

# Late Services – Provision and Documentation

## Early Support for Infants and Toddlers (ESIT)

### Practice Guide

#### CONTENTS

Purpose .....	1
Definitions .....	1
Guidance .....	3
General Guidance When Scheduling Events .....	3
Late Referrals; Timelines and Transition Requirements .....	4
Importance of Quality Data .....	5
Documentation of Exceptional Family Circumstance .....	6
Resources and Citations .....	10
Corrective Action Plans and Citations from the Code of Federal Regulations .....	10
Washington State Late Referrals Timeline .....	11

#### Purpose

Providing timely services is an IDEA Part C compliance requirement. The purpose of this document is to give guidance and clarify expectations regarding the information that must be documented when services are provided late.

#### Definitions

**Corrective Action Plan (CAP):** The contracting agency may be requested to implement a corrective action plan when findings of non-compliance are identified through various monitoring activities. Non-compliance shall be corrected as soon as possible, and in no case later than one year from the date of identification.

**Data Management System (DMS):** the database into which ESIT contractors enter required state and federal data.

**Late Reason:** In the DMS, there are 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 early intervention services. These may include, but are not limited to, the following examples:



- Providing program is unable to contact family; includes cancellations, no-shows, no response to communication attempts;
  - Family requested delay; includes child or family illness, vacations, or other family-initiated requests;
  - Family is undecided about evaluation and/or participation in services;
  - Family declined multiple timely dates offered;
  - Unexpected hospitalizations or other family emergencies; and
  - Extreme weather or natural disasters.
- **Late Other (LO):** Events, *excluding* exceptional family circumstances, which prevent the early intervention program from completing required events on time. These may include, but are not limited to, the following examples:
    - Staffing shortages; illness, vacation, family leave, turnover, lack of specialized providers or interpreters;
    - Staff cancellations;
    - Holiday closures;
    - Internal scheduling difficulties; coordinating team schedules, insufficient appt. openings, program closures;
    - Staff oversight or error; misunderstanding timeline, compliance, or data entry requirements;
    - Delays in getting records from other agencies;
    - Incomplete documentation of reasons for late services in DMS entry; and
    - Late referrals to Part C, if transition deadlines are not met.
    - When there is a combination of family and staffing delays, review all contributing factors such as, which party was responsible for the majority of the delay and what was the original cause of the delay?

Example: The projected service start date was June 17, 2019. The initial service visit was scheduled for 6/16/19, but the child was ill and the visit rescheduled for 6/23/16, The therapist was ill and initial service visit was rescheduled again for 6/28/16, but the child was ill and the visit had to be rescheduled for the third time. The initial service visit was held on 7/7/16. Since the service was delayed twice with a child illness (delaying the service for 14 total days) and only delayed once by provider illness (for 7 days), the final delay reason is entered at EFC.

**Late Referral:** When a child is referred for Part C services fewer than 135 days before the child’s 3<sup>rd</sup> birthday, this is considered a “late referral.” There are different program and reporting requirements for the IDEA Part C and Part B programs, depending on the child’s age, and it is important to understand how the Part C and Part B timelines and requirements interact during this time period. See pages 3 and 4 of this document and the attached Late Referrals Timeline for more details.

**Local Education Agency (LEA):** The local education agency is the school district in which the child resides.

**Service Start Date:** The date the first early intervention service is provided to the family. There are two types of service start dates entered into the DMS, “Planned Service Start Date” and “Actual Service Start Date.”

- **Actual Service Start Date:** The first date any early intervention service was actually provided to the family. If the service provider attended the IFSP meeting *and* provided services that day (e.g. coaching, modeling, or family service coordination), the IFSP date is the actual service start date. If the service provider attended the IFSP meeting but *did not* provide services, the actual service start date is the date of the next provider visit. This also applies to all IFSP updates and reviews, regardless of where changes are made to the services.
- **Planned Service Start Date:** The date the service is scheduled to start, as identified on the IFSP. A planned start date may be set for more than 30 days from the IFSP date. This option is useful for consultation services that will be provided quarterly.

