Transition from Part C to Part B Preschool Special Education: Knowing the Rules and Implementing Effective Partnerships

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Presentation for the

Regulatory Requirements

- **IDEA Statue 2004** **December 3, 2004**
  20 USC 1400
- **Part B Regulations** **August 14, 2006**
  34 CFR Parts 300 and 301 Assistance to States for the Education of Children with Disabilities and Preschool Grants for Children with Disabilities
- **Part C Regulations** **September 28, 2011**
  34 CFR Part 303 Early Intervention Program for Infants and Toddlers with Disabilities
- **Unique State Rule and Policy**

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OSEP Policy Letters and FAQs

- **Policy Letter to Elder** *February 11, 2004*
- **Policy Letter to Hirsch** *August 9, 2005*
- **OSEP Early Childhood Transition FAQs – SPP/APR Indicators C-8 and B-12** *December 12, 2009*
  (To be revised)
- **Policy Letter to ITCA and NASDSE** *February 9, 2011*

Available at: http://www.nectac.org/idea/clarfctnltrs.asp

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State Performance Plan (SPP) and Annual Performance Reports (APR)required by the IDEA Statute

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Indicator C8 Requirements

Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday including:

- A. ***IFSPs with transition steps and services***;
- B. ***Notification to SEA & LEA***, if child **potentially eligible** for Part B; and
- C. ***Transition conference***, if child **potentially eligible** for Part B.

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Indicator B12 - IEP by Age Three

Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthday.

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Indicator B11-Initial Evaluation

Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.

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Timeline and Sequence of Federal Regulations and Activities from C to B

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Agreements
(§303.209(A)(B))

- If the Lead Agency is not the SEA = Interagency Agreement
- If the Lead Agency is the SEA= **Intra-agency Agreement**
- Both agreements **must address** how the Lead Agency and SEA will meet the **requirements of 303.209 (b) through (f)**

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Transition Notification (Referral)
(§303.209(b)(1))

Prior to a toddler exiting the Part C early intervention program, if that toddler is **potentially eligible** for services under Part B of the IDEA, the lead agency must **notify the SEA** and the **LEA** where the toddler resides that the toddler on his or her third birthday will reach the age of eligibility for services under Part B. (§303.209(b)(1))

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Transition Notification (Referral)

- SPP and APR Indicator C8B
- Only reported in C8B for children who are considered potentially eligible
- **Only** occurs for children who are **potentially eligible for Part B** instead of for all children
- Notification must occur **no fewer than 90 days** before the toddler's third birthday

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Transition Notification (Referral) (§303.209(b)(1))

Status of Toddler Who is Potentially Eligible for Part B	Lead Agency Notifies LEA / SEA
Exiting Part C by age three (§303.209(b)(1)(i))	At least 90 days prior to toddler's third birthday.
Determined eligible for Part C 45 – 90 days prior to turning age three (§303.209(b)(1)(ii))	As soon as possible after the eligibility determination.
Referred to lead agency less than 45 days prior to turning age three (§303.209(b)(1)(iii))	No evaluation / assessment / IFSP required, but MUST notify the SEA & LEA if the child may be eligible for Part B (with parental consent, if applicable, under §303.414).

Transition Notification (Referral)

Content of the **SEA** and LEA notification must include information to assist Part B in their child find responsibilities **(Disclosure of Personally Identifiable Information)**

Must include:

- Child's name
- Child's date of birth
- Parent contact information

May additionally include:

- Service Coordinator's name and contact information
- Language(s) spoken by the child and family

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Transition Notification (Referral)

- Individually determined by IFSP team based on states' definition of potentially eligible
- Lead Agency responsibility to establish policy
- Reported in C8-B
- **Considered an initial referral to Part B**
- Part B provides procedural safeguards to parents upon initial referral.(34CFR 300.504(a)(1)

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Transition Plan (§303.209(d))

- IDEA and APR requirement (C8A)
- **IFSP includes a transition plan** for **all** infants and toddlers with a disability exiting from Part C
- Reviews program options for toddler from third birthday through the remainder of school year
- Families included in transition plan development
- **Developed not fewer than 90 days** and **not more than 9 months before third birthday**

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Transition Plan (§303.209(d))

- Service coordination services includes facilitating the development of a transition plan. (§303.34(b)(10))
- Must include **steps to exit and services** identified as needed to support **smooth** transition (§303.209(d)(3)) and be consistent with content of an IFSP (§303.344(h))

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Procedures for Transition Plans
§303.209(d)(3)

Steps to exit from Part C

- Child find information is transmitted to the LEA or other relevant agency.(such as AEAs)
- Transmission of additional information, such as the most recent evaluation, assessments and IFSP (with parental consent).
- Will vary depending on the program to which the child is transitioning.

