

1. Do Local Education Agencies (LEAs) have to provide services for Early Childhood Intervention (ECI)?

If the offices of the state lead agency or the early intervention service (EIS) program or provider are closed, then Part C services would not need to be provided to infants and toddlers with disabilities and their families during that period of time.

If the lead agency's offices are open, but the offices of the EIS program or provider in a specific geographical area are closed due to public health and safety concerns as a result of a COVID-19 outbreak in that area, the EIS program or provider would not be required to provide services during the closure.

If the offices remain open, but Part C services cannot be provided in a particular location (such as in the child's home), by a particular EIS provider, or to a particular child who is infected with COVID-19, then the lead agency must ensure the continuity of services by, for example, providing services in an alternate location, by using a different EIS provider, or through alternate means, such as consultative services to the parent.

Once the offices re-open, the service coordinator and EIS providers for each child must determine if the child's service needs have changed and determine whether the individualized family service plan (IFSP) team needs to meet to review the child's IFSP to determine whether any changes are needed.

If offices are closed for an extended period and services are not provided for an extended period, the IFSP team must meet under 34 CFR § 303.342(b)(1) to determine if changes are needed to the IFSP and to determine whether compensatory services are needed to address the infant or toddler's developmental delay ([U.S. Department of Education \(USDE\): Questions and Answers on Providing Services to Children with Disabilities During the Coronavirus Disease 2019 Outbreak](#), Question B-1).

2. What options are available for LEAs to provide a free and appropriate public education (FAPE) to students with disabilities when a school migrates to a digital/virtual learning platform for all students?

The following excerpts come from the [Texas Education Agency's COVID-19 FAQ: Special Education in Texas document](#) and the [USDE's Supplemental Fact Sheet Addressing the Risk of COVID-19 in Preschool, Elementary and Secondary Schools While Serving Children with Disabilities](#). Although written for IDEA Part B, the guidance is relevant for IDEA Part C. ECI providers are encouraged to review the guidance and apply it as applicable for children birth to 3 years of age.

To the greatest extent possible, the LEA must provide the student with the services required by the student's Individualized Education Program (IEP). If there are services, accommodations, and modifications required by the student's IEP that cannot be provide during this time, the student's ARD committee must determine which services it can provide to meet the student's needs (34 CFR 300.324(a)(4) ([Texas Education Agency's COVID-19 FAQ: Special Education in Texas document](#), FAPE Question 2).

School districts must provide a free and appropriate public education (FAPE) consistent with the need to protect the health and safety of students with disabilities and those individuals providing education,

specialized instruction, and related services to these students. In this unique and ever-changing environment, OCR and OSERS recognize that these exceptional circumstances may affect how all educational and related services and supports are provided, and the Department will offer flexibility where possible. However, school districts must remember that the provision of FAPE may include, as appropriate, special education and related services provided through distance instruction provided virtually, online, or telephonically.

The Department understands that, during this national emergency, schools may not be able to provide all services in the same manner they are typically provided. While some schools might choose to safely, and in accordance with state law, provide certain IEP services to some students in-person, it may be unfeasible or unsafe for some institutions, during current emergency school closures, to provide hands-on physical therapy, occupational therapy, or tactile sign language educational services. Many disability-related modifications and services may be effectively provided online. These may include, for instance, extensions of time for assignments, videos with accurate captioning or embedded sign language interpreting, accessible reading materials, and many speech or language services through video conferencing ([Supplemental Fact Sheet Addressing the Risk of COVID-19 in Preschool, Elementary and Secondary Schools While Serving Children with Disabilities](#)).

3. What services can ECI provide for deaf or hard of hearing (DHH) or blind or visually impaired (BVI) infants and toddlers during this unique situation?

The following excerpt came from the [USDE's Questions and Answers on Providing Services to Children with Disabilities During the Coronavirus Disease 2019 Outbreak](#). Although written for IDEA Part B, the guidance is relevant for IDEA Part C. ECI providers are encouraged to review the guidance and apply it as applicable for children birth to 3 years of age.

