

# Late Services: Provision and Documentation

## Early Support for Infants and Toddlers (ESIT) Practice Guide

### CONTENTS

Purpose .....	1
Rationale Behind Required Guidelines .....	1
Required Timelines .....	1
Referral .....	1
Assigning an FRC .....	1
Scheduling.....	2
Individualized Family Service Plans- Initial, Review, and Annual Update .....	2
Service Start Date (Compliance Indicator C1) .....	2
Transition Conference .....	3
How to Count Days.....	3
Data Entry .....	4
Documenting Late Services.....	4
Late Reasons .....	4
Late Reason Documentation Guidelines .....	5
Service Scenarios Grid .....	<b>Error! Bookmark not defined.</b>
Resources .....	10
Citations .....	10

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## Purpose

The purpose of this practice guide is to clarify requirements and best practices pertaining to:

- Required service timelines
- Documentation of services provided late.

## Rationale Behind Required Guidelines

There are a number of required timelines to meet throughout a family's contact with Early Support for Infants and Toddlers (ESIT). These timelines are outlined by the Individuals with Disabilities Education Act (IDEA) regulations and the Washington State Department of Children, Youth, and Families (DCYF) contract provisions. County Lead Agency (CLA) contracts may include additional timelines for CLA-affiliated Providers Agencies.

Providing timely services is important beyond fulfilling legal and contract requirements. Timeliness supports family-centered services aimed at enhancing the early development of infants and toddlers. Providing services within the expected timeframes not only helps to build trusting relationships with families, it also ensures that infants and toddlers receive the help they need as soon as possible.

## Required Timelines

### Referral

The referral date is the date the child's name and contact information are received by the ESIT Provider Agency (PA) or by the contracted central intake/referral organization for the service area, whichever is earlier. If the ESIT PA receives the referral, for example medical records, on 3/03 but doesn't speak to the family until 3/05, 3/03 is still the referral date.

Within three business days of receipt of the referral:

- A designated qualified ESIT team member (Family Resources Coordinator (FRC) or Intake Coordinator) must contact the family
- The referral must be entered into the ESIT data management system
- The family's informed decision to accept or decline moving forward with the eligibility determination process must be documented.

### Assigning an FRC

Within five business days of the *family's consent to participate* in ESIT Services, an FRC must be assigned to the family. At least one business day prior to the FRC's first visit, assign an FRC in the ESIT data management system.

### Scheduling

ESIT service providers must schedule events around the family's needs and routines, in settings and at times that are convenient for the family. ESIT service providers must demonstrate due diligence in offering and rescheduling appointment times that facilitate meeting service timelines.

At least ten (10) business days prior to the due date for the following events, ESIT services providers must offer at least two appointment options that fall before the due date:

- Initial IFSP
- Service start date
- Review or annual IFSP update
- Transition conference

For instance, if one of the above events has a due date of 2/17/2023, the ESIT service provider must contact the family before 2/3/2023 and offer at least two appointment options within the next 10 business days.

For all other events (e.g. intake, initial evaluation, assessments), the ESIT service provider should offer the family at least two appointment options.

### Individualized Family Service Plans- Initial, Review, and Annual Update

In order for an IFSP to be considered on time, the IFSP *issue date* must fall on or before the required due date. The issue date is the date the family gives written consent to the IFSP. Do not issue the IFSP until the parent has signed the IFSP agreement signature page. *IFSP signatures may not be backdated.*

There are three types of IFSP meetings, each with its own timeline requirements:

- The initial IFSP must be issued within 45 days of the referral date. ([Compliance Indicator C7](#))
- The IFSP review must be issued no more than 6 months after the last IFSP meeting issue date, or more frequently if needed.
- The annual IFSP update must be issued within 12 months of the date of the initial, or most recent annual, IFSP issue date.

### Service Start Date (Compliance Indicator C1)

The service start date is the date the first Part C service is provided to the family. There are two types of service start dates: “planned service start date” and “actual service start date.”

