

COVID-19 Guidance for IDEA Programs: A Policy and TA Checklist for Part C Leaders

*Updated July 2, 2021*

This checklist provides guidance to Part C leaders to use during the COVID-19 pandemic. The checklist outlines major early intervention topics with recent OSEP guidance and includes information on the statutory requirements. States can use the checklist to review policies created during the COVID-19 pandemic to ensure they align with the requirements of IDEA and to identify any follow-up actions required.

*This document is available online at* [*https://ectacenter.org/topics/disaster/coronavirus.asp*](https://ectacenter.org/topics/disaster/coronavirus.asp)

| **Topic** | **Requirement** | **Federal Regulation or Guidance** | **Does state address this requirement?** | **State action needed?** |
| --- | --- | --- | --- | --- |
| Evaluation and assessment | Timely, comprehensive, multidisciplinary evaluation to determine the eligibility of each child suspected of having a disability must be conducted during the COVID-19 pandemic. If the child is determined to be eligible, an assessment must also be conducted to determine the appropriate early intervention services (EIS) and supports for the child and family. Due to the COVID-19 pandemic, in-person evaluation and assessment may not be feasible. Using medical records, when appropriate, to establish eligibility without conducting an evaluation is an option followed by completion of an assessment. In addition, using evaluation and assessment tools that allow for remote administration is also appropriate during the pandemic. | [34 C.F.R. § 303.321](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=2efc6ac008484e0a5026bf66d99a6c66&ty=HTML&h=L&mc=true&n=pt34.2.303&r=PART#se34.2.303_1321) <https://sites.ed.gov/idea/files/QA-Evaluation-Timeline-Part-C.pdf>  | [ ]  Yes\*[ ]  No | [ ]  Yes\*\*[ ]  No |
| \*If helpful for use in sharing information, insert document names and/or link(s) or locations of related State policies/TA guidance: |
| \*\*Follow-up action(s) the Part C Program needs/wants to take: |
| Exceptional family circumstances for 45-day timeline | Exceptions to the 45-day timeline include when the parent is unavailable for:* When the parent is unavailable for screening, evaluation, and assessment; or
* When the parent is unavailable for the initial IFSP meeting; or
* When the parent has not provided consent for screening or initial evaluation and assessment.

These exceptions are considered exceptional family circumstances. Also, circumstances beyond the provider’s control, such as a hurricane or inability to meet in-person due to COVID-19, may be considered exceptional family circumstances for the 45-day timeline. Exceptional family circumstances must be decided on an individual case-by-case basis and cannot be applied across all children and families. | [34 CFR § 303.310](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=2efc6ac008484e0a5026bf66d99a6c66&ty=HTML&h=L&mc=true&n=pt34.2.303&r=PART#se34.2.303_1310)<https://sites.ed.gov/idea/files/QA-Evaluation-Timeline-Part-C.pdf> | [ ]  Yes\*[ ]  No | [ ]  Yes\*\*[ ]  No |
| \*If helpful for use in sharing information, insert document names and/or link(s) or locations of related State policies/TA guidance: |
| \*\*Follow-up action(s) the Part C Program needs/wants to take: |
| IFSP development and review through IFSP meetings | Changes to the method of service delivery or location of services continue to require written prior notice and an IFSP meeting. During COVID-19, initial, periodic reviews, and annual IFSP meetings can be provided through alternate means. Those include a telephone or video conference call, if feasible and consistent with privacy standards, and if acceptable to the parents and other IFSP team meeting participants. States are required to develop and review IFSPs to ensure appropriate services are provided to meet the needs of the child and family. | [34 CFR § 303.342](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=2efc6ac008484e0a5026bf66d99a6c66&ty=HTML&h=L&mc=true&n=pt34.2.303&r=PART#se34.2.303_1342);[34 CFR § 303.343](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=2efc6ac008484e0a5026bf66d99a6c66&ty=HTML&h=L&mc=true&n=pt34.2.303&r=PART#se34.2.303_1343); [34 CFR § 03.344](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=2efc6ac008484e0a5026bf66d99a6c66&ty=HTML&h=L&mc=true&n=pt34.2.303&r=PART#se34.2.303_1344)<https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-provision-of-services-idea-part-c-10-21-2020.pdf> | [ ]  Yes\*[ ]  No | [ ]  Yes\*\*[ ]  No |
