

## **PART C LEAD AGENCY POLICIES AND ASSURANCES**

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## **ASSURANCES AND CERTIFICATIONS (A-1)**

The Iowa Department of Education as the Lead Agency has filed the following assurances and certifications with the U.S. Department of Education.

### **Assurances**

#### **Non-Construction Programs**

As applicable, the assurance in OMB Standard Form 424(B) (Assurances for Non-Construction Programs), relating to legal authority to apply for assistance; access to records; conflict of interest, merit systems; nondiscrimination; Hatch Act provisions, labor standards; flood insurance; environmental standards; wild and scenic river systems, historic preservation; protection of human subjects; animal welfare; lead-based paint; Single Audit Act; and general agreement to comply with all Federal laws, executive orders and regulations is in place. [2006 Assurance #1]

#### **Appropriate Use of Funds**

The Iowa Department of Education ensures that Federal funds made available under IDEA, Part C will be expended in accordance with IDEA, Part C. [2006 Assurance #18]

#### **Methods to Establish Financial Responsibility for Early Intervention Services**

The Iowa Department of Education as designated Lead Agency assures it has methods in place to comply with the requirements of 20 U.S.C. 1440(b)(2). [2006 Assurance #19]

#### **Control of Funds and Title to Property**

The Iowa Lead Agency as designated Lead Agency ensures that the control of funds and property derived from Part C funds will be used in a public agency for the uses and purposes provided in Part C and that a public agency will administer such funds and property. [2006 Assurance #20]

#### **Provision and Access of Reports**

## Part C Lead Agency Policies and Assurances

The Iowa Lead Agency as designated Lead Agency ensures that provisions shall be made for (A) making such reports in such form and containing such information as the Secretary may require to carry out the Secretary's functions under Part C; and (B) keeping such reports and affording such access to the reports as the Secretary may find necessary to ensure the correctness and verification of those reports and proper disbursement of Federal funds under Part C. [2006 Assurance #21]

### **Commingling and Supplanting of Funds Restrictions**

The Iowa Department of Education as designated Lead Agency provides assurance that Federal funds will not be commingled with State funds. Federal funds will be used to supplement the level of State and local funds expended for infants and toddlers with disabilities and their families and in no case used to supplant State and local funds. [2006 Assurance # 22]

### **Disbursement and Accountability**

The Iowa Department of Education as designated Lead Agency ensures that fiscal control and fund accounting procedures are adopted as necessary to ensure proper disbursement of, and accounting for, Federal funds paid (under Section 643) to the State. [2006 Assurance #23]

### **Other Information and Assurances as Required**

The Iowa Department of Education as designated Lead Agency assures other information and assurances will be provided to the Secretary of Education that may be reasonably required by regulation. [2006 Assurance #25]

## **Certifications**

The State certifies that ED Form 80-0013, Certification Regarding Lobbying, is on file with the Secretary of Education. With respect to the Certification regarding Lobbying the State recertifies that no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making or renewal of Federal grants under this program; that the State shall complete and submit Standard Form-LLLL, "Disclosure Form to Report Lobbying," when required (35 CFR Part 82, Appendix B); and that the State Agency shall require the full certification, as set forth in 34 CFR Part 82, Appendix A, in the award documents for all sub awards at all tiers.

## Part C Lead Agency Policies and Assurances

The state certifies it has met the certifications in the Education Department General Administrative Regulations (EDGAR) 34 CFR §80.11, relating to State eligibility, authority and approval to submit and carry out the provisions of its State application, and consistency of the application with State law are in place within the state.

The State certifies that the methods or arrangements to establish financial responsibility for early intervention services provided under Part C pursuant to 20 U.S.C. 1440(b) are current as of November 14, 2012.

### **Legal References**

#### Assurances and Certifications

#### **Federal Requirements:**

- 20 U.S.C. 637(a)(2) State application and assurances
- 20 U.S.C. 637(b)(1) State application and assurances
- 20 U.S.C. 637(b)(2) State application and assurances
- 20 U.S.C. 637(b)(3) State application and assurances
- 20 U.S.C. 637(b)(5) State application and assurances
- 20 U.S.C. 637(b)(6) State application and assurances
- 20 U.S.C. 637(b)(8) State application and assurances
- 20 U.S.C. 638 Uses of funds
- 20 U.S.C. 640 Payor of last resort

## **STATEWIDE SYSTEM REQUIREMENTS (A-2)**

The Iowa Department of Education, as Lead Agency, provides a statewide system of coordinated, comprehensive, multidisciplinary, interagency programs providing appropriate early intervention services based on scientifically-based research, to the extent practicable, to all eligible infants and toddlers and their families, including Indian infants and toddlers and their families residing on a reservation geographically located in the state; infants and toddlers with disabilities who are homeless children and their families; and infants and toddlers with disabilities who are wards of the state.

In Iowa, this system is known as Early ACCESS and services are provided in accordance with Part C-Individuals with Disabilities Education Improvement Act of 2004. The required components of that system follow:

- State definition of developmental delay
- Availability of early intervention services
- Evaluation, assessment, and nondiscriminatory procedures
- Individual family service Plan (IFSP)
- Comprehensive child find system
- Public awareness program
- Central directory
- Comprehensive system of personnel development (CSPD)
- Personnel standards
- Lead agency role in supervision, monitoring, funding, interagency coordination, and other responsibilities
- Policy for contracting or otherwise arranging for services
- Reimbursement procedures
- Procedural safeguards
- Data collection
- State interagency coordinating council
- Early intervention services in natural environments

## **Legal Requirements**

### Statewide System Requirements

#### **Federal Requirements:**

- 20 U.S.C. 1433      General Authority
- 20 U.S.C. 1434      Eligibility
- 20 U.S.C. 1435(a)(2) Requirements for Statewide System

#### **Iowa Requirements:**

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

- 281—120.110      Minimum components of a statewide system

Posted 2-19-2013

## EVALUATION PROCEDURES (A-3)

### Evaluation of Infant, Toddler, and Family Needs

The Iowa Department of Education, as Lead Agency, ensures that, subject to obtaining parental consent, each child under the age of three who is referred for evaluation or early intervention services under Part C and is suspected of having a disability, receives:

- A timely, comprehensive, multidisciplinary evaluation of the child in accordance with Iowa Administrative Rules unless eligibility is established by review of medical and other records and those records indicate that the child’s level of functioning in one or more developmental area constitutes a developmental delay; and
- If the child is determined eligible as an infant or toddler with a disability:
  - A multidisciplinary assessment of the unique strengths and needs of that infant or toddler and the identification of services appropriate to meet those needs;
  - A family-directed assessment of 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 developmental needs of that infant or toddler. The assessments of the child and family may occur simultaneously with the evaluation, provided that the procedures for evaluation of the child are met.

### Definitions

“Multidisciplinary” means the involvement of two or more separate disciplines or professions and with respect to:

- Evaluation of the child and assessments of the child and family, and may include one individual who is qualified in more than one discipline or profession; and
- The IFSP Team must include the involvement of the parent and two or more individuals from separate disciplines or professions and one of these individuals must be the service coordinator.

“Evaluation” means the procedures used by qualified personnel to determine a child’s initial and continuing eligibility under this Part C, consistent with the definition of infant or toddler with a disability.

An “initial evaluation” refers to the child’s evaluation to determine his or her initial eligibility under Part C.

“Assessment” means 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 under Part C and includes the assessment of the child and the assessment of the child’s family.

“Initial assessment” refers to the assessment of the child and the family assessment conducted prior to the child’s first IFSP meeting.

### **General procedures**

A child’s medical and other records may be used to establish eligibility (without conducting an evaluation of the child) if those records indicate that the child’s level of functioning in one or more of the developmental areas constitutes a developmental delay or that the child otherwise meets the criteria for an infant or toddler with a disability. If the child’s Part C eligibility is established under this paragraph, the public agency or EIS provider must conduct assessments of the child and family in accordance with Iowa Administrative Rules.

Qualified personnel must use informed clinical opinion when conducting an evaluation and assessment of the child. In addition, the Lead Agency ensures that informed clinical opinion may be used as an independent basis to establish a child’s eligibility under Part C even when other instruments do not establish eligibility; however, in no event may informed clinical opinion be used to negate the results of evaluation instruments used to establish eligibility

All evaluations and assessments of the child and family must be conducted by qualified personnel, in a nondiscriminatory manner, and selected and administered so as not to be racially or culturally discriminatory. Unless clearly not feasible to do so, all evaluations and assessments of a child must be conducted in the native language of the child. Unless clearly not feasible to do so, family assessments must be conducted in the native language of the family members being assessed.

Native language, when used with respect to an individual who is limited English proficient or LEP means the language normally used by that individual, or, in the case of a child, the language normally used by the parents of the child, except for evaluations and assessments conducted. For evaluations and assessments, native language means the language normally used by the child, if determined developmentally appropriate for the child by qualified personnel conducting the evaluation or assessment.

Native language, when used with respect to an individual who is deaf or hard of hearing, blind or visually impaired, or for an individual with no written language, means the mode of communication that is normally used by the individual (such as sign language, Braille, or oral communication).

### **Procedures for Evaluation of the Child**

In conducting an evaluation, no single procedure may be used as the sole criterion for determining a child’s eligibility under Part C. Procedures must include:

- Administering an evaluation instrument;
- Taking the child’s history (including interviewing the parent);



- Identifying the child’s level of functioning in each of the following developmental areas: cognitive, physical including vision and hearing, communication, social or emotional, adaptive;
- Gathering information from other sources such as family members, other care-givers, medical providers, social workers, and educators, if necessary, to understand the full scope of the child’s unique strengths and needs; and
- Reviewing medical, educational, or other records.

### **Procedures for Assessment of the Child and Family**

An assessment of each infant or toddler with a disability must be conducted by qualified personnel in order to identify the child’s unique strengths and needs and the early intervention services appropriate to meet those needs. The assessment of the child must include the following:

- A review of the results of the evaluation;
- Personal observations of the child; and
- The identification of the child’s needs in each of the following developmental areas: cognitive, physical including vision and hearing, communication, social or emotional, adaptive.

A family-directed assessment must be conducted by qualified personnel in order to identify the family’s resources, priorities, and concerns and the supports and services necessary to enhance the family's capacity to meet the developmental needs of the family's infant or toddler with a disability. The family-directed assessment 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.

The Regional Grantees have the fiscal and legal obligation for ensuring that the Early ACCESS system is implemented regionally. This obligation ensures that procedures are developed and implemented for each referred infant or toddler, birth to age three years.

**Legal References**

Evaluation 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

281—120.804(1) Early ACCESS grantees

Posted 2-19-2013

## **INDIVIDUALIZED FAMILY SERVICE PLANS (IFSPs) (A-4)**

### **Assessment and Program Development**

The Iowa Department of Education, as Lead Agency, provides, at a minimum, for each infant or toddler with a disability, and the infant's or toddler's family:

- a multidisciplinary assessment of the unique strengths and needs of the infant or toddler and identifies appropriate services;
- a family-directed assessment of the resources, priorities, and concerns of the family and identifies supports and services necessary to enhance the family's capacity to meet the developmental needs of the infant or toddler; and
- a written individualized family service plan developed by a multidisciplinary team, including the parents, with a description of the appropriate transition services for the infant or toddler.

### **Periodic Review**

The individualized family service plan will be evaluated once a year and the family provided a review of the plan every six months (or more often where appropriate, based on infant or toddler and family needs).

### **Promptness after Assessment**

The individualized family service plan will be developed within a reasonable time after the assessment. Early intervention services may begin prior to the completion of the assessment with the parents' consent.

