

Federal regulations require that eligible children must have an IFSP in place within 45 days of their referral to the Early Intervention Program. The Individuals with Disabilities Education Act requires states to have a State Performance Plan in place that describes efforts to implement the requirements of the Early Intervention Program (EIP) and to report annually their performance for this indicator. In New York State, each municipality's data contributes to the entire state's performance; therefore, it is essential that NYEIS data are valid and reliable.

The dates of the child's referral to the EIP and the initial IFSP meeting are used to calculate timeliness for Indicator #7.

#### Date of the child's referral to the EIP:

This date is the **Referral Date** field on the **REFERRAL page in NYEIS**. The date entered into this field should be the date that a primary referral source referred the child suspected of having a developmental delay or diagnosed condition to the municipality. It is not appropriate for the municipality to wait and enter a later date reflecting the family's confirmation that they will participate in the EIP. Also, this field should not capture the referral date for a child referred because (s)he is at risk for a delay. Municipalities should refer at-risk children to the at-risk tract of NYEIS.

#### Date of the child's initial IFSP:

This date is the **IFSP MEETING DATE** field on the **IFSP** page for the initial IFSP in NYEIS. The date entered into this field should be the date that the very first IFSP meeting for an eligible child was actually held.

New York State EI regulations do allow municipalities to offer families the option of holding an initial IFSP meeting immediately following the multidisciplinary evaluation (MDE) to determine eligibility. However, this cannot be presented to families as the only option. A family must be given the opportunity to review the entire written evaluation prior to the initial IFSP meeting. When an initial IFSP meeting is held immediately after the MDE, the IFSP still needs to list services that the family understands and agrees to. Furthermore, the services should be based on the MDE, and the Early Intervention Official/Designee must be present. As with any IFSP, the initial plan can be amended or new services added at a later date.

When a child moves into the municipality after participating in the EIP in another state, the child is considered a completely new referral to NYS, and should be entered as a new referral in NYEIS. The 45-day timeline applies.

When a child is found ineligible prior to the initial IFSP meeting and is re-referred at a later time, a re-referral must be initiated in NYEIS and the 45-day timeline applies.

In NYEIS it is possible to close a child's IFSP, which will close the associated service authorizations and effectively close the child's 'case', without closing the NYEIS Integrated Case.

- It is recommended for eligible children, if a family is non-responsive or refuses services, municipalities allow the Integrated Case to remain open for approximately three months from the MDE, or if services have started, from the last date of service provision in the event that these families re-establish contact with the municipality.

- For eligible children with NO IFSP, municipalities should check the MDE for the date the child was determined eligible and they may utilize the calendaring function in NYEIS to set a task for themselves after approximately 3 months from the child's eligible date as a reminder to send the appropriate notices and close the child's integrated case if the family has not re-established contact.
- For eligible children with an IFSP, municipalities should contact all service providers and request information on the last service delivery date as well as inform providers of the effective date of closure of the IFSP and SAs. In addition, it is suggested that counties encourage providers to submit all claims for services rendered as soon as possible, but not later than 3 months of the last service date. Counties may then utilize the calendaring function in NYEIS to set a task for themselves after approximately 3 months from the last date of service delivery to send the appropriate notices and close the child's integrated case if the family has not re-established contact.
- If contact is not re-established during the approximate three month period, the municipality can then close the Integrated Case with a closure date that is back-dated to the date of IFSP/Service Authorization (SA) closure.
- If contact is successfully re-established with the family, a 'new' IFSP can be created by the municipality within the child's integrated case in NYEIS. Please Note: The closed IFSP should not be cloned; a 'new' IFSP **must** be created.

Please remember, when closing a family's 'case' due to refusal or lack of contact, the municipality must have a procedure for closure, which includes documented outreach to the family and the provision of written notice to the family of due process rights and procedures 10 days prior to the 'case' closing. This written notice should be provided prior to closing the child's IFSP and related service authorizations. Under no circumstance is it appropriate to close a child's case for the sole purpose of reopening it just to meet the 45-day timeline.

States are allowed to "discount" IFSPs that are late due to "extraordinary family circumstances" not in control of the public agency. If the initial IFSP is more than 45 days from the date of the child's referral, a reason must be recorded in NYEIS in the **Reason for IFSP Delay** field on the **IFSP** page. The attached document lists late reasons that a municipality may select in NYEIS to record a late IFSP, including whether it is considered discountable as an "extraordinary family circumstance. Additional guidance is included so that municipalities will use consistent reasons to document why an initial IFSP is late. *Note:* Some municipalities define "timely" in their contracts with providers (e.g., evaluations must be completed within 30 days of the child's referral or evaluation reports must be received 7 days prior to the initial IFSP meeting date). If providers do not meet such contractual requirements, the late reasons selected in NYEIS should reflect this.

OSEP requires the Department and its local programs (municipalities) to submit reports and publish reliable and valid data. Municipalities and providers should ensure that source documents supporting NYEIS data are maintained in children's records, which can be examined upon audit. This includes accurate documentation of reasons why initial IFSPs are late and all attempts made by the service coordinator, evaluator, and municipality to mitigate a delay in completing the initial IFSP within 45 days, as well as, written policies and procedures for documentation of child records and data validation.