

Early Childhood Part C and Part B Requirements Related to Transition Timelines

STEP	REGULATORY REFERENCES ¹	SPP/APR INDICATOR MEASUREMENT
Notification	<ul style="list-style-type: none"> ▪ (9) Each application must include a description of the policies and procedures to be used (A) to ensure a smooth transition for children receiving early intervention services under this part to preschool, school, other appropriate services, or exiting the program including a description of how -- <ul style="list-style-type: none"> (i) the families will be included in the transitional plans required by subparagraph(C); and (ii) the lead agency designated or established under section 635(a)(10) will- <ul style="list-style-type: none"> (I) notify the local educational agency for the area in which such a child resides that the child will shortly reach the age of eligibility for preschool services under part B, as determined in accordance with State law; (II) in the case of a child who may be eligible for such preschool services, with the approval of the family of the child, convene a conference among the lead agency, the family, and the local educational agency not less than 90 days (and at the discretion of all such parties, not more than 9 months) before the child is eligible for the preschool services, to discuss any such services that the child may receive; and..... [Statute Part C - 637(a)(9)(A)] ▪ At least 90 days (or up to six months depending on the State) prior to a toddler reaching the age of three (the age of initial eligibility under Part B), the Part C lead agency must notify the LEA for the area where the child resides that the child will shortly reach the age of eligibility for preschool services under Part B. [OSEP Letter to Elder, Texas – 2/11/04] ▪ The lead agency under Part C and the SEA and LEA under Part B have a statutory responsibility under IDEA to ensure a smooth transition for each child and family and, under the IDEA's child find provisions, to ensure the identification, location and evaluation of each child eligible for services under Parts B and C of the IDEA . As discussed above, unless the SEA has adopted a procedure allowing parents an opportunity to object, the Part C lead agency must provide the name of the child, date of birth, and sufficient contact information, as determined by the SEA, to allow the SEA and LEA to fulfill their child find responsibilities; parental consent is not required for this disclosure . However, as noted above, the parent has the right under the IDEA to refuse to consent: (1) to having the child evaluated under Part B and (2) to the transfer of additional information from the child's Part C records. [OSEP Letter to Elder, Texas – 2/11/04] 	<p>Indicator C-8: 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:</p> <p>B. Notification to LEA, if child potentially eligible for Part B;</p> <p>Measurement C-8B:</p> <p>Percent = [(# of children exiting Part C and potentially eligible for Part B where notification to the LEA occurred) divided by the (# of children exiting Part C who were potentially eligible for Part B)] times 100.</p>

SOURCES

Part C Regulations 34 CFR Part 303 Early Intervention Program for Infants and Toddlers with Disabilities <i>July 1, 1999</i>	Part B Regulations 34 CFR Parts 300 and 301 Assistance to State for the Education of Children with Disabilities and Preschool Grants for Children with Disabilities <i>August 14, 2006</i>
OSEP Policy Letter to Elder -- Texas [applicable to July 1, 1999 Part C Regulations] <i>February 11, 2004</i>	Individuals with Disabilities Education Improvement Act of 2004 Public Law 108-446 (20 USC 1400) <i>December 3, 2004</i>

¹ Day means calendar day unless otherwise specified.