In order for a service start date to be considered on time, one of the following must apply:

- The actual start date falls within 30 days after the IFSP date.
- The actual start date falls on, or before, the planned start date.

**State Education Agency (SEA):** In Washington State, the Office of Superintendent of Public Instruction (OSPI) is our State Education Agency.

**Transition Conference:** A meeting convened by the Part C service provider during which, the family and other providers discuss appropriate services a toddler may receive following the third birthday and transition out of Part C services. If the family is interested in Part B services, Part B personnel should be invited to the transition conference. However, the conference *is not required* to include the school district or any other service organization and must happen regardless of whether the family plans to pursue Part B services.

## Guidance

### General Guidance When Scheduling Events

At least 10 business days prior to the deadline for the following events, providers must offer at least two appointment options falling before the deadline:

- Initial IFSP
- Service Start Date
- Review or Annual IFSP Update
- Transition Conference.

For instance, if one of the above events has a deadline of 7/16, the provider must contact the family before 7/2 and offer at least two appointment options within the next 10 business days. For all other events (e.g., intake, initial evaluation), the provider should offer at least two appointment options for families to choose from.



Schedule events around the family’s needs and routines, as much as possible.

- Schedule required events as soon as possible to allow for rescheduling, in order to complete the event before the due date.
- If the provider needs to cancel a visit to provide services listed on the IFSP, a replacement visit must be offered. Document the replacement times offered and the family’s response.

## Late Referrals; Timelines and Transition Requirements

Child is referred *and* determined eligible between 135 and 91 days before the 3<sup>rd</sup> birthday:

- May conduct joint eligibility evaluation with Part B personnel to support timely transition.
- Conduct a transition conference and complete a transition plan/steps at least 90 days prior to the 3<sup>rd</sup> birthday.
- Invite Part B personnel to the transition conference, if applicable.
- Provide parents with information regarding Part B services.
- Official transition notification of potentially eligible children to the Local Education Agency (LEA) must happen as soon as possible once the child is determined eligible. Scheduling a joint eligibility evaluation with Part B personnel is not considered official notification/referral.

Example: Mary was referred to Part C 120 days before her 3<sup>rd</sup> birthday. Part B and Part C staff opted to conduct a joint eligibility evaluation session, to speed the transition process and decrease the appointment burden on Mary’s family. She was found eligible for Part C services, 95 days before her 3<sup>rd</sup> birthday. The Family Resource Coordinator (FRC) documented in the DMS that Mary was potentially eligible for Part B and ESIT sent the notification to the SEA and the LEA. A transition conference took place at Mary’s initial IFSP meeting and a transition plan with transition steps was written 91 days before Mary’s 3<sup>rd</sup> birthday.

Child is determined eligible between 90 and 45 days before the 3<sup>rd</sup> birthday:

- Complete IFSP within 45 days of referral, as usual.
- A transition conference is *not* required. Notify the ESIT Help Desk if the DMS is requiring a transition conference to be entered.
- Enter transition plan/steps on IFSP.
- Provide parents with information regarding Part B services and other community options, such as EACAP.
- Provide transition notification of potentially eligible children to the SEA and LEA must happen as soon as possible once the child is determined eligible.

Example: Ahmed was referred 110 days before his 3<sup>rd</sup> birthday. He was evaluated and found eligible 89 days before his 3<sup>rd</sup> birthday. Because he was found eligible less than 90 days before his 3<sup>rd</sup> birthday the



requirements above applied. The Family Resource Coordinator (FRC) documented in the DMS that Ahmed was potentially eligible for Part B and ESIT sent the notification to the SEA and the LEA. Ahmed’s IFSP included transition steps but a transition conference was not held.

