

## Checklist for Reviewing IDEA Part C Methods—for States

**OSEP Worksheet to Determine: Whether the State Must Have a Method to Ensure the Financial Responsibility for IDEA Part C Services, and If a Method is Required, With What State Level Agencies Must the Lead Agency have a Method?**

State: \_\_\_\_\_

The State's IDEA Part C Lead agency is: \_\_\_\_\_

1.
  - a. Do any State-level agencies, other than the lead agency, **provide** IDEA Part C services?
  - b. If other State-level agencies provide IDEA Part C services, which ones?
  
2.
  - a. Do any State-level agencies, other than the lead agency, pay for IDEA Part C services?
  - b. Does the State use Medicaid to pay for IDEA Part C services?
  - c. If other State-level agencies, including the Medicaid agency, pay for IDEA Part C services, which ones?
  
3. For each State-level agency that provides or pays for IDEA Part C services, what method (State statute, regulation, Interagency Agreement, or other written method) does the lead agency have in place with that agency to ensure the financial responsibility for IDEA Part C services?

**Section II.A.3.b. of the FFY 2012 IDEA Part C Grant Application**

**OSEP Checklist for Reviewing a Method  
under IDEA Section 640 and new 34 CFR §303.511**

States must have in place a written method to establish financial responsibility for the provision of Part C services if there are State-level agencies, other than the State lead agency, that provide or pay for Part C services in the State. If the State uses any Method other than State statute or regulation (i.e., an interagency agreement or another appropriate written method) to ensure the provision of, and financial responsibility for, Part C services, the State must submit, consistent with 34 CFR §303.203(b)(2), that Method (the agreement or other written method) to the Department with the State’s IDEA Part C FFY 2012 grant application.

<b>Requirement</b>	<b>Is it met by State’s submission? Questions?</b>
<p><b><u>Use of Funds</u></b>— The use of IDEA Part C funds in each Method must be consistent with the use of funds requirements in 34 CFR §303.501.</p>	
<p><b><u>Payor of Last Resort</u></b>— The Method must provide that Part C funds may not be used to satisfy a financial commitment for services that would otherwise have been paid for from another public or private source, consistent with 34 CFR §303.510.</p>	
<p><b><u>System of Payments (SOPs), Use of Insurance, if applicable</u></b>— The Method must include any provisions the State has adopted under 34 CFR §303.520 regarding the <b>use of insurance</b> to pay for Part C services, consistent with 34 CFR §303.511(d)(2).</p>	<b>See checklist for reviewing SOPs.</b>
<p><b><u>System of Payments, Fees, if applicable</u></b>— If a State has a system of payments, including sliding fees or cost participation fees, the Method must be consistent with those policies, which the State has adopted in writing and established under 34 CFR §§303.520 and 303.521. (34 CFR §303.511(d)(2))</p>	<b>See checklist for reviewing SOPs.</b>

**Section II.A.3.b. of the FFY 2012 IDEA Part C Grant Application**

<b>Requirement</b>	<b>Is it met by State's submission? Questions?</b>
<p><b><u>Timely Resolution of Disputes, Final Determination</u></b>—                      The Method must include procedures for achieving a timely resolution of intra-agency and interagency disputes about payments for a given service, or disputes about other matters related to the State's early intervention service program. Those procedures must include a mechanism for resolution of disputes within agencies and for the Governor, Governor's designee, or the lead agency to make a final determination for interagency disputes, which determination must be binding upon the agencies involved (34 CFR §303.511(c)(1))</p>	
<p><b><u>Timely Resolution of Disputes, Internal Agency Procedures</u></b>—                      The Method must permit the agency to resolve its own internal disputes (based on the agency's procedures that are included in the agreement), so long as the agency acts in a timely manner (34 CFR §303.511(c)(2)(i))</p>	
<p><b><u>Timely Resolution of Disputes, Lead Agency process</u></b>—                      The Method must include the process that the lead agency will follow in achieving resolution of intra-agency disputes, if a given agency is unable to resolve its own internal disputes in a timely manner (34 CFR §303.511(c)(2)(ii))</p>	
<p><b><u>Timely Resolution of Disputes, Financial Responsibility</u></b>—                      The Method must provide that if, during the lead agency's resolution of the dispute, the Governor, Governor's designee, or lead agency determines that the assignment of financial responsibility under this section was inappropriately made—                      The Governor, Governor's designee, or lead agency must reassign the financial responsibility to the appropriate agency; and                      The lead agency must make arrangements for reimbursement of any expenditures incurred by the agency originally assigned financial responsibility (34 CFR §303.511(c)(3))</p>	

**Section II.A.3.b. of the FFY 2012 IDEA Part C Grant Application**

<b>Requirement</b>	<b>Is it met by State's submission? Questions?</b>
<p><b><u>Services Pending Resolution of Disputes</u></b>—                      The Method must include a mechanism to ensure that no services that a child is entitled to receive under this part are delayed or denied because of disputes between agencies regarding financial or other responsibilities (34 CFR §303.511(d)(1))</p>	
<p><b><u>Any Additional Components</u></b>—                      The Method must include any additional components necessary to ensure effective cooperation and coordination among, and the lead agency's general supervision (including monitoring) of, EIS providers (including all public agencies) involved in the State's early intervention service programs (34 CFR §303.511(e))</p>	
<p><b><u>Consistent with Section 635 and application</u></b>—                      The Method must be consistent with the Statewide system requirements in IDEA section 635 and the State's IDEA Part C application (34 CFR §303.511(a)(2)). The Method does not need to expressly refer to IDEA section 635 and the State's IDEA Part C application, but it may not be inconsistent with those requirements. For example, the Method is not required to include definitions of early intervention services, but if any definitions are included, they must be consistent with IDEA section 635 and the State's IDEA Part C application.</p>	