STEP	REGULATORY REFERENCES	SPP/APR INDICATOR MEASUREMENT
<p>Notification and Initial Referral to Part B</p> <p>Transition Plan and IFSP Transition Steps</p>	<ul style="list-style-type: none"> ▪ Procedural safeguards notice <ul style="list-style-type: none"> (a) <i>General.</i> A copy of the procedural safeguards available to the parents of a child with a disability must be given to the parents only one time a school year, except that a copy also must be given to the parents— <ul style="list-style-type: none"> (1) Upon initial referral or parent request for evaluation; [34 CFR 300.504(a)(1)] ▪ Each [Part C] application must include a description of the policies and procedures to be used to ensure a smooth transition for children receiving early intervention services under this part to preschool or other appropriate services, including -- <ul style="list-style-type: none"> (a) A description of how the families will be included in the transition plans; (b) A description of how the lead agency under this part will – <ul style="list-style-type: none"> (1) Notify the appropriate local educational agency for the area in which the child resides that the child will shortly reach the age of eligibility for preschool services under Part B of the Act, as determined in accordance with state law; (2) (i) In the case of a child who may be eligible for preschool services under Part B of the Act, with the approval of the family of the child, convene a conference among the lead agency, the family, and the local educational agency at least 90days, and at the discretion of the parties, up to 6 months, before the child is eligible for the preschool services, to discuss any services that the child may receive; or (ii) In the case of a child who may not be eligible for preschool services under Part B or the Act, with the approval of the family, make reasonable efforts to convene a conference among the lead agency, the family and providers of other appropriate services for children who are not eligible for preschool services under Part B, to discuss the appropriate services that the child may receive; (3) Review the child's program options for the period from the child's third birthday through the remainder of the school year; and (4) Establish a transition plan. (c) If the State education agency, which is responsible for administering preschool programs under Part B of the Act, is not the lead agency under this part [Part C], an interagency agreement between the two agencies to ensure coordination on transition matters. [34 CFR 303.148] ▪ Service coordination activities include — <ul style="list-style-type: none"> (1) Coordinating the performance of evaluations and assessments; (2) Facilitating and participating in the development, review, and evaluation of individualized family service plan; (3) Assisting families in identifying available service providers; (4) Coordinating and monitoring the delivery of available services; (5) Informing families of the availability of advocacy services; (6) Coordinating with medical and health providers; and (7) Facilitating the development of a transition plan to preschool services, if appropriate. [34 CFR 303.23 (b)(7)] ▪ The IFSP must include the steps to be taken to support the transition of the child, in accordance with §303.148, to – <ul style="list-style-type: none"> (i) Preschool services under Part B, to the extent that those service are appropriate; or (ii) Other services that may be available, if appropriate. [34 CFR 303.344(h)(1)] ▪ The [IFSP transition] steps required in paragraph (h)(1) of this section include — <ul style="list-style-type: none"> (i) Discussions with, and training of, parents regarding future placements and other matters related to the child's transition; (ii) Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to, and function 	<p>Indicator C-8: 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:</p> <ul style="list-style-type: none"> A. IFSPs with transition steps and services B. Notification to LEA, if child potentially eligible for Part B; <p>Measurement C-8A:</p> <p>Percent = [(# of children exiting Part C who have an IFSP with transition steps and services) divided by the (# of children exiting Part C)] times 100.</p> <p>Measurement C-8b:</p> <p>Percent = [(# of children exiting Part C and potentially eligible for Part B where notification to the LEA occurred) divided by the (# of children exiting Part C who were potentially eligible for Part B)] times 100.</p>

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Transition Plan and IFSP Transition Steps (continued)	<p>in, a new setting; and</p> <p>(iii) With parental consent, the transmission of information about the child to the local educational agency, to ensure continuity of services, including evaluation and assessment information required in §303.322, and copies of IFSPs that have been developed and implemented in accordance with §303.340 through §303.346. [34 CFR 303.344 (h)(2)]</p>	
Parental Consent for Release of Information	<ul style="list-style-type: none"> ▪ Each state shall adopt policies and procedures that the State will follow in order to ensure the protection of any personally, identifiable information collected, used, or maintained under [Part C], including the right of parents to <i>written notice</i> of and <i>written consent</i> to the exchange of this information among agencies consistent with Federal and State law [34 CFR 303.460(a)] 	None
Transition Conference	<ul style="list-style-type: none"> ▪ Each [Part C] application must include a description of the policies and procedures to be used to ensure a smooth transition for children receiving early intervention services under this part to preschool or other appropriate services, including -- <ul style="list-style-type: none"> (a) A description of how the families will be included in the transition plans; (b) A description of how the lead agency under this part will -- <ul style="list-style-type: none"> (1) Notify the appropriate local educational agency for the area in which the child resides that the child will shortly reach the age of eligibility for preschool services under Part B of the Act, as determined in accordance with state law; (2) (i) In the case of a child who may be eligible for preschool services under Part B of the Act, with the approval of the family of the child, convene a conference among the lead agency, the family, and the local educational agency at least 90days, and at the discretion of the parties, up to 6 months, before the child is eligible for the preschool services, to discuss any services that the child may receive; or (ii) In the case of a child who may <u>not</u> [emphasis added] be eligible for preschool services under Part B or the Act, with the approval of the family, make reasonable efforts to convene a conference among the lead agency, the family and providers of other appropriate services for children who are not eligible for preschool services under Part B, to discuss the appropriate services that the child may receive; (3) Review the child's program options for the period from the child's third birthday through the remainder of the school year; and (4) Establish a transition plan. (c) If the State education agency, which is responsible for administering preschool programs under Part B of the Act, is not the lead agency under this part [Part C], an interagency agreement between the two agencies to ensure coordination on transition matters. [34 CFR 303.148] ▪ A State desiring to receive a grant under section 633 shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require. The application shall contain-- <ul style="list-style-type: none"> (9) a description of the policies and procedures to be used-- <ul style="list-style-type: none"> (A) to ensure a smooth transition for toddlers receiving early intervention services under this part (and children receiving those services under section 635(c)) to preschool, school, other appropriate services, or exiting the program, including a description of how-- <ul style="list-style-type: none"> (i) the families of such toddlers and children will be included in the transition plans required by subparagraph (C); and (ii) the lead agency designated or established under section 635(a)(10) will-- <ul style="list-style-type: none"> (I) notify the local educational agency for the area in which such a child resides that the child will shortly reach the age of eligibility for preschool services under part B, as determined in accordance with State law; (II) in the case of a child who may be eligible for such preschool services, with the approval of the family of 	<p>Indicator C-8: 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:</p> <p>C. Transition conference, if child potentially eligible for Part B.</p> <p>Measurement C-8C:</p> <p>Percent = [(# of children exiting Part C and potentially eligible for Part B where the transition conference occurred) divided by the (# of children exiting Part C who were potentially eligible for Part B)] times 100.</p>

