



Early Intervention Services According to IDEA, Part C

Considerations for School Districts

Background

The governor appointed state lead agency for Part C of the Individuals with Disabilities Education Act (IDEA) is the Department of Early Learning (DEL). The program within DEL that administers Part C of IDEA is the Early Support for Infant and Toddlers (ESIT) program. ESIT contracts with Local Lead Agencies (LLAs) to administer local early intervention systems. Federal regulation [34 CFR 303.101](#) requires states to assure a statewide system of early intervention (EI) is in place and that it is administered through approved state policies and procedures based on federal regulations. For the past 20 years, ESIT has relied on its federally approved policies and procedures in [Washington State's Federally Approved Plan](#) to administer Washington's Early Intervention (EI) Program. However, ESIT is currently writing Washington Administrative Code (WAC) based on its federally approved policies and procedures. WAC will soon govern the delivery of early intervention services. This new chapter of WAC is expected to be ready for public comment in Fall 2013. ESIT's current policies and procedures, State Interagency Agreement and Transition Agreement can be found on the Department of Early Learning's website at www.del.wa.gov/publications/esit.

History of Part C in Washington

Prior to Part C being enacted, school districts in Washington permissively provided EI services, either directly to children and families, or through a contract with a service providing agency/program. School districts provided EI services on an Individualized Education Program (IEP), according to IDEA, Part B regulations. In 1987, the Birth to Six State Planning Project began planning for implementation of the Part C program in Washington State. On October 1, 1994 Part C became fully operational and Washington's EI program was implemented statewide. At that time, serving school districts were required to serve under *both* Part B and Part C regulations. School districts that chose not to serve children birth to three, were still required to participate in child find and transition activities for children being served in EI, in coordination with the Part C LLA. Many school districts coordinated with Part C in the evaluation process for determining eligibility for Part C, and the assessment process for program planning.

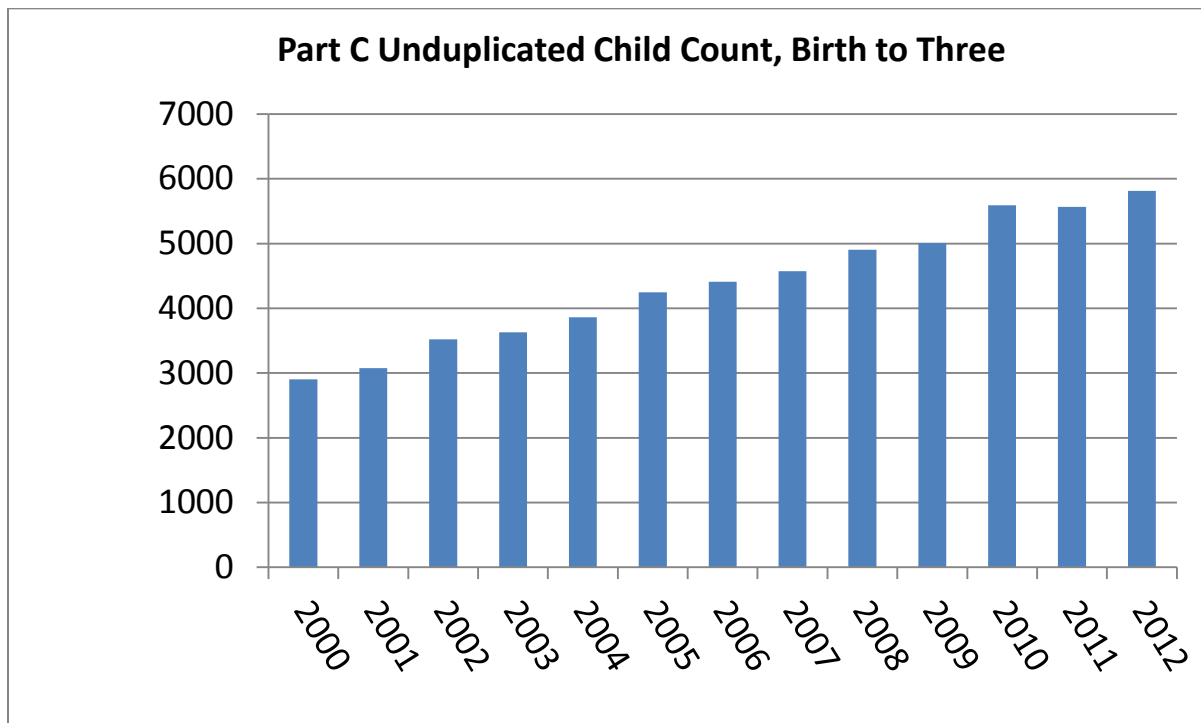
In 2001, [WAC 392-172A-01035\(2\)\(vii\)\(A\)](#) and (B) was revised to require school districts to serve eligible children birth to three solely under IDEA, Part C policies and procedures. Training provided jointly by OSPI and DSHS (the former Part C state lead agency) at that time clarified school districts could continue to permissively serve this population, but districts would no longer serve this population under IDEA, Part B regulations. OSPI's monthly

