

<b>UTAH DEPARTMENT OF HEALTH AND HUMAN SERVICES POLICY AND PROCEDURES</b>		
<b>Baby Watch Early Intervention Program Policy: 1.B.3</b>	<b>Page 1 of 10</b>	
<b>INDIVIDUAL FAMILY SERVICE PLAN (IFSP) DEVELOPMENT, IMPLEMENTATION AND REVIEW</b>		
<p><b>RATIONALE:</b> To ensure that all eligible infants and toddlers receive timely and high-quality Individual Family Service Plans (IFSP) that reflects their family concerns and priorities</p> <p><i>Related Policies, Applicable Standards, Statutes:</i></p> <p>34 CFR §303.209 Transition to preschool and other programs  34 CFR §303.303 Referral procedures  34 CFR §303.310 Post-referral timeline (45 days)  34 CFR §303.321 Evaluation of the child and assessment of the child and family  34 CFR §303.340 Individualized family service plan – general  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 §303.400 General responsibility of lead agency for procedural safeguards  34 CFR §303.420 Parental consent and ability to decline services  34 CFR §303.421 Prior written notice and procedural safeguards notice</p> <p>Baby Watch Policy 1.B.6: Eligibility Criteria  Baby Watch Policy 1.B.7: Timely, Comprehensive, Multi-disciplinary, Evaluation and Assessment  Baby Watch Policy 1.B.9: Statewide System of Early Intervention Services  Baby Watch Policy 1.B.10 Transition to Preschool and Other Programs</p>		
<b>Original Effective: 7/01/2013</b>	<b>Revision: February 2023</b>	<b>Next Review Due: 3 years after</b>

**I. DESCRIPTION**

Requirements for the development of Individualized Family Service Plans (IFSPs) in collaboration with parents and family within the 45-day timeline required by IDEA Part C

This policy supersedes any previous department policy governing this subject matter. It does not supplant any existing federal, state, or department laws/policies to which the department shall adhere.

**II. DEFINITIONS**

**Assessment:** As described in §303.321, the ongoing procedures used by qualified personnel to identify the child’s unique strengths and needs and the early intervention services appropriate to meet those needs throughout the period of the child’s eligibility.

**Consent:** As described in §303.7, consent means that:

- a. A parent has been fully informed of all information relevant to the activity for which consent is sought, in the parent’s native language;

- b. The parent understands and agrees in writing to the carrying out of the activity for which the parent's consent is sought, and the consent form describes that activity and lists the early intervention records (if any) that will be released and to whom they will be released; and,
- c. (1) The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time.  
(2) If a parent revokes consent, that revocation is not retroactive (i.e., it does not apply to an action that occurred before the consent was revoked).

**DHHS or department:** Utah Department of Health and Human Services and collectively all its operational units.

**Early Intervention Service (EIS) Provider:** As described in §303.12, an entity (whether public, private, or nonprofit) or an individual that provides services under Part C of Individuals with Disabilities Education Act (IDEA).

**Early Intervention Services:** As described in §303.13, developmental services that are:

- a. Provided under public supervision
- b. Selected in collaboration with the parents
- c. Provided at no cost, except where federal or state law provides for a system of payments by families, including a schedule of sliding fees
- d. Designed to meet the developmental needs of an infant or toddler with a disability and the needs of the family to assist appropriately in the child's development, as identified by the IFSP team
- e. Meet the standards of the State in which the early intervention services are provided, including the requirements of IDEA Part C
- f. Are provided by qualified personnel
- g. Are provided in natural environments to the maximum extent appropriate
- h. Are provided in conformity with an IFSP

**Evaluation:** As described in §303.321, the procedures used by qualified personnel to determine a child's initial and continuing eligibility.

**IFSP Team:** As described in §303.343, the individuals who collaborate to develop and carry out a child's IFSP and who attend IFSP Team Meetings. Each IFSP Team must include the following participants:

- 1) Parent or parents of the child
- 2) Other family members, as requested by the parent
- 3) An advocate or person outside of the family, if requested by the parent
- 4) Service coordinator
- 5) Individuals involved in conducting the evaluations and assessments
- 6) Future service providers, as appropriate

**IFSP Team Meeting:** As described in §303.342-3, a meeting in which the IFSP Team develops an initial or annual IFSP. Initial IFSP Team meetings must be conducted within 45 days of referral. Annual IFSP Team meetings must be conducted on at least a yearly basis.

**Individualized Family Service Plan (IFSP):** As described in §303.20, a written plan for providing early intervention services to an infant or toddler with a disability and their family.

**Initial Assessment:** As described in §303.321, the assessment of the child and the family conducted prior to the child's first IFSP meeting.