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<p>Transition Conference (continued)</p>	<p>the child, convene a conference among the lead agency, the family, and the local educational agency not less than 90 days (and at the discretion of all such parties, not more than 9 months <i>[emphasis added]</i>) before the child is eligible for the preschool services, to discuss any such services that the child may receive; <i>[IDEA 2004: 20 USC 1437(a)(9)(A)]</i></p> <ul style="list-style-type: none"> ▪ The State must have in effect policies and procedures to ensure that – <ul style="list-style-type: none"> (a) Children participating in early intervention programs assisted under Part C of the Act, and who will participate in preschool programs assisted under Part B of the Act, experience a smooth and effective transition to those preschool programs in a manner consistent with section 637(a)(9) of the Act; (b) By the third birthday of a child described in paragraph (a) of this section, an IEP or, if consistent with §300.323(b) and section 636(d) of the Act, an IFSP, has been developed and is being implemented for the child consistent with §300.101(b); and (c) Each affected LEA will participate in transition planning conferences arranged by the designated lead agency under section 635(a)(1) of the Act. <i>[34 CFR 300.124]</i> 	
<p>Parental Consent for Initial Evaluation</p>	<ul style="list-style-type: none"> ▪ The public agency proposing to conduct an initial evaluation to determine if a child qualifies as a child with a disability under §300.8 must, after providing notice consistent with §§ 300.503 and 300.504, obtain informed consent, consistent with §300.9, from the parent of the child before conducting the evaluation. <i>300.300(a)(1)(i)]</i> <i>[34 CFR</i> ▪ Parental consent for initial evaluation must not be construed as consent for initial provision of special education and related services. <i>[34 CFR 300.300(a)(1)(ii)]</i> ▪ The public agency must make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability. <i>[34 CFR 300.300(a)(1)(iii)]</i> 	<p>Indicator B11: Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State established timeline).</p> <p>Measurement:</p> <ul style="list-style-type: none"> a. # of children for whom parental consent to evaluate was received. b. # determined not eligible whose evaluations were completed within 60 days (or State established timeline). c. # determined eligible whose evaluations were completed within 60 days (or State established timeline). <p>Account for children included in a but not included in b or c. Indicate the range of days beyond the timeline when the evaluation was completed and any reasons for the delays.</p> <p>Percent = [(b + c) divided by (a)] times 100.</p>

