

Evaluation and Assessment

It is the policy of the Agency that a timely, comprehensive, multidisciplinary evaluation of each child, birth to age three, referred for evaluation, and a family-directed assessment of the needs of each child and each child's family is provided, in accordance with the Iowa Administrative Rules for Early ACCESS, to appropriately assist in the development of the child.

The following definitions apply to evaluation and assessment activities:

1. Evaluation means the procedures used by appropriate qualified personnel to determine a child's initial and continuing eligibility for Early ACCESS, consistent with the definition of infants and toddlers with disabilities, including determining the status of the child in each of the developmental areas.
2. Assessment means the ongoing procedures used by appropriate qualified personnel throughout the period of a child's eligibility to identify the child's unique strengths and needs and the services to meet those needs, and the resources, priorities and concerns of the family as the supports and services necessary to enhance the family's capacity to meet the developmental needs of the eligible child.

The 2012 Early ACCESS rules allow for a determination that a child is eligible based on a review of medical records alone.

The evaluation and assessment must be conducted by personnel trained to utilize appropriate methods and procedures and be based on informed clinical opinion. The evaluation and assessment includes the following:

- A review of the pertinent records related to the child's current health status and medical history;
- An evaluation of the child's level of functioning in developmental areas, including cognitive development, physical development, including vision and hearing, communication development, social or emotional development, and adaptive development; and
- An assessment of the unique needs of the child in the above-listed developmental areas, including the identification of services appropriate to meet those needs.

Family-directed assessment must be conducted by personnel trained to utilize appropriate methods and procedures in order to identify the resources, priorities, and concerns of the family, and the identification of the supports and services necessary to enhance the family's capacity to meet the needs of the child. Assessments of the family must:

- Be voluntary on the part of each family member participating in the assessment;
- Be based on information obtained through an assessment tool and also through an interview with those family members who elect to participate in the assessment; and
- Include the family's description of its resources, priorities, and concerns related to enhancing the child's development.

It is the policy of Area Education Agency 267 that the initial evaluation and initial assessment of each child, including the family assessment, must be completed with 45 days after the referral is received. If exceptional circumstances make it impossible to complete the evaluation and assessment activities within the 45 days, these circumstances are documented and, to the extent possible, an interim IFSP is developed and implemented.

Nondiscriminatory Procedures

It is the policy of the Agency that all agencies responsible for evaluation and assessment activities shall use nondiscriminatory procedures. Public agencies responsible for the evaluation and assessment of children and families shall ensure at the minimum that:

1. Tests and other evaluation materials and procedures are administered in the native language of a parent or child or other mode of communication, unless it is clearly not feasible to do so;
2. Any assessment and evaluation procedures and materials that are used are selected and administered so as not to be racially or culturally discriminatory;
3. No single procedure is used as the sole criterion for determining a child's eligibility for Early ACCESS; and
4. Evaluation and assessments are conducted by qualified personnel.

Legal References

Evaluation, Assessment, and Nondiscriminatory Procedures

IDEA 2004 Federal Requirements:

20 U.S.C. 1435(a)(3) Evaluation

Iowa Requirements:

Iowa Administrative Rules for Early ACCESS, effective May 23, 2012

281—120.24 Multidisciplinary

281—120.25 Native language

281—120.321 Evaluation of the child and assessment of the child and family

INDIVIDUALIZED FAMILY SERVICE PLANS (IFSPs)

Individualized Family Service Plans – General

It is the policy of the Agency to require the development and implementation of Individualized Family Service Plans (IFSPs) for each eligible child and their family requiring early intervention services. An IFSP means a written plan for providing early intervention services to an eligible child and the child's family. The plan is developed in accordance with Iowa Administrative Rules for Early ACCESS, is based on the evaluation and assessment of those rules and meets rule requirements regarding the contents of the IFSP.

It is also the policy of the Agency that early intervention services are provided in natural environments, to the maximum extent appropriate for the needs of the eligible child. "Natural environment" means settings that are natural or typical for a same-aged infant or toddler without a disability. Natural environments include home or community settings in which children without disabilities participate. The provision of early intervention services for each eligible child may occur in settings other than the natural environment that are most appropriate, as determined by the parent and the IFSP team, only when early intervention services cannot be achieved satisfactorily in a natural environment. The provisions on natural environments do not apply to services listed in an IFSP that are intended to meet the needs of a parent or other family member and not the needs of the child, such as participation in a parent support program.

The Agency ensures procedures exist in accordance with Iowa Administrative Rules for Early ACCESS for the (1) development, review and evaluation for the IFSP, (2) who participates in the meetings and periodic reviews, (3) evaluation and assessment, and (4) contents of the IFSP.

If there is a dispute between agencies as to who has the responsibility for developing or implementing an IFSP, the Lead Agency shall resolve this dispute or assign responsibility.

Procedures for IFSP Development, Review, and Evaluation

For a child referred to the Early ACCESS system and determined eligible, a meeting to develop the initial IFSP must be conducted within the 45-day time period.

A review of the IFSP for a child and a child's family must be conducted every six months, or more frequently if conditions warrant, or if the family requests such a review. The purpose of this periodic review of the IFSP is to determine the degree to which progress toward achieving the outcomes is being made and whether modification or revision of the outcomes or services is necessary. Periodic reviews are carried out by a meeting or by another means that is acceptable to parent and other participants.

A meeting must be conducted on at least an annual basis to evaluate and revise, as appropriate, the IFSP for the child and child's family. The results of any current evaluations and other information available from the assessments of the child and family are used to determine the early intervention services that are needed and will be provided.

IFSP meetings are conducted in settings and at times that are convenient to families and in the native language of the family or other modes of communication used by the family, unless it is clearly not feasible to do so.