| \*If helpful for use in sharing information, insert document names and/or link(s) or locations of related State policies/TA guidance: |
| \*\*Follow-up action(s) the Part C Program needs/wants to take: |
| Conducting in- person meetings | During the time of this pandemic when in-person meetings are not feasible, the Department is extending the flexibility for IFSP periodic reviews that is allowed in 34 C.F.R. § 303.342(b)(2) to the State LAs and local EIS providers to conduct initial and annual IFSP meetings through alternate means. This includes telephone or video conference calls, if feasible and consistent with privacy standards, and if acceptable to the parents and other IFSP team meeting participants. | [OSEP Questions & Answers: Implementation of IDEA Part C Provision of Services](https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-provision-of-services-idea-part-c-10-21-2020.pdf) (October 21, 2020) | [ ]  Yes\*[ ]  No | [ ]  Yes\*\*[ ]  No |
| \*If helpful for use in sharing information, insert document names and/or link(s) or locations of related State policies/TA guidance: |
| \*\*Follow-up action(s) the Part C Program needs/wants to take: |
| Use of funds | Federal Part C funds must be used in accordance with 34 C.F.R. § 303.501. Additionally, IDEA Part C funds may be used for activities that directly relate to providing and ensuring the continuity of Part C services to eligible children and their families as well as activities that support the statewide early intervention program. This includes child find, public awareness, referral and evaluation, conducting child and family assessments through alternative ways, developing and disseminating information on alternative communications and service delivery options, use of videoconferencing specific to communicating child and family assessments, and delivering early intervention services. IDEA Part C funds may also be used to disseminate health and COVID-19 information and respond to information requests from relevant parties, develop emergency plans to support the provision and continuity of Part C services, or provide other information such as how state LA staff, EIS programs or providers may provide services in different formats or locations.In addition, all federal requirements related to use of funds, as included in OMB Uniform Guidance, continue to apply during COVID-19.Additional funding has been made available through the American Recovery Plan (ARP) Act, Elementary and Secondary School Emergency Relief (ESSER), and Governor’s Emergency Education Relief (GEER). These funds must be used consistently with the current IDEA Part C statutory and regulatory requirements, as well as those under the Education Department General Administrative Regulations (EDGAR), applicable provisions of the General Education Provisions Act (GEPA), and OMB Uniform Guidance. IDEA Part C ARP funds may be used for any allowable purpose under Part C of the IDEA, including the direct provision of early intervention services to infants and toddlers with disabilities and their families, and implementing a statewide, comprehensive, coordinated, multidisciplinary, interagency system to provide early intervention services.  | [34 C.F.R. § 303.501](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=2efc6ac008484e0a5026bf66d99a6c66&ty=HTML&h=L&mc=true&n=pt34.2.303&r=PART#se34.2.303_1501)2 CFR §§200.400-200.475 - OMB Uniform Guidance Subpart E 78 FR 78590 – Interplay with IDEA Requirements Summary Section2 CFR §200.407 – Prior Approvals <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-part-c-use-of-funds-06-25-2020.pdf>[IDEA American Rescue Plan Funds](https://www2.ed.gov/policy/speced/leg/arp/index.html)Fact Sheet:<https://www2.ed.gov/policy/speced/leg/arp/arp-idea-fact-sheet.pdf>ESSER and GEER Funds FAQ (p.34):<https://oese.ed.gov/files/2021/05/ESSER.GEER_.FAQs_5.26.21_745AM_FINALb0cd6833f6f46e03ba2d97d30aff953260028045f9ef3b18ea602db4b32b1d99.pdf>  | [ ]  Yes\*[ ]  No | [ ]  Yes\*\*[ ]  No |
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| \*\*Follow-up action(s) the Part C Program needs/wants to take: |