**Planned Service Start Date:** the date a Part C service is scheduled to start, as identified on the IFSP.

**Actual Service Start Date:** the first date a particular Part C service was actually provided to the family.

The service start date is on time if the actual start date falls:

- Within 30 calendar days of the IFSP issue date  
OR
- On, or before, the planned start date.

Part C services listed on the IFSP must start within 30 days of the IFSP issue date. Part C services may start beyond 30 days from the IFSP issue date only if the IFSP team decides on and documents a later planned service start date, including the reasons a later start date better meets the individual needs of the child and family.

If the IFSP meeting was held, the family signed the IFSP, and an ESIT service provider delivered a Part C service the same day, then the actual service start date is the date the IFSP was issued. However, if the ESIT service provider attended the IFSP meeting but did not provide Part C services or the family did not sign the IFSP until a later date, the actual service start date would be the date of the ESIT service provider's first visit after the IFSP has been signed. *No Part C services may be provided until the family gives written consent and the IFSP is issued.* This also applies to all IFSP reviews and IFSP annual updates.

### Transition Conference

For every enrolled child with an active IFSP, regardless of potential eligibility for Part B services, the ESIT PA must conduct a transition conference, with or without school district staff present, no less than ninety days prior to the child's third birthday. Waiting for school district participation is not an acceptable reason to delay the transition conference past the 90-day prior due date.

For information on when a child is referred for Part C services 135 days or fewer before the child's 3rd birthday, see the Late Referrals: Timeline and Transition Requirements Practice Guide on the [ESIT Practice Guidance webpage](#) for more information on transition timeline requirements.

### How to Count Days

When determining due dates and timeliness, use the following guidelines:

- The day of the referral is considered day 1 of the 45-day initial IFSP timeline.
- The day an event occurs is counted as the first or last day in the timeline. For example, for a service that must be started within 30 days of the IFSP issue date, the IFSP issue

date is considered day 1. If the actual service start date is on or before day 30, it is considered to have been provided on-time.

- When determining the number of days before a child's third birthday, count the birthday as day 1 and count back from that date.

### Data Entry

All documentation in the ESIT data management system must be completed within 10 business days of the event or by the 10<sup>th</sup> of the following month, *whichever is sooner*.

For example, if an IFSP is completed on 10/31/22, documentation must be entered into the DMS by 11/10/22, which is 8 business days after the event.

### Documenting Late Services

If any event listed in the Required Timelines section of this document is provided late, the ESIT service provider must document an explanation for the lateness. For late service start dates, initial IFSPs and transition conferences, the ESIT service provider must select a Late Reason in the Cause for Delay section of the ESIT data management system. Regardless of the late reason, the activity must be completed as soon as possible after the documented circumstances no longer exist.

Late Reasons and the supporting documentation are reviewed annually by the DCYF ESIT state office for program compliance, monitoring and improvement.

### Late Reasons

The ESIT data management system recognizes two types of reasons for late services: "Exceptional Family Circumstance" and "Late Other."

- **Exceptional Family Circumstance (EFC):** Events that prevent the family from participating in timely ESIT services. These may include, but are not limited to, the following examples:
  - ESIT PA staff unable to contact family; multiple or late cancelations, no-shows, no response to communication attempts
  - Family requested delay; child or family illness, vacations, military deployment
  - Family undecided about participation in evaluation or services
  - Family declined multiple timely dates offered
  - Unexpected hospitalizations or other family emergencies
  - Extreme weather or government-declared states of emergency.
- **Late Other (LO):** Events, *excluding* exceptional family circumstances, which prevent the ESIT PA from meeting required timelines. These may include, but are not limited to:
  - Limited ESIT service provider availability; illness, vacation, family leave, turnover
  - Unavailability of specialized providers, subcontractors or 3<sup>rd</sup> party professionals

- Staff cancelations
- ESIT PA closures; holiday, staff retreats, training
- Internal ESIT PA scheduling difficulties; coordinating team schedules, insufficient appointment openings, workflow obstacles
- Staff oversight or error; misunderstanding timeline, compliance, or data entry requirements
- System delays; delay in intake paperwork, splitting eligibility evaluations into multiple meetings weeks apart, delays in getting records from other agencies
- Insufficient documentation of reasons for late services in the ESIT data management system.