### **Content of an IFSP**

The Iowa Department of Education, as Lead Agency, assures that contents of the IFSP will be in writing and include a statement of:

- The infant's or toddler's present levels of physical development; cognitive development; communication development; social or emotional development; and adaptive development, based on objective criteria;
- The family's resources, priorities, and concerns relating to enhancing the development of the family's infant or toddler with a disability;
- The measurable outcomes expected to be achieved for the infant or toddler and the family (including developmentally appropriate pre-literacy and language skills) criteria,

procedures, and timelines to determine progress and whether modifications or revisions of the results or outcomes or services are necessary;

- The specific early intervention services (based on peer-reviewed research to the extent practicable), necessary to meet the unique needs of the infant and toddler and the family, including the frequency, intensity and method of delivering services;
- The natural environments in which early intervention services will be appropriately provided, including justification of the extent, if any, the services will not be provided in a natural environment;
- The projected dates for initiation of services and the anticipated length, duration, and frequency of the services;
- The identification of the service coordinator from the profession most immediately relevant to the infant's or toddler's or family's needs (or who is otherwise qualified to carry out all applicable responsibilities) who will be responsible for the implementation of the plan and coordination with other agencies and persons, including transition services;
- The steps to be taken to support the transition of the toddler with a disability to preschool or other appropriate services.

### **Parental Consent**

The contents of the individualized family service plan will be fully explained to the parents and informed written consent from the parents obtained prior to early intervention services being provided. If the parents do not provide consent with respect to a particular early intervention service, then only the early intervention services to which consent is obtained shall be provided.

Procedures 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 are required of Early ACCESS Regional Grantees. Procedures must be in accordance with Iowa Administrative Rules for Early ACCESS.

Early ACCESS Regional Grantees have the fiscal and legal obligation for ensuring that the Early ACCESS system is carried out regionally. This legal obligation ensures that an IFSP will be developed and implemented for each eligible child and family according to IFSP requirements. 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.

**Legal References**

Individualized Family Service Plan (IFSPs)

**Federal Requirements:**

20 U.S.C. 636 Individualized Family Service Plans (IFSPs)

20 U.S.C. 635(a)(4) Requirements for Statewide System

Adopted 11-23-05

## **PUBLIC AWARENESS PROGRAM (A-5)**

The Iowa Department of Education, as Lead Agency, provides a public awareness program that focuses on the early identification of infants and toddlers with disabilities who are eligible to receive early intervention services. The public awareness program includes the preparation and dissemination of materials to parents of premature infants or infants with other physical risk factors associated with learning or developmental complications, regarding the availability of early intervention services provided by primary referral sources (hospitals and physicians).

The Regional Grantees have the fiscal and legal obligation for ensuring that the Early ACCESS public awareness activities are carried out. Regional Grantees are required to have policies and procedures in place for public awareness programs. The Regional Grantees are designated by the Lead Agency, and exist in geographic areas that ensure statewide coverage.

### **Legal References**

#### Public Awareness Program

#### **Federal Requirements:**

- 20 U.S.C. 619            Availability of early intervention services
- 20 U.S.C. 635(a)(6)   Requirements for a statewide system: public awareness program
- 20 U.S.C.635(a)(10)   Designated Lead Agency

Adopted 11-23-05

## **CENTRAL DIRECTORY (A-6)**

The Iowa Department of Education, as Lead Agency, assures that a central directory of information is available to families of infants and children with disabilities, as well as the general public, that includes the following information:

- Early intervention services, resources and experts available in the state; and
- Research and demonstration projects being conducted in the state.

### **Legal References** Central Directory

#### **Federal Requirements:**

20 U.S.C. 635(a)(7) Central Directory

9-15-05

## **COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT (CSPD) (A-7)**

The state of Iowa has developed and is implementing an interagency comprehensive system of personnel development (CSPD) that is consistent with the requirements of IDEA Part B to ensure sufficient number of qualified and skilled providers of Early ACCESS supports and services.

This personnel development system:

1. Provides for preservice and inservice training conducted on an interdisciplinary basis to the extent appropriate;
2. Provides for training of a variety of personnel needed to meet the requirements of IDEA, Part C, including public and private providers, primary referral sources, paraprofessionals, and persons who will serve as service coordinators; and
3. Ensures that the training provided relates specifically to:
  - Understanding the basic components of early intervention services available in Iowa;
  - Meeting the interrelated social/emotional, health, developmental, and educational needs of eligible children under IDEA, Part C; and
  - Assisting families in enhancing the development of their children, and in fully participating in the development and implementation of IFSPs.

The state of Iowa ensures that training is consistent with the CSPD and shall include:

1. Implementing innovative strategies and activities for the recruitment and retention of early intervention service providers;
2. Promoting the preparation of early intervention providers who are fully and appropriately qualified to provide early intervention services;
3. Training personnel to work throughout the state; and
4. Training personnel to coordinate transition services for eligible children from an early intervention program in Early ACCESS to a Part B preschool program or to other preschool or other appropriate services.

The state of Iowa assures the CSPD is developed and implemented at the regional level through the Early ACCESS Grantees' annual application for Part C funds, annual reports, and the monitoring of compliance. Grantees have the fiscal and legal obligation for ensuring that the Early ACCESS is carried out regionally in accordance with the Iowa Administrative Rules for Early ACCESS. Grantees are designated by the lead agency, and exist in geographic areas that ensure statewide CSPD implementation.



**Legal References**

Comprehensive System of Personnel Development (CSPD)

**Federal Requirements:**

20 U.S.C. 635(a)(8)(A) and (B)      Comprehensive system of personnel development

9-15-05

## PERSONNEL STANDARDS POLICY (A-8)

It is the policy of the state of Iowa that personnel standards are consistent with the following:

- ***Appropriate professional requirements*** means that entry-level requirements for qualified and skilled providers of Early ACCESS supports and services:
  1. are based on the highest requirements in the state applicable to the profession or discipline in which a person is providing early intervention services and
  2. establishes suitable qualifications for personnel providing early intervention services to eligible children and their families who are served by state, local and private agencies.
- ***Highest requirements in the state applicable to specific profession or discipline*** means the highest entry level academic degree needed for any state approval or recognized certification, licensing, registration or other comparable requirements that apply to that profession or discipline.
- ***Profession or Discipline*** means a specific occupational category that:
  1. Provides early intervention services to eligible children/families;
  2. Has been established or designated by the state; and,
  3. Has a required scope of responsibility and degree of supervision.
- ***State approved or recognized certification, licensing, registration, or other comparable requirements*** means the requirements that a state legislature either has enacted or has authorized a state agency to promulgate through rules to establish the entry-level standards for employment in a specific profession or discipline in that state.
- ***Qualified providers.*** Providers of early intervention services shall meet the certification and licensure requirements of the licensing body governing the type of support or service being provided as a part of the child's IFSP.

Policies and procedures for the establishment and maintenance of standards to ensure that personnel necessary to carry out the requirements of the Iowa Administrative Rules for Early ACCESS, including paraprofessionals and assistants, are appropriately and adequately prepared and trained are required of regional Early ACCESS Grantees. Grantees have the fiscal and legal obligation for ensuring that the Early ACCESS system is carried out regionally. Grantees are designated by the lead agency, and exist in geographic areas that ensure statewide. Policies and procedures must be in accordance with the Iowa Administrative Rules for Early ACCESS.

It is the policy of the state of Iowa to utilize the personnel standards of signatory agencies for the provision of early intervention services. This is consistent with the collaborative interagency 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 required to determine the status of licensed personnel is on file in two locations:

Part C Lead Agency Policies and Assurances

- Iowa Department of Education’s Bureau of Practitioner Preparation and Licensure
- Iowa Department of Public Health’s Bureau of Professional Licensure.

The professional standards by discipline for the state of Iowa can be found at the end of this section.

The Board of Educational Examiners and Licensure 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 state of Iowa 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 of Early ACCESS regional grantees.

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

The state of Iowa assures that personnel standard policies and procedures are implemented throughout Iowa through the Grantees’ annual application for Part C funds, annual report and the monitoring of compliance at the regional level.

**Iowa Personnel Standards  
Updated May 2006**

| DISCIPLINE                 | EDUCATIONAL QUALIFICATIONS    | CERTIFICATE OR LICENSE   | NOTE |
|----------------------------|-------------------------------|--|------|
| Audiologist                | Master’s Degree or equivalent | Licensed by the Speech Pathology and Audiology Board of the Iowa Dept. of Public Health. |      |
| Audiologist –<br>Education | Master’s Degree               | Licensed by Board of Educational Examiners   |      |

Part C Lead Agency Policies and Assurances

| DISCIPLINE                                     | EDUCATIONAL QUALIFICATIONS  | CERTIFICATE OR LICENSE   | NOTE |
|--|---|--|------|
| Audiology Assistant                            | Complete a high school education, or its equivalent; and complete one of the following:<br><br>1. A three-semester-hour (or four-quarter-hour) course in audiology from an accredited educational institution and 15 hours of instruction in the specific tasks which the assistant will be performing; or<br>2. A minimum training period comprised of 75 clock hours on instruction and practicum experience. | Licensed by the Speech Pathology and Audiology Board of the Iowa Dept. of Public Health.                                 |      |
| Consultant – Early Childhood Special Education | Master’s Degree   | Licensed by Board of Educational Examiners   |      |
| Counselor – Mental Health                      | Master’s Degree   | Licensed by the Iowa Board of Behavioral Science Examiners of the Iowa Dept. of Public Health.                           |      |
| Dietitian                                      | Bachelor’s Degree   | Licensed by the Iowa Board of Examiners for Dietetics of the Iowa Dept. of Public Health.                                |      |
| Early Childhood Special Education              | Bachelor’s Degree   | Licensed by the Board of Educational Examiners   |      |
| Early Childhood - Education (Unified)          | Bachelor’s Degree   | Licensed by the Board of Educational Examiners   |      |
| Interpreter of the Deaf                        | National Certification or acceptable level on performance-based test.   | Iowa Board of Interpreter for the Hearing Impaired Examiners of the Iowa Dept. of Public Health                          |      |
| Nurse, LPN                                     | 1 year of training  | Licensed by the Iowa Board of Nursing  |      |
| Nurse, RN                                      |   | Licensed by the Iowa Board of Nursing  |      |
| School Nurse                                   | Bachelor’s degree   | Licensed by Board of Educational Examiners and Licensed by the Iowa Board of Nursing                                     |      |
| Nurse – Special Education                      | Bachelor’s degree.  | Licensed by the Iowa Board of Nursing and Statement of Professional Recognition issued by Board of Educational Examiners |      |

Part C Lead Agency Policies and Assurances

| DISCIPLINE                          | EDUCATIONAL QUALIFICATIONS  | CERTIFICATE OR LICENSE  | NOTE   |
|-------------------------------------|---|---|--|
| Occupational Therapist              | Complete the requirements for a degree in occupational therapy in an occupational therapy program accredited by the Accreditation Council for Occupational Therapy Education of the American Occupational Therapy Association. The transcript shall show completion of a supervised fieldwork experience. | Licensed by Iowa Board of Physical and Occupational Therapy Examiners of the Iowa Dept. of Public Health.   |  |
| Occupational Therapist - education  | Bachelor's Degree   | Licensed by the Iowa Board of Physical and Occupational and Therapy and<br><br>Statement of Professional Recognition issued by Board of Educational Examiners                               |  |
| Optometrist                         | Doctor of Optometry Degree  | Licensed by the Iowa Board of Optometry Examiners of the Iowa Dept. of Public Health  |  |
| Orientation and Mobility Specialist | Certified Orientation and Mobility Specialist (COMS)  |   | No licensure or statewide certification policy |
| Paraeducator                        | Completion of the paraeducator preparation program from a recognized and approved program.  | Certificate issued by Board of Educational Examiners  |  |
| Physical Therapist                  | Graduation from a physical therapy program accredited by a national accreditation agency approved by the board. BS or BA or higher.   | Licensed by Iowa Board of Physical and Occupational Therapy Examiners of the Iowa Dept. of Public Health  |  |
| Physical Therapist -Education       | Bachelor's Degree   | Licensed by Iowa Board of Physical and Occupational Therapy Examiners of the Iowa Dept. of Public Health and Statement of Professional Recognition issued by Board of Educational Examiners |  |
| Physical Therapist Assistant        | Graduation from a PTA program accredited by a national accreditation agency approved by the board.  | Licensed by Iowa Board of Physical and Occupational Therapy Examiners of the Iowa Dept. of Public Health  |  |