Meeting arrangements are made with, and written notice provided to, the family and other participants early enough before the meeting date to ensure that the participants will be able to attend.

The contents of the IFSP are fully explained to a parents and informed written consent must be obtained prior to the provision of early intervention services described in the IFSP. If a parent does not provide consent with respect to a particular early intervention service or withdraws consent after first providing it, that service may not be provided. The early intervention services to which parental consent is obtained must be provided within 30 days from the date consent is received. If exceptional circumstances make it impossible to complete the initial service within 30 days, these circumstances are documented and the service is provided as soon as possible.

Participants in IFSP Meetings and Periodic Reviews

It is the policy of the Agency that all IFSPs must be developed by a multidisciplinary team, which must include the parents. For this purpose, multidisciplinary means including involvement of the parent and two or more individuals from separate disciplines or professions, at least one of whom must be the service coordinator. Consistent with that definition, the following participants must be included at initial and annual IFSP team meetings:

1. The parent or parents of the child;
2. Other family members as requested by a parent, if feasible to do so;
3. An advocate or person outside of the family, if the parent requests that the person participate;
4. The service coordinator who has been working with the family since the initial referral of the child for evaluation, or who has been designated by Early ACCESS to be responsible for the implementation of the IFSP;
5. A person or persons directly involved in conducting the evaluations and assessment; and
6. As appropriate, persons who may be providing services to the child and family including primary health care provider.

If a person or persons directly involved in conducting the evaluations and assessment is unable to attend the initial or annual IFSP meeting, arrangements must be made for the person's involvement through other means, including one of the following:

1. Participating in a conference call;
2. Having a knowledgeable authorized representative attend the meeting; or
3. Making pertinent records available at the meeting.

It is the policy of the Agency that the following participants must be included in periodic reviews:

1. The parent or parents of the child;
2. Other family members as requested by a parent, if feasible to do so;

3. An advocate or person outside of the family, if the parent requests that the person participate;
4. The service coordinator who has been working with the family since the initial referral of the child for evaluation, or who has been designated by Early ACCESS to be responsible for the implementation of the IFSP;

If conditions warrant, provisions must be made for the participation of the following:

5. A person or persons directly involved in conducting the evaluations and assessment; and
6. As appropriate, persons who may be providing services to the child and family including primary health care provider.

Content of an IFSP

It is the policy of the Agency that contents of the IFSP include:

1. *Information of the child's status.* The IFSP shall include a statement of the infant or toddler with a disability's present levels of physical development including vision, hearing and health status; cognitive development; communication development; social or emotional development; and adaptive development based on the information from the child's evaluation and assessments.
2. *Family information.* With the concurrence of the family, the IFSP must include a statement of the family's resources, priorities, and concerns related to enhancing the development of the child as identified through the assessment of the family.
3. *Outcomes.* The IFSP must contain a statement of the measurable outcomes expected to be achieved for the child (including preliteracy and language skills, as developmentally appropriate for the child) and the family and the criteria, procedures, and timelines used to determine progress toward achieving the outcomes and whether modifications or revisions of outcomes or services are necessary.
4. *Early intervention services.* The IFSP must include a statement of the specific early intervention services, based on peer-reviewed research (to the extent practicable), that are necessary to meet the unique needs of the child and the family to achieve the outcomes including:
 - The length, duration, frequency, intensity and method of delivering the early intervention services. "Frequency" and "intensity" means the number of days or sessions that a service will be provided and whether the service is provided on an individual or group basis. "Method" means how a service is provided. "Length" means the length of time the service is provided during each session of that service (such as an hour or other specified time period). "Duration" means projecting when a given service will no longer be provided (such as when the child is expected to achieve the outcomes if the child's IFSP).
 - A statement that each early intervention service is provided in the natural environment for the child and a justification statement if the services are provided in a setting other than a natural environment. Justification must be made by the IFSP team which includes the parent and other team members and must be based on child's outcomes.
 - The actual place or location where a service will be provided.
 - The payment arrangements, if any.

5. *Other services.* To the extent appropriate, the IFSP also must:
 - Identify medical and other services that the child or family needs or is receiving through other sources, but that are neither required nor funded under Iowa Administrative Rules for Early ACCESS; and
 - If those services are not currently being provided, include a description of the steps the service coordinator or family may take to assist the child and family in securing those other services.
6. *Dates and duration of services.* The IFSP must include the projected date for the initiation of each early intervention service and must be as soon as possible after the parent consents to the service. The IFSP must include the anticipated duration of each service.
7. *Service Coordinator.* The IFSP must include the name of the service coordinator from the profession most relevant to the child's or family's needs (or the name of the person who is otherwise qualified to carry out service coordinator responsibilities), who will be responsible for implementing the early intervention services identified in a child's IFSP, including transition services, and coordination with other agencies and persons. The term "profession" includes service coordination.
8. *Transition from Early ACCESS services.* The IFSP must include the steps and services to be taken to support the transition of the child to preschool services under IDEA Part B to the extent that those services are appropriate or to other appropriate services. Steps and services taken must include:
 - Discussions with, and training of, parents, as appropriate, regarding future placements and other matters related to the child's transition;
 - Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to, and function in, a new setting;
 - With parental consent, confirmation that child find information about the child has been transmitted to the AEA or other relevant agency and transmission of additional information needed by the AEA to ensure continuity of services from Early ACCESS to the Part B program, including a copy of the most recent evaluation and assessments of the child and the family and the most recent IFSP; and
 - Identification of transition services and other activities that the IFSP team determines are necessary to support the transition of the child.

