

IDEA Part C Evaluation and Assessment Timelines



Question and Answer (Q & A) document in response to inquiries concerning implementation of the Individuals with Disabilities Education Act (IDEA) Part C evaluation and assessment timelines in the current COVID-19 environment.



Q1. What exceptions are available to a State Lead Agency (State LA) and its early intervention service (EIS) providers in meeting the 45-day timeline requirement for conducting initial evaluations and assessments and Individualized Family Service Plan (IFSP) meetings when access to homes and facilities are limited or have restrictions that prevent face-to-face meetings?

The IDEA Part C 45-day timeline is in 34 C.F.R. §§ 303.310, 303.342(a) and 303.345(c). The 45-day timeline applies to:

- 1) any screening offered by the State
- 2) the initial evaluation
- 3) the initial child and family assessment
- 4) the initial Individualized IFSP meeting

This timeline requirement includes two allowable exceptions:

- 1) The child or parent is unavailable to complete any of these four, due to exceptional family circumstances that are documented in the child's early intervention records; or
- 2) The parent has not provided consent despite documented, repeated attempts by the State LA or EIS provider to obtain parental consent.

OSEP has historically also applied this documented "exceptional family circumstances" exception when clear circumstances outside the State LA's or EIS provider's control, such as a hurricane, do not permit the underlying activity to occur and thus the child and family are unavailable as a practical matter. In these very limited circumstances, under 34 C.F.R. § 303.310(c), the State LA or EIS provider must:

- 1) document in the child's early intervention record the exceptional family circumstances; and
- 2) complete the activities as soon as possible after the documented exceptional family circumstances no longer exist.

The Department acknowledges that it may not be possible to complete some or any of the activities required within the 45-day timeline remotely. For example, conducting an in-person observation may be critical to ensuring appropriate evaluation and assessment. Given that in-person meetings may not be feasible or advisable due to the COVID-19 pandemic, such restrictions can constitute a documented exceptional family circumstance that qualifies for an exception to the 45-day timeline.

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Q2. Can the State local agencies, LAs, and their local early intervention providers, EIS, use the interim individual family support plan, IFSP, until a face-to face evaluation(s) or meeting(s) can be held?

Yes. An interim IFSP may be helpful when an initial IFSP cannot be developed and the parents and State LA or EIS providers agree on the IFSP services needed by the eligible child and family. The Department wants to highlight the use of “interim IFSPs” where documented exceptional family circumstances caused a delay in completing the initial evaluation and assessments during the 45-day timeline requirement.

Any early intervention services that have been determined to be needed by, and that can be available immediately to, the child and the child’s family, particularly those which can be provided remotely (particularly during the pandemic when in-person meetings are limited), with parental consent, may begin before the completion of the evaluation or assessments.

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Q3. How can a State local agency, LA, or its early intervention, EIS, providers conduct evaluations to determine a child's eligibility for IDEA Part C or conduct the child assessment when staff cannot conduct in-person meetings or conduct home visits due to the pandemic?

The Department acknowledges that social distancing measures and other limitations during the pandemic may make administering most in-person evaluations impracticable and may place limitations on how evaluations and the child assessment are conducted under IDEA Part C. **Thus, the Department highlights the option of using medical records, when appropriate, to establish eligibility without conducting an evaluation.** When using medical records to establish eligibility, the State LA or EIS provider must still conduct an appropriate assessment of the child and a family directed assessment. State LAs may wish to investigate available assessment instruments and tools to determine if some can be administered or completed remotely during the pandemic, provided that assessment of the child is based on personal observation (whether in person or through videoconferencing). *State LAs may also work with the developers of their current assessment instruments to determine if the instruments can be administered or completed remotely, without significantly impacting the validity of the results.*