Part C Lead Agency Policies and Assurances

| DISCIPLINE                              | EDUCATIONAL QUALIFICATIONS  | CERTIFICATE OR LICENSE  | NOTE |
|---|---|---|------|
| Physician                               | Medical Degree  | Licensed by the Iowa Board of Medical Examiners of the Iowa Dept. of Public Health  |      |
| Psychologist                            | Doctoral Degree   | Licensed by the Iowa Board of Psychology Examiners or the Iowa Dept. of Public Health   |      |
| Psychologist - Education                | Master's Degree   | Licensed by Iowa Board of Educational Examiners   |      |
| Social Worker                           | Bachelor Level – Bachelor's Degree<br>Master Level – Master's Degree<br>Independent Level – Master's Degree | Licensed by the Iowa Board of Social Work Examiners of the Iowa Dept. of Public Health  |      |
| Social Worker – education               | Master's Degree   | Licensed or Statement of Professional Recognition issued by Iowa Board of Educational Examiners - and- licensed by Board of Social Work Examiners of the Iowa Dept. of Public Health  |      |
| Speech/Language Pathologist             | Master's Degree or equivalent   | Licensed by the Speech Pathology and Audiology Board of the Iowa Dept. of Public Health   |      |
| Speech/Language Pathologist – Education | Master's Degree   | 1. License issued by Board of Educational Examiners or<br>2. Licensed by the Speech Pathology and Audiology Board of the Iowa Dept. of Public Health and a Statement of Professional Recognition issued by the Board of Educational Examiners |      |

Part C Lead Agency Policies and Assurances

| DISCIPLINE                                  | EDUCATIONAL QUALIFICATIONS  | CERTIFICATE OR LICENSE  | NOTE |
|---|---|---|------|
| Speech/Language Pathology Assistant I or II | Complete a high school education, or its equivalent; and complete one of the following:<br><br>1. A three-semester-hour (or four-quarter-hour) course in introductory speech and language pathology from an accredited educational institution and 15 hours of instruction in the specific tasks which the assistant will be performing;<br><br>or<br><br>2. A minimum training period comprised of 75 clock hours on instruction and practicum experience. | Licensed by the Speech Pathology and Audiology Board of the Iowa Dept. of Public Health |      |
| Targeted Case Manager                       | Bachelor's Degree or licensed Registered Nurse  | Certified by Iowa Department of Human Services  |      |
| Teacher of Deaf and Hard of Hearing         | Bachelor's Degree.  | Licensed by Board of Educational Examiners.   |      |
| Teacher of Students with Visual Impairments | Bachelor's Degree.  | Licensed by Board of Educational Examiners  |      |

| DISCIPLINE                         | EDUCATIONAL QUALIFICATIONS  | CERTIFICATE OR LICENSE  | NOTE |
|------------------------------------|---|---|------|
| Occupational Therapist             | Complete the requirements for a degree in occupational therapy in an occupational therapy program accredited by the Accreditation Council for Occupational Therapy Education of the American Occupational Therapy Association. The transcript shall show completion of a supervised fieldwork experience. | Licensed by Iowa Board of Physical and Occupational Therapy Examiners of the Iowa Dept. of Public Health.   |      |
| Occupational Therapist - education | Bachelor's Degree   | Licensed by the Iowa Board of Physical and Occupational and Therapy and<br><br>Statement of Professional Recognition issued by Board of Educational Examiners |      |

Part C Lead Agency Policies and Assurances

| DISCIPLINE                          | EDUCATIONAL QUALIFICATIONS  | CERTIFICATE OR LICENSE  | NOTE   |
|-------------------------------------|---|---|--|
| Optometrist                         | Doctor of Optometry Degree  | Licensed by the Iowa Board of Optometry Examiners of the Iowa Dept. of Public Health  |  |
| Orientation and Mobility Specialist | Certified Orientation and Mobility Specialist (COMS)  |   | No licensure or statewide certification policy |
| Paraeducator                        | Completion of the paraeducator preparation program from a recognized and approved program.  | Certificate issued by Board of Educational Examiners  |  |
| Physical Therapist                  | Graduation from a physical therapy program accredited by a national accreditation agency approved by the board. BS or BA or higher. | Licensed by Iowa Board of Physical and Occupational Therapy Examiners of the Iowa Dept. of Public Health  |  |
| Physical Therapist –Education       | Bachelor’s Degree   | Licensed by Iowa Board of Physical and Occupational Therapy Examiners of the Iowa Dept. of Public Health and Statement of Professional Recognition issued by Board of Educational Examiners |  |
| Physical Therapist Assistant        | Graduation from a PTA program accredited by a national accreditation agency approved by the board.                                  | Licensed by Iowa Board of Physical and Occupational Therapy Examiners of the Iowa Dept. of Public Health  |  |
| Physician                           | Medical Degree  | Licensed by the Iowa Board of Medical Examiners of the Iowa Dept. of Public Health  |  |
| Psychologist                        | Doctoral Degree   | Licensed by the Iowa Board of Psychology Examiners or the Iowa Dept. of Public Health   |  |
| Psychologist - Education            | Master’s Degree   | Licensed by Iowa Board of Educational Examiners   |  |
| Social Worker                       | Bachelor Level – Bachelor’s Degree<br>Master Level – Master’s Degree<br>Independent Level – Master’s Degree                         | Licensed by the Iowa Board of Social Work Examiners of the Iowa Dept. of Public Health  |  |



Part C Lead Agency Policies and Assurances

| DISCIPLINE                                  | EDUCATIONAL QUALIFICATIONS  | CERTIFICATE OR LICENSE  | NOTE |
|---|---|---|------|
| Social Worker – education                   | Master’s Degree   | Licensed or Statement of Professional Recognition issued by Iowa Board of Educational Examiners - and- licensed by Board of Social Work Examiners of the Iowa Dept. of Public Health  |      |
| Speech/Language Pathologist                 | Master’s Degree or equivalent   | Licensed by the Speech Pathology and Audiology Board of the Iowa Dept. of Public Health   |      |
| Speech/Language Pathologist – Education     | Master’s Degree   | 1. License issued by Board of Educational Examiners or<br>2. Licensed by the Speech Pathology and Audiology Board of the Iowa Dept. of Public Health and a Statement of Professional Recognition issued by the Board of Educational Examiners |      |
| Speech/Language Pathology Assistant I or II | Complete a high school education, or its equivalent; and complete one of the following:<br><br>1. A three-semester-hour (or four-quarter-hour) course in introductory speech and language pathology from an accredited educational institution and 15 hours of instruction in the specific tasks which the assistant will be performing;<br><br>or<br><br>2. A minimum training period comprised of 75 clock hours on instruction and practicum experience. | Licensed by the Speech Pathology and Audiology Board of the Iowa Dept. of Public Health   |      |
| Targeted Case Manager                       | Bachelor’s Degree or licensed Registered Nurse  | Certified by Iowa Department of Human Services  |      |
| Teacher of Deaf and Hard of Hearing         | Bachelor’s Degree.  | Licensed by Board of Educational Examiners.   |      |
| Teacher of Students with Visual Impairments | Bachelor’s Degree.  | Licensed by Board of Educational Examiners  |      |

**Legal References**

Personnel Standards

**IDEA 1997 Federal Requirements:**

34 CFR 303.361 Personnel standards

**IDEA 2004 Federal Requirements:**

20 U.S.C. 632(4)(F) Qualified Personnel

20 U.S.C. 635(a)(9) Personnel Qualifications

**Iowa Requirements:**

*Iowa Administrative Rules for Early ACCESS:*

281—120.4 Definitions...“Grantee”

281—120.7(4) Signatory agencies

281—120.8(1) Early ACCESS grantees

281—120.19 Comprehensive System of Personnel Development (CSPD)

Adopted 5-15-03

## **LEAD AGENCY DESIGNATION AND RESPONSIBILITIES (A-9)**

The Iowa Department of Education, as Lead Agency, has a single line of responsibility designated or established by the Governor for carrying out:

- general administration and supervision of programs and activities receiving assistance under Section 633, and the monitoring of programs and activities used by the State to carry out this part, whether or not such programs or activities are receiving assistance made available under Section 633, to ensure that the State complies with this part;
- identification and coordination of all available resources within the state from Federal, State, local, and private sources;
- assignment of financial responsibility in accordance with section 637(a)(2) to the appropriate agencies;
- development of procedures to ensure that services are provided to infants and toddlers with disabilities and their families in a timely manner pending the resolution of any disputes among public agencies or service providers;
- resolution of intra- and interagency disputes; and
- entry into formal interagency agreements that define the financial responsibility of each agency for paying for early intervention services (consistent with state law) and procedures for resolving disputes and that include all additional components necessary to ensure meaningful cooperation and coordination.

The Lead Agency is responsible for the provision of early intervention services to eligible infants and toddlers and their families consistent with Part C-Individuals with Disabilities Education Improvement Act of 2004. The Iowa Department of Education was designated the Lead Agency for the state of Iowa by the governor on June 24, 1987. This designation was reaffirmed September 12, 2001.

The Department of Education is responsible for ensuring that the minimum components of a statewide system of early intervention services are established and maintained, as required by the United States Department of Education. The minimum components identified in Part C include the following:

## Part C Lead Agency Policies and Assurances

- A state definition of developmental delay
- Procedures and criteria for eligibility
- Timetables for serving eligible children and their families
- A central directory
- A public awareness program
- A comprehensive child find system
- Evaluation, assessment and non-discriminatory procedures
- Development, review and evaluation of IFSPs and service coordination
- A comprehensive system of personnel development
- Personnel standards
- Development and implementation of procedural safeguards
- General administration, supervision and monitoring of early intervention system
- Procedures for resolving complaints
- Policies and procedures related to financial matters
- Interagency agreements and resolution of individual disputes
- Policies for contracting or otherwise arranging for services
- Data collection
- Policies and procedures regarding natural environments and assuring IFSP for each eligible child.

The governor of Iowa is the designee who assigns financial responsibility among appropriate agencies for Part C early interventions services. In the event of a dispute, the state ombudsman shall assign financial responsibility to the appropriate Signatory Agency pursuant to the interagency agreement.

### **Legal References**

#### Lead Agency Designation and Responsibilities

#### **Federal Requirements:**

20 U.S.C. 633            General authority

20 U.S.C. 635(a)(10) Designation of Lead Agency

20 U.S.C. 635(a)(10)(A-F) Requirements for statewide system

20 U.S.C. 637(a)(2) State application and assurances

Adopted 11-23-05

## **MONITORING, TECHNICAL ASSISTANCE, AND ENFORCEMENT (A-10)**

The Iowa Department of Education, as the Lead Agency, provides general administration and supervision to meet the requirements of the Part C-Individuals with Disabilities Education Improvement Act of 2004 for implementation and monitoring by public agencies (Regional Grantees) responsible for the education of infants and toddlers with disabilities and their families. Each Regional Grantee is required to submit a plan that specifies the policies and procedures necessary to meet the requirements of IDEA 2004. In addition, the Lead Agency and the Regional Grantees implement a comprehensive monitoring system using quantifiable indicators to measure and enforce performance of public agencies that determines compliance with state and federal statutes.

