


NH Department of Health and Human Services (DHHS)
Division of Long Term Supports and Services
Bureau for Family Centered Services

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STATE OF NEW HAMPSHIRE FCESS GENERAL MEMORANDUM (GM)	
DATE:	11/5/2020
TO:	Area Agency Directors and Family Centered Early Supports and Services Programs
FROM:	Deirdre Dunn Tierney, Chief, Bureau for Family Centered Services
SIGNATURE:	
SUBJECT:	FCESS COVID-19 Emergency Guidance #6
GM NUMBER:	BFCS-COVID-19-006-FCESS
EFFECTIVE DATE:	10/21/20
REGULATORY GUIDANCE:	This memo is a communication tool circulated for informational purposes only. The goal is to provide information and guidance to the individuals to whom it is addressed. The contents of this memo and the information conveyed are subject to change. This communication is not intended to take the place of or alter written law, regulations or rule.

MEMORANDUM SUMMARY
<p>The purpose of this memorandum is to:</p> <ul style="list-style-type: none"> • Provide an update/change to <u>Provision of Supports and Services</u> within previous guidance provided in memo GM NUMBER: FCESS-GM-002-20 dated 3/19/20. • Provide statewide guidance to state designated area agencies and provider agencies relative to COVID-19 Emergency to ensure continuity of service delivery.

The Office of Special Education Program (OSEP) provided an “OSEP QA 21-02” guidance dated October 21, 2020, which includes guidance on IFSP Meetings and Service Provisions, 45-Day Timeline, and Service Provision.
<https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-provision-of-services-idea-part-c-10-21-2020.pdf> .

Previous guidance GM NUMBER: FCESS-GM-002-20 dated 3/19/20 provided the following regarding services provisions in a natural environment.

Provision of Supports and Services, He-M 510.04(b), states: “FCESS shall be provided in a variety of natural environments where children and families of the community gather” which include the family’s own home and other similar settings.

- *As always, services are to be delivered in environments that are considered natural or typical for a same-aged infant or toddler without a disability. Due to the COVID-19 Emergency, families with same-age peers are avoiding group settings and gatherings making alternative methods (e.g. phone, video conference & Skype, and email) of providing FCESS necessary and appropriate.*

OSEP QA 21-02 guidance dated October 21, 2020 provides the following regarding service provisions in a natural environment.

Q3. What must a State LA and its EIS providers do if they cannot provide IDEA Part C services in accordance with the IFSP due to the pandemic?

“In many cases, the public health responses related to COVID-19 may prevent EIS providers from delivering specific early intervention services in a child’s IFSP. For example, Part C services on many IFSPs are to be provided in the child’s natural environment, including the child’s home and community settings (such as day care) that are natural or typical for a same-aged infant or toddler without a disability. When the lead agency or EIS provider cannot provide IDEA Part C services in accordance with the IFSP, it must provide prior written notice to the parents as soon as possible. The child’s IFSP Team, which includes the parents, must then determine which services can be provided to meet the child’s needs during this time, and consider other services or alternate means of service delivery, if feasible and consistent with privacy interests, such as through the use of telecommunications, including telephone or videoconferencing, or consultative services to the parent. If the parent has previously agreed, or agrees during the pandemic, the prior written notice can be provided through electronic mail (email). The State LA and EIS providers must document the IFSP Team’s determination and revise the child’s IFSP to reflect the agreed-upon services that will be provided in light of the circumstances (e.g., program closures, social distancing or other measures) so that the IFSP is clear to the parents and all who are responsible for providing IDEA Part C services to the child. OSEP notes that, where feasible, early intervention services identified in the IFSP should be based on peer reviewed research to the extent practicable, but the Department understands that in light of the public health responses related to the COVID-19 pandemic, peer reviewed research may not be available for services provided remotely.”

As required by this guidance, the program must provide prior notice to the parents of the need for an alternative means of service deliver. The IFSP Supports & Service page must be revised to include the alternative means, such as telecommunications, as the location of service delivery. The IFSP must also include a justification for the non-natural environment, such as but not limited to, “Due to COVID-19 Pandemic in-person limitations for public health and safety.” The justification should also include a notation that it will be reviewed at the 6-month review meeting.

Do not hesitate to contact the Part C Office Kathy Gray via phone 271-3783 or email Kathleen.gray@dhhs.nh.gov or Deirdre Dunn Tierney at Deirdre.dunn@dhhs.nh.gov with any questions.