

Guidance for Part C/Early Intervention and the Application of Special Education Recovery Services and Supports

Background—Federal Guidance

Recent guidance by the United States Department of Education, Office of Special Education and Rehabilitative Services (OSERS) highlighted the disproportionate effects of the COVID-19 pandemic on infants and toddlers with disabilities and their families.¹ OSERS noted that some infants and toddlers with disabilities and their families were unable to achieve the expected outcomes described in their individualized family service plans (IFSPs).² In addition, OSERS had previously released guidance to clarify that IDEA Part C requirements remained in effect during the pandemic. States remained responsible for ensuring the provision of early intervention services to infants and toddlers with disabilities and their families and implementing Part C requirements.³

Applicability of Special Education Recovery Services to Infants and Toddlers with Disabilities

Effective July 1, 2021, Minnesota’s Special Education Recovery Services and Supports law requires school districts to invite parents of infants and toddlers with disabilities to a meeting as soon as practicable, but no later than December 1, 2021, to determine the impact of any disruption resulting from the COVID-19 pandemic on progress towards the outcomes identified in individualized family service plans (IFSPs). Therefore, school districts must send invitations to meet for the purpose of discussing the impact of COVID-19 on the provision of free appropriate public education (FAPE) to infants and toddlers as soon as practicable but no later than December 1, 2021. The invitation must be sent no later than December 1. The meeting itself does not need to be held before December 1, but should be held as soon as practicable. For infants and toddlers who are no longer identified as a child with disability and are no longer eligible for early intervention services or Part B services, there is no requirement to invite the child’s parents to this meeting.

¹ U.S. Department of Education, Office of Special Education and Rehabilitative Services, August 24, 2021, [Letter to Special Education and Early Intervention Partners](#).

² *Id.*

³ U.S. Department of Education, Office of Special Education and Rehabilitative Services, October 20, 2020, [Part C provision of services](#).

Although there is no specific requirement for how the meeting invitations to parents of infants and toddlers with disabilities must be documented, it would be advisable to agree on one method of documentation within your program and apply it consistently.

Determining Special Education Recovery Services for Infants and Toddlers with Disabilities

In determining whether an infant or toddler with a disability is eligible for special education recovery services and supports—and what services and supports are appropriate for the infant or toddler—schools and families must consider, in conjunction with relevant guidance from the Minnesota Department of Education⁴ (MDE) and the U.S. Department of Education, the following:

- 1) Services and supports provided to the infant or toddler and their family before the disruptions to early intervention services resulting from the COVID-19 pandemic;
- 2) The ability of the infant or toddler and their family to access services and supports;
- 3) The progress of the infant or toddler and their family toward achieving the outcomes identified in the IFSP, including outcomes in effect before disruptions to services resulting from the COVID-19 pandemic;
- 4) Other significant influences on the ability of the infant or toddler and their family to participate in and benefit from early intervention services resulting from the COVID-19 pandemic, including family loss, changed family circumstances, other trauma and illness; and
- 5) The types of services and supports that would benefit the infant or toddler and their family and improve their ability to benefit from early intervention services.⁵ 34 C.F.R. § 303.13

Other Considerations

- At the meeting, the school district and family must continue to take into account the timing and delivery method most appropriate for the infant or toddler and their family to address lack of progress on outcomes. The IFSP must include the location, length, duration, frequency, intensity and method of delivering the early intervention services, as outlined in 34 C.F.R. § 303.344(d).
- For those children who have aged out of Part C services and are eligible for Part B services, the child's Part B Individualized Education Program (IEP) team would consider the disruptions related to the COVID-19 pandemic on the child's Part C services when making a determination of the child's need for recovery services and supports.
- For those children transitioning to Part B within 90 days of the December 1, 2021 deadline for the offer of a meeting, the recovery services determination can be part of the transition meeting if the parent agrees and it is included in the notice for that meeting. Any necessary recovery services for this age group can be included in the child's Part B IEP.
- For the determination of an infant or toddler's need for recovery services, the use of a virtual method for the delivery of early intervention services on its own does not mean an infant or toddler and their

⁴ See [Updated Guide to Addressing the Impact of the COVID-19 Pandemic on Students with Disabilities](#) (February 2021/Updated July 2021).

⁵ [Part C Early Intervention Services](#)

family are entitled to recovery services. School districts and families will instead determine if the early intervention services continued to meet the needs of the child and family during the COVID-19 pandemic. That determination should include discussion of any impact the location, frequency, intensity and method of delivery had on the effectiveness of those early intervention services.

For questions related to the guidance, please contact Early Learning Services by emailing mde.ecse@state.mn.us or by calling 651-582-8412.