Provision of Services before Evaluation and Assessment are Completed

Early intervention services for an eligible child and the child's family may commence before the completion of the evaluation and assessments in order to facilitate the provision of services in the event that a child may have obvious immediate needs and if the following conditions are met:

1. Parental consent is obtained;
2. An interim IFSP is developed that includes:
 - The name of the service coordinator who will be responsible for implementing of the interim IFSP and coordinating with other agencies and persons;
 - The early intervention services that have been determined to be needed immediately by the child and the child's family; and
3. Evaluations and assessments are completed within the 45-day timeline.

Legal References
Individualized Family Service Plans (IFSPs)

Federal Requirements:

34 CFR 303.24	Multidisciplinary
34 CFR 303.26	Natural environment
34 CFR 303.126	Early intervention services in natural environments
34 CFR 303.342	Procedures for IFSP development, review, and evaluation
34 CFR 303.343	IFSP team meeting and periodic review
34 CFR 303.344	Content of an IFSP
34 CFR 303.345	Interim IFSPs—provision of services before evaluations and assessments are completed

Iowa Requirements:

Iowa Administrative Rules for Early ACCESS, effective May 23, 2012

281-120.24	Multidisciplinary
281-120.26	Natural environment
281-120.126	Early intervention services in natural environments
281-120.342	Procedures for IFSP development, review, and evaluation
281-120.343	IFSP team meeting and periodic review
281-120.344	Content of the IFSP
281-120.345	Interim IFSPs—provision of services before evaluations and assessments are completed

Personnel Standards

It is the policy of the Agency that personnel standards are established and maintained to ensure that personnel, including paraprofessionals and assistants, necessary to carry out the requirements of Iowa Administrative Rules for Early ACCESS are appropriately and adequately prepared and trained in accordance with the Comprehensive System of Personnel Develop.

It is the policy of the Agency to establish and maintain qualification standards that are consistent with any state-approved or state-recognized certification, licensing, registration, or other comparable requirements that apply to the profession, discipline, or area in which personnel are providing early intervention services.

It is the policy of the Agency to utilize the personnel standards of Signatory Agencies for the provision of early intervention services. This is consistent with the collaborative inter-agency nature of the Early ACCESS system. Licensure boards govern licensure in Iowa. There are state statutes and rules that govern the issuance of licenses to qualified individuals. Information determining the status of licensed personnel is on file in two locations:

- Iowa Board of Educational Examiners
- Iowa Department of Public Health's Bureau of Professional Licensure.

The Board of Educational Examiners allows for instructional personnel to obtain a conditional license for up to three years after which the applicant must be eligible for the endorsement and be recommended by the college/university to add to the provisional, education or professional teacher license. All of these persons have a least a four-year college degree and a license to teach, although they may not hold the appropriate endorsement in the area to which they are presently assigned.

It is the policy of the Agency that paraprofessionals and assistants who provide early intervention services to eligible children are appropriately trained and supervised, in accordance with the highest standards within the state. As stated above, the personnel standards of Signatory Agencies for paraprofessionals and assistants are utilized for the provision of early intervention services. Paraprofessionals and assistants are included in the personnel standard policies and procedures.

Information about the status of personnel standards in Iowa is on file with the Lead Agency and available to the public.

Legal References
Personnel Standards

Federal Requirements:

- 34 CFR 303.118 Comprehensive System of Personnel Development (CSPD)
34 CFR 303.119 Personnel standards

Iowa Requirements:

Iowa Administrative Rules for Early ACCESS, effective May 23, 2012

- 281—120.118 Comprehensive System of Personnel Development (CSPD)
281—120.119 Personnel standards

COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT

The Agency has developed and is implementing a comprehensive system of personnel development (CSPD) in collaboration with the Lead Agency that includes training of paraprofessionals and the training of primary referral sources with respect to the basic components of Early ACCESS that is consistent with the requirements of Iowa Administrative Rules for Early ACCESS to ensure sufficient number of qualified and skilled providers of Early ACCESS supports and services.

The Agency ensures that training is consistent with the Iowa's comprehensive system of personnel development and must include:

1. Trained personnel to implement innovative strategies and activities for the recruitment and retention of early intervention service providers;
2. Promoting the preparation of early intervention service providers who are fully and appropriately qualified to provide early intervention services; and
3. Training personnel to coordinate transition services for infants and toddlers with disabilities who are transitioning from early intervention in Early ACCESS to a Part B preschool program, Head Start, Early Head Start, an elementary school program under Part B, or any other appropriate program.

A comprehensive system of personnel development may include:

1. Training personnel to work in rural and inner-city areas;
2. Training personnel in the emotional and social development of young children;
3. Training personnel to support families in participating fully in the development and implementation of the child's IFSP; and
4. Training personnel who provide services under this chapter using standards that are consistent with early learning personnel development standards funded under the state advisory council on early childhood education and care established under the Head Start Act, if applicable.

Legal References

Comprehensive System of Personnel Development

Federal Requirements:

34 CFR 303.118 Comprehensive System of Personnel Development (CSPD)

Iowa Requirements:

Iowa Administrative Rules for Early ACCESS, effective May 23, 2012

281—120.118 Comprehensive System of Personnel Development (CSPD)

CONTRACTING OR OTHERWISE ARRANGING FOR SERVICES

It is the policy of the Agency that all agency contracts or other arrangements with public or private service providers to provide early intervention services meet federal requirements and are in accordance with Iowa Administrative Rules for Early ACCESS and include:

1. A requirement that all early intervention services from public or private providers meet state standards and be consistent with Part C and Iowa Administrative Rules for Early ACCESS; and
2. Be consistent with the Education Department General Administrative Regulations in 34 CFR Part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments).

All agency contracts must also be in accordance with Iowa laws.