The Lead Agency ensures that all educational programs for infants and toddlers with disabilities administered in the state, including all programs administered by another state or local agency, are under the general supervision of the Department of Education and that their programs meet the educational standards of the State Education Agency to improve educational results and outcomes for eligible children.

The Lead Agency develops the State Performance Plan that evaluates the efforts of the state to implement and improve requirements of the Part C-Individuals with Disabilities Education Improvement Act of 2004.

### **Legal References**

Monitoring, Technical Assistance, and Enforcement

#### **Federal Requirements:**

20 U.S.C. 635(a)(10)(A)(i)(ii)      Requirements for a statewide system-General administration and supervision of programs

|                                  |  |
|----------------------------------|--|
| 20 U.S.C. 616(a)(1)(B)(e)        | General administration and supervision of programs |
| 20 U.S.C. 616(a)(1)(B)(C)(i)(ii) | General administration and supervision of programs |

Adopted 11-23-05

## **TIMELY RESOLUTION OF DISPUTES POLICY (A-11)**

### **Timely Administrative Resolution of Complaints (Child)**

Any party aggrieved by the findings and decision regarding an administrative complaint has the right to bring civil action with respect to the complaint in any State court of competent jurisdiction or in a district court of the United States without regard to the amount in controversy. The court shall receive the records of the administrative proceedings, shall hear additional evidence at the request of the party, and, basing its decision on the preponderance of evidence, shall grant such relief as the court determines is appropriate.

### **Services During Pendency of Proceedings (Child)**

During the pendency of any proceeding or any action involving a complaint by the parents of an infant or toddler with a disability, unless the State agency and the parents agree otherwise, the infant or toddler shall continue to receive the appropriate early intervention services currently being provided or, if applying for initial services, shall receive the services not in dispute.

### **Resolution of Intra and Interagency Disputes (System)**

The Iowa Department of Education as lead agency is responsible for resolving disputes. In Iowa, system-level disputes are defined as those that involve conflicts over the roles or responsibilities of an agency partner within the Early ACCESS system and may involve financial matters.

Whenever there is a system level dispute that involves the services provided by a single agency, dispute resolution procedures of that agency will be utilized to resolve the issue(s) or concern(s). In such instances, that agency's Signatory Agency representative may inform the State Coordinator and Signatory Agencies of the dispute. Technical assistance from the Early ACCESS Grantee, State Coordinator or the Signatory Agency can be requested to resolve intra-agency disputes, as appropriate.

During a dispute, the state ombudsman must assign financial responsibility to the appropriate signatory agency or the lead agency as payor of last resort pursuant to the interagency agreement. The lead agency must make arrangements for reimbursement of any expenditures incurred by the

agency originally assigned the responsibility and for reimbursement of the agency assigned responsibility by the ombudsman if a different agency is assigned responsibility upon final resolution of the dispute. To the extent necessary to ensure compliance with this provision, the lead agency shall refer the dispute to the council or to the governor and implement the procedures to ensure the delivery of services in a timely manner.

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 Secretary of Defense, but for the enactment of Part C. Early ACCESS funds, state and federal, shall be used only for early intervention services that an eligible child needs but is not currently entitled to under any other federal, state, local or private source.

### **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 Early ACCESS grantees. Grantees have the fiscal and legal obligation for ensuring that the Early ACCESS system is carried out regionally. Grantees are designated by the lead agency, and exist in geographic areas that ensure statewide coverage.

These procedures must be in accordance with the Iowa Administrative Rules for Early ACCESS. Early ACCESS grantees must collaborate with local representatives of signatory agencies, community partners, and families in the development, implementation and monitoring of these procedures.

The state of Iowa assures that procedures for the delivery of services in a timely manner are developed across the state through the Grantees' annual application for Part C funds, annual report, and the monitoring of compliance at the regional level.

### **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 disputes among public agencies or service providers is the responsibility of the Iowa Department of Education and a requirement of regional Early ACCESS Grantees. Grantees have the fiscal and legal obligation for ensuring that the Early ACCESS system is carried out regionally. Grantees are designated by the lead agency, and exist in geographic areas that ensure statewide delivery of services in a timely manner.

Procedures for the timely provision of services are in accordance with the Administrative Rules for Early ACCESS. Early ACCESS grantees must collaborate with local representatives of signatory agencies, community partners, and families in the development, implementation and monitoring of these procedures. 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.

### **Legal References**

#### Timely Resolution of Disputes

##### **Federal Requirements:**

- 20 U.S.C. 639(a)(1) Minimum procedures (Procedural Safeguards)
- 20 U.S.C. 639(b) Services during pendency of proceedings
- 20 U.S.C. 635(a)(10)(E) Resolution of intra and interagency disputes
- 20 U.S.C. 635(a)(10)(D) Timely provision of services pending resolution of disputes
- 34 CFR 303.524 Resolution of disputes
- 34 CFR 303.525 Delivery of services in a timely manner

Adopted 11-23-05



## **INTERAGENCY AGREEMENTS (A-12)**

An Early ACCESS Memorandum of Agreement (MOA) has been developed between the Lead Agency (Iowa Department of Education) and the Signatory Agencies which include the Iowa Department of Public Health, Iowa Department of Human Services, and University of Iowa's Child Health Specialty Clinics. The agreement is effective from June 2002 through May 2007 and meets the requirements under Part C-Individuals with Disabilities Education Improvement Act of 2004.

### **Interagency Agreements**

The Lead Agency has entered into formal interagency agreements that define the financial responsibility of each agency for paying for early intervention services (consistent with state law) and procedures for resolving disputes and that include all additional components necessary to ensure meaningful cooperation and coordination (see Financial Matters and Resolution of Dispute policies).

### **Legal References**

Interagency Agreements

### **Federal Requirements:**

20 U.S.C. 635(a)(10)(F) Interagency agreement

Adopted 11-23-05

## **CONTRACTING OR OTHERWISE ARRANGING FOR SERVICES POLICY (A-13)**

It is the policy of the state of Iowa that all agency contracts or other arrangements with public or private service providers to provide early intervention services meet federal requirements which include:

1. A requirement that all early intervention services from public or private providers meet state standards and be consistent with Part C.
2. The mechanisms that the lead agency will use in arranging for these services, including the process by which awards or other arrangements are made; and
3. The basic requirements that must be met by any individual or organization seeking to provide these services for the lead agency.

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

Policies for contracting or otherwise arranging for services are required of regional Early ACCESS Grantees. Grantees have the fiscal and legal obligation for ensuring that the Early ACCESS system is carried out regionally. Grantees are designated by the lead agency, and exist in geographic areas that ensure statewide coverage.

Contracting policies must be in accordance with the Iowa Administrative Rules for Early ACCESS. Early ACCESS grantees must collaborate with local representatives of signatory agencies, community partners, and families in the development, implementation and monitoring of these policies.

The state of Iowa assures that grantees adhere to the policies as stated by Rule through the Grantees' annual application for Part C funds, annual report and the monitoring of compliance at the regional level.

### **Legal References**

Policy for Contracting or Otherwise Arranging for Services

**IDEA 2004 Federal Requirements:**

20 U.S.C. 635(a)(11) Contracting

**IDEA 1997 Federal Requirements:**

34 CFR 303.175 Policy for contracting or otherwise arranging for services

34 CFR 303.526 Policy for contracting or otherwise arranging for services

**Iowa Requirements:**

Iowa Code:

28E.12 Contract with other agencies

*Iowa Administrative Rules for Early ACCESS:*

281-120.83(1) Policy for contracting or otherwise arranging for services

281-120.8(1) Early ACCESS grantees

281-120.12 Early intervention services

Adopted 5-15-03

## FINANCIAL MATTERS POLICY (A-14)

### Payor of Last Resort

**Nonsubstitution.** It is the state of Iowa's policy that Part C funds may not be used to satisfy a financial commitment for services that would have been paid for from another public or private source, including any medical program administered by the Secretary of Defense, but for the enactment of IDEA, Part C, except when considered necessary to prevent a delay in the receipt of appropriate early intervention services by an infant, toddler, or family in a timely fashion. Part C funds may be used to pay the provider of services pending reimbursement from the agency that has ultimate responsibility for the payment. It is the state of Iowa's policy that when Part C is the payor of last resort, payment will be up to the Medicaid allowable rate.

### Establishing Financial Responsibility for Services.

- **Obligations Related to and Methods of Ensuring Services.** An Early ACCESS Memorandum of Agreement (MOA), as ensured by the governor of Iowa (or whomever is the designee), 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. The agreement is effective for a time period of five years, and ensures the provision of, and financial responsibility for early intervention services that are consistent with Part C-Individuals with Disabilities Education Improvement Act of 2004.
- **Reimbursement for Services by Public Agency.** If a public agency other than an education agency fails to provide or pay for the services pursuant to the MOA, the Regional Grantee or State agency (as determined by the Chief Executive Officer or designee) shall provide or pay for the provision of such services to the child. Such Regional Grantee or State agency is authorized to claim reimbursement for the services from the public agency that failed to provide or pay for such services and such public agency shall reimburse the Regional Grantee or State agency pursuant to the terms of the interagency agreement or other mechanism as required (see Timely Resolution of Disputes policy).
- **Methods of Meeting Requirements.** These requirements may be met through State statute or regulation; signed agreements between respective agency officials that clearly

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identify the responsibilities of each agency relating to the provision of services; or other appropriate written methods as determined by the Chief Executive Officer of the State or designee of the officer and approved the Secretary through the review and approval of the State's application.

**Reduction of Other Benefits.** Nothing in Part C-Individuals with Disabilities Education Improvement Act of 2004 shall be construed to permit the State to reduce medical or other assistance available or to alter eligibility under Title V of the Social Security Act (relating to maternal and child health) or Title XIX of the Social Security Act (relating to Medicaid for infants or toddlers with disabilities) within the State.

### **Legal References**

Financial Matters

### **Federal Requirements:**

20 U.S.C. 640 Payor of last resort

Adopted 11-23-05

## **PROCEDURAL SAFEGUARDS (A-15)**

It is the policy of the state of Iowa that eligible children and their parents are afforded the procedural safeguards required under Individuals with Disabilities Education Act 2004, Part C. Public agencies have procedural safeguards material included within their IFSP procedures for each family. A copy of procedural safeguards available to the parents of a child with a disability shall be given to the parents only one time a year, except that a copy also shall be given to the parents upon initial referral or parental request for evaluation, upon the first occurrence of the filing of a complaint, and upon request by a parent.

### **Timely Administrative Resolution of Complaints**

Any party aggrieved by the findings and decision regarding an administrative complaint has the right to bring civil action with respect to the complaint in any State court of competent jurisdiction or in a district court of the United States without regard to the amount in controversy. The court shall receive the records of the administrative proceedings, shall hear additional evidence at the request of the party, and, basing its decision on the preponderance of evidence, shall grant such relief as the court determines is appropriate.

### **Confidentiality of Information**

Personally identifiable information maintained by the Lead Agency, Regional Grantees, and service providers for eligible children is protected and confidential and complies with FERPA requirements. This includes the right of parents to written notice of and written consent to the exchange of such information among agencies.

### **Parent Consent; Right to Decline Service**

The contents of the IFSP shall be fully explained to the parents and informed written consent from the parents shall be obtained prior to the provision of early intervention services described in the IFSP. If parents do not provide consent with respect to a particular early intervention service, then only the services to which consent is obtained shall be provided. The parents of an

eligible child have the right to determine whether they, their child, or other family members will accept or decline any early intervention without jeopardizing other early intervention services.

### **Opportunity to Examine Records**

The parents of an eligible child must be afforded the opportunity to inspect and review records relating to assessment, screening, eligibility determination, development and implementation of the IFSP.

