both Houses of Congress for its review. D.C. Law 17-9 became effective on June 12, 2007.

For Law 17-353, see notes following § 7-161.

## **§ 7-863.03A. TRANSFER FROM DEPARTMENT OF HUMAN SERVICES; CONTINUATION.**

(a) All positions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds available or to be made available to the Department of Human Services that support functions related to the responsibilities of the Early Care and Education Administration and the Early Intervention Program and all of the powers, duties, and functions delegated to the Department of Human Services concerning the establishment, development, and institution of functions related to the Early Care and Education Administration and the Early Intervention Program are transferred to the Office of the State Superintendent of Education, established by § 38-2601. The transfer shall be implemented in accordance

with the transition plan required by § 38- 2605.01.

(b) All rules, orders, obligations, determinations, grants, contracts, licenses, and agreements of the Board of Education, the District of Columbia Public Schools, the Department of Human Services, or the University of the District of Columbia relating to functions transferred to the Office of the State Superintendent of Education under subsection (a) of this section shall remain in effect according to their terms until lawfully amended, repealed, or modified.

(Apr. 13, 2005, D.C. Law 15-353, § 503a, as added June 12, 2007, D.C. Law 17-9, § 304(b), 54 DCR 4102; July 18, 2008, D.C. Law 17-202, § 602, 55 DCR 6297.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Effect of Amendments*

D.C. Law 17-202 substituted "institution of functions related to the Early Care and Education Administration and the Early Intervention Program" for "institution of functions related to the Early Intervention Program".

##### *Legislative History of Laws*

For Law 17-9, see notes following § 7-863.03.

Law 17-202 the "Pre-K Enhancement and Expansion Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-537 which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on April 1, 2008, and May 6, 2008, respectively. Signed by the Mayor on May 23, 2008, it was assigned Act No. 17-399 and transmitted to both Houses of Congress for its review. D.C. Law 17-202 became effective on July 18, 2008.

## **§ 7-863.04. RULES.**

The Mayor, pursuant to subchapter I of Chapter 5 of Title 2, may issue rules to implement the provisions of this subchapter.

(Apr. 13, 2005, D.C. Law 15-353, § 504, 52 DCR 2331.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Temporary Addition of Section*

For temporary (225 day) addition, see § 504 of the Child and Youth, Safety and Health Omnibus Temporary Amendment Act of 2002 (D.C. Law 14-164, June 25, 2002, law notification 49 DCR 6500).

For temporary (225 day) addition, see § 504 of the Child and Youth, Safety and Health Omnibus Temporary Amendment Act of 2003 (D.C. Law 15-2, May 3, 2003, law notification 50 DCR 3782).

For temporary (225 day) addition, see § 504 of the Child and Youth, Safety and Health Omnibus Temporary Amendment Act of 2004 (D.C. Law 15-117, March 30, 2004, law notification 51 DCR 3804).

For temporary (225 day) addition, see § 504 of the Child and Youth, Safety and Health Omnibus Second Temporary Amendment Act of 2004 (D.C. Law 15-319, April 8, 2005, law notification 52 DCR 4708).

##### *Emergency Act Amendments*

For temporary (90 day) addition, see § 504 of Child and Youth, Safety and Health Omnibus Emergency Amendment Act of 2003 (D.C. Act 15-3, January 22, 2003, 50 DCR 1426).

For temporary (90 day) addition, see § 504 of Child and Youth, Safety and Health Omnibus Congressional Review Emergency Amendment Act of 2003 (D.C. Act 15-71, April 16, 2003, 50 DCR 3593).

For temporary (90 day) addition, see § 504 of Child and Youth, Safety and Health Omnibus Second Emergency Amendment Act of 2003 (D.C. Act 15-279, December 18, 2003, 51 DCR 60).

For temporary (90 day) addition, see § 504 of Child and Youth, Safety and Health Omnibus Congressional Review Emergency Amendment Act of 2004 (D.C. Act 15-407, March 18, 2004, 51 DCR 3659).

For temporary (90 day) addition, see § 504 of Child and Youth, Safety and Health Omnibus Emergency Amendment Act of 2004 (D.C. Act 15-630, November 30, 2004, 52 DCR 1143).

For temporary (90 day) addition, see § 504 of Child and Youth, Safety and Health Omnibus Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-30, February 17, 2005, 52 DCR 2993).

##### *Legislative History of Laws*

For Law 15-353, see notes following § 7-863.01.

##### *Delegation of Authority*

Delegation of Authority pursuant to Section 504 of the Early Intervention Program Establishment Act of 2004, D.C. Law 15-353, as amended, see Mayor's Order 2009-167, September 28, 2009 (56 DCR 8100).

