

**TRANSMITTAL TO LEGISLATIVE COUNCIL**  
**PROPOSED RULES OF**  
**THE DEPARTMENT OF HEALTH AND FAMILY SERVICE**

**Subject:** Chs. HFS 1 and 90, relating to parental payment limits for early intervention services for children from birth to 3 with developmental delays or disabilities.

**Federal statutes or regulations which require adoption of or are relevant to the substance of proposed rules:**

The Individuals with Disabilities Education Act (20 USC § 1432 et.seq.) allows states to create a system of payments for families. Federal Regulations at 34 CFR §§ 303.520 and 303.521 provide policies related to payment for early intervention services. Under the federal regulations, the Department is responsible for establishing policies relating to how services to eligible children and their families will be paid for under the Wisconsin's early intervention program. The Department is required to specify the functions and services that will be provided at no cost to all parents; the functions or services that are subject to a system of payments; the payment system and schedule of sliding fees that will be used; the basis and amount of payments; and an assurance that the inability of the parents of an eligible child to pay for services will not result in the denial of services to the child or the child's family. The federal requirements are currently met under ch. HFS 90, and will continue to be met under the proposed order.

**Court decisions directly relevant to the proposed rule:** None known.

**Public hearings:** A public hearing is required; however, a public hearing has not yet been scheduled for this proposed rule.

**Names and phone numbers of agency contacts:**

**For substantive questions on rules contact:**

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**Date rules submitted to the Legislative Council:**

Authorized Signature and Telephone No.	Date
Karen E. Timberlake, Secretary 608-266-9622	