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Written Parental Notice	<ul style="list-style-type: none"> ▪ The public agency must provide notice to the parents of a child with a disability, in accordance with 300.503, that describes any evaluation procedures the agency proposes to conduct. [34 CFR 300.304(a)] ▪ Written notice that meets the requirements of paragraph (b) of this section must be given to the parents of a child with a disability a reasonable time before the public agency – <ul style="list-style-type: none"> (1) Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child. (2) Refuses to initiate or change the identification, evaluation, or educational placement of the child or provision of FAPE to the child. [34 CFR 300.503(a)] ▪ The notice required under paragraph (a) of this section must include – <ul style="list-style-type: none"> (1) A description of the action proposed or refused by the agency; (2) An explanation of why the agency proposes or refuses to take the action; (3) A description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action. (4) A statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained. (5) Sources for parents to contact to obtain assistance in understanding the provision of [Part B]; (6) A description of other options that the IEP Team considered and the reasons why those options were rejected; and (7) A description of other factors that are relevant to the agency’s proposal or refusal. [34 CFR 300.503(b)] ▪ The notice required under paragraph (a) [see above] of this section must be – <ul style="list-style-type: none"> (i) Written in language understandable to the general public; and (ii) Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. [34 CFR 300.503(c)(1)] ▪ If the native language or other mode of communication of the parent is not a written language, the public agency must take steps to ensure— <ul style="list-style-type: none"> (i) That the notice is translated orally or by other means to the parent in his or her native language or other mode of communication; (ii) That the parent understands the content of the notice; and (iii) That there is written evidence that the requirements in paragraphs (c)(2)(i) and (ii) of this section have been met. [34 CFR 300.503(c)(2)] ▪ A copy of the procedural safeguards available to the parents of a child with a disability must be given to the parents only one time a school year, except that a copy also must be given to the parents – ▪ (1) Upon initial referral or parent request for evaluation; 	

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Initial Evaluation	<ul style="list-style-type: none"> ▪ Each public agency must conduct a full and individual initial evaluation, in accordance with §§300.305 and 300.306, before the initial provision of special education and related services to a child with a disability under [Part B]. [34 CFR 300.301(a)] The initial evaluation – <ul style="list-style-type: none"> (1) (i) Must be conducted <i>within 60 days</i> of receiving parental consent for the evaluation, or; (ii) If the state establishes a timeframe within which the evaluation must be conducted, within that timeframe; and (2) Must consist of procedures – <ul style="list-style-type: none"> (i) To determine if the child is a child with a disability under §300.8 and (ii) To determine the educational needs of the child. [34 CFR 300.301(c)] ▪ The timeframe described in paragraph (c)(1) of this section does not apply to a public agency if – <ul style="list-style-type: none"> (1) The parent of a child repeatedly fails or refuses to produce the child for the evaluation; or (2) A child enrolls in a school of another public agency after the relevant timeframe in paragraph (c)(1) of this section has begun, and prior to a determination by the child’s previous public agency as to whether the child is a child with disability under §300.8 [34 CFR 300.301(d)] ▪ The exception in paragraph (d)(2) of this section applies only if the subsequent public agency is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and subsequent public agency agree to a specific time when the evaluation will be completed. [34 CFR 300.301(e)] ▪ The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services. [34 CFR 300.302] 	<p>Indicator B11: Percent of children with parental consent to evaluate, who were evaluated within 60 days (or State established timeline).</p> <p>Measurement:</p> <ul style="list-style-type: none"> d. # of children for whom parental consent to evaluate was received. e. # determined not eligible whose evaluations were completed within 60 days (or State established timeline). f. # determined eligible whose evaluations were completed within 60 days (or State established timeline). <p>Account for children included in a but not included in b or c. Indicate the range of days beyond the timeline when the evaluation was completed and any reasons for the delays.</p> <p>Percent = [(b + c) divided by (a)] times 100.</p>
Eligibility Determination	<ul style="list-style-type: none"> ▪ Upon completion of the administration of assessments and other evaluation measures – <ul style="list-style-type: none"> (1) A group of qualified professionals and the parent of the child determines whether the child is a child with a disability, as defined in §300.8, in accordance with paragraph (b) of this section and the educational needs of the child; (2) The public agency provides a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent. [34 CFR 300.306(a)] 	
Parent Participation - Part C Invited to IEP Meeting	<ul style="list-style-type: none"> ▪ In the case of a child who was previously served under Part C, an invitation to the initial IEP Team meeting must, at the request of the parent, be sent to the Part C service coordinator or other representatives of the Part C system to assist with the smooth transition of services. [34 CFR 300.321(f)] ▪ Public agency responsibility – must inform the parents of the provisions in 300.321(a)(6) and (c) relating to the participation of other individuals on the IEP team who have knowledge or special expertise about the child and 300.321(f) relating to the participation of the Part C service coordinator or other representatives of the Part C system at the initial IEP meeting. [34 CFR 300.322(a)(2)(b)(1)(ii)] 	