| Funding virtual services | IDEA Part C funds can be used to provide EIS and service coordination by initiating or expanding the use of virtual services or telecommunications (e.g., telephone, video conferencing, or other methods). Funds may also be used to purchase equipment and related assistive technology (AT) to continue the provision of appropriate EIS. States may need to obtain prior approval for the purchase of this equipment. Finally, IDEA Part C funds can be used to support activities during the transition to in-person services. | <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-part-c-use-of-funds-06-25-2020.pdf> | [ ]  Yes\*[ ]  No | [ ]  Yes\*\*[ ]  No |
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| Family cost share implications | During the COVID-19 pandemic, states need to address any changes in a family’s finances that impact their ability to pay and any changes to the family’s public or private insurance coverage. This includes providing all required notifications and obtaining consent as outlined in IDEA related to payor of last resort and system of payments.  | [34 C.F.R. § 303.510](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=2efc6ac008484e0a5026bf66d99a6c66&ty=HTML&h=L&mc=true&n=pt34.2.303&r=PART#se34.2.303_1510)-[511](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=2efc6ac008484e0a5026bf66d99a6c66&ty=HTML&h=L&mc=true&n=pt34.2.303&r=PART#se34.2.303_1511)[34 C.F.R. § 303.520](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=2efc6ac008484e0a5026bf66d99a6c66&ty=HTML&h=L&mc=true&n=pt34.2.303&r=PART#se34.2.303_1520)[34 C.F.R. § 303.521](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=2efc6ac008484e0a5026bf66d99a6c66&ty=HTML&h=L&mc=true&n=pt34.2.303&r=PART#se34.2.303_1521)<https://sites.ed.gov/idea/files/Fiscal-C-Checklist-Reviewing-SOP-Policies.docx>  | [ ]  Yes\*[ ]  No | [ ]  Yes\*\*[ ]  No |
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| \*\*Follow-up action(s) the Part C Program needs/wants to take: |
| State LAs use of IDEA Part C funds to increase their capacity to provide EIS remotely including by purchasing equipment | During the COVID-19 pandemic, state LAs and local EIS providers and programs may need to purchase equipment and related AT to continue the provision of appropriate EIS, including service coordination, foreligible infants and toddlers with disabilities, and their families. If those related equipment expenditures fall within the scope of the prior approval provided in OSERS’s October 29, 2019, frequently asked questions (FAQ) on prior approval for OSEP and Rehabilitation Services Administration (RSA) Formula Grants, state LAs are not required to submit prior approval requests for the equipment (defined generally as $5,000 or more per item ofequipment). Under that prior approval FAQ document, grantees no longer need to submit prior approval requests under 34 C.F.R. § 303.104(a) to OSEP for equipment that is to be charged to IDEA funds and which is identified on, or directly related to the implementation of, IFSPs AT devices and other equipment needed to provide services on the IFSP. However, if a state LA must purchase equipment that is not identified on or needed to implement the IFSP, then the state LA must submit a detailed prior approval request to OSEP. That request can be submitted electronically.In reviewing requests for prior approval under 34 C.F.R. § 303.104(a), if OSEP determines that an IDEA Part C program will be improved by permitting IDEA Part C funds to be used to acquire the equipment, OSEP is authorized to allow the use of IDEA Part C funds for those purposes. OSEP has streamlined its current approval process to respond to the anticipated increase in requests. When expending IDEA Part C funds, state LAs must follow the same policies and procedures they use for procurements from their non-Federal funds, consistent with the OMB Uniform Guidance for procurement under 2 C.F.R. § 200.317.2 | <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-part-c-use-of-funds-06-25-2020.pdf> | [ ]  Yes\*[ ]  No | [ ]  Yes\*\*[ ]  No |
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| Transition | All transition requirements and timelines to ensure a smooth and effective transition should continue and are expected to be enacted.Ensuring compliance with the IDEA,† Section 504 of the Rehabilitation Act (Section 504), and Title II of the Americans with Disabilities Act (ADA) should not prevent any school from offering educational programs through distance instruction. | [34 C.F.R. § 303.209](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=2efc6ac008484e0a5026bf66d99a6c66&ty=HTML&h=L&mc=true&n=pt34.2.303&r=PART#se34.2.303_1209) | [ ]  Yes\*[ ]  No | [ ]  Yes\*\*[ ]  No |