Child is referred within 44 days of the 3<sup>rd</sup> birthday:

- Enter the referral into the DMS.
  1. Enter the referral prior to the child’s 3<sup>rd</sup> birthday.
  2. Assign the record to a staff member with FRC designation in the DMS (not necessarily an FRC), in order to create a permanent record and a Child ID.
  3. Close referral without IFSP.
- Provide parents with information regarding Part B services and other community options, such as EACAP.
- No transition conference is required.
- No evaluation, family assessment or initial IFSP is required.
- No transition notification to the SEA or LEA is required.

Example: Luis was referred to Part C services 30 days before his 3<sup>rd</sup> birthday. The FRC entered the referral and assigned an FRC in the DMS. The early intervention program shared information with Luis’ family about Part B, EACAP and other local resources but did not complete an evaluation, initiate an IFSP or hold a transition conference. The FRC then closed the referral in the DMS.

## Importance of Quality Data

Early intervention compliance and outcomes data must be valid and reliable. Effective and efficient DMS data entry practices will result in data that is accurate, consistent, timely, clear, and concise.

### Accuracy

The child’s electronic record and IFSP are legal records. This information is used for eligibility determination, identification of service needs, compliance reporting, and program monitoring and improvement. Entering DMS data accurately leads to improved data quality.

### Consistency

Agencies must ensure that all providers understand data entry guidance and utilize it consistently across the agency. Data entered must be consistent between paper records and DMS entries.

### Timeliness

ESIT early intervention service contracts require staff to activate a new file *within three business days* of receiving a new referral and to assign an FRC *at least one business day* prior to the FRC’s first meeting with the family. Information must be entered into the DMS *within ten calendar days after any service event*. Timely entry of data into the DMS results in accurate reports.



**Clarity**

Writing information in a clear and concise manner saves time. Clearly state what happened, what was agreed upon, the actions taken, etc., so the whole team can understand the documentation. *Include dates* to document the sequences of events, contacts, or attempts to contact, the family.

**Conciseness**

Only enter information related to reasons for the “untimeliness” of the event. Leave out unnecessary details and summarize important details in order to save time and space.

**Documentation of Exceptional Family Circumstance**

Service Scenario	Could This be EFC?	ESIT Guidance	Example of Acceptable EFC Documentation
<b>Family chose the IFSP meeting date (after the 45-day timeline).</b>	Yes, this may qualify, but more information is needed.	Identify the underlying cause for the family choice and note specific dates the family was called.	Called family on 6/13 and offered IFSP meeting options on 6/21, 6/24 and 6/25. Due to grandparents making an extended unplanned visit, family needed to defer the event for 2 weeks. IFSP was held on 7/15, five days past the IFSP due date.
<b>Several attempts to contact family failed.</b>	Yes, this may qualify, but more information is needed.	List the dates contacts were made. Include all communication methods attempted. These contacts should be at least 10 business days prior to the service/IFSP due date. If all phone, email, text attempts to contact a family fail, send a letter to the family requesting contact.	Called the family and left messages 8/13, 8/18 and 8/24. Sent letter 8/31. Family responded 9/4 to schedule IFSP. IFSP held 9/25, which was 13 days after the 45-day timeline.
<b>Family was offered an IFSP date, but could not complete the IFSP on this date.</b>	Yes, this could qualify, but more information is needed.	Document how service provider asked about the family’s availability and worked around family’s schedule. Document the different timely dates you	Called family on 10/25 and offered IFSP meeting times on 11/7 and 11/11 because Mom can leave work early on Mondays. However, those dates did not work for family