### Late Reason Documentation Guidelines

Below are some important guidelines when documenting late reasons.

#### Accuracy

Double check dates and keep track of all scheduling communication and attempts to contact the family.

#### Details to Include

Document the sequence of events and decisions, including dates. Be sure your documentation is concise, but clearly explains why a late event occurred so that a determination can be made as to the reason and responsible party. Include relevant details such as:

- Referral date
- Initial date of contact
- Dates of actual and attempted contacts
- How the ESIT service provider asked about the family's availability and worked around the family's schedule
- Appointment dates offered.
- Modes of contact (email, phone conversation, voicemail, face-to-face, etc.)
- Underlying cause for the delay.

If a late reason lacks sufficient documented evidence in the DMS, the ESIT PA may be asked to provide backup documentation from the child's file to support the choice of late reason.

#### Details to Leave Out

Save space by summarizing important details and omitting unnecessary information such as:

- Names of staff or family members
- In-depth details about the particulars of family or staff unavailability or cancelation.

For example, note if a family was unavailable due to military deployment, vacation, or illness, but do not document details of the deployment, vacation or illness. If needed, additional

details may be documented in the child record, rather than in the Cause for Delay section of the ESIT data management system.

### **Majority of Lateness**

Sometimes the combined actions of both the ESIT PA and the family result in a missed due date. When deciding which party bears the greatest responsibility for the lateness, consider who caused the greatest time delay. For example, the family “no-showed” to their evaluation appointment and then the FRC did not contact the family to reschedule for a month after the initial missed appt. In this situation, the FRC caused the greatest time delay and the late reason would be marked as Late Other.

### **Limited Third-Party Availability**

Lateness caused by the unavailability of a third-party provider, such as an interpreter or school district representative, is considered Late Other. If necessary, the ESIT PA may conduct a transition conference without school district staff present. Proactively developing relationships and contractual agreements with interpreters will speed the scheduling process when interpretation is required.

### **Extreme Weather and States of Emergency**

If the ESIT PA leadership decides the weather is extreme enough to warrant the cancelling of in-person visits or if there is a government-declared state of emergency (such as a public health emergency or a natural disaster) lateness caused by the event is considered an Exceptional Family Circumstance. Documentation must clearly indicate the state of emergency or extreme weather event that caused the lateness. For more information, see [Contractor Bulletin No. 01-2023 Use of Exceptional Family Circumstances for a Federal, State, or Local Emergency or Natural Disaster](#).

### **Delay in Family Signing Paperwork**

The IFSP issue date is the date the family gives written consent to the IFSP and must fall on or before the required due date. In order for a family delay in signing paperwork to be considered EFC, the ESIT service provider must have documented at least three attempts to obtain the signatures prior to the deadline, using at least two modes of contact.

Parents should be informed that a delay in receiving their signature will delay the start of services, as written consent must be obtained prior to the initiation of services on the IFSP.

In order for a family delay in signing paperwork to be considered EFC, the ESIT PA must document:

- the reason the family chose to delay signing the document
- at least three attempts to obtain the signatures prior to the due date, using at least two modes of contact. This is true even when the IFSP meeting is held close to the due date.

## Service Scenarios Grid

This grid lists various service scenarios associated with late services and examples of appropriate documentation for each scenario.

### Service Scenario: Family Choice

#### Event Type: Initial IFSP

**Example Documentation:** Late EFC: Referral received 6/11. FRC spoke with family on 6/13 to schedule intake. FRC completed intake on 6/15. Offered evaluation dates 6/21, 6/24, 6/25. Family unavailable and asked FRC to call back in 3 weeks. FRC called 7/1 and offered evaluation times of 7/6, 7/8, 7/12. Evaluation completed 7/12. FRC offered IFSP meeting for 7/15, 7/19, 7/21. Family declined those days and chose to complete IFSP on 7/29, past the 45-day deadline.