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| \*\*Follow-up action(s) the Part C program needs/wants to take: |
| Written parental consent | In establishing safeguards for using electronic or digital signatures during the pandemic, a LA or EIS provider may, but is not required, to accept an electronic or digital signature to indicate that the parent provides consent as long as appropriate safeguards are adopted. This includes ensuring that the electronic signature is: signed and dated; identifies and authenticates a particular person as the source of the electronic consent; indicates such person’s approval of the information contained in the electronic consent; and is accompanied by a statement that the person understands and agrees. | [34 C.F.R. § 303.421](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=2efc6ac008484e0a5026bf66d99a6c66&ty=HTML&h=L&mc=true&n=pt34.2.303&r=PART#se34.2.303_1421)[34 C.F.R. § [303.7](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=2efc6ac008484e0a5026bf66d99a6c66&ty=HTML&h=L&mc=true&n=pt34.2.303&r=PART#se34.2.303_17)](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=2efc6ac008484e0a5026bf66d99a6c66&ty=HTML&h=L&mc=true&n=pt34.2.303&r=PART#se34.2.303_17) [34 C.F.R. § [303.414](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=2efc6ac008484e0a5026bf66d99a6c66&ty=HTML&h=L&mc=true&n=pt34.2.303&r=PART#se34.2.303_1414)](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=2efc6ac008484e0a5026bf66d99a6c66&ty=HTML&h=L&mc=true&n=pt34.2.303&r=PART#se34.2.303_1414) [34 C.F.R. § 303.520](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=2efc6ac008484e0a5026bf66d99a6c66&ty=HTML&h=L&mc=true&n=pt34.2.303&r=PART#se34.2.303_1520) [34 C.F.R. § [303.420(a)(1)-(4](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=2efc6ac008484e0a5026bf66d99a6c66&ty=HTML&h=L&mc=true&n=pt34.2.303&r=PART#se34.2.303_1420))](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=2efc6ac008484e0a5026bf66d99a6c66&ty=HTML&h=L&mc=true&n=pt34.2.303&r=PART#se34.2.303_1420) [34 C.F.R. § 303.414(b)](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=2efc6ac008484e0a5026bf66d99a6c66&ty=HTML&h=L&mc=true&n=pt34.2.303&r=PART#se34.2.303_1414) and [34 C.F.R. Part [§99.31](https://www.ecfr.gov/cgi-bin/text-idx?SID=9ab293b9e1467138518362d41c79314b&node=34:1.1.1.1.33.4&rgn=div6#se34.1.99_131)](https://www.ecfr.gov/cgi-bin/text-idx?SID=9ab293b9e1467138518362d41c79314b&node=34:1.1.1.1.33.4&rgn=div6#se34.1.99_131)[OSEP Guidance 6/30/2020, Q1](https://sites.ed.gov/idea/idea-files/part-c-procedural-safeguards-covid-19-environment-qa-document-june-30-2020/#Q1), and [Q2](https://sites.ed.gov/idea/idea-files/part-c-procedural-safeguards-covid-19-environment-qa-document-june-30-2020/#Q2) | [ ]  Yes\*[ ]  No | [ ]  Yes\*\*[ ]  No |
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| \*\*Follow-up action(s) the Part C Program needs/wants to take: |
| Part C dispute resolution procedures: general | During this COVID-19 pandemic, state LAs and EIS providers may not be able to provide all services in the same manner they are typically provided, and encourage parents, service providers, and administrators to collaborate creatively to continue to the meet the needs of infants and toddlers with disabilities and their families. Timely communication between parents, LA staff, and EIS providers can often help resolve disagreements that may arise regarding the EIS provided during the pandemic. However, when those informal efforts prove unsuccessful, IDEA’s three dispute resolution mechanisms - mediation, state complaint, and due process complaint procedures - are available. | [OSEP FAQ 6/22/2020, Q1](https://sites.ed.gov/idea/idea-files/part-c-dispute-resolution-in-covid-19-environment-q-a-document-june-22-2020/#Q1) | [ ]  Yes\*[ ]  No | [ ]  Yes\*\*[ ]  No |
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| \*\*Follow-up action(s) the Part C Program needs/wants to take: |