**Informed Clinical Opinion (ICO):** As described in §303.321, a basis for determining eligibility that takes into account all available assessment information, even when a test does not indicate the required percentage of state-identified delay or if the state-approved instrument is not appropriate for the particular child.

**Initial Evaluation:** As described in §303.321, the child's evaluation to determine his or her initial eligibility under Part C.

**Local Education Agency (LEA):** As described in §303.23, a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State. Public school districts, charter schools, and USDB may all serve as LEAs in Utah.

**Natural Environments:** As described in §303.26, settings that are natural or typical for same-aged children without disabilities, which may include the home or community settings, and the child and family's daily routines.

**OU:** Operational units within DHHS, including divisions, offices, or standalone operations whose director reports to the executive director, a deputy director, an assistant deputy director, or a division director.

**Parent Rights:** As described in §303.401-421, the rights of parents and children related to the confidentiality of personally identifiable information and early intervention records, as well as the right to parental consent and notice.

**Prior Written Notice:** According to §303.421, the notice provided to parents a reasonable time before the lead agency or an EIS provider proposes, or refuses, to initiate or change the identification, evaluation, or placement of their infant or toddler, or the provision of early intervention services to the infant or toddler with a disability and that infant's or toddler's family.

**Service Coordination (SC):** As described in §303.34, services provided by a service coordinator to assist and enable an infant or toddler with a disability and the child's family to receive the services and rights, including procedural safeguards, required under Part C.

**State Education Agency (SEA):** As described in §303.36, the state board of education or other agency or officer primarily responsible for the state supervision of public elementary schools and secondary schools.

### III. POLICY

- A. Post-Referral Timeline
  - 1. The initial evaluation and the initial assessments of the child and family and the initial IFSP meeting shall be completed within 45 days from the date the local EI program receives the referral of the child.
  - 2. The initial family assessment shall be conducted within the 45-day timeline, if the parent concurs, and even if other family members are unavailable.
  
- B. Prior Written Notice and Consent
  - 1. The contents of the IFSP shall be fully explained to the parents and informed written consent shall be obtained prior to the provision of early intervention services described in the IFSP.
    - a) The parents of a child may determine at any time whether they, their child, or other family members will accept or decline early intervention services under Part C.
    - b) Parents may decline a service after first accepting it, without jeopardizing other early intervention services.
  - 2. Prior written notice shall be provided to parents a reasonable time before the local EI program proposes, or refuses, to initiate or change the identification, evaluation or placement of their infant or toddler, or the provision of early intervention services to the infant or toddler with a disability and that infant's or toddler's family.
  
- C. Service Provision Timeline
  - 1. Each early intervention service shall be provided as soon as possible and no later than within 45 days after the parent provides written consent for that service; Day 1 of the 45 days being the day the consent is given.
  
- D. IFSP Meeting Types
  - 1. Initial IFSP Meeting: For a child referred to the local EI program and determined to be eligible for Part C services, a meeting to develop the initial IFSP shall be conducted within the 45-day time period.
  - 2. Periodic Review: A review of the IFSP for a child and their family shall be conducted every 6 months or more frequently if conditions warrant, or if the family requests such a review. The review may be carried out by a meeting or by another means that is acceptable to the parents and other participants. The purpose of the periodic review is to determine:
    - a) The degree to which progress toward achieving the results or outcomes identified in the IFSP is being made.
    - b) Whether modification or revision of the results, outcomes, or early intervention services identified in the IFSP is necessary.
  - 3. Annual IFSP Meeting to evaluate the IFSP: A meeting shall be conducted on an annual basis (within 30 days of the annual IFSP) to evaluate and revise, as appropriate, the IFSP for a child and their family, and to determine ongoing eligibility, unless the child is within 60 days of their 3<sup>rd</sup> birthday.
    - a) The results of any current evaluations and other information available from ongoing assessments of the child and family shall be

used in determining the early intervention services that are needed and to be provided.

- b) A child continues to be eligible for early intervention services who has any of the following:
  - 1) A documented diagnosis of a condition on the Baby Watch Approved Diagnosis List
  - 2) A standard score greater than 1.0 standard deviation (SD) below the mean or below the 16<sup>th</sup> percentile in any developmental domain on the state-required evaluation tool
  - 3) Met the eligibility criteria due to an Informed Clinical Opinion
- c) If the evaluation determines that a child is not initially eligible or no longer eligible for early intervention services, the local EI program shall provide the parent with prior written notice that includes information about the parent's right to appeal the eligibility determination through dispute resolution: written complaint, mediation, or due process hearing.

