

## Q&A: Individualized Family Service Plan (IFSP) Service Delivery

The Minnesota Department of Education (MDE) Division of Compliance and Assistance has developed this document to address questions raised by parents and school districts regarding Individual Family Service Plan (IFSP) service delivery. The purpose of this document is to provide helpful, general information to the public. It does not constitute legal advice nor is it a substitute for consulting with a licensed attorney. The information below should not be relied upon as a comprehensive or definitive response to your specific legal question.

### **Question 1: What are early intervention services?**

**Answer:** Early intervention services (EIS) are, in part, “services provided in conformity with an [IFSP] that are designed to meet the special developmental needs of a child eligible under Code of Federal Regulations, title 34, part 303 (Part C), and the needs of the child’s family related to enhancing the child’s development and that are selected in collaboration with the parent.”

**Authority:** Minn. Stat. § 125A.27, Subd. 6; and 34 C.F.R. § 303.13.

### **Question 2: When may IFSP services begin? Must a district wait until the projected start date, or may services begin upon parental consent?**

**Answer:** Services may begin when a district receives written parental consent . . . “The IFSP must include [t]he projected date for the initiation of each [EIS], which . . . must be implemented as soon as possible after the parent consents to the service.” 34 C.F.R. § 303.20(c).

**Authority:** 34 C.F.R. § 303.342(e); 34 C.F.R. § 420(a); 34 C.F.R. § 303.20(c).

### **Question 3: Must the district change the proposed start date on the IFSP in the event of parent permission that predates the proposed start date?**

**Answer:** No. The law requires the IFSP to include a projected date for the initiation of each early intervention service and does not require the actual start dates.

**Authority:** 34 C.F.R. § 303.344(f).

**Question 4: What is the responsibility of a district if the evaluation cannot be completed within the 45-day timeline?**

**Answer:** The district, as the EIS provider, must complete the screening (if applicable), the initial evaluation, the initial assessments (of the child and family), and the initial IFSP meeting within 45 calendar days of receipt of the referral of the child. When the child or parent is unavailable due to exceptional family circumstances or the parent has not provided consent, the 45-day timeline does not apply.

When either circumstance exists, the district must “document the exceptional family circumstances or repeated attempts . . . to obtain parental consent; [c]omplete the screening (if applicable), the initial evaluation, the initial assessments (of the child and family), and the initial IFSP meeting as soon as possible[; and] develop and implement an interim IFSP, to the extent appropriate. . . .” 34 C.F.R. § 303.310(c).

With parental consent and to the extent appropriate, the district is required to develop an interim IFSP and commence early intervention services for an eligible child and the child’s family before the completion of the evaluation and assessments. The interim IFSP must include “[t]he name of the service coordinator . . . and [t]he early intervention services that have been determined to be needed immediately by the child and the child's family.” 34 C.F.R. § 303.345(b).

**Authority:** 34 C.F.R. § 303.310(a)-(c); 34 C.F.R. § 303.345(b).

**Question 5: What is the duration of the IFSP?**

**Answer:** The IFSP is an annual plan that must include the projected start date and the anticipated duration of each early intervention service included in the plan. The team must meet to review the IFSP annually to evaluate and revise the plan as appropriate. The plan must also be reviewed for the child and the child’s family every six months, or more frequently if needed, or if the family requests a periodic review.

**Authority:** 34 C.F.R. §§ 303.342(b)-(c), 303.344(f)(2).

**Question 6: Are results or outcomes required on the IFSP?**

**Answer:** “The IFSP must include a statement of the measurable results or measurable outcomes expected to be achieved for the child (including pre-literacy and language skills, as developmentally appropriate for the child) and family, and the criteria, procedures, and timelines used to determine (1) The degree to which progress toward achieving the results or outcomes identified in the IFSP is being made; and (2) Whether modifications or revisions of the expected results or outcomes, or early intervention services identified in the IFSP are necessary.” 34 C.F.R. § 303.344(c).

The IFSP sets forth the early intervention services necessary to assist the child and the family to achieve the measurable expected results or outcomes necessary to meet the child and family's unique needs.

**Authority:** 34 C.F.R. § 303.344(c).

**Question 7: How must year-round early intervention services be determined and documented?**

**Answer:** “Specific early intervention services [must be determined] based on peer-reviewed research (to the extent practicable), [and determined as] necessary to meet the unique needs of the child and the family to achieve the results or outcomes identified. . . .” The IFSP must include “[t]he length, duration, frequency, intensity, and method of delivering the early intervention services,” “[t]he projected date for the initiation of each early intervention service . . . , and [t]he anticipated duration of each service.” 34 C.F.R. § 303.344(d), (f).

“Due to the rapidly changing needs of infants and toddlers and the need for accountability in making sure the appropriate services are provided, it is important for families to participate in periodic and annual reviews in order to help make decisions about modifications to the IFSP based on the child’s present level of development.” 76 Fed. Reg. 60205 (Sept. 28, 2011).

**Authority:** C.F.R. §§ 303.342(a)-(c), 303.344(c)-(f); Minn. Stat. § 125A.27, Subd. 6.

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