| Prior written notice while agencies and other facilities are closed due to the pandemic | If the parent has previously agreed, or agrees during the pandemic, the prior written notice and procedural safeguards notice can be emailed. The LA or EIS provider must provide parents written notice within a reasonable time before it proposes or refuses to initiate or change the identification, evaluation, or placement of their infant or toddler, or the provision of EIS to the infant or toddler with a disability and their family. The prior written notice must include information regarding all procedural safeguards that are available under Part C. “Reasonable time” is not defined in the regulation. The Department believes that it would be appropriate to consider the closure of agencies and public facilities, social distancing, and other health-related orders when determining what constitutes a “reasonable time”: during the pandemic. Nevertheless, the LA or EIS provider should make every effort to ensure that written notice is provided as soon as possible prior to the proposed or refused action. The determination of when prior written notice is required will depend on the particular facts and circumstances, but OSEP encourages LAs and EIS providers to ensure that parents are fully informed on how their child’s EIS needs are addressed during the time that IDEA Part C services are provided remotely. | IDEA Regulations[34 C.F.R. § 303.421](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=2efc6ac008484e0a5026bf66d99a6c66&ty=HTML&h=L&mc=true&n=pt34.2.303&r=PART#se34.2.303_1421)[OSEP Guidance 6/30/2020, Q3](https://sites.ed.gov/idea/idea-files/part-c-procedural-safeguards-covid-19-environment-qa-document-june-30-2020/#Q3)  | [ ]  Yes\*[ ]  No | [ ]  Yes\*\*[ ]  No |
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| \*\*Follow-up action(s) the Part C Program needs/wants to take: |
| Access to early intervention records | Considering the social distancing and physical contact restrictions of many jurisdictions during the pandemic, parents, LAs and EIS providers may identify a mutually-agreeable timeframe and method for providing access to the child’s EI records. If the parent asks to inspect and review specific documents from their child’s EI records while agencies and public facilities are closed during the pandemic, LA staff, EIS providers, and the parent should work together to identify mutually agreeable options to provide access. For example, the LA or EIS provider can provide the parent the requested information from the child’s records via email, a secure online portal, or postal mail until the LA or EIS provider offices reopen. The LA or EIS provider must use reasonable methods when transmitting personally identifiable information (PII) in EI records through email or an on-line portal. | [34 C.F.R. § 303.405.](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=2efc6ac008484e0a5026bf66d99a6c66&ty=HTML&h=L&mc=true&n=pt34.2.303&r=PART#se34.2.303_1405)[OSEP Guidance 6/30/2020, Q4](https://sites.ed.gov/idea/idea-files/part-c-procedural-safeguards-covid-19-environment-qa-document-june-30-2020/#Q4)(See also [FERPA and Virtual Learning During COVID-19, March 30, 2020](https://studentprivacy.ed.gov/sites/default/files/resource_document/file/FERPAandVirtualLearning.pdf)) | [ ]  Yes\*[ ]  No | [ ]  Yes\*\*[ ]  No |
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| \*\*Follow-up action(s) the Part C Program needs/wants to take: |
| Dispute resolution: 60-day complaint timeline  | The required 60-day time limit for resolving state complaints may be extended but only on a case-by-case basis. The LA may not categorically determine that COVID-19 is an exceptional circumstance that automatically warrants an extension of the 60-day complaint resolution timeline. The LA needs to determine for a particular complaint whether it is appropriate to extend the 60-day timeline due to exceptional circumstances related to the pandemic or related health and safety restrictions.   The LA may extend the timeline if:* There are COVID-related exceptional circumstances (i.e., government wide shut down.
* LA needs additional information and the relevant party(ies) are unavailable due to hospitalization, or
* Parent complainant is unavailable due to illness or other documented reasons and cannot provide additional information as needed).

However, the timeline can be extended for the following reasons:* If a large number of state staff are unavailable or absent for an extended period because of the pandemic or
* Information from EI providers or EI records cannot be accessed due to the pandemic.