#### E. IFSP Meeting Accessibility and Attendance

- 1. All IFSP meetings shall:
  - a) Be conducted in settings and at times that are convenient for the family.
  - b) Be conducted in the native language of the family or other mode of communication used by the family, unless it is clearly not feasible to do so.
  - c) Ensure meeting arrangements are made with, and written notice provided to, the family and other participants early enough before the meeting date to ensure that they will be able to attend.
- 2. Initial and Annual IFSP Team Meetings shall include the following participants:
  - a) The parent(s) of the child.
  - b) Other family members, as requested by the parent(s), if feasible to do so.
  - c) An advocate or an individual outside of the family, if the parent(s) request that such person participate.
  - d) The service coordinator designated by the local EI program to be responsible for implementing the IFSP.
  - e) A person(s) directly involved in conducting the initial and or ongoing evaluations and assessments of the child and the family.
  - f) As appropriate, persons who will be providing early intervention services to the child or family.
  - g) If a person listed above is unable to attend a meeting, arrangements shall be made for the person(s) involvement through other means, including one of the following:
    - 1) Participating in a phone conference or virtual meeting
    - 2) Having a knowledgeable authorized representative attend the meeting
    - 3) Making pertinent records available at the meeting

- h) Periodic Reviews: shall include the participation of the following persons:
  - 1) The parent(s) of the child.
  - 2) Other family members, as requested by the parent(s), if feasible to do so.
  - 3) An advocate or person outside the family, if the parent(s) request that the person participate.
  - 4) The service coordinator designated by the local EI program to be responsible for implementing the IFSP.
  - 5) If conditions warrant, provisions shall be made for the participation of other representatives directly involved in conducting the evaluations and assessments and/or persons who will be providing early intervention services to the child and family.

F. Content of an IFSP

- 1. The IFSP is developed by the IFSP Team at the IFSP meeting(s). It is a written plan that includes, but is not limited to the following:
  - a) Demographic Data: Name, date of birth, ethnicity, and primary language spoken in the home.
  - b) Significant Dates: Date for projected initiation of the services (as soon as possible after the IFSP meeting, with parent consent, and within 45 days) and the anticipated duration of those services.
  - c) Information About the Child's Status: The IFSP shall include a statement of the child's present levels of physical development (including health, hearing, and vision), cognitive, communication, social-emotional, and adaptive development based on the information from the child's evaluation and assessments. The development of this statement shall:
    - i) Involve the family as full partners.
    - ii) Incorporate parent knowledge of, and understanding of the child's skills, behaviors, and functioning.
    - iii) Ensure the use of non-technical, understandable language.
    - iv) With parent consent, include results of assessments performed in all the areas listed above, including levels of development, which is based on professionally accepted objective criteria.
  - d) Family Information: With the concurrence of the family, the IFSP shall 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.
  - e) Results or Outcomes: The IFSP shall include a statement of the measurable results or measurable outcomes expected to be achieved for the child (including pre-literacy and language skills, as developmentally appropriate for the child) and family, and the criteria, procedures, and timelines used to determine:
    - i) The degree to which progress toward achieving the results or outcomes identified in the IFSP is being made.

- ii) Whether modifications or revisions of the expected results or outcomes, or early intervention services identified in the IFSP are necessary.
- f) Early Intervention Services: The IFSP shall 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 results or outcomes identified in the IFSP, including the:
- i) Frequency: The number of days or sessions that a service will be provided during a time period (week or month).
  - ii) Intensity: Whether the service is provided on an individual or group basis.
  - iii) Method: How a service is provided.
  - iv) Length: The length of time the service is provided during each session of that service (such as an hour or other specified time period).
  - v) Duration: Projecting when a given service will no longer be provided (such as when the child is expected to achieve the results or outcomes in his or her IFSP).
  - vi) Location: The actual place(s) where a service will be provided.
- g) Natural Environments: The IFSP shall include early intervention services provided in the natural environment for that child or service to the maximum extent appropriate or a justification as to why an EI service will not be provided in the natural environment. The determination of the appropriate setting for providing early intervention services to a child, including any justification for not providing a particular EI service in the natural environment shall be:
- i) Made by the IFSP Team (which includes the parent(s) and other team members).
  - ii) Consistent with the provisions in Part C, including those that allow services to be provided 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.
  - iii) Based on the child's outcomes that are identified by the IFSP Team in the IFSP.
  - iv) Supported by a Justification Statement which shall include an explanation of: a) Why the outcome cannot be met if the service is provided in the natural environment; b) How services provided in this location may be generalized within activity settings and routines of the family; c) A plan including timelines and supports necessary to move the service delivery to achieve the outcomes.
- h) Payment Arrangements: The IFSP shall include any payment arrangements.
- i) Other Services: To the extent appropriate, the IFSP shall also 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 Baby Watch; 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.