If a public school for children with disabilities is closed solely because the children are at high risk of severe illness and death, the LEA must determine whether each dismissed child could benefit from online or virtual instruction, instructional telephone calls, and other curriculum-based instructional activities, to the extent available. In so doing, school personnel should follow appropriate health guidelines to assess and address the risk of transmission in the provision of such services. The Department understands there may be exceptional circumstances that could affect how a particular service is provided ([USDE: Questions and Answers on Providing Services to Children with Disabilities During the Coronavirus Disease 2019 Outbreak, Question A-3](#)).

If a child does not receive services during a closure, the IFSP team should make a periodic review of the IFSP and make an individualized determination as to whether and to what extent the child's and family's service needs have changed.

4. Can teachers of the deaf and hard of hearing (TODHH) or teachers of the blind and visually impaired (TBVI) provide services virtually?

Consent is required to provide services virtually (telehealth). Consent is the responsibility of the local ECI provider. Therefore, LEAs must contact the local ECI provider to ensure the provider has obtained the parent's permission for telehealth.

5. For families receiving ECI services, who opt to put their services on hold, will those missed visits be made up once business is back to normal?

Families are entitled to receive services as planned on their child's IFSP. If services are missed due to family cancellations, the contractor is not required to reschedule those visits. If planned services are not delivered due to the program or individual provider's inability to provide the services, the program should work with the family to reschedule missed visits. If a number of service delivery visits are missed, team members should work with the family to determine a plan going forward. In some cases, attempting to "make up" a lot of missed visits in a short amount of time may be overwhelming to the family and provide little benefit to the child. If the child has gone a long period of time without one or more services, a periodic review of the IFSP should be conducted to determine if the child and family's service needs have changed.

6. What if a new DHH or BVI referral comes in for an infant/toddler during the COVID-19 situation?

The following excerpts came from the [Texas Education Agency's COVID-19 FAQ: Special Education in Texas document](#). Although written for IDEA Part B, the guidance is relevant for IDEA Part C. ECI providers are encouraged to review the guidance and apply it as applicable for children birth to 3 years of age.

Under 34 C.F.R. §303.310, the initial evaluation and assessments of child and family, as well as the initial IFSP meeting, must be completed within 45 days of the lead agency receiving the referral. However, under 34 C.F.R. §303.310(a), the 45-day timeline does not apply if the family is unavailable due to "exceptional family circumstances that are documented" in the child's early intervention (EI) records.

The Department has previously provided guidance to states indicating that weather or natural disasters may constitute "exceptional family circumstances." The COVID-19 pandemic could be considered an "exceptional family circumstance." ([Supplemental Fact Sheet Addressing the Risk of COVID-19 in Preschool, Elementary and Secondary Schools While Serving Children with Disabilities](#))

School closure dates are not applicable for Part C ECI to Part B IDEA evaluation timelines, and LEAs should make reasonable efforts to expedite timelines once school resumes, so as not to delay provision of services and FAPE if the child is determined eligible. If there are deviations from legally established timelines, LEAs should document in the child's folder all reasonable efforts made to follow timelines. ([Texas Education Agency's COVID-19 FAQ: Special Education in Texas document](#), Evaluation Question 3)

LEAs should comply with all statewide or local orders. This includes but is not limited to school closures and shelter in place orders. As with all decisions made during the COVID 19 pandemic response, school

staff will want to prioritize actions based on health and safety first, communication with staff and families, and then consider requirements of IDEA and state law regarding special education. ([Texas Education Agency's COVID-19 FAQ: Special Education in Texas document](#), FAPE Question 8)

7. What do we do if a child's ECI evaluation is complete and the child is eligible, but the IFSP meeting has not yet been held?

Under 34 C.F.R. §303.310, the initial evaluation and assessments of child and family, as well as the initial IFSP meeting, must be completed within 45 days of the lead agency receiving the referral. However, under 34 C.F.R. §303.310(a), the 45-day timeline does not apply if the family is unavailable due to "exceptional family circumstances that are documented" in the child's early intervention (EI) records.

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Resources

- [USDE: Questions and Answers on Providing Services to Children with Disabilities During the Coronavirus Disease 2019 Outbreak](#)
- [USDE: Supplemental Fact Sheet Addressing the Risk of COVID-19 in Preschool, Elementary and Secondary Schools While Serving Children with Disabilities](#)
- [Texas Education Agency's COVID-19 FAQ: Special Education in Texas document](#)