



Question: When a new referral is made for an infant/toddler under age 3, and the EDN services coordination (SC) agency discovers the referral should have been sent to another EDN SC agency/district, what regulatory timelines apply? Does the 45 calendar days from referral to IFSP start over on the date that the other EDN SC agency receives it from the original SC agency? Or does the 45 calendar day timeline start on the original referral date?

Answer: In the situation described above, in which a new referral comes in and should have been sent to another EDN SC agency/District, when the new agency/districts receives it, the 45 day timeline does not start over. The clock is still ticking, so to speak from the original referral date. Per IDEA Part C regulations:

§ 303.310 Post-referral timeline (45 days).

(a) Except as provided in paragraph (b) of this section, any screening under § 303.320 (if the State has adopted a policy and elects, and the parent consents, to conduct a screening of a child); the initial evaluation and the initial assessments of the child and family under § 303.321; and the initial IFSP meeting under § 303.342 must be completed within 45 days from the date the lead agency or EIS provider receives the referral of the child.

In addition, NDHHS 480 NAC 3-004 states:

REFERRAL: Referrals may be made to a Public Agency by anyone who suspects a developmental delay in an infant or toddler no more than seven days after a child has been identified by a primary referral source.

In the situation described, the original recipient of the referral is the contracted services coordination agency (an "EIS [Early Intervention service] provider"), and therefore, the 45 days do not start over. The same would be true if the LEA (an EIS provider and public agency) receives the referral or NDE or DHHS (lead and public agencies).