Legal References

Policy for Contracting or Otherwise Arranging for Services

IDEA 2004 Federal Requirements:

20 U.S.C. 1435(a)(11) Contracting

34 CFR 303.121 Policy for contracting or otherwise arranging for services

Iowa Requirements:

Iowa Code:

28E.12 Contract with other agencies

Iowa Administrative Rules for Early ACCESS, effective May 23, 2012:

281–120.121 Policy for contracting or otherwise arranging for services

281–120.13 Early intervention services

TRANSITION TO PRESCHOOL PROGRAMS

It is the policy of the Agency that toddlers receiving early intervention services shall have a smooth transition when exiting from Early ACCESS to preschool or other services, in accordance with Iowa Administrative Rules for Early ACCESS.

Transitions occur at various points in time for children in the Early ACCESS system. Transitions may include moving into, within, and from Early ACCESS services. IFSP teams are required to discuss transition issues facing the child and family and make plans that assist the child and family in making smooth transitions regarding appropriate future services.

In order to facilitate the child's smooth transition to preschool or other appropriate services, to ensure continuity of services for the child, and consistent with FERPA regulations, parental consent need not be obtained when transferring Early ACCESS records to another education institution, such as another administrative unit within the same AEA, another AEA, or a local school district or accredited nonpublic school. If transfer of records is required to another type of agency, parental consent will be sought unless another FERPA exception to consent applies.

In the case of a child who may not be eligible for preschool services under the Iowa Administrative Rules for Special Education, with the approval of a parent of the child, the service coordinator, the parents and appropriate service providers who may have been or potentially may be serving the child and family shall make reasonable efforts to convene a conference among the Regional Grantee and providers of other appropriate services for the purpose of discussing the appropriate services that the child may need.

In the case of a child who may be eligible for preschool services under Iowa Administrative Rules for Special Education, with the approval of a parent of the child, a conference is convened among the Regional Grantee, the service coordinator, the family, the local education agency, and providers of other appropriate services not fewer than 90 days—and, at the discretion of all parties, not more than nine months—before the toddler's third birthday to discuss services the toddler may receive under IDEA Part B special education.

Procedures to ensure a smooth transition to preschool or other appropriate services for children receiving early intervention services is required of the Agency as Region 7 Grantee. These procedures describe how:

- Families of children will be included in the transition planning for their children;
- Local education agencies will be notified that an eligible child resides in their district, and that the child will shortly reach the age of eligibility for preschool services under Part B of IDEA, including how parents shall be involved in such notification;
- A review will occur of the child's program options for the period from the child's third birthday through the remainder of the school year, and how the preschool or other services will be provided following the child's third birthday; and
- A transition plan will be established for each eligible child.

Legal References
Transition to Preschool Programs

Federal Requirements:

20 U.S.C. 637(a)(9) Transition to preschool programs

Iowa Requirements:

Iowa Administrative Rules for Early ACCESS, effective May 23, 2012

281—120.209 Transition to preschool and other programs

281—120.344(8) Transition from Part C services

EQUITABLE DISTRIBUTION OF RESOURCES

Services to All Geographic Areas

Services to all eligible children and families in Region 7 are assured through the existence of a statewide, comprehensive, coordinated, multidisciplinary, interagency system of early intervention services. Area Education Agency 267 has been designated as the Early ACCESS Region 7 Grantee. These grantees exist, at a minimum, in geographic areas that ensure statewide coverage. Area Education Agency 267 ensures the appropriate provision of early intervention services region-wide including providing services to Indian infants and toddlers and their families residing on a reservation geographically located in the state and infants and toddlers with disabilities who are homeless children and their families.

Legal References

Equitable Distribution of Resources

Federal Requirements:

20 U.S.C. 637(a)(7) Services in all geographic area.

Iowa Requirements:

Iowa Administrative Rules for Early ACCESS, effective May 23, 2012

281—120.112 Availability of early intervention services

281—120.804(1) Early ACCESS grantees

PROCEDURAL SAFEGUARDS

Including Mediation and Due Process Procedures for Parents and Children

It is the policy of Area Education Agency 267 that procedural safeguards required under IDEA and the Iowa Administrative Rules for Early ACCESS are met. Early ACCESS, Iowa's IDEA Part C, follows Iowa's IDEA Part B procedural safeguards regarding due process. Eligible children and their parents are afforded the procedural safeguards identified in this text. Public agencies have procedural safeguards material included within their IFSP procedure for each family.

Definitions of Consent, Native Language, and Personally Identifiable Information

Area Education Agency 267 assures that each public agency establishes, maintains, and implements procedural safeguards. Each agency uses the following terms in defining procedural safeguards:

1. Consent means that: (i) the parent has been fully informed of all information relevant to the activity for which consent is sought, in the parent's native language or other mode of communication; (ii) the parent understands and agrees in writing to the carrying out of the activity for which consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and (iii) the parent understands that the granting of consent is voluntary on part of the parent and may be revoked at any time.
2. Native language when used with reference to a person with limited English proficiency or LEP means the language or mode of communication normally used by the parent of the child. In all direct contact with the child, communication will be in the language normally used by the child and not that of a parent if there is a difference between the two. If a parent is deaf or blind, or has no written language, the mode of communication will be what is normally used by the person (such as sign language or Braille).
3. Personally identifiable information means that information includes, but is not limited to: (i) the name of the child, (ii) the child's parent, or other family member; (iii) the address of the child or child's family; (iv) a personal identifier, such as the child's or parent's social security number or child/student identification number; (v) other indirect identifiers, such as the child's date of birth, place of birth, and mother's maiden name; or (vi) a list of personal characteristics or other information that, alone or in combination, would make it possible to identify a child with reasonable certainty.

Opportunity to Examine Records

The parents of an eligible child must be afforded the opportunity to inspect and review records relating to screening, evaluation and assessments, eligibility determinations, development and implementation of the IFSPs, provision of early intervention services, individual complaints involving the child, or any part of the child's early intervention record.