enrollment reporting form (P223H) was revised to reflect this policy change, moving from serving under IDEA Part B, to serving only under IDEA Part C.

In 2009, [RCW 28A.155.065](#) required that *all* school districts provide or contract for EI services according to IDEA, Part C regulations. Currently, all districts are required to provide or contract for EI services in partnership with LLAs and local providers serving the birth to three population. This means that school districts are required to be an integral partner in the local EI system. School districts must work in collaboration with the LLA and the local EI programs and providers. These important relationships are reflected in each county’s local EI plan and interagency agreements.

The EI advocates that led RCW 28A.155.065 rule-making, did so with the belief that as the population of Part C eligible infants and toddlers grew, funding would grow proportionally resulting in additional funding for direct services. This additional funding was not intended to become a primary fund source for FRC services or used to pay for growing administrative structures. Table 1 shows the Part C unduplicated child count from 2000-2012. It represents the number of children who were receiving early intervention services at one point in time (on December 1) each year.

Table 1



What does it mean to “provide or contract in partnership with the LLA”?

ESIT’s annual contracts with LLAs include the requirement to supervise and monitor the local EI system, based upon Part C regulations and state policies and procedures. This means the LLA supervises all aspects of EI service delivery in their service area, including services that are provided by school districts. The LLA identifies program, provider or school district issues that contribute to low performance or noncompliance with the Part C

State Performance Plan (SPP) Indicators. The LLA provides needed training and technical assistance to address the low performance or noncompliance. A list of the Part C SPP Indicators is included in Appendix 1 at the end of this document.

LLAs are required to maintain a local, written, EI services plan. The EI services plan describes in detail how early intervention services, including service coordination (Family Resources Coordination, or FRC) will be implemented. The EI services that school districts provide or contract for *must* be reflected in the local written EI services plan. Any proposed changes must be discussed and agreed upon with local system partners and the LLA in time for the LLA to amend the plan before any change occurs. Current LLAs are required to have EIS plans on file at DEL. Revised plans are required to be submitted to ESIT before major changes occur. ESIT issues final approval for all local EI services plans. Contracts, interagency agreements, or memorandum of understandings held between EI programs, EI providers, LLAs and school districts must clearly describe who provides and/or pays for all EI services.

Considerations for School Districts *Directly Providing Early Intervention Services*

Some school districts have chosen to provide some or all of the required Part C services, including FRC. When this occurs, ESIT encourages school districts to provide most or all Part C services in order to provide a comprehensive program for children and families. When school districts provide a single service, it leads to a fragmented system of services.

School districts that choose to provide ANY Part C service(s) are required to:

- **Provide services for 12 months.** The EI service year is not based upon a school year but a full calendar year. There is no discussion of “year” or “school year” in Part C regulatory language, while such language is included in Part B regulatory language. The federal Office of Special Education Programs (OSEP) has provided guidance to states that consistently emphasizes that Part C is a 12 month program. In addition, OSEP has issued [findings](#) to states where Part C services are significantly reduced during the summer months.
- **Provide services in Natural Environments.** Natural Environments means, settings that are natural or typical for a same-aged infant or toddler without a disability, including home or community settings, as defined by Part C.
- **Provide comprehensive evaluation for eligibility and assessment for program planning.** All areas of development must be evaluated and assessed, not just the areas of concern as required by Part B.
- **Provide and plan for services to the family and child.** The EI team develops and implements an Individualized Family Service Plan (IFSP) that addresses both child and family needs, as required by Part C.
- **Provide to the family Part C procedural safeguards that include dispute resolution options.** All FRCs and service providers must ensure families know their rights under Part C and providers must be prepared to participate in any dispute resolution activity as needed. Part C procedural safeguards must

be given to all families of infants and toddlers served under Part C. The Part C Training and Technical Assistance Guide on Part C Procedural Safeguards is available on ESIT's [website](#).