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IEP Meeting (continued)	<ul style="list-style-type: none"> <p>▪ Each public agency must take steps to ensure that one or both of the parents of a child with a disability are present at each IEP Team meeting or are afforded the opportunity to participate, including –</p> <ul style="list-style-type: none"> (1) Notifying parents of the meeting <u>early enough</u> to ensure that they will have an opportunity to attend, and; (2) Scheduling the meeting at a mutually agreed on time and place. <i>[34 CFR 300.322(a)]</i> <p>▪ The notice [to the parents inviting them to the IEP meeting] required under paragraph (a)(1) of this section <i>[see above]</i> must –</p> <ul style="list-style-type: none"> (i) Indicate the purpose, time, and location of the meeting and who will be in attendance; and (ii) Inform the parents of the provisions in § 300.321.(a)(6) and (c) (relating to the participation of other individuals on the IEP Team who have knowledge or special expertise about the child), and § 300.321(f) (relating to the participation of the Part C service coordinator or other representatives of the Part C system at the initial IEP Team meeting for a child previously served under Part C. <i>[34 CFR 300.322(b)(1)]</i> <p>▪ 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 § 300.328 (related to alternative means of meeting participation). <i>[34 CFR 300.322(e)]</i></p> <p>▪ A meeting may be conducted without a parent in attendance if the public agency is unable to convince the parents that they should attend. In this case, the public agency must keep a record of its attempts to arrange a mutually agreed on time and place, such as—</p> <ul style="list-style-type: none"> (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. <i>[34 CFR 300.322(d)]</i> <p>▪ 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. <i>[34 CFR 300.322(e)]</i></p> <p>▪ The public agency must give the parent a copy of the child’s IEP at no cost to the parent. <i>[34 CFR 300.322(f)]</i></p> <p>▪ As used in this part [Part B], the term individualized education program or IEP means a written statement for each child with a disability that is developed, reviewed, and revised in a meeting in accordance with §§ 300.320 through 300.324, and that must include –</p> <ul style="list-style-type: none"> (1) A statement of the child’s present levels of academic achievement and functional performance, including – <ul style="list-style-type: none"> (i) How the child’s disability affects the child’s involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled children); or (ii) For preschool children, as appropriate, how the disability affects the child’s participation in appropriate activities. (2) (i) A statement of measurable annual goals, including academic and functional goals designed to --- <ul style="list-style-type: none"> (A) Meet the child’s needs that result from the child’s disability to enable the child to be involved in and make progress in the general education curriculum; and (B) Meet each of the child’s other educational needs that result from the child’s disability. <ul style="list-style-type: none"> (ii) For children with disabilities who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives. (3) (i) How the child’s progress toward meeting the annual goals described in paragraph (2) of this section will be measured; and 	

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IEP Meeting (continued)	<p>(ii) When periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided;</p> <p>(4) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided to enable the child –</p> <p>(i) To advance appropriately toward attaining the annual goals;</p> <p>(ii) To be involved in and make progress in the general education curriculum in accordance with paragraph (a)(1) of this section, and to participate in extracurricular and other nonacademic activities; and</p> <p>(iii) To be educated and participate with other children with disabilities and nondisabled children in the activities described in this section;</p> <p>(5) An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in paragraph (a)(4) of this section [see above];</p> <p>(6) (i) A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and districtwide assessments consistent with section 612(a)(16) of the Act; and</p> <p>(ii) If the IEP Team determines that the child must take an alternate assessment instead of a particular regular State or districtwide assessment of student achievement, at statement of why –</p> <p>(A) The child cannot participate in the regular assessment; and</p> <p>(7) The projected date for the beginning of the services and modifications described in paragraph (a)(4) of this section, and the anticipated frequency, location, and duration of those services and modifications. [34 CFR 300.320(a)]</p> <ul style="list-style-type: none"> ▪ Nothing in this section [Definition of IEP] shall be construed to require – <ul style="list-style-type: none"> (1) That additional information be included in a child’s IEP beyond what is explicitly required in section 614 of the Act; or (2) The IEP Team to include information under one component of a child’s IEP that is already contained under another component of the child’s IEP. [34 CFR 300.320(d)] 	
Parental Consent for Services	<ul style="list-style-type: none"> ▪ A public agency that is responsible making FAPE available to a child with a disability must obtain informed consent from the parent of the child <u>before the initial provision</u> of special education and related services to the child. [34 CFR 300.300(b)(1)] ▪ The public agency must make reasonable efforts to obtain informed consent from the parent for the initial provision of special education and related services to the child. [34 CFR 300.300(b)(2)] ▪ If the parent of a child fails to respond or refuses to consent to services under paragraph (b)(1) of this section [see above], the public agency may not use the procedures in subpart E of this part (including the mediation procedures under § 300.506 or the due process procedures under §§ 300.507 through 300.516) in order to obtain agreement or a ruling that the services may be provided. [34 CFR 300.300(b)(3)] ▪ If the parent of the child refuses to consent to the initial provision of special education and related services, or the parent fails to respond to a request to provide consent for the initial provision of special education and related services, the public agency – <ul style="list-style-type: none"> (i) Will not be considered to be in violation of the requirement to make available FAPE to the child for the failure to provide the child with the special education and related services for which the public agency requests consent; and (ii) Is not required to convene an IEP Team meeting or develop an IEP under §§ 300.320 and 300.324 for the child for the special education and related services for which the public agency requests such consent. [34 CFR 300.300(b)(4)] 	