### **Educational Surrogate**

Regional Grantees shall ensure that the rights of an infant or toddler are protected whenever the parents of the infant or toddler are not known or cannot be found or if the infant or toddler is a ward of the State under the laws of Iowa. This includes the assignment of an individual (who shall not be an employee of the Lead Agency, or other State agency, and who shall not be any person, or any employee of a person, providing early intervention services to the infant or toddler or any family member of the infant or toddler) to act as a surrogate for the parents.

### **Written Prior Notice; Native Language**

The parents of an eligible child must be provided written prior notice whenever the State agency or service provider proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, or placement of the infant or toddler with a disability, or the provision of appropriate early intervention services to the infant or toddler. The notice must inform the parents, in the parents' native language, unless it clearly is not feasible to do so.

### **Mediation**

Mediation must be available to all parties to resolve disputes involving any matter, including matters arising prior to the filing of a complaint. Procedures shall ensure that the mediation process is:

- voluntary on the part of all parties;
- not used to deny or delay a parent's right to a due process hearing or to deny other rights afforded; and
- conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

A Regional Grantee or a State agency may establish procedures to offer to parents and local service providers that choose not to use the mediation process, an opportunity to meet, at a time and location convenient to the parents, with a disinterested party who is under contract with a parent training and information center or community parent resource center or an appropriate alternative dispute resolution entity, to encourage the use, and explain the benefits, of the mediation process to parents.

The State shall maintain a list of individuals who are qualified as mediators and knowledgeable in laws and regulations relating to the provision of early intervention services.

The State shall bear the cost of the mediation process, including the costs of meetings with a disinterested party who is under contract with a parent training and information center or community parent resource center or an appropriate alternative dispute resolution entity, to encourage the use, and explain the benefits, of the mediation process to parents.

Each session in the mediation process shall be scheduled in a timely manner and held in a location that is convenient to the parties to the dispute.

In the case that a resolution is reached to resolve the complaint through the mediation process, the parties shall execute a legally binding agreement that sets forth the resolution and that:

- states that all discussions that occurred during the mediation process are confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding;
- is signed by both the parent and a representative of the agency who has the authority to bind such an agency; and
- is enforceable in any State court of competent jurisdiction or in a district court of the United States.

### **Dispute Resolution:** Complaints and Due Process Hearings

Complaints. The Iowa Department of Education shall adopt written procedures for:

- resolving any complaint, including a complaint filed by an organization or individual from another state, that any public agency or private service provider is violating a requirement of Part C of IDEA or of these rules;
- providing for the filing of a complaint with the lead agency or, at the lead agency's discretion, providing for the filing of a complaint with a public agency and the right to have the lead agency review the public agency's decision on the complaint; and is signed by both the parent and a representative of the agency who has the authority to bind such an agency; and



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- widely disseminating the complaint procedures to parents and other interested individuals, including parent training centers, protection and advocacy agencies, independent living centers and other appropriate entities.

In resolving a complaint in which it finds a failure to provide appropriate services, the Iowa Department of Education, pursuant to its general supervisor authority under Part C, must address:

- how to remediate the denial of those services, including, as appropriate, the awarding of monetary reimbursement or other corrective action appropriate to the needs of the child and the child's family; and
- appropriate future provision of services for eligible children and their families.

An individual or organization may file a written signed complaint with the lead agency that includes a statement that the lead agency or a regional grantee has violated a requirement of Part C of IDEA or Iowa's rules and the facts on which the complaint is based. The alleged violation must have occurred not more than one year before the date that the complaint is received by the Iowa Department of Education, unless a longer period is reasonable because the alleged violation continues for that child or other children, or the complainant is requesting reimbursement or corrective action for a violation that occurred not more than three years before the date on which the formal complaint is received.

There shall be a time limit of 60 calendar days after a formal complaint is filed with the Iowa Department of Education in which Department shall:

- carry out an independent on-site investigation, if the Department determines that an investigation is necessary;
- give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint;
- review all relevant information and make an independent determination as to whether the public agency is violating a requirement of Part C of IDEA or these rules; and
- issue a written decision to the complainant that addresses each allegation in the complaint and contains:

(1) Findings of fact and conclusions; and

(2) The reasons for the lead agency's final decision.

The Department's complaint procedures shall permit an extension of the time limit only if exceptional circumstances exist with respect to a particular complaint, and must include procedures for effective implementation of the lead agency's final decision, if needed, including technical assistance activities, negotiations, and corrective actions to achieve compliance.

Due Process Hearings. Whenever a request for a due process hearing [complaint] has been received relating to the identification, evaluation, educational placement, or provision of early intervention services to an eligible infant or toddler or family, the parents or Regional Grantee involved in such a complaint shall have the opportunity for an impartial due process hearing conducted by the Iowa Department of Education. When a hearing is initiated, the Regional Grantee must inform the parents of the availability of mediation.

The hearing shall be conducted by Iowa Department of Education, and shall have procedures that require the parent of an eligible infant or toddler or the attorney representing the infant or toddler to provide a due process complaint notice (which must remain confidential) to the Regional Grantee in a request for a hearing. The notice must include:

1. The name of the child;
2. The address of the residence of the child;
3. A description of the nature of the problem of the child relating to the proposed or refused initiation or change, including facts relating to the problem; and
4. A proposed resolution of the problem to the extent known and available to the parents at the time.

The Iowa Department of Education has developed a model form to assist parents in filing a request for a due process hearing. The Iowa Department of Education or Regional Grantee may not deny or delay a parent's right to a due process hearing for failure to provide notice.

Not less than five business days prior to a hearing, each party must disclose to all other parties all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use at the hearing. A hearing officer (referred to in Iowa practice as an administrative law judge) may bar any party that fails to comply from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.

A hearing may not be conducted by a person who is an employee of the State agency or an agency that is involved in the provision of early intervention services, or by any person having a personal or professional interest that would conflict with his or her objectivity in the hearing. The hearing officer must possess knowledge of and the ability to understand the provisions of IDEA, Federal and State regulations, and legal interpretations by Federal and State courts; conduct hearings in accordance with appropriate, standard legal practice; and render and write decisions in accordance with appropriate, standard legal practice. A person who otherwise qualifies to conduct a hearing in not an employee of the Iowa Department of Education solely

because he or she is paid by the agency to serve as a hearing officer. The Iowa Department of Education will keep a list of persons who serve as administrative law judges. The list must include a statement of the qualifications of each of those persons.

The party requesting the due process hearing shall not be allowed to raise issues at the hearing that were not raised in the notice unless the other party agrees otherwise.

A parent or agency shall request an impartial due process hearing within two years of the date the parent or agency knew or should have known about the alleged action that forms the basis of the complaint. The timeline shall not apply to a parent if the parent was prevented from requesting the hearing due to specific misrepresentation by the Regional Grantee that it has resolved the problem forming the basis of the complaint, or the Regional Grantee's withholding of information from the parent that was required to be provided to the parent.

A decision made by an administrative law judge shall be made on substantive grounds based on a determination of whether the infant or toddler has received appropriate early intervention services. In matters alleging a procedural violation, an administrative law judge may find that a infant or toddler did not receive appropriate early intervention services only if the procedural inadequacies impeded the infant or toddler's right to appropriate early intervention services; significantly impeded the parents' opportunity to participate in the decision-making process regarding the provision of appropriate early intervention services; or caused a deprivation of educational benefits.

The Iowa Department of Education shall ensure that no later than 30 days after the receipt of a request for a hearing, a final decision is reached in the hearing, and a copy of the decision is mailed to each of the parties. Each hearing must be conducted at a time and place that is reasonably convenient to the parents and infant or toddler involved. Any party to a hearing has the right to:

1. Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of eligible infants and toddlers;
2. Present evidence and confront, cross-examine, and compel the attendance of witnesses;
3. Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five business days before the hearing;
4. Obtain a written, or at the option of the parents, electronic, verbatim record of the hearing; and
5. Obtain written, or at the option of the parents, electronic findings of fact and decisions.

The Iowa Department of Education, after deleting any personally identifiable information, shall transmit the finding and decisions to the State Interagency Coordinating Council, and make those findings and decisions available to the public.

Any party aggrieved by the findings and decision made by an administrative law judge has the right to bring a civil action in State or Federal court under section 639(a)(1) of the Act. The action may be brought in any State court of competent jurisdiction or in a district court of the United States without regard to the amount in controversy. In any action, the court shall receive the records of the administrative proceedings; shall hear any additional evidence at the request of a party; and basing its decision on the preponderance of the evidence, shall grant the relief that the court determines to be appropriate.

In any action or proceeding brought under IDEA laws governing procedural safeguards, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to the prevailing party who: is the parent of an infant or toddler with a disability; or the Iowa Department of Education or Regional Grantee against the attorney of a parent who files a complaint or subsequent cause of action that is frivolous, unreasonable, or without foundation, or against the attorney of a parent who continued litigation after the litigation clearly became frivolous, unreasonable, or without foundation; or the Iowa Department of Education or Regional Grantee against the attorney of a parent, or against the parent, if the parent's complaint or subsequent cause of action was presented for any improper purpose, such as to harass, to cause unnecessary delay, or to needlessly increase the cost of litigation.

A court award for reasonable attorney's fees is subject to the following:

1. The award must be based on prevailing rates in the community in which the action arose for the kind and quality of services furnished. No bonus or multiplier may be used in calculating the fee award.
2. Attorney fees and related costs may not be reimbursed for services performed subsequent to the time of a written offer of settlement to a parent if: the offer is made within the time prescribed by Federal Rule of Civil Procedure 68, or in the case of an administrative proceeding, at any time more than 10 days before the proceeding begins; the offer is not accepted within 10 days; and the court or hearing officer finds that the relief finally obtained is not more favorable to the parents than the offer of settlement. However, if the parent prevails and was substantially justified in rejecting the settlement offer an award of attorney fees and related costs may be made.
3. Attorney fees may not be awarded related to any meeting of the IFSP team unless the meeting is convened as a result of an administrative proceeding or judicial action.
4. The court may reduce the amount of attorney fees awarded if: the parent or parent's attorney unreasonably protracted the final resolution of the controversy, the amount unreasonably exceeds the hourly rate prevailing in the community for similar services by attorneys of reasonably comparable skill, reputation and experience; the time spent and legal services furnished were excessive considering the nature of the action/proceeding; or, the attorney representing the parent did not provide to the Regional Grantee the appropriate information in the due process hearing request required by regulation.

Attorney fees may not be reduced if the court finds the state or local agency unreasonably protracted the final resolution, or there was a violation of the Procedural Safeguards.

### **Services During Pendency of Proceedings**

During the pendency of any proceeding or any action involving a complaint by the parents of an infant or toddler with a disability, unless the State agency and the parents agree otherwise, the infant or toddler shall continue to receive the appropriate early intervention services currently being provided or, if applying for initial services, shall receive the services not in dispute.

### **Legal References**

#### Procedural Safeguards

#### **Federal Requirements:**

- Section 639(a) Minimum Procedures (Procedural Safeguards)
- Section 639 (b) Service During Pendency of Proceedings
- Section 615(d) Procedural safeguards notice
- Section 615(e) Mediation
- Section 615(f) Impartial due process hearing
- Section 615(g) Appeal
- Section 615(h) Safeguards
- Section 615(i) Administrative Procedures

#### **Iowa Requirements:**

Iowa Code, Chapter 256B—Special Education

#### Iowa Administrative Rules for Early ACCESS:

- 281—120.4 Definition “Public Agency”
- 281—120.65 Records
- 281—120.66 Prior written notice
- 281—120.67 Parental consent

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- 281—120.68            Surrogate parents
- 281—120.69            Complaints
- 281—120.70            Mediation
- 281—120.71            Due process hearings
- 281—41 Iowa Administrative Rules of Special Education

**DATA COLLECTION/ SYSTEM (A-16)**

It is the responsibility of the Iowa Department of Education as lead agency to maintain a data system to be utilized for gathering information regarding early intervention services provided for eligible children in Early ACCESS.