Prior Written Notice and Procedural Safeguard Notice

Area Education Agency 267 as Region 7 Grantee must have procedures for providing parents with prior written notice. Prior written notice by the public agency must be given to the parents within a reasonable time before the public agency proposes, or refuses, to initiate or change the identification, evaluation or placement of the child or the provision of early intervention services to the child or the child's family. Public agency means the Regional Grantee and any other political subdivision of the state that is responsible for providing early intervention services to eligible children and families.

Prior written notice by a public agency must include:

- A description of the action proposed or refused by the agency;
- The reason for taking the action;
- An explanation of all procedural safeguards that are available under IDEA, Part C for the child and family; and
- A description of the state complaint procedures, including how to file a complaint and the timelines involved.

The notice by a public agency must be written in language understandable to the general public and provided in the native language of the parent or other mode of communication used by the parent. If the native language or other mode of communication of the parent is not a written language, the public agency must take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication; the parent understands the content of the notice; and there is written evidence that the notice requirements have been met. If the parent is deaf or blind, or has no written language, the mode of communication must be what is normally used by the parent such as sign language, Braille, or oral communication.

Parent Consent

Parental consent must be obtained before:

- Administering screening procedures;
- Conducting all evaluations and assessments of the child or family;
- Early intervention services are provided to a child or family;
- Public benefits or insurance or private insurance is used; and
- Disclosure of personally identifiable information.

If consent is not given, the public agency will make reasonable efforts to ensure that a parent is fully aware of the nature of the evaluation, assessment, or the services that are available and understands that the child will not be able to receive the evaluation, assessment, or services unless consent is given.

Parent Right to Decline Service

The parents of an eligible child may determine whether they, their child, or other family members will accept or decline any early intervention service and may decline such a service after first accepting it, without jeopardizing other early intervention services.

Surrogate Parents

The rights of a child are protected if no parent can be identified; if the public agency, after reasonable efforts, cannot discover the whereabouts of a parent; or if the child is a ward of the State under the laws of Iowa. The duty of the public agency includes the assignment of an individual to act as a surrogate for the parents. Area Education Agency 267 assures that there are procedures for determining whether a child needs a surrogate parent and for assigning a surrogate parent to the child.

It is the responsibility of the public agency to select a surrogate parent in a way permitted under State law. The public agency must ensure that a person selected as a surrogate:

- Is not an employee of the department or any other public agency or early intervention service provider that provides early intervention services, education, care, or other services to the child or any family member of the child;
- Has no personal or professional interest that conflicts with the interest of the child the person represents; and
- Has knowledge and skills that ensure adequate representation of the child.

A person who is otherwise qualified to be a surrogate parent is not an employee of the agency solely because he or she is paid by the agency to serve as a surrogate parent.

The surrogate parent has the same rights as a parent for all early intervention purposes. The surrogate parent may represent the child in all matters relating to:

1. The evaluation and assessment of the child;
2. Development and implementation of the child's IFSP, including annual evaluations and periodic reviews;
3. The ongoing provision of early intervention services to the child; and
4. Any other rights established under IDEA, Part C.

Mediation and Due Process Procedures for Parents and Children

Area Education Agency 267 ensures that procedures established by the Lead Agency are implemented in Region 7 to allow parties to resolve disputes through mediation or through the filing of a due process complaint are followed.

Unless the public agency and the parents of a child otherwise agree, the child involved in the mediation or due process complaint must continue to receive the appropriate early intervention services currently being provided, as provided for in Iowa Administrative Rules for Early ACCESS.

If the complaint involved an application for initial early intervention services, the child must receive those services that are not in dispute.

Legal References Procedural Safeguards

Federal Requirements:

34 CFR 303.7	Consent
34 CFR 303.25	Native language
34 CFR 303.29	Personally identifiable information
34 CFR 303.401	Confidentiality and opportunity to examine records
34 CFR 303.420	Parent consent and ability to decline services
34 CFR 303.421	Prior written notice and procedural safeguards notice
34 CFR 303.422	Surrogate parents
34 CFR 303.430	State dispute resolution options
34 CFR 303.431	Mediation
34 CFR 303.432	Adoption of state complaint procedures
34 CFR 303.433	Minimum state complaint procedures
34 CFR 303.434	Filing a complaint
34 CFR 303.435	Appointment of an administrative law judge
34 CFR 303.436	Parental rights in due process hearing proceedings
34 CFR 303.437	Convenience of hearings and timelines
34 CFR 303.438	Civil action

Iowa Requirements:

Iowa Administrative Rules for Early ACCESS, effective May 23, 2012

281—120.7	Consent
281—120.25	Native language
281—120.29	Personally identifiable information
281—120.401	Confidentiality and opportunity to examine records
281—120.420	Parent consent and ability to decline services
281—120.421	Prior written notice and procedural safeguards notice
281—120.422	Surrogate parents
281—120.430	State dispute resolution options
281—120.431	Mediation
281—120.432	Adoption of state complaint procedures
281—120.433	Minimum state complaint procedures
281—120.434	Filing a complaint
281—120.435	Appointment of an administrative law judge
281—120.436	Parental rights in due process hearing proceedings
281—120.437	Convenience of hearings and timelines
281—120.438	Civil action

Iowa Administrative Rules of Special Education

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CONFIDENTIALITY

Confidentiality of Information

It is the policy of Area Education Agency 267 to ensure the protection of the confidentiality of any personally identifiable data, information, and records collected, maintained, or used by Area Education Agency 267 and early intervention providers for eligible children and families in accordance with the Federal Educational Rights and Privacy Act (FERPA).

