



Washington State Department of  
**CHILDREN, YOUTH & FAMILIES**

## Contractor Bulletin No. 01-2022: Use of Exceptional Family Circumstances for COVID-19-Related Delays

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A Message from The State Office of the

Early Support for Infants  
and Toddlers Program



Washington State Department of  
**CHILDREN, YOUTH & FAMILIES**

### Contractor Bulletin No. 01-2022: Use of Exceptional Family Circumstances for COVID-19-Related Delays

**Date:** Feb. 3, 2022  
**To:** All ESIT Contracted Provider Agencies and County Lead Agencies  
**From:** Tammy McCauley, Accountability and Quality Improvement Manager  
**Subject:** How to Apply Exceptional Family Circumstances to temporary COVID-19 Related Delays in Services and/or Timelines

#### Purpose and Background

The federal Office of Special Education Programs (OSEP) allows State Lead Agencies (SLA) to use Exceptional Family Circumstances (EFC) in times of natural disasters when circumstances are outside the SLA or Early Intervention Service (EIS) provider's control. COVID-19 has been determined to be a natural disaster. This bulletin clarifies the SLA's interpretation of the OSEP guidance memo, defines how to apply "Late EFC" criteria, and how to record "Late EFC" data entry in the DMS.

#### Exceptional Family Circumstances Can Be Used for Family or Service Provider COVID-19 Related Delays

While the OSEP memo, linked below, does contain a *footnote* that [typical] *staffing shortages* cannot be counted as "Late EFC", the SLA has interpreted the footnote to **not exclude temporary (not to exceed 90 days) COVID-19 related EIS Provider staff vacancies.**

The following limited circumstances are considered to be a direct result of the pandemic and temporary COVID-19 related delays and can be documented as "Late EFC":

1. Employee tests positive for COVID-19 and is placed on leave;
2. Employee or a family member(s) is required to isolate or quarantine in compliance with Centers for Disease Control and Prevention (CDC) guidelines and the employee is placed on leave;
3. Staff vacancies were the result of an employee's inability to comply with the vaccine mandate timeline and the provider agency was temporarily unable to fill the vacated position(s).

Family Resources Coordinators must document all temporary COVID-19 related delays for both families and EIS providers in the Data Management System for Indicators 1, 7, and 8C in the following manner:

- Use "Late EFC"
- Use the term "COVID-19" at the beginning of the reason
- Include the appropriate limited circumstance listed above
- Do not use staff, child, or family member names

It is the responsibility of the Provider Agency to maintain documentation that supports "Late EFC" delays related to temporary COVID-19 delays and provide that documentation to ESIT upon request.

#### Information and Assistance

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#### Reference

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