The Iowa Department of Education provides data as required in section 676(b)(14) and 618 of the Individuals with Disabilities of Education Improvement Act and other data as requested at the time and manner as specified by the Secretary of Education.

Early ACCESS grantees have the fiscal and legal obligation for ensuring that the Early ACCESS system is carried out regionally, including data collection. Grantees are designated by the lead agency, and exist in geographic areas that ensure statewide coverage.

The state of Iowa assures that data is collected throughout the state through the Grantees’ annual application for Part C funds, annual report, and the monitoring of compliance at the regional level and through agreements with signatory agencies.

**Legal References**

Data Collection / System

**IDEA 2004 Federal Requirements:**

- 20 U.S.C. 618 and 642            Program Information of Statewide System Requirements
- 20 U.S.C. 635(a)(14) System for Compiling Data

**Iowa Document:**

Memorandum of Agreement, June 13, 2002, Sharing of Information & Data Management

9-15-05

## **STATE INTERAGENCY COORDINATING COUNCIL (A-17)**

### **Establishment of the Council**

The Iowa Department of Education, as Lead Agency, establishes and maintains a Council to advise and assist the Lead Agency in the performance of its designated responsibilities for the early intervention system in Iowa. The State Interagency Coordinating Council in Iowa is named the Iowa Council for Early ACCESS (ICEA). Council bylaws are established and amended as needed to reflect changes in federal statute. In addition, an Executive Committee has been established to guide the activities of the Council. The executive committee consists of the Council chairperson, the vice-chairperson, at least two Council members, one of whom is a parent, one Council administrative representative from a grantee agency and one Council representative from each of the Signatory Agencies.

Members of the Council are appointed by the governor and must meet the Part C requirements. The Governor ensures membership reasonably represents the population of Iowa. If a member is unable to complete an appointed term, the Governor is notified to designate a replacement. The governor has the option to designate a chairperson or require the Council to elect a chairperson. As stated in Iowa rule and bylaws, the Council representative from the lead agency cannot serve as chairperson.

### **Composition**

The membership of the Iowa Council for Early ACCESS consists of families and representatives of the public and private sector who by virtue of their position, interest, and training can contribute to the quality of services provided to infants and toddlers with special needs and their families. The Council has no fewer than 15, but not more than 30 members, and meets all federal requirements as follows:

- Not less than 20 percent of the members are parents, including minority parents, of infants or toddlers with disabilities or children with disabilities aged 12 or younger, with

knowledge of, or experience with programs for infants and toddlers with disabilities. Not less than 1 such member is a parent of an infant or toddler with a disability or a child with a disability aged 6 or younger;

- Not less than 20 percent of the members are public or private providers of early intervention services (representative constituencies include private insurance, private mental health, developmental pediatrician, family physician, pediatric nurse practitioner, family nurse practitioner, MCH grantee, and Early ACCESS Regional Grantee).
- Not less than one member from the state legislature;
- Not less than one member involved in personnel preparation;
- Not less than one member from a Head Start or Early Head Start agency or program in the state;
- Not less than one member from a state agency responsible for child care (Department of Human Services);
- Not less than one member from each of the state agencies involved in the provision of, or payment for, early intervention services to infants and toddlers with disabilities and their families and have sufficient authority to engage in policy planning and implementation on behalf of these agencies (Child Health Specialty Clinics, Departments of Education, Human Services and Public Health);
- Not less than one member from the agency responsible for the state regulation of insurance, especially in the area of health insurance (Department of Commerce, Division of Insurance);
- Not less than one member from the state educational agency responsible for preschool services to children with disabilities who has sufficient authority to engage in policy planning and implementation on behalf of that agency (Department of Education);
- Not less than one member from the State agency responsible for Medicaid (Department of Human Services);
- Not less than one member shall be a representative designated by the Office of Coordinator for Education of Homeless Children and Youths;
- Not less than one member from the state child welfare agency responsible for foster care (Department of Human Services);
- Not less than one member shall be from the state agency responsible for children's mental health (Department of Human Services);
- The Council may include other members selected by the Governor, including a representative from the Bureau of Indian Affairs (BIA) or, where there is no school operated or funded by the BIA, from the Indian Health Service or the tribe or tribal council.



Membership lists describe composition to assure that each required area is represented. Terms of the Council members are staggered to maintain continuity. Members may serve two consecutive full terms.

### **Management Authority**

The Council prepares and approves a budget that may be allocated to:

- Conduct hearings and forums;
- Reimburse members of the Council for reasonable and necessary expenses for attending Council meetings and performing Council duties (including child care for parent representatives);
- Pay compensation to a member of the Council if the member is not employed or must forfeit wages from other employment when performing official Council business;
- Hire staff or obtain the services of professional, technical, and clerical personnel as may be necessary to carry out the performance of its functions under IDEA, Part C;
- Pay for accommodations needed for members and participants (e.g. interpreters, Braille, etc.).
- Except as noted above, Council members serve without compensation from funds available under IDEA, Part C.

### **Meetings**

The Council meets a minimum of one time each quarter. Meeting dates are determined by the Council Executive Committee and distributed to Council members and the public annually. Council meetings are posted on the Iowa Public Meeting Calendar located on the Iowa Government web page. Locations of the meetings are accessible and open to the general public.

Special accommodations including interpreters for persons who are deaf are provided at Council meetings for members and the public as requested in advance.

### **Conflict of Interest**

Bylaws affirm that a Council member may not vote on any matter that is likely to provide direct financial benefit to that member or otherwise give the appearance of a conflict of interest. Such action by a member is noted by the chairperson and is recorded in the minutes of the meeting.

### **Functions of the Council**

The Iowa Council for Early ACCESS agenda and activities are based on the functions specified in Part C-Individuals with Disabilities Education Improvement Act of 2004.

- **Advising and Assisting the Lead Agency in its Administrative Responsibilities.** The Iowa Council for Early ACCESS advises and assists the Lead Agency and Signatory Agencies in the performance of their responsibilities. The Council particularly advises and assists in the identification of sources of fiscal and other support for services for early intervention programs and assignment of financial responsibility to the appropriate agency. In addition, the Council supports and promotes interagency agreements.
- **Preparing Applications.** The ICEA advises and assists the preparation and amendments of applications through actions by both the ICEA Executive Committee and Council.
- **Transitioning of Toddlers to Other Appropriate Services.** The Council advises and assists the transition of toddlers with disabilities to preschool and other appropriate services.
- **Submitting the Annual Report to the Secretary and Governor.** The Annual Report Committee, composed of ICEA members and state staff, prepare and submit an annual report to the Governor and to the Secretary on the status of the Early ACCESS system operated within Iowa for children eligible under Part C and their families. The report is approved by the Council and submitted to the Governor and the Secretary of the U.S. Department of Education using the format, information and date required by the Secretary.

In addition, the Council may advise and assist the Lead Agency regarding the provision of appropriate services for children from birth through age 5. The Council may advise appropriate agencies in the State with respect to the integration of services for infants and toddlers with disabilities and at-risk infants and toddlers and their families, regardless of whether at-risk infants and toddlers are eligible for early intervention services in the state.

### **Legal References**

State Interagency Coordinating Council

#### **IDEA 2004 Federal Requirements:**

20 U.S.C. 641            State Interagency Coordinating Council

20 U.S.C. 635(a)(15) Requirements for statewide system

Adopted 11-23-05

## **NATURAL ENVIRONMENTS POLICY (A-18)**

The Iowa Department of Education, as Lead Agency, provides, to the maximum extent appropriate, early intervention services in natural environments. The provision of early intervention services for any infant or toddler with a disability occurs in a setting other than a natural environment that is most appropriate, as determined by the parent and the individualized family service plan team, only when early intervention cannot be achieved satisfactorily for the infants or toddler in a natural environment. The IFSP contains a statement of the natural environments in which early intervention services will be appropriately provided, including justification of the extent, if any, the services will not be provided in a natural environment.

Regional Grantees have the fiscal and legal obligation for ensuring that the Early ACCESS system is carried out regionally. The Regional Grantees are designated by the Lead Agency and exist in geographic areas that ensure statewide coverage.

Natural environment policies and procedures are in accordance with the Iowa Administrative Rules for Early ACCESS. Early ACCESS Regional Grantees collaborate with local representatives of Signatory Agencies, community partners, and families in the implementation and monitoring of this policy.

The Lead Agency assures the implementation of this natural environments policy across the state through the Regional Grantees' annual application requirements for Part C funds and monitoring activities.

### **Legal References**

#### Natural Environments

#### **Federal Requirements:**

20 U.S.C. 632(4)(G) Definition of early intervention services – provided in natural environments.

20 U.S.C. 635(a)(16) Requirements for statewide system – natural environments

20 U.S.C. 636(d)(5) Content of IFSP – natural environment statement and justification.

Adopted 11-23-05

## **GENERAL EDUCATION PROVISIONS ACT (GEPa) AND POLICY AND PROCEDURES ENSURING MEANINGFUL INVOLVMENT IN PLANNING AND IMPLEMENTATION OF PART C SYSTEM (D-1)**

It is the policy of the state of Iowa to ensure equitable access to, and participation in, federally assisted programs for children with special needs, their families, early intervention providers, administrators and other program beneficiaries.

The barriers that are encountered in Iowa are related to building accessibility, accommodations required because of a disability, materials and products translated into a variety of languages and active participation by groups that have traditionally been underrepresented.

In order to ensure that program participants are not impeded by educational level, income, culture, gender, race, national origin, color, disability, or age, the state of Iowa undertakes the following steps:

- State committees are formed based on equity. During the selection process disabilities, race, color and national origin are considered in establishing membership. Other non-typical home environments or cultural differences are also considered by including persons who represent those who are homeless or in foster care.
- Members of the State Interagency Coordinating Council are encouraged to contact members of their representative constituencies to gather information as policies are being considered.
- All state meetings are held in wheelchair accessible buildings to ensure barrier free participation.
- Sign language interpreters and other special assistance are provided as needed for all meetings.
- Products developed by the Department are available in Braille. In addition, products are translated for the four most frequently used languages in Iowa, and other languages per request.
- Materials prepared for meetings are in a variety of formats to meet the needs of persons with disabilities attending.

- All public written information for families must use family-friendly terminology and be written no higher than the 8th grade reading level in the family's native language.
- Efforts to reach families of homeless children will be aligned with current state practices (e.g. those responsible for the education of homeless children).

**In addition, the state of Iowa has mandated:**

A parent must be fully informed of all information relevant to the activity for which consent is sought, in a parent's native language, unless it clearly is not feasible to do so:

- Native language, when used with respect to an individual who is limited English proficient, means the following: (1) The language normally used by that individual, or, in the case of a child, the language normally used by the parents of the child, unless it clearly is not feasible to do so. (2) In all direct contact with a child (including evaluation of the child), the language normally used by the child in the home or learning environment. For an individual with deafness or blindness, or for an individual with no written language, the mode of communication is that normally used by the individual (such as sign language, Braille, or oral communication).
- IFSP meetings must be conducted in settings and at times that are convenient to families; and 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.
- Written prior notice must be written in language understandable to the general public and be provided in the native language of the parents, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the service coordinator shall take steps to ensure that the notice is interpreted orally or by other means to the parent in the parent's native language or other mode of communication; the parent understands the notice; and there is written evidence that these notice requirements have been met. If a parent is deaf or blind, or has no written language, the mode of communication must be that normally used by the parent (such as sign language, Braille or oral communication).
- The central directory shall be updated at least annually and be accessible in the language of parents or other mode of communication to the general public in each geographic region of the state, including rural areas, and in places and in a manner that ensures accessibility by a person with a disability.