Notice to Parents

Agencies participating in Early ACCESS are required to inform parents of their right to written notice of and written consent to the exchange of this information among agencies consistent with federal and state law. The notice includes:

1. A description of the children on whom personally identifiable information is maintained, the types of information sought, the methods the state intends to use in gathering the information (including the sources from whom information is gathered), and the uses to be made of the information;
2. A summary of the policies and procedures that participating agencies must follow regarding storage, disclosure to third parties, retention, and destruction of personally identifiable information;
3. A description of all of the rights of parents and children regarding this information, including the rights under FERPA; and
4. A description of the extent to which the notice is given in the native languages of the various population groups of the state.

Access Rights

Participating agencies must permit parents to inspect and review any early intervention records relating to their children that are collected, maintained, or used by the agency under IDEA, Part C. Participating agency means any agency or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained. The agency shall comply with a request without unnecessary delay and before any meeting regarding an IFSP, or any hearing relating to the identification, evaluation, or provision of early intervention services, and in no case, more than 10 days after the request has been made.

The right to inspect and review early intervention records includes:

1. The right to a response from the participating agency to reasonable requests for explanations and interpretations of the early intervention records;
2. The right to request that the agency provide copies of the early intervention records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and
3. The right to have a representative of the parent inspect and review the early intervention records.

A participating agency may presume that the parent has authority to inspect and review records relating to the parent's child unless the agency has been provided documentation that the parent does not have the authority under applicable state law governing such matters as custody, foster care, guardianship, separation, and divorce.

Record of Access

Each participating agency shall keep a record of parties obtaining access to early intervention records collected, maintained, or used under Part C of IDEA (except access by parents and authorized employees of the participating agency). The record must include the name of the party, the date access was given, and the purpose for which the party is authorized to use the early intervention record.

Records on More Than One Child

If any early intervention record includes information on more than one child, the parents of those children have the right to inspect and review only the information relating to their child or to be informed of that specific information.

List of Types and Location of Information

Each participating agency must provide parents, on request, a list of the types and locations of early intervention records collected, maintained, or used by the agency.

Fees

Each participating agency may charge a fee for copies of records that are made for parents if the fee does not effectively prevent the parents from exercising their right to inspect and review those records. A participating agency may not charge a fee to search for or to retrieve information.

A participating agency must provide *at no cost to parents* a copy of each evaluation, assessment of the child, family assessment, and IFSP as soon as possible after each IFSP meeting.

Amendment of Records at Parent's Request

A parent who believes that information in the early intervention records collected, maintained, or used is inaccurate, misleading or violates the privacy or other rights of the child or parent may request the participating agency that maintains the information amend the information. The agency must decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request. If the agency refuses to amend the information in accordance with the request, the agency must inform the parent of the refusal and advise the parent of the right to a hearing.

Opportunity for a Hearing

The participating agency shall, on request, provide parents with the opportunity for a hearing to challenge information in their child's early intervention records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child or parents.

Result of Hearing

If, as a result of the hearing, the participating agency decides that the information is inaccurate, misleading, or in violation of the privacy or other rights of the child or parent, the participating agency must amend the information accordingly and so inform the parent in writing. If, as a result of the hearing, the participating agency decides that the information is not inaccurate, misleading, or in violation of the privacy or other rights of the child or parent, the agency must inform the parent of the right to place in the early intervention records it maintains on the child a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the agency. Any explanation placed in the early intervention records of the child under this rule must be maintained by the agency as part of the records of the child as long as the record or contested portion is maintained by the agency. If the early intervention records of the child or the contested portion are disclosed by the agency to any party, the explanation must also be disclosed to the party. The hearing proceedings must be conducted according to 34 CFR 99 FERPA regulations.

Consent Prior to Disclosure or Use

Except for disclosures authorized under Part 99 of FERPA regulations and disclosure to participating agencies (including the Lead Agency and early intervention service providers) that are part of the state's Part C system, prior parental consent must be obtained before personally identifiable information is:

1. Disclosed to anyone other than authorized representatives, officials, or employees of participating agencies collecting, maintaining, or using the information under Iowa Administrative Rules for Early ACCESS; or
2. Used for any purpose other than meeting a requirement of federal regulations.

If a parent refuses to give consent, the participating agency shall attempt to seek resolution through a meeting to explain to parents how their failure to consent affects the ability of their child to receive services. A public agency may not file a due process complaint in response to a parent's refusal to grant consent.

Safeguards

Each participating agency must protect the confidentiality of personally identifiable information at collection, maintenance, use, storage, disclosure, and destruction stages. To assure protection:

1. One official at each participating agency must assume responsibility for ensuring the confidentiality of any personally identifiable information;
2. All persons collecting or using personally identifiable information must receive training or instruction regarding the state's policies and procedures;

3. Each participating agency must maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information.

Destruction of Information

The public agency must inform parents when personally identifiable information collected, maintained, or used is no longer needed to provide early intervention services to the child. “No longer needed to provide services” means that a record is no longer relevant to the provision of Early ACCESS services and is no longer needed for accountability and audit purposes. At a minimum, a record needed for accountability and audit purposes must be retained for five years after completion of the activity for which funds were used. After that time period, and at the request of the parents, the information must be destroyed; however, a permanent record of a child’s name, date of birth, parent contact information (including address and phone number), names of service coordinator(s) and early intervention service provider(s), and exit data (including year and age upon exit and any programs entered into upon exiting) may be maintained without time limitation.

Early ACCESS records must be retained for a minimum of three years after an eligible child is determined to be no longer eligible under Part C or Part B.