 | [[34 C.F.R § 303.433 (a)-(2)](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=2efc6ac008484e0a5026bf66d99a6c66&ty=HTML&h=L&mc=true&n=pt34.2.303&r=PART#se34.2.303_1433)](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=2efc6ac008484e0a5026bf66d99a6c66&ty=HTML&h=L&mc=true&n=pt34.2.303&r=PART#se34.2.303_1433)[[34 C.F.R § 303.433(b)(1)](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=2efc6ac008484e0a5026bf66d99a6c66&ty=HTML&h=L&mc=true&n=pt34.2.303&r=PART#se34.2.303_1433)](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=2efc6ac008484e0a5026bf66d99a6c66&ty=HTML&h=L&mc=true&n=pt34.2.303&r=PART#se34.2.303_1433)[OSEP Guidance 6/22/20, Q2](https://sites.ed.gov/idea/idea-files/part-c-dispute-resolution-in-covid-19-environment-q-a-document-june-22-2020/#Q2) | [ ]  Yes\*[ ]  No | [ ]  Yes\*\*[ ]  No |
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| \*\*Follow-up action(s) the Part C Program needs/wants to take: |
| Dispute resolution: mediation | IDEA does not contain a specific timeframe in which mediation must occur so long as it is not used to deny or delay a parent’s right to a due process hearing or to deny any other rights under Part C. Because mediation is voluntary, the parties have the flexibility to identify a mutually agreeable time to meet. Where the circumstances related to the pandemic prevent the parent, LA representative or EIS provider from attending mediation in person, nothing in IDEA prevents the parties from agreeing to conducta mediation through alternative means, such as video conferences or conference calls, if the state’s procedures do not prohibit mediation from occurring in this manner. | [34 C.F.R. § 303.431(b)(1)](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=2efc6ac008484e0a5026bf66d99a6c66&ty=HTML&h=L&mc=true&n=pt34.2.303&r=PART#se34.2.303_1431)[OSEP Guidance 6/22/2020](https://sites.ed.gov/idea/idea-files/part-c-dispute-resolution-in-covid-19-environment-q-a-document-june-22-2020/%22%20%5Cl%20%22Q3)[Q3](https://sites.ed.gov/idea/idea-files/part-c-dispute-resolution-in-covid-19-environment-q-a-document-june-22-2020/%22%20%5Cl%20%22Q3) | [ ]  Yes\*[ ]  No | [ ]  Yes\*\*[ ]  No |
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| Dispute resolution: due process hearings using Part C procedures | A LA could permit hearings to be conducted through video conferences or conference calls if a hearing officer concludes that such procedures are consistent with legal practice in the state. A hearing conducted virtually must ensure a parent’s right to an impartial due process hearing consistent with Part C requirements. IDEA permits a hearing officer to grant specific extensions of the 30-day timeline at the request of either party to the hearing. There is no IDEA requirement that both parties agree to the extension request, but the hearing officer must document the length of the extension and the reason it was provided. | [OSEP Guidance](https://sites.ed.gov/idea/idea-files/part-c-dispute-resolution-in-covid-19-environment-q-a-document-june-22-2020/%22%20%5Cl%20%22Q4) [6/22/20 Q4](https://sites.ed.gov/idea/idea-files/part-c-dispute-resolution-in-covid-19-environment-q-a-document-june-22-2020/%22%20%5Cl%20%22Q4), [Q5](https://sites.ed.gov/idea/idea-files/part-c-dispute-resolution-in-covid-19-environment-q-a-document-june-22-2020/#Q5) | [ ]  Yes\*[ ]  No | [ ]  Yes\*\*[ ]  No |
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| \*\*Follow-up action(s) the Part C Program needs/wants to take: |
| Resolution timelines: when using Part B procedures | There is nothing in IDEA that prevents the parent and public agency from mutually agreeing to extend the 15-day timeline for the state LA or EIS provider to convene a resolution meeting and the 30-day resolution period timeline when a parent files a due process complaint. If the parties are unable to meet in person or virtually, they would mutually agree to extend the 15-day timeline for the resolution meeting and the 30-day resolution period until a face-to-face meeting could occur. | [OSEP Guidance 6/22/2020,](https://sites.ed.gov/idea/idea-files/part-c-dispute-resolution-in-covid-19-environment-q-a-document-june-22-2020/%22%20%5Cl%20%22Q6) [Q6](https://sites.ed.gov/idea/idea-files/part-c-dispute-resolution-in-covid-19-environment-q-a-document-june-22-2020/%22%20%5Cl%20%22Q6) | [ ]  Yes\*[ ]  No | [ ]  Yes\*\*[ ]  No |
| \*If helpful for use in sharing information, insert document names and/or link(s) or locations of related State policies/TA guidance: |
| \*\*Follow-up action(s) the Part C Program needs/wants to take: |