- **Provide information about and ensure families understand ESIT's System of Payments and Fees (SOPAF) Policy and Procedures.** Informational materials regarding the SOPAF policy can be found on ESIT's [website](#).
- **Participate in ESIT's data and case management system (DMS).** The DMS is ESIT's electronic data management system for all children enrolled in Part C. School districts contribute information and review data within the DMS. Each child and family's Individualized Family Service Plan (IFSP) is developed based upon the data that is entered into the ESIT DMS.
- **Receive State Lead Agency (SLA) and LLA supervision, monitoring, oversight and technical assistance.** ESIT has revised its general supervision and monitoring system. School districts will be part of annual monitoring activities conducted by LLAs and ESIT, starting with the 2013-2014 school year.
- **Manage records according to FERPA, HIPPA and other state and local requirements.** School districts are encouraged to work with their LLA on questions related to maintaining child records.

Considerations for School Districts *Contracting* for Early Intervention Services

When contracting for services directly, ESIT recommends the most direct contracting path. That is the path between a school district and a provider program. By following this path, LLA administrative costs will be reduced, freeing up more funds for direct services to children and families. Keeping school district administrative costs at a minimum will also assure more of these funds will be available to serve a growing population. School district dollars may be budgeted by the LLA to be used 12 months of the year, to cover the costs of providing services during the summer months.

Part C services are not required to be free appropriate public education (FAPE). However, [34 CFR §303.521\(b\)](#) identifies those services that must be provided at no cost to families. These "no-cost" services include:

- implementing child find requirements,
- evaluation and assessment,
- service coordination services (FRC services),
- development, review and evaluation of IFSPs, and
- implementation of the procedural safeguards

Other Part C services, which are typically billed to third party payers, are subject to ESIT's System of Payments and Fees (SOPAF) policy and payer of last resort requirements.

Part C Big Ideas

The average amount of time a child participates in Part C is 18 months. Changes in infant and toddler development occur quickly over this short period of time. Because of this, timely eligibility, IFSP and service delivery processes are essential. Once a child is determined eligible for Part C, re-evaluation is not required unless the team agrees that the child may no longer qualify for services under Part C eligibility. When this occurs, a re-evaluation is completed with parental permission. It is not a Part C responsibility to evaluate a child for Part B eligibility at age 3. However, for a fee, some school districts have contracted for this service with Part C providers. Existing Part C eligibility, assessment and progress monitoring data is available to school districts to help inform the Part B evaluation process. It is not an FRC's role to coordinate the Part B evaluation or other transition activities initiated by the school district.

The IFSP does not expire until the child's third birthday. Nevertheless, reviews are required at least every 6 months and a detailed annual IFSP is required. If a review or an annual IFSP is late, the current services must continue to be provided to support the child and family. Any update to the IFSP must be based on on-going progress monitoring data and updated family priorities and concerns.

FRC Services

Service coordination is a mandated service under Part C and must be provided at no cost to families. Service coordination is not a stand-alone service. Its purpose is to coordinate all the other Part C services on the IFSP, assure families understand procedural safeguards, assist in coordinating initial Part C evaluation and assessment, and coordinate reviews, annual IFSPs and transition planning as part of a service provider team. FRC may not be the only service included on the child's IFSP.

FRCs are allocated by the LLA to assure a consistent caseload ratio for each EI program in the geographic area. ESIT recommends that a full time FRC has a caseload of 35-55 active IFSPs. A variety of factors help LLAs determine the appropriate caseload size within this range, including: experience of the FRC, availability of services in the geographic area, and complexity of child and family needs. If a school district which provides EI services is interested in hiring an FRC, it must be done in collaboration with the LLA. This collaboration is required in order to ensure the portion of the FRC's Full-Time Equivalent (FTE) assigned to the school district is equitable and based on the number of children served by the school district. Collaboration is also needed to ensure the FRC's caseload maintains consistency with the state recommended ratio. Funding for FRC services must also be established and clarified.