### Service Scenario: Unable to Contact Family/Lack of Family Response

#### Event Type: Initial IFSP

**Example Documentation:** Late EFC: Referral received 8/11 and attempted phone contact 8/13, 8/18, 8/24. FRC emailed family 8/28. FRC mailed and emailed letters 8/31. Family responded to letter 9/5. FRC offered eval dates 9/9, 9/12, 9/15. Family not available until 9/23. Evaluation meeting held 9/23. IFSP meeting held 9/25, past the 45-day due date.

#### Event Type: Transition conference

**Example Documentation:** Late EFC: FRC attempted multiple times to contact family to convene transition conference. Phone messages left 2/12, 2/24, 3/1, 3/15, 3/21 with no return call. Letter requesting contact sent 3/3. Family responded 4/1 and transition conference was held 4/14, after the 90-day due date.

### Service Scenario: Family undecided

#### Event Type: Initial IFSP

**Example Documentation:** Late EFC: Referral received 1/15. FRC attempted contact 1/17, 1/19. Family called 1/21 and stated they were undecided about services. They asked to be called back in several weeks. FRC left voicemails 2/6, 2/9, 2/13. Family called back 2/14 and intake was scheduled for 2/18. Evaluations were offered 2/22, 2/24, 3/3. Evaluation completed 3/3. IFSP completed 3/6, after the 45-day due date.



## Service Scenario: Agency Closure

### Event Type: Annual/IFSP Review

**Example Documentation:** FRC contacted the family on 12/8 to schedule IFSP due 1/1. Family was unable to meet before 12/13, when ESIT PA went on 2-week winter break. IFSP scheduled for 1/5, past the due date.

## Service Scenario: Natural Disaster/State of Emergency

### Event Type: Initial IFSP

**Example Documentation:** Late EFC: Federal Emergency, State Emergency, Local Emergency, or Natural Disaster: Referral received 1/29 during a state-declared state of emergency. FRC contacted parent 1/31 and scheduled initial evaluation for 2/6. Evaluation canceled due to state of emergency. Evaluation rescheduled and completed 3/1. IFSP scheduled for 3/8. IFSP canceled due to emergency conditions. IFSP rescheduled and completed on 3/18, after the 45-day due date. \*Because the lateness was clearly caused by the emergency, and happened during the state-declared emergency, it is considered EFC.

## Service Scenario: Limited provider or school district availability

### Event Type: Transition conference

**Example Documentation:** Late Other: FRC called family and school district on 4/15 to schedule transition conference due on 5/15. School district staff were not available to participate until 6/5. Transition conference completed 6/5, past the 90-day due date.

**Example Documentation:** Late EFC: Transition conference due 7/25. FRC called family and school district on 6/15 to schedule transition conference. School district staff were not available to participate until 9/6, due to summer closure. FRC offered to hold a transition conference without the school district. The family chose to wait for school district staff to be available. Conference held 9/6, past the 90-day due date.

### Event Type: Annual/IFSP Review

**Example Documentation:** Late Other: FRC contacted family 8/12 and scheduled 8/22 IFSP meeting. Interpreter not available until 9/1, so IFSP meeting was canceled. IFSP completed 9/1, after the due date.

### Event Type: Start of services

**Example Documentation:** Late Other: IFSP completed 7/1. SLP contacted family 7/22, offering therapy to start 7/26. This was the only day the therapist had available prior to the 30-day timeline Family not able to meet until 8/2. Services started 8/2, more than 30 days after the IFSP date.

## Service Scenario: Family away for extended time

### Event Type: Annual/IFSP Review

**Example Documentation:** Late EFC: FRC called family on 6/28 to schedule annual IFSP update (due 7/25). Family stated they would be unavailable until 7/31. FRC called family on 8/2 and left voicemail. Family called back on 8/10. FRC offered IFSP dates for 8/15, 8/17, and 8/21. IFSP completed 8/21 past the annual IFSP due date.

## Service Scenario: Majority of Lateness

### Event Type: Initial IFSP

**Example Documentation:** Late Other: Referral received 10/22. FRC called family 10/25, scheduled 10/27 evaluation. Family no-showed. FRC contacted family 12/02 and rescheduled for 12/07. Family again no-showed. Evaluation rescheduled & completed 1/14. IFSP completed 1/20. \*Please note, even though the family no-showed twice, the FRC did not contact the family for over a month. ESIT service provider's limited contacts caused majority of lateness.

