

281—120.8(34CFR303) Early ACCESS system—regional and community levels.

120.8(1) Early ACCESS grantees. Early ACCESS grantees shall have the fiscal and legal obligation for ensuring that the Early ACCESS system is carried out regionally. Early ACCESS grantees shall be designated by the lead agency, and shall exist, at a minimum, in geographic areas that ensure statewide coverage as determined by the lead agency.

a. Policies. Each grantee shall establish in accordance with these rules the policies pertinent to a regional Early ACCESS system and shall make such policies available to the lead agency upon request. At a minimum, such policies shall include the following:

(1) Policy to ensure that appropriate early intervention services are available to all eligible children in the state and their families, including Indian infants and toddlers and their families residing on a reservation or settlement geographically located in the state, in accordance with rule 281—120.23(34CFR303);

(2) Policy to ensure that all infants and toddlers in the state who are eligible for services under these rules are identified, located, and evaluated, and that an effective method to determine which children are receiving needed early intervention services is developed and implemented, in accordance with rule 281—120.23(34CFR303);

(3) Policy regarding the development and implementation of individualized family service plans, in accordance with division VII;

(4) Policy for the establishment and maintenance of standards to ensure that personnel necessary to carry out the requirements of these rules are appropriately and adequately prepared and trained, in accordance with division V;

(5) Policy pertaining to contracting or making other arrangements with public or private service providers to provide early intervention services and service coordination, in accordance with rule 281—120.83(34CFR303); and

(6) Policy to ensure a smooth transition to preschool or other appropriate services for children receiving early intervention services under these rules, in accordance with division VIII.

b. Procedures. Each grantee shall develop, in accordance with these rules, written procedures pertinent to the implementation of a regional Early ACCESS system, and shall make such procedures available to the lead agency upon request. At a minimum, such procedures shall include the following:

(1) Procedures to ensure that all infants and toddlers who are eligible for services under these rules are identified, located, and evaluated and that an effective method to determine which children are receiving needed early intervention services is developed and implemented, in accordance with rule 281—120.23(34CFR303);

(2) Procedures for use by primary referral sources for referring a child to the appropriate public agency within the system for evaluation and assessment or, as appropriate, the provision of services, in accordance with subrule 120.27(2);

(3) Procedures to ensure provision of early intervention services and service coordination, including the appointment of service coordinators, in accordance with subrule 120.27(2);

(4) Procedures to ensure documentation and the development and implementation of an interim IFSP in the event of exceptional circumstances that make it impossible to complete the evaluation and assessment within 45 days, in accordance with rule 281—120.30(34CFR303);

(5) Procedures for conducting nondiscriminatory evaluation and assessment, in accordance with rule 281—120.28(34CFR303);

(6) Procedures for the development and implementation of individualized family service plans, in accordance with division VII;

(7) Procedures for the establishment and maintenance of standards to ensure that personnel necessary to carry out the purposes of these rules are appropriately and adequately prepared and trained, in accordance with division V;

(8) Procedures for ensuring procedural safeguards that meet the requirements of these rules, in accordance with division IX;

(9) Procedures for ensuring maintenance and confidentiality of records, as described in rules 281—120.42(34CFR303) and 281—120.65(34CFR303);

(10) Procedures to allow parties to disputes to resolve the disputes through a mediation process, in accordance with rule 281—120.70(34CFR303);

(11) Procedures for providing mediation for the timely administrative resolution of complaints by parents regarding an individual child, in accordance with subrules 120.69(4) and 120.71(1);

(12) Procedures for resolving a complaint that any public agency is violating a requirement of Part C, in accordance with paragraph 120.69(1)“a”;

(13) Procedures related to how services to eligible children and their families will be paid for under the state’s early intervention program, in accordance with division XI;

(14) Procedures for the timely provision of services, ensuring that no service to which a child is entitled is delayed or denied because of disputes between agencies regarding financial or other responsibilities, in accordance with subrule 120.83(1);

(15) Procedures for resolving intra-agency and interagency disputes about payments for a given service or about other matters related to the state’s early intervention program in accordance with interagency agreement(s) and with rule 281—120.79(34CFR303);

(16) Procedures to ensure that services are provided to eligible children and their families in a timely manner pending the resolution of disputes among public agencies or service providers, in accordance with subrule 120.71(7); and

(17) Procedures for securing the timely reimbursement of funds, in accordance with rule 281—120.84(34CFR303).

c. Collaboration. Early ACCESS grantees shall collaborate with local representatives of signatory agencies, community partners, and families in the development, implementation and monitoring of policies and procedures described in this rule. Early ACCESS grantees shall designate an individual who has primary responsibility for coordinating regional implementation and serving as a liaison to the lead agency.

120.8(2) Community partners. Community partners include state and local representatives of signatory agencies, as well as other regional and community agencies and providers, public and private, including physicians, Early Head Start, child care providers, community empowerment areas, and health programs, that work with Early ACCESS when providing early intervention services or other supports such as supporting family participation in improving the Early ACCESS system, early identification of eligible children, service coordination, provision of other needed services or resources, and other efforts to improve the Early ACCESS system. [34 CFR 303.522]