Services identified as needed

- Support transition of the child.
- Identified by the IFSP team.
- Needed by the toddler and his or her family.
- Discussions with and training of parents regarding future placements and other matters related to transition of their child (Inc. Head Start or other preschool options).

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Transition Conference and Meeting to develop Transition Plan
(§303.209(e))

- Any conference…or meeting to develop the transition plan **may be combined into one meeting but must meet IFSP meeting requirements** for 303.342(d) and (e)(accessibility & convenience)and 303.343 (a) meeting participants

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Transition Conference

- For a child exiting Part C and **potentially eligible** for Part B services, the transition conference must be held, with family approval, at least 90 days and **not more than 9 months prior** to the toddler's third birthday.
- **Required participants** include the lead agency, the LEA and the family. (§303.209(c)(1))

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Transition Conference

- For a child exiting Part C and not potentially eligible for Part B, the lead agency (with family approval) makes reasonable efforts to convene the transition conference.
- Required participants include the lead agency, providers of other appropriate services the toddler may receive and the family. (§303.209(c)(2))

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Transition Conference

- Part C is required to invite the LEA, unless the parent does not approve of convening the transition conference.
- LEA is required to participate in the transition conference (IDEA 612(a)(9) & Part B Regulations 300.124(c))
- LEA may participate via phone if agreeable to the parent

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Transition Conference

What if the LEA is invited but does not participate?

- Part C must still hold the conference at least 90 days and up to nine months prior to the child's third birthday
- Develop or revise the transition plan
- Must provide parents with information about Part B preschool services consistent with IDEA section 635(a)(6)

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What about late referrals to Part C or Part B that might affect timeline requirements?

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Late Referral to Part C – Part C Responsibilities

Children referred & may be eligible ≤ 45 days from 3rd Bday	Children referred & eligible 45 - 90 days from 3rd Bday
May, but **not** required, to:	**Must:**
Conduct initial eval/assess	Conduct initial eval/assess
Conduct initial IFSP meeting	Conduct initial IFSP meeting
Develop Transition Plan	Develop Transition Plan
Provide SEA & LEA Notification	Provide SEA & LEA Notification
Must refer to Part B if the toddler may be eligible and parent provides consent	
Do **not** report in C8-A or C8-C	Report in C8-A and C8-B
May conduct Transition Conference, but **NOT** required	

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Late Referral **to** Part C – Part B Responsibilities

For children referred to Part C ≤ 90 days from child's 3rd birthday and "served" by Part C, Part B:

- Conducts initial evaluation within 60 days or other state timelines (even if timeline expires after 3rd birthday)
- Conducts IEP Meeting (30 days from eligibility determination)
- Reports in B-11 and in B-12e

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Late Referrals **from** Part C to B - Part B Responsibilities

Defined as:

Children referred to Part C ≥ 90 days
(and served by Part C)
BUT referred to Part B ≤ 90 days from child's 3rd birthday

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Late Referrals from Part C to B - Part B Responsibilities

- Conduct initial evaluation
- Develop IEP by 3rd birthday, if found eligible for Part B
- Report all in B-12a (unless parent refusal to consent for evaluation caused delay – B12d)
  - Indicate reason for delay and range of days beyond 3rd birthday

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Part B Initial Evaluation & Eligibility Determination

- IEP team and other qualified individuals must review existing evaluation data, including evaluations and information provided by parents
- Based on that review and input by family, team determines what additional data are needed to determine if child is child with disability

  (Part B Regulations 300.305)
- Part C assessments may be used to determine child eligibility (Letter to Hirsch)

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IEP Team & Parent Participation

- An invitation **must, at the request of parents** be sent to Part C service coordinator or other representative of Part C System (Part B Regulations 300.321(f))
- Must **inform** parent of this provision

  (Part B regulations 300.322(a)(2)(b)(ii))
- Conditions for conducting a meeting without parent in attendance (Part B Regulation 300.322 (a)(2)(B)(ii)(d))

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Alternate Means of Participation

- (c) Other methods to ensure parent participation. If neither parent can attend an IEP Team meeting, the public agency must use other methods to ensure parent participation, including individual or conference telephone calls, consistent with Sec. 300.328 (related to alternative means of meeting participation).