FRCs often have dual early intervention roles. In addition to FRC services, they may also provide direct services in the discipline in which they are licensed or certificated or they may have been given additional administrative duties. For example, a speech-language pathologist might also serve as the FRC for children on her caseload. When this occurs, caseloads are adjusted in proportion to the percent of time they actually provide coordination services to families.

EI services have historically been provided by teams. FRCs are a required member of the early intervention team. The FRC must be embedded in all aspects of the formal and informal teaming process. Ideally, FRCs are located in the EI program building and share office space with EI providers. However, physical location is not

sufficient to ensure teaming. Having a work space at the provider agency, attending weekly meetings or having regular phone/email contact is only a partial solution to effective teaming. FRCs must be an integral part of the everyday communication and functions of the service provider team. In addition, FRCs should be supervised and employed by the agency that provides direct services to the children and families on their caseload. This model is likely to be implemented when comprehensive EI programs employ FRCs.

In areas where team members are separated geographically or where there is only 1 FRC for a large geographic area, LLAs employ and supervise the FRC. In this model, the FRC is either located with the provider team that serves the most families or the FRC spends designated days of the week with different provider teams.

Conclusion

ESIT values the important contributions made by school districts in providing EI services throughout the state. We appreciate the evolving nature of the collaboration that is now occurring with school district teams, LLAs and local EI programs. The state ESIT program looks forward to strengthening and supporting these local partnerships.

Additional resources are available on ESIT's website at <http://www.del.wa.gov/development/esit/Default.aspx>. Please contact your LLA with any comments, questions or feedback on this information. If additional information or clarification is needed, please contact the ESIT state office at (360) 725-3500.

Appendix 1: Part C SPP Indicators

1. **Timely Service Delivery: percentage of infants and toddlers with IFSPs receiving early intervention on their IFSPs in a timely manner (within 30 days of planned start date).**
2. Settings: percent of infants and toddlers with IFSPs who primarily receive early intervention services in the home or community-based settings.
3. Child Outcomes: percent of infants and toddlers with IFSPs who demonstrate improved
 - Positive social-emotional skills (including social relationships)
 - Acquisition and use of knowledge and skills (including early language/communication)
 - Use of appropriate behaviors to meet their needs.
4. Family Outcomes: percent of families participating in Part C who report that early intervention services have helped the family
 - Know their rights
 - Effectively communicate their children's needs
 - Help their children develop and learn.
5. Child find, birth to age 1: percent of infants and toddlers, birth to one, with IFSPs compared to national data.
6. Child find, birth to age 3: percent of infants and toddlers, birth to three, with IFSPs compared to national data.
7. **Timeliness of IFSP: percent of eligible infants and toddlers with IFSPs for whom an evaluation and assessment and an initial IFSP meeting were conducted within Part C's 45-day timeline.**
8. **Transition: percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday including**
 - **IFSPs with transition steps and services**
 - **Notification to LEA, if child is potentially eligible for Part B**
 - **Transition conference with LEA, if child is potentially eligible for Part B.**

Bold font=Compliance Indicator, Plain font= Results Indicator

Appendix 1: Part C SPP Indicators (continued)

9. **Monitoring: general supervision system identifies and corrects noncompliance as soon as possible, but in no case later than one year from identification.**
10. **Administrative Complaints: percent of signed written complaints with reports issued that were resolved within 60 day timeline or a timeline extended for exceptional circumstances**
11. **Due Process Hearings: percent of fully adjudicated due process hearing requests that were fully adjudicated within the applicable timeline.**
12. **Resolution Agreements: percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.**
13. **Mediations: percent of mediations held that resulted in mediation agreements.**
14. **Data Accuracy: state reported data are timely and accurate.**

State Selected Compliance Indicators

1. **Percent of infants and toddlers with timely IFSP reviews.**
2. **Percent of infants and toddlers with timely annual IFSPs.**

Bold font=Compliance Indicator, Plain font= Results Indicator