STEP	REGULATORY REFERENCES	SPP/APR INDICATOR MEASUREMENT
IEP in effect	<ul style="list-style-type: none"> ▪ The state must have in effect policies and procedures to ensure that— <ul style="list-style-type: none"> (a) Children participating in early intervention programs assisted under Part C of the Act, and who will participate in preschool programs assisted under Part B of the Act, experience a smooth and effective transition to those preschool programs in a manner consistent with section 637(a)(9) of the Act. (b) By the third birthday of a child describe in paragraph (a) of this section <i>[see above]</i>, an IEP or, if consistent with 300.323(b) and section 636(d) of the Act, an IFSP, has been developed and is being implemented for the child consistent with 300.101(b); and (c) Each affected LEA will participate in transition planning conference arranged by the designated lead agency under section 635(a)(10) of the Act. <i>[34 CFR 300.124]</i> ▪ Each public agency must ensure that <u>as soon as possible</u> following development of the IEP, special education and related services are made available to the child in accordance with the child’s IEP. <i>[34 CFR 300.323(c)(2)]</i> ▪ A free appropriate public education must be available to all children residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school, as provided for in §300.530(d). <i>[34 CFR 300.101(a)]</i> ▪ Each State must ensure that – <ul style="list-style-type: none"> (i) The obligation to make FAPE available to each eligible child residing in the State begins no later than the child’s <u>third birthday.</u> (ii) An IEP or an IFSP is in effect for the child by that date, in accordance with §300.323(b). <i>[34 CFR 300.101(b)(1)]</i> ▪ If a child’s third birthday occurs during the summer, the child’s IEP Team shall <u>determine the date</u> when services under the IEP or IFSP will begin. <i>[34 CFR 300.101(b)(2)]</i> ▪ Consistent with §300.323(c), the State must ensure that there is <u>no delay</u> in implementing a child’s IEP, including any case in which the payment source for providing or paying for special education and related services to the child is being determined. <i>[34 CFR 300.103(c)]</i> ▪ <u>Extended school year services</u> must be provided if a child’s IEP Team determines, on an individual basis, in accordance with §§300.320 through 300.324, that the services are necessary for the provision of FAPE to the child. <i>[34 CFR 300.106(a)(2)]</i> ▪ Each public agency must ensure that— <ul style="list-style-type: none"> (i) To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled. <i>[34 CFR 300.114(a)(i)]</i> 	<p><u>Indicator B12:</u> 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 birthdays.</p> <p><u>Measurement:</u></p> <ul style="list-style-type: none"> a. # of children who have been served in Part C and referred to Part B for eligibility determination. b. # of those referred determined to be NOT eligible and whose eligibilities were determined prior to their third birthdays. c. # of those found eligible who have an IEP developed and implemented by their third birthdays. d. # of children for whom parent refusal to provide consent caused delays in evaluation or initial services. e. # of children who were referred to Part C less than 90 days before their third birthdays. <p>Account for children included in a but not included in b, c, d or e. Indicate the range of days beyond the third birthday when eligibility was determined and the IEP developed and the reasons for the delays.</p> <p>Percent = [(c) divided by (a - b - d - e)] times 100.</p>