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(d) Conducting an IEP Team meeting without a parent in attendance. A meeting may be conducted without a parent in attendance if the public agency is unable to convince the parents that they should attend. ….public agency **must keep a record of its attempts to arrange a mutually agreed on time and place**, such as--
(1) Detailed records of telephone calls made or attempted and the results of those calls;
(2) Copies of correspondence sent to the parents and any responses received; and
(3) Detailed records of visits made to the parent's home or place of employment and the results of those visits.
(e) Use of interpreters or other action, as appropriate. The public agency must take whatever action is necessary to ensure that the parent understands the proceedings of the IEP Team meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.
(f) Parent copy of child's IEP. The public agency must give the parent a copy of the child's IEP at no cost to the parent.
(Authority: 20 U.S.C. 1414(d)(1)(B)(i))

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When Must IEPs Be In Effect

- Conducted within 30 days of eligibility determination
- IEP Team must consider IFSP content
- Special education and related services as soon as possible after IEP development

(Part B Regulations 300.323)

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FAPE Beginning at Age Three

- Obligation to make FAPE available to each eligible child no later than the child's third birthday and an IEP is in effect
- IEP is in effect and includes the projected date for beginning services
- Third birthday occurs in summer, IEP team determines date when services begin

(Part B Regulation 300.301(b))

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IEP Developed and Implemented by 3rd Birthday for Children Referred by Part C

Children **NOT** included in B-12 are:

- Those who have not been evaluated or determined eligible for Part C and have not received any Part C services
- These children should be included in B-11

(To be included in B11, parental consent for an initial evaluation has been obtained.)

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Extended School Year (ESY)

- Each public agency must ensure that ESY services are available as necessary to provide FAPE.
  - Determined by IEP Team
  - Individualized basis in accordance with the IEP requirements
  - At no cost to the family
  - May not limit to specific disability categories
  - May not unilaterally limit type, duration or amount of those services

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Extended School Year and FAPE

From the Analysis of Comments:

Section 300.101 (a) clearly states that FAPE must be available to all children aged 3 through 21.....

The right of an individual child with disabilities to ESY Services is based on a child's entitlement to FAPE.

(p. 46582)

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IEP Developed and Implemented by 3rd Birthday for Children Referred by Part C

Children reported in B-12a include those:

- For whom LEA has received LEA Notification prior to child's third birthday that child will shortly reach the age of eligibility for Part B services **AND** that child is potentially eligible for services under Part B
- For whom the LEA has received invitation to the transition conference
- Served in Part C and referred to Part B even if child was referred to Part C ≤ 90 days before child's 3rd birthday

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National Early Childhood Transition Training and TA Resources

- **The National Early Childhood Transition Initiative Website**

http://www.nectac.org/topics/transition/ectransitionta.asp

- **OSEP Regulatory Training November 2011**

http://osep-part-c.tadnet.org/materials

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Additional Transition Resources

- US Department of Education – Building the IDEA Legacy http://idea.ed.gov/
- NECTAC Part C to Part B Transition Resource Collection http://www.nectac.org/topics/transition/transition.asp
- ITCA Side by Side http://www.dec-sped.org/uploads/docs/What's%20New/Part%20C%20Side%20By%20Side/FinishedPartCRegs.pdf
- National Early Childhood Transition Center http://www.hdi.uky.edu/NECTC/Home.aspx

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Tri-State Transition Resources

Kansas

✓ Kansas Transition from Part C to Part B
http://kskits.org/ta/transitionPartCtoPartB/index.shtml

✓ Kansas Resources for Families
http://kskits.org/ta/transitionPartCtoPartB/transitionPages/resultsForFamilies.shtml

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Tri-State Transition Resources