| Resolution meeting using virtual means when using Part B procedures | In circumstances where the pandemic prevents the parent or EIS provider from attending the resolution meeting in person, it is appropriate for the state LA to offer alternative means, such as video conferences or conference calls. This is subject to the parent’s agreement. | [OSEP FAQ 6/22/2020, Q7](https://sites.ed.gov/idea/idea-files/part-c-dispute-resolution-in-covid-19-environment-q-a-document-june-22-2020/#Q7) | [ ]  Yes\*[ ]  No | [ ]  Yes\*\*[ ]  No |
| \*If helpful for use in sharing information, insert document names and/or link(s) or locations of related State policies/TA guidance: |
| \*\*Follow-up action(s) the Part C Program needs/wants to take: |
| Virtual participation in due process hearings when using Part B Procedures | A state could permit hearings on due process complaints to be conductedthrough video conferences or conference calls, if a hearing officer concludes that such procedures are consistent with legal practice in the state. A hearing conducted virtually must ensure a parent’s right to an impartial due process hearing consistent with all requirements.  | [34 C.F.R.§ 303.443(c)(1)(iii).](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=2efc6ac008484e0a5026bf66d99a6c66&ty=HTML&h=L&mc=true&n=pt34.2.303&r=PART#se34.2.303_1443)34 C.F.R. §§ 303.443 through 303.448.[OSEP FAQ 6/22/2020, Q8](https://sites.ed.gov/idea/idea-files/part-c-dispute-resolution-in-covid-19-environment-q-a-document-june-22-2020/#Q8) | [ ]  Yes\*[ ]  No | [ ]  Yes\*\*[ ]  No |
| \*If helpful for use in sharing information, insert document names and/or link(s) or locations of related State policies/TA guidance: |
| \*\*Follow-up action(s) the Part C Program needs/wants to take: |
| Timelines for due process hearings when using Part B procedures | IDEA permits a hearing officer or a reviewing officer to grant specific extensions of timelines at the request of either party to the hearing or review. There is no IDEA requirement that both parties agree to the extension request, but the hearing officer or reviewing officer must document the length of the extension and the reason it was provided.  | [34 C.F.R § 303. 447(c)](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=2efc6ac008484e0a5026bf66d99a6c66&ty=HTML&h=L&mc=true&n=pt34.2.303&r=PART#se34.2.303_1447) [34 C.F.R 303.447(a)-(b)](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=2efc6ac008484e0a5026bf66d99a6c66&ty=HTML&h=L&mc=true&n=pt34.2.303&r=PART#se34.2.303_1447)[OSEP FAQ 6/22/2020, Q9](https://sites.ed.gov/idea/idea-files/part-c-dispute-resolution-in-covid-19-environment-q-a-document-june-22-2020/#Q9) | [ ]  Yes\*[ ]  No | [ ]  Yes\*\*[ ]  No |
| \*If helpful for use in sharing information, insert document names and/or link(s) or locations of related State policies/TA guidance: |
| \*\*Follow-up action(s) the Part C Program needs/wants to take: |
| Compensatory services | If the offices remain open, but Part C services cannot be provided in a particular location, such as the child’s home, by a particular EIS provider or to a particular child who has COVID-19, then the LA must ensure the continuity of services, on a case-by-case basis consistent with protecting the health and safety of the child and those providing services to the child. For example, the LA may consider providing services in an alternate location, by using a different EIS provider or by alternate means, such as a consultative service to the parent.Once services are fully resumed, the service coordinator (SC) and EIS providers for each child must:* Assess the child to determine if the child’s service needs have changed and
* Determine whether the IFSP Team needs to meet to review the child’s IFSP to identify whether changes to the IFSP are needed.

If the offices are closed and services are not provided for an extended period, the IFSP Team must meet to determine if changes are needed to the IFSP and to determine whether compensatory services are needed to address the child’s developmental delay. | [34 C.F.R § 303.342(b)(1)](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=2efc6ac008484e0a5026bf66d99a6c66&ty=HTML&h=L&mc=true&n=pt34.2.303&r=PART#se34.2.303_1431)[OSEP Guidance March 2020, Q B1, B2](https://docs.wixstatic.com/ugd/38a114_bbb843a9d543469f976729ee98758028.pdf) | [ ]  Yes\*[ ]  No | [ ]  Yes\*\*[ ]  No |
| \*If helpful for use in sharing information, insert document names and/or link(s) or locations of related State policies/TA guidance: |
| \*\*Follow-up action(s) the Part C Program needs/wants to take: |

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