Regional Grantees have the fiscal and legal obligation for ensuring that the Early ACCESS system is carried out regionally. Regional Grantees are designated by the Lead Agency and exist in geographic areas that ensure statewide coverage.

Equitable and meaningful participation policies must be in accordance with the Iowa Administrative Rules for Early ACCESS. Early ACCESS Regional Grantees must collaborate

## Part C Lead Agency Policies and Assurances

with local representatives of Signatory Agencies, community partners, and families in the implementation and monitoring of this policy.

The Lead Agency assures the implementation of this participation policy across the state through the Regional Grantees' annual applications for Part C funds, annual reports, and the monitoring of compliance at the regional level.

### **Legal References**

#### GEPA and Meaningful Involvement

##### **Federal Requirements:**

20 U.S.C. 627            Equitable access and participation.

20 U.S.C. 637(b)(7)    Meaningful involvement.

Adopted 11-23-05

## **EARLY INTERVENTION SERVICES (D-2)**

### **Policies Related to Availability of Services**

It is the state of Iowa's policy that early intervention services, based on scientifically based research to the extent practicable and consistent with Part C statute and regulations, are available to all infants and toddlers with disabilities and their families, including Indian infants and toddlers with disabilities 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.

Early Intervention services include:

- 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

\* Health services mean services necessary to enable an otherwise eligible child to benefit from the other early intervention services under this chapter during the time that the child is eligible to receive early intervention services. The term does not include:

- services that are surgical in nature (such as cleft palate surgery, surgery for club foot, or the shunting of hydrocephalus);
- purely medical in nature (such as hospitalization for management of congenital heart ailments, or the prescribing of medicine or drugs for any purpose); or
- related to the implementation, optimization (e.g., mapping), maintenance, or replacement of a medical device that is surgically implanted, including a cochlear implant. Nothing in this policy limits the right of an infant or toddler with a disability with a surgically implanted device (e.g., cochlear implant) to receive the early intervention services that are identified in the child's IFSP as being needed to meet the child's developmental outcomes. Nothing in this policy prevents the EIS provider from routinely checking that either the hearing aid or the external components of a surgically implanted device (e.g., cochlear implant) of an infant or toddler with a disability are functioning properly;
- Devices (such as heart monitors, respirators and oxygen, and gastrointestinal feeding tubes and pumps) necessary to control or treat a medical condition; and
- Medical-health services (such as immunizations and regular "well-baby" care) that are routinely recommended for all children.

\*\* Service coordination services include:

- Explaining the system of services and resources called Early ACCESS;
- Assisting parents of infants and toddlers with disabilities in obtaining access to needed early intervention services and other services identified in the IFSP, including making referrals to providers for needed services and scheduling appointments for infants and toddlers with disabilities and their families;
- Coordinating the provision of early intervention services and other services (such as educational, social, and medical services that are not provided for diagnostic or evaluative purposes) that the child needs or is being provided;
- Coordinating evaluations and assessments;
- Facilitating and participating in the development, review, and evaluation of IFSPs;
- Conducting referral and other activities to assist families in identifying available EIS providers;
- Coordinating, facilitating, and monitoring the delivery of services required under Part C to ensure that the services are provided in a timely manner;
- Conducting follow-up activities to determine that appropriate Part C services are being provided;



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- Informing families of their rights and procedural safeguards and related resources;
- Coordinating the funding sources for services required under Part C; and
- Facilitating the development of a transition plan to preschool, school, or, if appropriate, to other services.

The Lead Agency's or an EIS provider's use of the term service coordination or service coordination services does not preclude characterization of the services as case management or any other service that is covered by another payor of last resort (including Title XIX of the Social Security Act--Medicaid), for purposes of claims in compliance with the requirements of payor of last resort provisions.

### **Qualified Personnel**

Qualified personnel means personnel who have met state approved or recognized certification, licensing, registration, or other comparable requirements that apply to the areas in which the individuals are conducting evaluations or assessments or providing early intervention services.

The following are the types of qualified personnel who provide early intervention services under this chapter:

- Audiologists
- Family therapists
- Nurses
- Occupational therapists
- Orientation and mobility specialists
- Pediatricians and other physicians for diagnostic and evaluation purposes
- Physical therapists
- Psychologists
- Registered dietitians
- Social workers
- Special educators, including teachers of children with hearing impairments (including deafness) and teachers of children with visual impairments (including blindness)
- Speech and language pathologists.
- Vision specialists, including ophthalmologists and optometrists

The services and personnel do not comprise exhaustive lists of the types of services that may constitute early intervention services or the types of qualified personnel that may provide early

intervention services. Nothing in this policy prohibits the identification in the IFSP of another type of service as an early intervention service provided that the service meets the criteria identified in Part C Administrative Rules or of another type of personnel that may provide early intervention services in accordance with Part C Administrative Rules, provided such personnel meet the requirements.

### **Definition of Early Intervention Services**

Early Intervention Services means developmental services that:

1. Are provided under public supervision;
2. Are selected in collaboration with the parents;
3. Are provided at no cost except where federal or state law provides for a system of payments by families, including, if applicable, a schedule of sliding fees;
4. Are 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 infant's or toddler's development, as identified by the Individualized Family Service Plan team, in any one or more of the following areas:
  - a. Physical development;
  - b. Cognitive development;
  - c. Communication development;
  - d. Social or emotional development; or
  - e. Adaptive development;
5. Meet Iowa service standards, including but not limited to the then-applicable version of Iowa's Early Learning Standards and IDEA Part C requirements;
6. Are provided by qualified personnel;
7. To the maximum extent appropriate, are provided in natural environments, including the home and community settings in which children without disabilities participate; and
8. Are provided in conformity with an Individualized Family Service Plan that meets Part C requirements.

Regional Grantees have the fiscal and legal obligation for ensuring that the Early ACCESS system is carried out regionally. Grantees are designated by the lead agency, and exist in geographic areas that ensure statewide coverage.

Early intervention service policies and procedures must be in accordance with the Iowa Administrative Rules for Early ACCESS. Early ACCESS grantees must collaborate with local representatives of signatory agencies, community partners, and families in the implementation and monitoring of this policy.

Iowa assures the implementation of this policy across the state through the Regional Grantees' annual application requirements for Part C funds and monitoring activities.

### **Legal References**

#### Early Intervention Services

##### **Federal Requirements:**

20 U.S.C. 1432(4) Definition of early intervention services

20 U.S.C. 1435(a)(2) Requirements for Statewide System – scientifically research based early intervention services available to eligible children

20 U.S.C. 1437(a)(3)(B) State Application and Assurances – early intervention services provided

##### **Iowa Requirements:**

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

281—120.13 Early intervention services

281—120.16 Health services

281—120.31 Qualified personnel

281—120.34 Service coordination services (case management)

281—120.804(1) Early ACCESS grantees

Posted 2-19-2013

## **EQUITABLE DISTRIBUTION OF RESOURCES (D-3)**

### **Services to All Geographic Areas**

Services to all eligible children and families in Iowa are assured through the existence of a statewide, comprehensive, coordinated, multidisciplinary, interagency system of early intervention services. The lead agency has designated Early ACCESS grantees. These grantees exist, at a minimum, in geographic areas that ensure statewide coverage. Each grantee is required to establish policies and procedures that will ensure the appropriate provision of early intervention services statewide 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. 1437(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—120.207 All geographic areas within the state

281—120.804(1) Early ACCESS grantees

Posted 2-19-2013

## **PUBLIC PARTICIPATION POLICY (D-4)**

### **Iowa Information about Public Participation**

The state of Iowa provides the general public, including individuals with disabilities and parents of individuals with disabilities, a full opportunity to review and present comments on proposed policies and procedures. When proposing to adopt new policies and procedures, the state of Iowa provides public notice in newspapers and other media.

### **Part C Application**

At least 60 days prior to being submitted to the Department, each application for funds (including any policies, procedures, descriptions, methods, certifications, assurances and other information required in the application) must be published in a manner that will ensure circulation throughout the state for at least a 60-day period, with an opportunity for public comment on the application for at least 30 days during that period.

### **State Policies and Procedures**

Each application must include a description of the policies and procedures used by the state to ensure that, before adopting any new policy or procedure (including any revision to an existing policy or procedure) needed to comply with Part C of the Act and these regulations, the lead agency:

- Holds public hearings on the new policy or procedure (including any revision to an existing policy or procedure);
- Provides notice of the hearings at least 30 days before the hearings are conducted to enable public participation; and
- Provides an opportunity for the general public, including individuals with disabilities, parents of infants and toddlers with disabilities, EIS providers, and the members of the Council, to comment for at least 30 days on the new policy or procedure (including any revision to an existing policy or procedure) needed to comply with Part C of the Act and the Iowa Administrative Rules for Early ACCESS.

Public notice includes detailed information about the proposed policies and procedures and allows the general public to understand the purpose and scope of the proposal and its relation to serving eligible individuals. The notice also includes information about the availability of proposed policies and procedures for public review; the date, time and location of public hearings; a description of the procedures for submitting written comments; and the timetable for submitting policies and procedures to the Secretary for review. Public hearings are conducted at times and places that allow interested parties throughout Iowa a reasonable opportunity to participate. The Department of Education uses technology to facilitate public participation with a web site and the Iowa Communication Network (interactive televised technology).

Following public hearings and before adoption of proposed policies and procedures, public comment is reviewed and considered, and any necessary modifications are made.

Upon the Secretary's approval of policies and procedures, a notice is provided in newspapers and other media of such approval. This notice provides information regarding places throughout the state that the policies and procedures are available to any interested person.

### **Legal References**

#### Public Participation

#### **Federal Requirements:**

20 U.S.C. 1437(a)(8) Public Participation

34 C.F.R. 303.208 Public Participation

#### **Iowa Requirements:**

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

281—120.208 Public participation policies and procedures

281—120.101(3) Approval before implementation

## **DESCRIPTION OF LEAD AGENCY EFFORTS TO COLLABORATE WITH HEAD START AND EARLY HEAD START AND EARLY EDUCATION & CARE PROGRAMS (D-5)**

Iowa's Part C system, Early ACCESS, has a strong history of collaboration with Head Start and Early Head Start and early education and childcare programs throughout the state. The Iowa Department of Education is the Lead Agency.

### **Head Start and Early Head Start**

The State Interagency Coordinating Council, known as the Iowa Council for Early ACCESS, assures that a representative of an Early Head Start agency is on the Council. Members of the Council are responsible for exchanging information with their constituencies in order to involve stakeholders in the planning and improvement of the Part C system.

The Part C Lead Agency houses a federally funded Head Start State Collaboration Office position and supports its mission. Consultants from the Head Start Collaboration Office, Part C, Early Childhood Special Education, K-3, Title I, Food and Nutrition, and state-supported early education programs work together to contribute to the improvement of Iowa's early care, health and education system.

A Memorandum of Understanding that meets Head Start federal regulations has been signed by the state education agency, Regional Head Start Collaboration Office and appropriate Head Start organizations in Iowa. State Consultants from Iowa and the regional office of Head Start, Part C, and early childhood special education work together to implement the Memorandum of Understanding. They provide leadership and technical assistance to local Early Head Start, and early intervention providers/administrators. State-level consultants also share program data for system improvement and reporting.

Early Head Start personnel are recruited by Early ACCESS Regional Grantees to provide service coordination to children eligible for Part C and Early Head Start.

### **Early Childcare, Health and Education Programs**

## Part C Lead Agency Policies and Assurances

Referral source data are reviewed annually to assess the contributions of early childhood partnering agencies to the Part C system.