- j) Dates and Duration of Services: The IFSP shall include:
  - i) The projected date for the initiation of each early intervention service, which shall be as soon as possible after the parent consents to the service and no later than 45 days.
  - ii) The anticipated duration of each service.
- k) Service Coordinator: The IFSP shall include the name of the service coordinator from the profession most relevant to the child's or family's needs (or who is otherwise qualified to carry out all applicable responsibilities) who will be responsible for implementing the early intervention services identified in the child's IFSP, including transition services, and coordination with other agencies and persons.
- l) Transition from Early Intervention Services: The IFSP shall include the steps and services to be taken to support a smooth transition of the child from Part C services to Part B preschool services, or other services as appropriate. The transition steps and services shall include, but are not limited to:
  - i) Discussions with, and training of, parents, as appropriate, regarding future placements and other matters related to the child's transition, including Referral Notification to the SEA/LEA, unless the parent declines this notification in writing.
  - ii) Completion of a transition plan including procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting, and identification of transition services and other activities that the IFSP Team determines are necessary to support the transition of the child.
  - iii) With parent consent, transmission of the EI record needed by the LEA to ensure continuity of services from the Part C to Part B, including a copy of the most recent evaluation and assessments of the child and the family, and the most recent IFSP.
- m) Signatures, Titles, and Dates: The IFSP shall include the date of the meeting, signatures, and titles of all parties in attendance.
- n) Interim IFSP: Early intervention services for an eligible child and the child's family may commence before the completion of the evaluation and assessments, if the following conditions are met:
  - i) Parent consent is obtained.
  - ii) An interim IFSP is developed that includes:
    - a) The name of the service coordinator who will be responsible for implementing the interim IFSP and coordinating with other agencies and persons.
    - b) The early intervention services that have been determined to be needed immediately by the child and family.
    - c) Evaluations and assessments are completed within the 45-day timeline.



#### G. Responsibility and Accountability

1. Each public agency or local EI program that has a direct role in the provision of early intervention services is responsible for making a good faith effort to assist each eligible child in achieving the outcomes in the child's IFSP.
2. However, Part C does not require that any public agency or local EI program be held accountable if an eligible child does not achieve the growth projected in the child's IFSP.

### IV. PROCEDURE

#### A. Post-Referral Timeline

1. Noncompliance in meeting the 45-day timeline is early intervention service provider-caused when any of the following circumstances apply:
  - a) Holiday and/or seasonal breaks
  - b) Late attempts to schedule or reschedule service
  - c) Scheduling difficulties - early intervention service provider can't meet family schedule
  - d) Service provider not assigned
  - e) Staff not available (shortage, sick leave)
  - f) Unable to find interpreter
  - g) School district circumstances
2. The early intervention service provider shall:
  - a) Document in the child's EI record the circumstances contributing to the noncompliance.
  - b) Complete the initial evaluation/assessments and initial IFSP meeting as soon as possible.
  - c) Correct the noncompliance as soon as possible, but in no case later than one year from the date of the written notification of the finding of noncompliance.

### V. EXCEPTIONS

- A. The 45-day post-referral timeline shall NOT apply when:
  1. A child is referred less than 45-days prior to their third birthday. The local EI program is NOT required to conduct the initial evaluation, assessment or IFSP meeting. In the event the child may be eligible for Part B special education preschool services or other services under Part B of IDEA, with parent consent, the local EI program shall refer the child to the SEA and appropriate LEA.
  2. The parent has not provided consent for the initial evaluation or the initial assessments of the child, despite documented repeated attempts by the local EI program to obtain parental consent.
  3. The child or parent is unavailable to complete the initial evaluation, the initial assessments, or the initial IFSP meeting due to exceptional family circumstances, as noted below, and as documented in the child's EI record:
    - a) Cancel - no reason given
    - b) Child or family illness

- c) Extreme weather conditions or natural disasters
  - d) Missed appointment
  - e) Moved/could not be located
  - f) Not responding to contact attempts
  - g) Requested service be rescheduled
  - h) Withdrew child from the local EI program
  - i) Late enrollment (applies to Transition meeting delays)
4. In the event the described exceptional family circumstances exist, the local EI program shall:
- a) Document in the child's EI record the exceptional family circumstances or repeated attempts by the local EI program to obtain parental consent.
  - b) Complete the initial evaluation, the initial assessments of the child and family, and the initial IFSP meeting as soon as possible, when the documented exceptional family circumstances no longer exist or parental consent is obtained for the initial evaluation and the initial assessment of the child.
  - c) Develop and implement an interim IFSP, as appropriate, if parental consent is obtained and early intervention services determined necessary before the evaluation and assessments are completed.