Legal References

Confidentiality

Federal Requirements:

34 CFR Part 99	FERPA
34 CFR 303.402	Opportunity to examine records
34 CFR 300.404	Notice to parents
34 CFR 300.405	Access rights
34 CFR 300.406	Record of access
34 CFR 300.407	Records on more than one child
34 CFR 300.408	List of types and locations of information
34 CFR 300.409	Fees for records
34 CFR 300.410	Amendment of records at parent's request
34 CFR 300.411	Opportunity for a hearing
34 CFR 300.412	Result of a hearing
34 CFR 300.413	Hearing procedures
34 CFR 300.414	Consent prior to disclosure or use
34 CFR 300.415	Safeguards
34 CFR 300.416	Destruction of information
34 CFR 300.417	Enforcement

Iowa Requirements:

Iowa Administrative Rules for Early ACCESS, effective May 23, 2012

281—120.402	Confidentiality
281—120.404	Notice to parents
281—120.405	Access rights
281—120.406	Record of access
281—120.407	Records on more than one child
281—120.408	List of types and locations of information
281—120.409	Fees for records
281—120.410	Amendment of records at a parent's request
281—120.411	Opportunity for a hearing
281—120.412	Result of hearing
281—120.413	Hearing procedures
281—120.414	Consent prior to disclosure or use
281—120.415	Safeguards
281—120.416	Destruction of information
281—120.417	Enforcement

PROCEDURES FOR RESOLVING COMPLAINTS

It is the policy of Area Education Agency 267 that Area Education Agency 267 as Region 7 Grantee shall comply with Iowa Administrative Rules of Early ACCESS on resolving state complaints.

Legal References

Procedures for Resolving Complaints

Federal Requirements:

- CFR 303.432 Adoption of state complaint procedures
- CFR 303.433 Minimum state complaint procedures
- CFR 303.434 Filing a complaint

Iowa Requirements:

Iowa Administrative Rules for Early ACCESS, effective May 23, 2012

- 281—120.432 Adoption of state complaint procedures
- 281—120.433 Minimum state complaint procedures
- 281—120.434 Filing a complaint

Policies and Procedures Related to Financial Matters

Policies Related to Payment for Services

It is the Area Education Agency 267 policy that early intervention services as defined in the Iowa Administrative Rules for Early ACCESS, recommended by the IFSP team, and written on the child's/family's Individualized Family Service Plan, are provided for eligible children at no charge to the child and parent. Parents will not be subjected to fees or a system of payments for these early intervention services. These early intervention services are consistent with 34 CFR 303.13 and include but are not limited to the following:

- Assistive technology device
- Assistive technology service
- Audiology services
- Family training, counseling and home visits
- Health services
- Medical services only for diagnostic or evaluation purposes
- Nursing services
- Nutrition services
- Occupational therapy
- Physical therapy
- Psychological services
- Service coordination services
- Signed language and cued language services
- Social work services
- Special instruction
- Speech-language pathology services
- Transportation and related costs
- Vision services

The Iowa Departments of Education, Human Services, and Public Health and the University of Iowa's Child Health Specialty Clinics have an agreement to provide available early intervention services at no cost to families.

It is the policy of Area Education Agency 267 that services are provided in a timely manner and not delayed or denied to children entitled to receive those services because of disputes between agencies regarding financial or other responsibilities.

Policies Related to Use of Public Benefits or Insurance or Private Insurance to Pay for Early ACCESS Services

It is the Area Education Agency 267 policy that, with regard to using public benefits or insurance of a child or parent to pay for Part C services, the agency:

1. May not require a parent to sign up for or enroll in public benefits or insurance programs as a condition of receiving Part C services and must obtain consent prior to using the public benefits or insurance of a child or parent if that child or parent is not already enrolled in such a program;
2. Must obtain consent to use a child's or parent's public benefits or insurance to pay for Part C services if that use would:
 - Decrease available lifetime coverage or any other insured benefit for that child or parent under that program;
 - Result in the child's parents paying for services that would otherwise be covered by the public benefits or insurance program;

- Result in any increase in premiums or discontinuation of public benefits or insurance for that child or that child’s parents; or
 - Risk loss of eligibility for the child or that child’s parents for home- and community-based waivers based on aggregate health-related expenditures.
3. If the parent does not provide consent, the agency must still make available those Part C services on the IFSP to which the parent has provided consent.

It is the Area Education Agency 267 policy that proceeds from public insurance or benefits or from private insurance are not treated as program income for the purposes of 34 CFR 80.25. If an agency receives reimbursements from federal funds (e.g., Medicaid reimbursements attributable directly to federal funds), for services under Part C of IDEA, those funds are considered neither state or local funds in order to assure the non-supplanting of funds as required in 34 CFR 303.225.

Fees

It is the Area Education Agency 267 policy that the following functions are carried out at public expense by the state and for which no fees may be charged to parents:

- Early ACCESS child find activities;
- Evaluation and assessment and IFSP planning purposes;
- Service coordination services;
- Administrative and coordinative activities related to:
 1. The development, review and evaluation of IFSPs; and
 2. The implementation of procedural safeguards;
- Implementation of components of the statewide system as outlined in subpart D of IDEA, Part C – Program and Services (definition of developmental delay, central directory, timetables, public awareness, child find, evaluation and assessment) and subpart F-State Administration; and
- Due process.

State law requires the provision of a free appropriate public education to children requiring special education from birth. Children requiring special education are served under the Early ACCESS system which provides early intervention services at no charge to parents.

Identification and Coordination of Resources

As Region 7 Grantee Area Education Agency 267 is responsible for the identification and coordination of all available resources for early intervention services within Region 7. This includes resources from federal, state, local and private sources and updating information on funding sources if a legislative or policy change occurs.