Iowa

- ✓ Iowa IFSP Training Resources http://www.iowaidea.org/vnews/display.v/SEC/IFSP%7CTraining%20Resources
- ✓ Iowa Early ACCESS Procedures Manual: Transition Section 6: http://www.iowaidea.org/vnews/display.v/SEC/IFSP%7CEarly%20ACCESS%20Procedures%20Manual

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Tri-State Transition Resources

Iowa (continued)

- ✓ Early ACCESS: Transition Toolbox: A Guide for Families *http://beta.aea267.k12.ia.us/familyed/early-access-transition-toolbox/*

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Tri-State Transition Resources

Nebraska

- ✓IFSP Tutorial IFSP Creating a Meaningful IFSP
  http://ifspweb.org/
- ✓IFSP VS IEP
  http://ifspweb.org/ifsp_vs_iep.html
- ✓Transition Planning
  http://ifspweb.org/transition_planning.html

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Time to Talk About Quality, Evidence and Recommendations

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Designing and Implementing Effective Early Childhood Transition Processes

- Provides a process for analyzing transition system infrastructure and program components
- Based on past experience, recommended practice, and emerging evidence base
- Recommends improvement strategies reflecting the most current research and recommended practice

http://www.nectac.org/topics/transition/ectransitionta.asp

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I. Content & Scope of Services

Access to a broad array of:

A. Child developmental and educational services, supports, settings

B. Child health and medical services to promote overall well-being

C. Family services

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II. Interagency Structures

A. Interagency entity has membership with authority to influence agencies' policies and procedures.

B. Shared philosophy is foundation for policies and determination of responsibilities

C. Primary contact person for transition is identified within each program/agency (C, 619) at the state & local level

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III. Interagency Communication & Relationships

A. Mechanisms for ongoing communication

B. Effective working relationships among programs and staff

C. Meaningful family participation at all levels

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IV. Interagency Agreements (IA/MOU/MOA)

A. Clear statements of transition processes

B. Clearly assigned roles and responsibilities related to transition

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V. Policy Alignment & Congruence

A. Aligned requirements and timelines

B. Delineated and aligned curricula and interventions

C. Procedures for coordination of services

D. Mechanisms to minimize disruption in services

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VI. Personnel Development, Staff Training and Resources

A. Shared responsibility of designated personnel for interagency training & TA

B. Activities jointly designed, implemented, and evaluated

C. Parents involved in all aspects

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Personnel Development, Staff Training and Resources

D. Local mechanisms to inform personnel development activities and promote networking and problem solving

E. Variety of personnel development strategies, over time

F. Support for required cross agency participation at joint training activities

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VII. Data System and Processes

A. Data system capacity to collect necessary data to support effective transitions

B. Protocols for accurate and timely data collection and entry

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Recommended &Evidence-based Strategies

- 21 Transition practices with suggested strategies
- Practices are more global and are linked to two components of NECTC conceptual model
- Interagency Service System and Child and Family Preparation and Adjustment
- Strategies are identified as examples of program or classroom activities

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Practices Supporting Interagency Service System

- Primary contact identified in programs
- Community and program-wide transition activities and timelines identified
- Referral processes and timelines specified
- Enrollment processes and timelines specified
- Eligibility processes and timelines clearly delineated
- Agencies develop mechanisms to minimize disruptions in services

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Practices Supporting Interagency Service System

- Staff and families are actively involved in the design of processes
- Families participate in meaningful ways as partners in program and community planning efforts
- Conscious and transparent connections are made between curricula and expectations for children across programs
- Transition plans are individualized for children and families

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Practices Supporting Interagency Service System

- Children have opportunities to develop and practice skills needed to be successful in the next environment
- Methods are in place for staff communication between and within programs
- Staff roles and responsibilities for transition activities are clearly delineated

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Practices Supporting Child and Family Preparation & Adjustment

- Staff know key information about a broad array of agencies and services available within the community
- Individual child and family transition meetings are conducted
- Families are aware of the importance of transition planning and have the information needed to participate
- Family needs related to transition are assessed and addressed

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Practices Supporting Child and Family Preparation & Adjustment

- Families have information about and are linked with services and resources that will help them meet specific needs
- Families actively participate in gathering information about their child's growth and development
- Transition team members share appropriate information about transitioning children
- Staff provide follow-up after transition to support adjustment

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Transition Tool Kit - NECTC

http://www.hdi.uky.edu/nectc/NECTC/practicesearch.aspx

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