State consultants work with other state departments and public/private agencies to coordinate the state early care, health and education system for all children birth to five.

Iowa early childhood partners collaboratively provide opportunities for networking, training, and leadership to early care, health and education stakeholders.

State consultants work collaboratively with state childcare programs and provide resources to enhance the professional development of childcare trainers regarding children with special needs and their families.

### Legal References

#### **Federal Requirements:**

20 U.S.C. 1437(a)(10) Collaboration among early childhood programs

34 C.F.R. 303.210 Coordination with Head Start....

#### **Iowa Requirements:**

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

281—120.210 Coordination with Head Start....

281—120.601 Composition (of the Iowa Council for Early ACCESS)

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## **STATE ELIGIBILITY CRITERIA AND PROCEDURES POLICY (P-1)**

### **State Definition of Developmental Delay**

Children eligible for early intervention service within Iowa's Early ACCESS system include infants and toddlers from birth to the age of three years who have been determined by a multidisciplinary team to meet one of the following criteria:

- Is experiencing a developmental delay, which is a 25 percent delay as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas:
  - a. Cognitive development;
  - b. Physical development, including vision and hearing;
  - c. Communication development;
  - d. Social or emotional development;
  - e. Adaptive development; or
- Has a diagnosed physical or mental condition that:
  - a. Has a high probability of resulting in developmental delay; and
  - b. Includes conditions such as chromosomal abnormalities; genetic or congenital disorders; sensory impairments; inborn errors of metabolism; disorders reflecting disturbance of the development of the nervous system; congenital infections; severe attachment disorders; and disorders secondary to exposure to toxic substances, including fetal alcohol syndrome.

Use of informed clinical opinion is emphasized when determining eligibility and means the integration of the results of evaluations, direct observations in various settings, and varied activities with the experience, knowledge, and skills of qualified personnel. Qualified personnel must use informed clinical opinion when conducting an evaluation and assessment of the child. A multidisciplinary IFSP team determines eligibility of children for early intervention services based on the definition of eligible children as stated above. The multidisciplinary IFSP team must include the involvement of the parent and two or more individuals from separate disciplines or professions and one of these individuals must be the service coordinator.

## Part C Lead Agency Policies and Assurances

It is the policy of the state of Iowa to not include children considered to be at-risk of having substantial developmental delays in its definition of eligible children for Part C under this application.

### **State Eligibility Criteria and Procedures**

Eligibility procedures of each Regional Grantee must be in accordance with the Iowa Administrative Rules for Early ACCESS. Early ACCESS Regional Grantees must collaborate with local representatives of signatory agencies, community partners, and families in the development, implementation and monitoring of these procedures.

The state of Iowa assures that eligibility criteria and procedures are used throughout the state through the Regional Grantee's annual application for Part C funds and the monitoring of compliance at the regional level.

### **Legal References**

#### State Eligibility Criteria and Procedures

#### **Federal Requirements:**

20 U.S.C. 1435(a)(5)(A) Comprehensive Child Find System

20 U.S.C. 1435(a)(1) Definition of developmental delay

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

34 CFR 303.21 Infants and toddlers with disabilities

34 CFR 303.113 State eligibility criteria and procedures

34 CFR 303.300 et seq.

34 CFR 303.111 State definition of developmental delay

34 CFR 303.203(c)

#### **Iowa Requirements:**

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

281—120.21 Definition, "Infant or Toddler with a Disability

Part C Lead Agency Policies and Assurances

281—120.24(2) Definition “Multidisciplinary IFSP Team”

281—120.38(8) Definition, “Eligible Children”

281—120.38(13) Definition, “Informed Clinical Opinion”

281—120.804(1) Early ACCESS grantees

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

281—120.322 Determination that a child is not eligible

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## **TRANSITION TO PRESCHOOL PROGRAMS POLICY (P-2)**

The Iowa Department of Education, as Lead Agency, assures that toddlers receiving early intervention services shall have a smooth transition when exiting from Early ACCESS to preschool or other services.

Early ACCESS Regional Grantees (AEAs) are required to develop and implement a policy to ensure a smooth transition to preschool or other appropriate services for children receiving early intervention services. This policy includes a description of how:

- Not fewer than 90 days before the third birthday of the toddler with a disability if that toddler may be eligible for preschool services under Part B of the Act, the public agency responsible for providing Early ACCESS services to the toddler will notify the Department of Education and the Area Education Agency for the area in which such a child resides that the child will shortly reach the age of eligibility for preschool services under Part B of IDEA in accordance with State law;
- If the toddler is determined to be eligible for Early ACCESS services more than 45 but less than 90 days before that toddler's third birthday and if that toddler may be eligible for preschool services under Part B of the Act, the public agency responsible for providing Early ACCESS services to the toddler, as soon as possible after determining the child's eligibility, notifies the Iowa Department of Education and the Area Education Area for the area in which the toddler with a disability resides that the toddler on his or her third birthday will reach the age of eligibility for services under Part B of the Act, as determined in accordance with state law;
- If a toddler is referred to for Early ACCESS fewer than 45 days before that toddler's third birthday and that toddler may be eligible for preschool services under Part B of the Act, the public agency that would be responsible for determining the child's eligibility, with parental consent, refers the toddler to the Iowa Department of Education and the Area Education Agency for the area in which the toddler resides; however, no agency is required to conduct an evaluation, assessment, or an initial IFSP meeting under these circumstances;
- If a toddler with a disability may be eligible for preschool services under Part B of the Act, the public agency responsible for Early ACCESS services, with the approval of the family of the toddler, convenes a conference, among that agency, the family, and the AEA of the toddler's residence not fewer than 90 days and, at the discretion of all parties,

not more than 9 months, before the toddler's third birthday to discuss any services the toddler may receive under Part B;

- In the case of a child who is not potentially eligible for preschool services under Part B of the Act, the public agency responsible for Early ACCESS services, with the approval of the family of that toddler, makes reasonable efforts to convene a conference among that agency, the family, and providers of other appropriate services for the toddler to discuss appropriate services that the toddler may receive;
- For all toddlers with disabilities, the appropriate public agency reviews the program options for the toddler with a disability for the period from the toddler's third birthday through the remainder of the school year; and each family of a toddler with a disability is included in the development of the transition plan;
- The appropriate public agency establishes a transition plan in the IFSP not fewer than 90 days and, at the discretion of all parties, not more than 9 months, before the toddler's third birthday;
- The transition plan in the IFSP includes as appropriate: steps for the toddler with a disability and his or her family to exit from the Part C program; and any transition services that the IFSP Team identifies as needed by that toddler and his or her family; and
- The transition conference and IFSP meeting to develop the transition plan may be combined into one meeting as long as IFSP meetings must be conducted in settings and at times that are convenient for the family; and 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.
- Meeting arrangements must be 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.
- Transition meeting participants will include the parent or parents of the child; other family members, as requested by the parent, if feasible to do so; an advocate or person outside of the family, if the parent requests that the person participate; the service coordinator designated by the public agency to be responsible for implementing the IFSP; a person or persons directly involved in conducting the evaluations and assessments; as appropriate, persons who will be providing early intervention services to the child or family.
- The IFSP must include the steps and services to be taken to support the smooth transition of the child from Part C services to preschool services under Part B of the Act, to the extent that those services are appropriate or other appropriate services;
- The steps required 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; confirmation that child find information about the child has been transmitted to the LEA or other relevant agency and, with parental consent, transmission of additional information needed by the AEA to ensure continuity of services from the Part C program to the Part B program, including a

## Part C Lead Agency Policies and Assurances

copy of the most recent evaluation and assessments of the child and the family and 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.

The Iowa Department of Education shall disclose to the AEA where the child resides the following personally identifiable information under the Act:

- A child's name.
- A child's date of birth.
- Parent contact information (including parents' names, addresses, and telephone numbers).

The information is needed to enable the Department, as well as LEAs and AEAs under Part B of the Act, to identify all children potentially eligible for services under Part B of the Act.

Regional Grantees have the fiscal and legal obligation for ensuring that the Early ACCESS system is carried out regionally. Regional Grantees are designated by the Lead Agency and exist in geographic areas that ensure statewide coverage.

Transition policies must be in accordance with the Iowa Administrative Rules for Early ACCESS. Early ACCESS Regional Grantees must collaborate with local representatives of signatory agencies, community partners, and families in the implementation and monitoring of this policy.

The Lead Agency has entered into an intra-agency agreement concerning transition from Parts B to C. That agreement complies with and implements all duly-adopted state rules and federal regulations, and this policy complies with that agreement. The Lead Agency assures the implementation of this transition policy across the state through the Regional Grantees' annual applications for Part C funds, annual reports, and the monitoring of compliance at the regional level.

### .Legal References

#### Transition to Preschool Programs

#### **Federal Requirements:**

20 U.S.C. 1437(a)(9) Transition to preschool programs

#### **Iowa Requirements:**

Part C Lead Agency Policies and Assurances

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

281—120.209 Transition to preschool and other programs

281—120.342(4) Accessibility and convenience of meetings

281—120.343(1) Initial and annual IFSP team meeting

281—120.344(8) Transition from Part C services

281—120.401(4) Disclosure of information: transition from Part C to Part B

281—120.804(1) Early ACCESS grantees

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## **COMPREHENSIVE CHILD FIND SYSTEM POLICY (P-3)**

It is the policy of the state of Iowa that all infants and toddlers with disabilities in Iowa who are eligible for services under Part C are identified, located, and evaluated including:

- Indian infants and toddlers with disabilities residing on a reservation or settlement geographically located in the state;
- Infants and toddlers with disabilities who are homeless, in foster care, and wards of the state;
- Infants and toddlers who are the subject of a substantiated case of child abuse or neglect; and
- Infants and toddlers identified as directly affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure.

The Iowa Department of Education, as Lead Agency, has procedures in place for identifying these children, ensuring their referral to Early ACCESS.

A comprehensive coordinated child find system, consistent with Part B, exists in Iowa that includes a system for making referrals to applicable public agencies or Early Intervention Service providers that includes timelines and provides for participation by primary referral sources. The state ensures rigorous standards for appropriately identifying infants and toddlers with disabilities for early intervention services under Part C that will reduce the need for future services.

Iowa has in place a public awareness program focusing on early identification of infants and toddlers with disabilities, including the preparation and dissemination by the Lead Agency to all primary referral sources, especially hospitals and physicians, of information to be given to parents, especially to inform parents with premature infants, or infants with other physical risk factors associated with learning or developmental complications, on the availability of early intervention services under Part C-Individuals with Disabilities Education Improvement Act of 2004 and of services under Section 619, and procedures for assisting such sources in disseminating such information to parents of infants and toddlers with disabilities.

Policy and procedures to ensure that all infants and toddlers in Iowa who are eligible for services are identified, located, and evaluated are required of Early ACCESS Regional Grantees.



Regional Grantees have the fiscal and legal obligation for ensuring that the Early ACCESS system is carried out regionally. Regional Grantees are designated by the Lead Agency and exist in geographic areas that ensure statewide coverage.

The state of Iowa assures a comprehensive child find system across the state through the Regional Grantees' annual applications for Part C funds, annual reports, and the monitoring of compliance at the regional level and through agreements with Signatory Agencies.

### **Legal References**

#### Comprehensive Child Find System

##### **Federal Requirements:**

20 U.S.C. 1435(a)(5) Comprehensive child find system

20 U.S.C. 1435(a)(6) Public awareness program

20 U.S.C. 1437(a)(6) Referral for early intervention services

##### **Iowa Requirements:**

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

281—120.301 Public awareness program—information for parents

281—120.302 Comprehensive child find system

281—120.303 Referral procedures

281—120.804(1) Early ACCESS grantees

