



The Early Development Network Co-Leads are providing additional clarification and guidance regarding the **October 21, 2020 Office of Special Education Programs (OSEP) Q/A**, specific to Question #3 regarding IFSP service provision during the COVID-19 Pandemic. Please contact the Co-leads with additional questions as they arise.

The EDN Co-Leads addressed Questions #1 and #2 of the above-referenced October 2020 OSEP Q/A in previously issued Nebraska Part C guidance dated April 2020. The October 2020 OSEP Q/A document provides further information on the flexibility of conducting initial and annual IFSP meetings through alternate means, such as through a telephone or video conference call, during the Pandemic when face to face meetings are not feasible or practicable.

Question #3 of the October 2020 OSEP Q/A addresses what a local EI program must do if they cannot provide Part C/IFSP services in accordance with the IFSP due to the Pandemic. **This information is new and is effective immediately.** Further clarification is provided below:

- *If the IFSP team determines that the IFSP service(s) cannot be provided face to face due to the Pandemic*, then the IFSP team, including the parents, must consider and determine alternate means of service delivery, if feasible and consistent with privacy interests, such as through the use of telecommunications, including telephone or videoconferencing, or consultative services to the parent. If the parent(s) agree to an alternate method/means of service delivery, then the school district and the services coordination agency must each provide a Prior Written Notice (PWN) to the parent(s) as soon as possible informing of the alternate method of service delivery for each service (i.e. video conferencing) and the approximate length of time the service(s) will be delivered via this method/means. Form HHS-6, Notice of Action, can be used by the services coordinator to fulfill PWN requirements for the service of services coordination, indicating that the service delivery will be changed. The District will provide a separate PWN to the parent regarding all other IFSP services that will be provided via alternate method/means.
- *Once the IFSP team determines the IFSP services are able to once again be provided via face to face in the natural environment*, then the district and the services coordinator must each provide another PWN to the parent(s) as soon as possible informing of the resumption of face to face service delivery in the natural environment for each service. Again, Form HHS-6, Notice of Action, can be used by the services coordinator to fulfill the PWN requirements for the service of services coordination.
- If a regularly scheduled Initial, Periodic or Annual IFSP meeting is held during which it is determined that the provision of IFSP services will need to be conducted in an alternate method as described above due to the Pandemic, then *the services coordinator will document the agreed-upon alternative method on the IFSP Concerns/Priorities page*. Additionally, in order to meet OSEP compliance as outlined above, the district and services coordinator will need to provide a PWN to the parent(s) at the conclusion of the meeting, advising that the IFSP services cannot be provided face to face in a natural environment, as required by IDEA Part C regulations, due to the Pandemic. The PWN must also inform the family of the alternate method of service delivery as agreed upon for each IFSP service as well as the approximate length of time the service(s) will be delivered via the alternate method.

Further clarification received from the Office of Special Education Programs included the regulatory requirement that the IFSP service page must reflect the **Method** of delivering early intervention services (34 CFR 303.344). Method means how a service is provided [34 CFR 303.344(d)(2)(ii)]. As described in the OSEP Q/A's, method must describe face to face, telecommunications (including telephone or videoconferencing), or consultative service delivery.

Based upon this clarification, and **effective immediately**, as IFSP teams conduct IFSP meetings, the IFSP must include the method of service provision as defined above. This will require revisions to the IFSP form and IFSP instructions which are forthcoming. In the interim, please provide the Method of service provision on the IFSP Concerns/Priorities page as agreed upon by the IFSP team, including the parents, and issue PWNs as described above at the conclusion of each IFSP meeting in order to be in compliance with this regulatory requirement.