LATE SERVICES – PROVISION AND DOCUMENTATION

		offered and the family declined.	and meeting was held 11/13, which was after 45 <sup>th</sup> day.
Service Scenario	Could This be EFC?	ESIT Guidance	Example of Acceptable EFC Documentation
<b>IFSP was rescheduled twice.</b>	Yes, this may qualify, but more information is needed.	Document who canceled the meetings, when, and the reason.	Family canceled scheduled IFSP meetings on 12/3 and 12/8 due to illness. Rescheduled date was after 45 <sup>th</sup> day.
<b>Family undecided about services.</b>	Yes, this may qualify as family undecided, but more information is needed.	Document that you have talked with the family about a timeline for making a decision about services.	1/15 call with mom. Family undecided about services. Developed plan to call them in two weeks and see if they have made a decision. If they are still undecided at that time, we will exit services.
<b>Family chose to wait to start services until return from vacation/military deployment.</b>	Yes, but more information is needed.	If a family will be delayed from entering services for more than 3 months, exit the child from services and re-open when the family is available. To reopen a child's file, contact the ESIT Help Desk so the referral date can be reset.	On 6/28, family reported planned vacation 7/1-8/10. Family requested that IFSP be conducted after they return. IFSP conducted 9/15.
<b>FRC was unable to contact family to convene transition conference so transition conference was held late.</b>	Yes, but more information is needed.	When a provider is unable to contact a family, the provider may keep the child's file open and continue to receive payment for service coordination IF the agency is actively providing and documenting service coordination attempts to locate and contact the family.	FRC attempted multiple times to contact family to convene transition conference. Phone messages were left on 2/12, 2/24, 3/1, 3/15, 3/21 with no return call. A letter requesting contact was sent on 3/3. Family responded on 4/1 and transition conference was held on 4/14, after the 90-day deadline.



Service Scenario	Could This be EFC?	ESIT Guidance	Example of Acceptable EFC Documentation
<b>Parents’ work schedules or child’s medical appointments conflicted with appointment times available.</b>	Possibly. If several appointment times were offered <i>which worked for the family’s schedule</i> , and the parent declined or canceled, this could be EFC.	Offering 1-2 appointment times that do not take into account parent work or child medical appointments does not meet EFC criteria.	Called family on 5/1 offering several appointment options on dates when Mom did not work. Family originally chose 5/15 but canceled due to a medical appointment. Rescheduled for 5/21.
<b>08/06 was first available date for a Spanish speaking evaluation. This pushed eval/IFSP past 45-day timeline.</b>	No, this is not an EFC. Provider shortages are marked LO.	The provider is responsible for providing timely services in the family’s native language <i>unless clearly not feasible to do so</i> . If an in-person interpreter is not available, explore telephone and video interpreter services.	NA
<b>Family unable to schedule IFSP before 12/13, when agency went on 2-week winter holiday break. IFSP scheduled for 1/5, 9 days past the 45-day deadline.</b>	No, this is not an EFC. Holiday closures are marked at LO.	Additional planning is needed so services, evaluations, or IFSPs are not late due to planned closures. Mark this LO.	NA
<b>The provider contacted the parent to reschedule the initial appointment due to a death in the provider’s family.</b>	No, this is not an EFC. Staff cancellations are marked as LO.	If there is a staff cancellation, families must be offered the opportunity to have a “make-up” appointment.	NA





