**CDS Part B/619 Contracted Provider Q & A: May 18, 2020**

**Is there any updated guidance on ESY?**

Updated guidance on in-person ESY services from MDOE is anticipated soon. Nationally, the frequency and intensity of ESY services is being determined without considering the impact of COVID-19.

**Is there any updated guidance on the provision of services previously unavailable (SPU)?**

Updated guidance on the provision of SPU from MDOE and CDS is anticipated soon.

**Are in-person evaluations permitted?**

At this point in time, MDOE and CDS are not endorsing in-person evaluations. Providers are encouraged to complete the portions of an evaluation that are appropriate for virtual administration and that will result in valid and reliable results. In some cases, an entire evaluation may be completed while, in others, it may only be possible to complete portions.

Providers are encouraged to assess, in collaboration with the regional CDS site and the student’s IEP team, the appropriateness of the virtual administration of an evaluation on a child-by-child and tool-by-tool basis. Although professional judgement may be used in the absence of standard scores, the IEP team must adhere to the criteria necessary for eligibility: the presence of a disability, an adverse effect on the child’s educational performance, and the need for special education services.

**Can in-person services be provided to children for whom MaineCare is the pay source?**

MaineCare may allow in-person *medical* services. However, MDOE and CDS are not currently endorsing, nor reimbursing, for in-person IEP services. Providers are encouraged to contact MaineCare to determine what is considered ‘reimbursable’ under current MaineCare policy.

**What can be done for situations in which present levels are unavailable at the time of the IEP meeting?**

If the IEP team is unable to provide data regarding present levels, the student’s current IEP goals should be maintained.

**Will CDS continue to allow virtual services once in-person services resume?**

Families may continue to choose services provided via tele-education once in-person services resume. Given the increased capacity and, in many cases, comparable effectiveness, tele-education will likely be an option post COVID-19.

**If services were provided over April break, how should this be documented?**

Considering the brief hiatus in services that occurred while transitioning to tele-education, CDS allowed make-up services to occur over April break. They should be documented as make up sessions in CINC.

**Given the delay in eligibility determination for Part B, will Part C services continue past the third birthday?**

If the family chooses to do so, CDS Part C services will continue past the child’s third birthday and until the IEP team has determined eligibility for Part B services.

**What are the expectations with regard to the maintenance of ratios identified on the IEP during the provision of tele-education?**

The maintenance of ratios is impractical, if not impossible, during the remote provision of services. Providers should document, in the CINC service log, the ratio which occurred and the reason why it may not align with that on the IEP. Reimbursement will be based on the ration identified on the IEP rather than the ratio that actually occurred.

**Can CDS provide clarification on how to document and bill for time spent assembling and distributing materials to children and families?**

The time spent assembling and distributing materials should be documented in a CINC service log. If the assembled materials are to be used for multiple children, the time should be split evenly across all of the children.

**Can CDS provide clarification on the dates of ESY and the provision of services within those dates?**

In general, CDS ESY runs from 6/15 to 8/21 although some sites have extended ESY to 8/28. CDS authorizes a *number* of sessions for ESY rather than a frequency and intensity of services. When those services are provided is determined by the provider and family.

**Can access to adult support in a mainstream setting be provided via tele-education?**

Tele-education is permissible if it *meets the intent* of the IEP. At face value, this seems challenging with access to adult support. However, it depends of the child, the IEP, and a conversation with the regional CDS site.