### Event Type: Annual/IFSP Review

**Example Documentation:** Late EFC: FRC called family 5/1 to schedule IFSP annual update (due 6/15), offered appointments on 5/6, 5/10, 5/15. Family chose 5/15 but canceled on 5/13. IFSP rescheduled for 5/24 but service provider canceled on 5/20. Meeting rescheduled for 6/2 and family canceled on 5/31. IFSP completed 6/17, past the due date.

### Event Type: Start of services

**Example Documentation:** Late EFC: IFSP completed 6/18. SLP offered service start dates of 6/25, 6/30, and 7/10. Family could not start until 7/17. The planned service start date was 7/17, but family canceled on 7/16. Visit was rescheduled and services started 7/23, past the planned service start date.

## Service Scenario: Delay in family signing paperwork

### Event Type: IFSP Review

**Example Documentation:** Late EFC: IFSP meeting due 7/22, was held virtually 7/18. FRC emailed IFSP signature page to family on 7/18, asking for it to be signed and returned by 7/22. FRC called family on 7/20, and 7/22 to remind family to return signed IFSP. Family returned electronically signed paperwork 8/1 and FRC issued IFSP that date. \* FRC documented at least three attempts to obtain the signatures prior to the due date, using at least two modes of contact.

**Example Documentation:** Late Other: IFSP meeting due 2/24, was held virtually on 2/20. FRC emailed IFSP signature page to family on 2/21. FRC re-sent the IFSP signature page on

2/28. Family returned signed IFSP signature page on 3/5 and FRC issued IFSP. \* FRC did not document at least three attempts to obtain the signatures prior to the due date, using at least two modes of contact.

## Resources

### [DCYF ESIT Practice Guidance Webpage](#)

- Washington Late Referrals to Part C Timeline (2019)
- [Contractor Bulletin No. 01-2023 Use of Exceptional Family Circumstances for a Federal, State, or Local Emergency or Natural Disaster.](#)

## Citations

### IDEA Part C Federal Regulations

- Initial IFSP. [34 C.F.R. §303.310\(a\)](#)
- Consent. [34 C.F.R. 303.7\(b\)](#)
- Parental Consent [34 C.F.R. §303.342\(e\)](#)
- Periodic Review. [34 C.F.R. §303.342\(b\)\(1\)](#)
- Annual meeting to evaluate the IFSP. [34 C.F.R. §303.342\(c\)](#)
- Post-referral timeline (45 days). [34 C.F.R. §303.310](#)

### Part C State Performance Plan/Annual Performance Report Compliance Indicators

- Indicator C1: Percent of infants and toddlers who receive the services on their IFSPs in a timely manner.
- Indicator C7: Percent of eligible infants and toddlers with IFSPs for whom an initial evaluation and initial assessment and an initial IFSP meeting were conducted within 45-day timeline.
- Indicator C8c: The percentage of toddlers exiting Part C with transition conference at least 90 days prior to the toddler's third birthday for toddlers potentially eligible for Part B preschool services.

### ESIT Policies and Procedures

- Comprehensive Child Find and Referral Procedures
  - Initial contact with family. 8.B.5
- Screening, Evaluation and Assessment.
  - 45-day timeline. 9.A.5
  - Scheduling; 9.B.1.(h-i)
  - Exceptional Family Circumstances and parental consent. 9.A.6; 9.B.1
  - Start of services 9.B.1(j)
- Individual Family Service Plan

- IFSP development, review and evaluation. 10.B.1
- Start of services; Content of the IFSP 10.B.2(p)
- Transition.
  - Transition conference; 12.A.3, 12.B.3-7
- Procedural Safeguards
  - Parental consent and ability to decline services. 13.B.3

Washington Administrative Code. Chapter 110-400. Early Support for Infants and Toddlers Program

- ESIT Provider Agencies. WAC 110-400-0050 (2-3)
- Use of funds. (8)(b-c)