Service Scenario	Could This be EFC?	ESIT Guidance	Example of Acceptable EFC Documentation
<b>IFSP completed on 7/1 and SLP contacted family on 7/22, offering therapy on 7/26. Family not able to do that so scheduled and seen on 8/2 for first SLP session (4 days past planned service start date).</b>	No, this is not an EFC. Program scheduling difficulties are marked LO.	Provider offered one appointment, just 6 days before the planned service start date. At least 10 days before the due date, providers must offer at least 2 timely options.	NA
<b>After the intake, family called to cancel the IFSP mtg. IFSP mtg. was rescheduled for after the 45-day deadline.</b>	This may qualify as an EFC but more detail is needed.	A family cancellation may qualify as an EFC only if the agency has demonstrated timely attempts to schedule prior to the 45-day timeline.	On 4/4, family called to cancel the 4/5 IFSP mtg. Additional IFSP appts. were not available prior to 45-day deadline, so IFSP rescheduled for 4/22, 5 days after the 45-day deadline.
<b>IFSP was completed after the 90-day transition conference deadline.</b>	Maybe, but more information is needed. If the family delayed the eligibility evaluation, this would be an EFC. If the agency did not determine eligibility before the 90-day deadline, due to time constraints, it would be LO.	When a referral is made prior to the 90-day transition conference deadline, the transition conference due date is in effect. If there are less than 45 days between the referral date and the due date for the transition conference, the FRC and evaluation team must honor the transition conference due date and make every attempt to determine eligibility by the conference due date.	<u>EFC</u> : Received referral on 8/12, the 100 <sup>th</sup> day before 3 <sup>rd</sup> birthday. Attempted to contact family 8/12, 8/14. Family responded 8/20 and requested 2-week delay due to vacation. Eval held 9/5. IFSP held 9/8, 14 days after 90-day transition conference deadline.  <u>LO</u> : Received referral on 8/12, 91 days before the child's 3 <sup>rd</sup> birthday, only one day before 90-day transition conference deadline. IFSP was held 9/22, 50 days, before 3 <sup>rd</sup> birthday.



## Resources and Citations

### Corrective Action Plans and Citations from the Code of Federal Regulations

Failure to meet the due dates required by federal regulations may result in the issuance of formal citations and a subsequent corrective action plan.

Timely Service Provision	Indicator 7: CFR 303.342(d). IFSP meetings must be conducted in settings and times <i>convenient for the family</i> . Meeting arrangements must be made with, and written prior notice provided to, the family and other participants <i>early enough</i> before the meeting date to ensure they will be able to attend.
Timely IFSPs (Reviews & Annuals)	Indicator 7: CFR 303.342(d). IFSP meetings must be conducted in settings and times <i>convenient for the family</i> . Meeting arrangements must be made with, and written prior notice provided to, the family and other participants <i>early enough</i> before the meeting date to ensure they will be able to attend.
Transition Conferences	Indicator 8C: CFR 303.209(c), 303.209(e). It is preferable, but not required, that a representative of the Local Education Agency or school district participate in the transition conference. If necessary, in order to meet the requirement for a timely conference, a Part C representative may provide information on the next setting and next steps. An IFSP meeting and transition conference may be combined if the meeting follows requirements for timely notice and convenient setting and time.



# Late Referrals to IDEA Part C (≤135 days before child's 3<sup>rd</sup> birthday)

## Introduction and Explanation of the Chart

The attached timeline chart was developed as a technical assistance (TA) document by the Office of Special Education Programs (OSEP) TA Priority Team on Early Childhood Transition in response to questions raised by states about the Individuals with Disabilities Education Act (IDEA) early childhood transition requirements and how they might best fulfill them, particularly considering the 2011 Part C regulations.

When children are referred to Part C as they are approaching age 3, there are different program and Annual Performance Report (APR) reporting requirements for the IDEA Part C and Part B Programs depending on the child's age. The Part C requirements for these "late referrals" vary for three distinct ranges of days before the child's third birthday: referred less than 45 days, referred and determined eligible between 45 and 90 days, and determined eligible between 91 and 135 days. Most of the requirements for this last time frame are similar to those for all children referred to Part C prior to 90 days before their 3<sup>rd</sup> birthday; however, some reporting requirements and recommended practices are unique for this time frame.

The attached chart illustrates the requirements, roles and responsibilities of the Parts C and B programs within a time period and, within each program, across the three time periods. The chart's information is based on the IDEA 2004 Statute, the 2011 IDEA Part C Regulations and the 2006 IDEA Part B Regulations that relate to transition and child find, and the *OSEP Early Childhood Transition FAQs on State Performance Plan/Annual Performance*

*Report (SPP/APR) Indicators C-8 and B-12* released December 1, 2009.