Federal funding sources include:

- Title V of the Social Security Act (relating to Maternal and Child Health);
- Title XIX of the Social Security Act (relating to general Medicaid Program, EPSDT and the Infant/Toddler program);
- The Head Start Act;

Early ACCESS Policies adopted by the Board of Area Education Agency 267 on August 14, 2013

- Parts B and C of Individuals with Disabilities Act;
- The Developmental Disabilities Assistance and Bill of Rights Act (PL 94-103); and
- Other federal programs, including but not limited to the state Children’s Health Insurance Program, Temporary Assistance to Needy Families (TANF), and Early Head Start.

Other state and local funding sources that contribute to the Part C system in Iowa:

- School Ready Funds;
- Private insurance with written parent consent unless Title XIX or Title V eligible;
- Private agency support; and
- Local foundations.

Delivery of Services in a Timely Manner

Procedures to ensure that services are provided to children eligible for Early ACCESS in a timely manner, pending the resolution of financial or other disputes among public agencies or service providers is the responsibility of the Iowa Department of Education as Lead Agency and a requirement of Area Education Agency 267 as Region 7 Grantee. Signatory Agencies have an agreement to use a continuum of alternative dispute resolution procedures to resolve Part C child/system issues and concerns. This continuum of procedures meets Part C regulations and is modeled after IDEA/Part B regulations.

Payor of Last Resort

It is the Area Education Agency 267 policy that Part C funds may not be used to satisfy a financial commitment for services that would otherwise have been paid for from another public or private source, including any medical program administered by the Department of Defense, but for the enactment of Part C. Early ACCESS funds, state and federal, may be used only for early intervention services that an eligible child needs but is not currently entitled to receive or have payment made from any other federal, state, local, or private source.

It is the Area Education Agency 267 policy that Part C funds can be used to pay a provider for services, pending reimbursement from the agency or entity that has ultimate responsibility in order to prevent a delay in the timely provision of services to an eligible child or the child’s family. Payments may be made for required early intervention services, eligible health services, functions of the child find system, evaluation and assessment. This payment option does not apply to medical services or “well baby” health care.

Reimbursement Procedure

All bills for early intervention services will flow through each Signatory Agency or Regional Grantee providing the services. Should Part C funds be necessary to support a service in order to prevent a delay in service provision, the participating agencies (Signatory Agencies and Regional Grantees providing service) may use Part C funds to pay the provider of services, pending timely reimbursement from the agency or entity that has ultimate responsibility for the payment. Agencies will use their internal accounting and auditing procedures to comply with this regulation.

Legal References

Policies and Procedures Related to Financial Matters

Federal Requirements:

34 CFR 303.13	Early intervention services
34 CFR 303.510	Payor of last resort
34 CFR 303.511	Methods to ensure the provision of, and financial responsibility for, Part C services
34 CFR 303.520	Policies related to use of public benefits or insurance or private insurance to pay for Part C services
34 CFR 303.521	System of payments and fees

Iowa Requirements:

Iowa Administrative Rules for Early ACCESS, effective May 23, 2012

281—120.13	Early intervention services
281—120.510	Payor of last resort
281—120.511	Methods to ensure the provision of, and financial responsibility for, Early ACCESS services
281—120.520	Policies related to use of public benefits or insurance or private insurance to pay for Early ACCESS services
281—120.521	System of payments and fees

Interagency Agreements; Resolution of Individual Disputes

An Early ACCESS Memorandum of Agreement (MOA) has been developed between Iowa's Lead Agency, the Iowa Department of Education, and the Signatory Agencies which include: Iowa Department of Public Health, Iowa Department of Human Services, and University of Iowa's Child Health Specialty Clinics. A copy of the signed MOA is available from the Iowa Department of Education. The agreement meets the requirements under IDEA, Part C.

Interagency Agreements

It is the policy of Area Education Agency 267 that formal interagency agreements with other agencies to assist in the implementation of the Part C system meet the minimum specifications under IDEA, Part C, including:

1. The financial responsibility of each agency paying for early intervention services that is consistent with state law and Part C requirements;
2. The procedures for achieving a timely resolution of intra- and interagency disputes about payments for a given service(s) or other aspects of the state's early intervention program. The procedures include a mechanism for making a final determination that is binding upon agencies involved;
3. The process that permits each state agency participating in Iowa's early intervention program to resolve any internal disputes so long as the agency does so in a timely manner. Should an agency be unable to resolve its own internal dispute in a timely manner through their own agency's dispute resolution procedures, the Lead Agency will follow procedures in achieving resolution of interagency disputes; and
4. Any additional components necessary to ensure effective cooperation and coordination among all agencies involved in Iowa's early intervention program.

All interagency agreements must be in accordance with state code.

Resolution of Disputes

All disputes shall be resolved pursuant to the terms of Iowa Administrative Rules on Early ACCESS and the MOA referred to above.

Delivery of Services in a Timely Manner

Early intervention services are provided to children eligible for Early ACCESS in a timely manner, pending the resolution of disputes among public agencies or service providers.

Procedures for the timely provision of services, ensuring that no service to which a child is entitled is delayed or denied because of disputes between agencies regarding financial or other responsibilities, are required of Area Education Agency 267 as Region 7 Grantee.

Legal References

Interagency Agreements; Resolutions of Individual Disputes

Federal Requirements:

- 34 CFR 303.120 Lead agency role in supervision, monitoring, funding, interagency coordination, and other responsibilities
- 34 CFR 303.511(c) Procedures for resolving disputes
- 34 CFR 303.511(d) Delivery of services in a timely manner

Iowa Requirements:

Iowa Administrative Rules for Early ACCESS, effective May 23, 2012

- 281–120.120 Lead agency role in supervision, monitoring, funding, interagency coordination, and other responsibilities
- 281–120.511(3) Procedures for resolving disputes
- 281–120.511(4) Delivery of services in a timely manner
- 281–120.801 Early ACCESS system—state level
- 281–120.803 System level disputes
- 281–120.804 Early ACCESS system—regional and community levels

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