

**281—120.7(34CFR303) Early ACCESS system—state level.**

**120.7(1)** *Early ACCESS statewide governance management structure.* The governance structure for the Early ACCESS system is described in the Early ACCESS interagency agreement and the federal Part C application.

**120.7(2)** *Lead agency.* The lead agency, appointed by the governor, is the fiscal and legal agent for administering federal funds under Part C and state funds specifically appropriated for Early ACCESS support. The state department of education was appointed lead agency on June 24, 1987. Responsibilities of the lead agency include:

*a.* Developing and implementing policies and procedures regarding the types of information to be gathered and the policies and parameters for sharing of information across agencies and programs, as well as such information that might be necessary for an annual report to the governor and the U.S. Department of Education;

*b.* Monitoring the agencies, institutions and organizations that provide early intervention services and supports;

*c.* Enforcing any obligations imposed under Part C on the agencies listed in paragraph “b”;

*d.* Providing technical assistance, if necessary, to the agencies, institutions and organizations listed in paragraph “b”;

*e.* Correcting deficiencies that are identified through monitoring;

*f.* Adopting and carrying out complaint procedures;

*g.* Mediating any interagency disputes regarding early intervention services;

*h.* Establishing policies related to how early intervention services to eligible children and their families shall be paid for;

*i.* Establishing procedures to ensure the timely provision of services;

*j.* Ensuring that the following functions and services are provided at public expense:

(1) Child find requirements;

(2) Evaluation and assessment functions;

(3) Service coordination;

(4) Development and review of IFSPs;

(5) Implementation of procedural safeguards; and

(6) Other components of the statewide system of Early ACCESS;

*k.* Maintaining a data system to be utilized for gathering information regarding early intervention services provided for eligible children in Early ACCESS; and

*l.* Monitoring use of funds. [34 CFR 303.500-303.525]

**120.7(3)** *Iowa council for Early ACCESS.* The council shall be established by the lead agency. Members must be appointed by the governor to meet the Part C mandate and to ensure that the membership reasonably represents the population of the state. The governor shall designate a member of the council to serve as the chairperson or shall require the council to do so. Any member of the council who is a representative of the lead agency may not serve as the chairperson of the council.

*a. Duties.* The council shall advise and assist the lead agency in:

(1) Development and implementation of policies and programs that constitute the statewide system;

(2) Achieving the full participation, coordination and cooperation of all appropriate public agencies in the state that are providing early intervention services or otherwise contributing to the Early ACCESS system;

(3) Effective implementation of the statewide system by establishing a process that includes:

1. Seeking information from service providers, service coordinators, parents and others regarding any federal, state or local policies that impede timely service delivery; and

2. Taking steps to ensure that any policy issues are resolved;

(4) To the extent appropriate, resolution of disputes;

(5) Assignment of financial responsibility to the appropriate agency;

(6) Promotion of interagency agreements;

(7) Preparation of Part C applications and amendments to those applications;

(8) Transition of eligible children for preschool services under Part B of IDEA and rule 281—41.75(256B,34CFR300,303);

(9) Preparation and submission of an annual report to the governor and the U.S. Secretary of Education on the status of the Early ACCESS system of early intervention programs and services;

(10) Provision of appropriate services for children from birth to the age of five years, inclusive; and

(11) Identification of sources of fiscal and other support for services for early intervention programs. [34 CFR 303.600, 303.650-303.654]

The council may advise appropriate agencies in the state with respect to the integration of services for eligible children and their families, regardless of whether at-risk infants and toddlers are eligible for early intervention services in the state.

*b. Composition of the council.* The council shall be composed as follows:

(1) At least 20 percent shall be parents, including minority parents, of eligible children or children 12 years of age or younger with a condition or developmental delay, with knowledge of, or experience with, programs for infants and toddlers with a condition or developmental delay. At least one member must be a parent of an infant, toddler, or child 6 years of age or younger with a disability;

(2) At least 20 percent of the members shall be public or private providers of early intervention services;

(3) At least one member shall be from the state legislature;

(4) At least one member shall be involved in personnel preparation;

(5) At least one member shall be from a Head Start or Early Head Start agency or program in the state;

(6) At least one member shall be from each of the state agencies that are involved in the provision of, or payment for, early intervention services to eligible children and their families and shall have sufficient authority to engage in policy planning and implementation on behalf of the signatory agencies;

(7) At least one member shall be from the state educational agency responsible for preschool services to children with a condition or developmental delay who has sufficient authority to engage in policy planning and implementation on behalf of that agency;

(8) At least one member shall be from the agency responsible for the state governance of health insurance; and

(9) Other members may be selected by the governor, including a representative from the Bureau of Indian Affairs (BIA) or, where there is no school operated or funded by the BIA, from the Indian health services or the tribe or tribal council. [34 CFR 303.601]

*c. Council meetings.* The council must:

(1) Meet at least quarterly in such locations as it deems necessary;

(2) Publicly announce the meetings sufficiently in advance of the dates the meetings are to be held to ensure that all interested parties have an opportunity to attend;

(3) To the extent appropriate, hold meetings that are open and accessible to the general public; and

(4) Provide interpreters for persons who are deaf attending council meetings. In addition, other special accommodations for both council members and participants who give advance notice of their needs to staff of the council shall be provided as appropriate at council meetings. [34 CFR 303.603]

*d. Conflict of interest.* No member of the council may cast a vote on any matter that would provide direct financial benefit to that member or otherwise give the appearance of a conflict of interest. [34 CFR 303.604]

*e. Executive committee.* The executive committee shall consist of the council chairperson; the vice-chairperson; at least two council members, one of whom is a parent; and a council representative from each of the signatory agencies. The executive committee is responsible for the following:

(1) Initially reviewing and discussing information and issues that will be addressed by the full council;

(2) Establishing the framework for overall council business, including the calendar of meetings and the agenda for council meetings; and

(3) Facilitating the implementation of the interagency agreement among the signatory agencies described in subrule 120.7(4).

**120.7(4) *Signatory agencies.*** The departments of education, public health, and human services and the child health specialty clinics shall enter into an interagency agreement to formalize their joint commitments to the establishment and ongoing implementation and evaluation of a comprehensive, integrated, interagency Early ACCESS system. The Iowa department of education is responsible for providing education programs and services for preschool and school-age students, including children with disabilities, from birth through 21 years of age. The Iowa department of human services administers social service programs in order to help and empower individuals and families to become increasingly self-sufficient and productive. The Iowa department of public health administers public health programs in order to promote and protect the health of Iowans. The child health specialty clinics are the statewide public health program for children with special health care needs, as designated by the legislature. [34 CFR 303.523; 20 U.S.C. 1411, 1419(a),(h), 1432(4)(B), 1435(a)(10)]

**120.7(5) *Interagency agreement.*** The agreement between signatory agencies shall outline the commitment of these agencies to the implementation of an interagency, integrated system of Early ACCESS and:

- a.* Reflect the interagency vision and guiding principles of Early ACCESS;
- b.* Define the population to be served;
- c.* Identify roles, responsibilities and expectations of the signatory agencies;
- d.* Outline financial responsibilities described in rule 281—120.79(34CFR303);
- e.* Describe parameters for policy development and management decisions;
- f.* Describe procedures for resolving disputes;
- g.* Identify transition activities from Part C services;
- h.* Describe child find efforts; and
- i.* Describe the roles and responsibilities of the signatory agencies and assigned staff. [34 CFR 303.523]