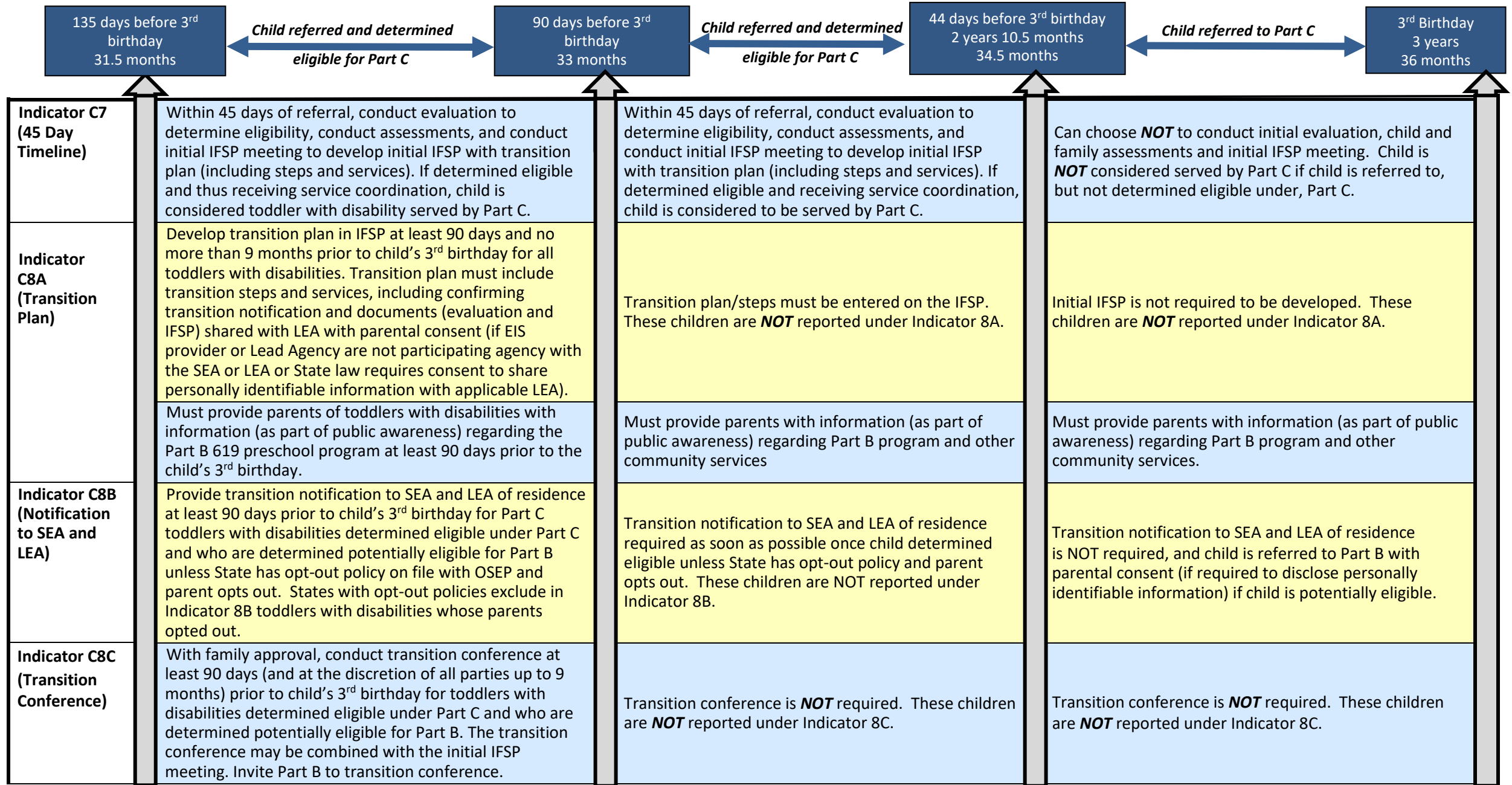
Coordination between the IDEA Part C and Part B program is critical to ensure that both programs can reach and maintain 100% compliance with SPP/APR Indicators C8 and B12 on early childhood transition. States must have transition agreements between the Part C and Part B preschool programs to address transition. It is also critical to ensure that families gain an understanding of the different service delivery systems and their options in a compassionate and meaningful way. And finally, it is important to ensure that children receive the services they need to promote their learning and development. Collaboration between the two programs helps families and children adjust to, and prepare for, this period of transition.

The IDEA Part C and Part B programs are strongly encouraged to work together to develop collaborative State and local practices to ensure smooth transitions for children and families and that both programs meet the required timelines.

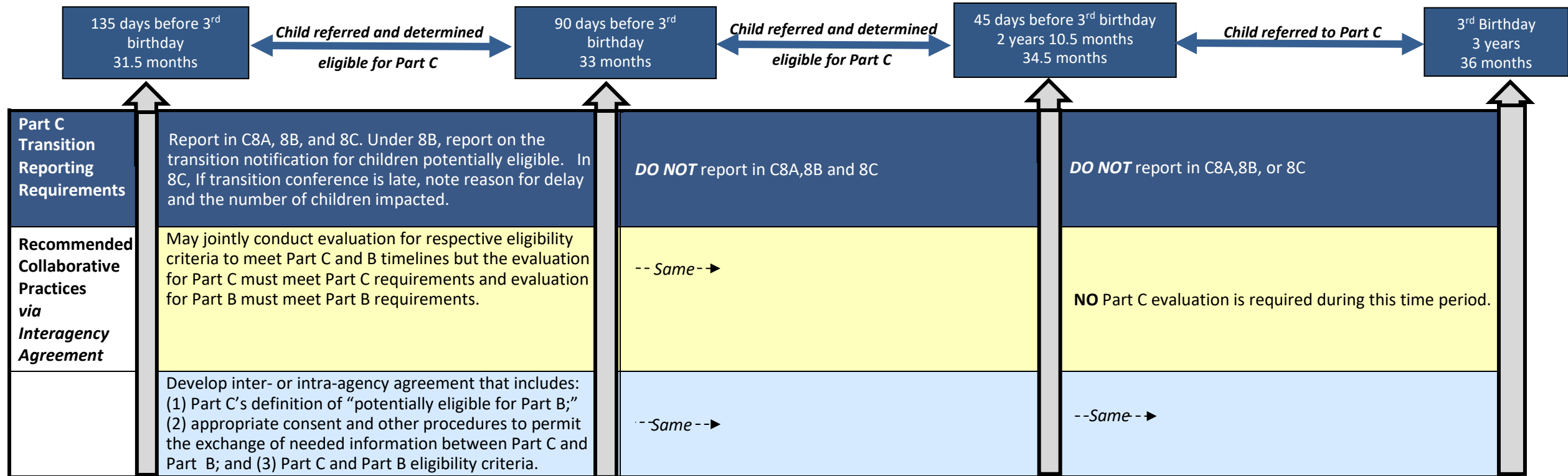
The IDEA Statute and applicable regulations can be accessed at:

- IDEA 2004 Statute (P.L. 108-446) - see Parts B and C  
<https://sites.ed.gov/idea/statute-chapter-33>
- IDEA Federal Regulations at 34 CFR Parts 300  
<https://sites.ed.gov/idea/regs/b>
- IDEA Federal Regulations at 34 CFR Parts 303  
<https://sites.ed.gov/idea/regs/c>

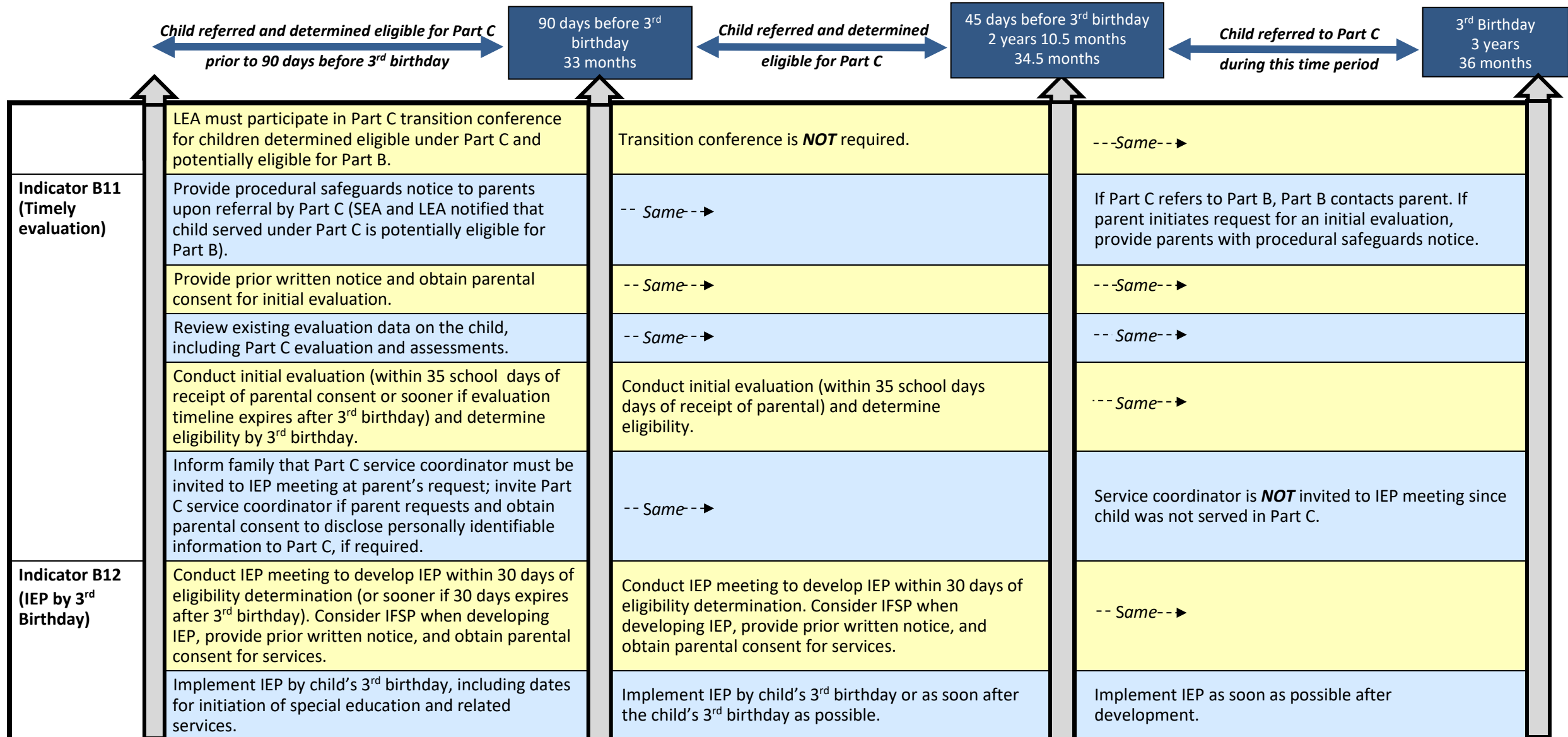
# Federal IDEA Part C Transition Requirements for Late Referrals to Part C



## Federal IDEA **Part C** Transition Requirements for Late Referrals to Part C



# Federal IDEA Part B Transition Requirements for Late Referrals to Part C



# Federal IDEA Part B Transition Requirements for Late Referrals to Part C