STEP	REGULATORY REFERENCES	SPP/APR INDICATOR MEASUREMENT
IEP in effect (continued)	<ul style="list-style-type: none"> ▪ Funds under this part [Part C] may be used for the following activities: <ul style="list-style-type: none"> (a) To maintain and implement a statewide system of early intervention services for children eligible under this part and their families. (b) For direct services for eligible child and their families that are not otherwise provided from other public or private sources. (c) To expand and improve on services for eligible children and their families that are otherwise available, consistent with § 303.527. (d) To provide a free appropriate public education, in accordance with Part B of the Act, to children with disabilities from their <u>third birthday to the beginning of the following school year.</u> (e) To strengthen the statewide system by initiating, expanding, or improving collaborative efforts related to at-risk infants and toddlers, including establishing linkages with appropriate public or private community-based organizations, services and personnel for the purpose of— <ul style="list-style-type: none"> (1) Identifying and evaluating at-risk infants and toddlers; (2) Making referrals of the infants and toddlers identified and evaluated under paragraph (e)(1) of this section; and (3) Conducting periodic follow-up on each referral under paragraph (e)(2) of this section to determine if the status of the infant or toddler involved has changed with respect to the eligibility of the infant or toddler for services under this part. <p style="text-align: right;"><i>[34 CFR 303.3]</i></p>	

OTHER PART C REGULATIONS RELATED TO TRANSITION

Collaboration

- **Each [Part C] application must include a description of the policies and procedures to be used to ensure a smooth transition for children receiving early intervention services under this part to preschool or other appropriate services, including --**

 - (a) A description of how the families will be included in the transition plans;
 - (c) A description of how the lead agency under this part will –
 - (1) Notify the appropriate local educational agency for the area in which the child resides that the child will shortly reach the age of eligibility for preschool services under Part B of the Act, as determined in accordance with state law;
 - (2) (i) In the case of a child who may be eligible for preschool services under Part B of the Act, with the approval of the family of the child, convene a conference among the lead agency, the family, and the local educational agency at least 90 days, and at the discretion of the parties, up to 6 months, before the child is eligible for the preschool services, to discuss any services that the child may receive; or (ii) In the case of a child who may *not [emphasis added]* be eligible for preschool services under Part B or the Act, with the approval of the family, make reasonable efforts to convene a conference among the lead agency, the family and providers of other appropriate services for children who are not eligible for preschool services under Part B, to discuss the appropriate services that the child may receive;
 - (3) Review the child's program options for the period from the child's third birthday through the remainder of the school year; and
 - (4) Establish a transition plan.

(c) **If the State education agency, which is responsible for administering preschool programs under Part B of the Act, is not the lead agency under this part [Part C], an interagency agreement between the two agencies to ensure coordination on transition matters.**
[34 CFR 303.148]

- **Each Council may advise and assist the lead agency and the State educational agency regarding the provision of appropriate services for children aged birth to five, inclusive.**
[34 CFR 303.650(b)]

- **Each Council shall advise and assist the State educational agency regarding the transition of toddlers with disabilities to services provided under Part B of the Act, to preschool and other appropriate services.**
[34 CFR 303.653]

- **A State desiring to receive a grant under section 633 shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require. The application shall contain–**

 - (10) **a description of State efforts to promote collaboration among Early Head Start programs under section 645A of the Head Start Act, early education and child care programs, and services under part C;**
[IDEA2004: 20 USC 1437(a)(10)]

OTHER PART C REGULATIONS RELATED TO TRANSITION

Personnel Development

▪ **A personnel development system under this part [Part C] may include—**

- (1) Implementing innovative strategies and activities for the recruitment and retention of early intervention services providers;
- (2) Promoting the preparation of early intervention providers who are fully and appropriately qualified to provide early intervention services under this part;
- (3) Training personnel to work in rural and inner-city areas; and

(4) Training personnel to coordinate transition services for infants and toddlers with disabilities from an early intervention program under this part to a preschool program under Part B of the Act or to other preschool or other appropriate services.

A comprehensive system of personnel development, including the training of paraprofessionals and the training of primary referral sources with respect to the basic components of early intervention services available in the State that--

(A) shall include--

- (i) implementing innovative strategies and activities for the recruitment and retention of early education service providers;
- (ii) promoting the preparation of early intervention providers who are fully and appropriately qualified to provide early intervention services under this part; and

(iii) training personnel to coordinate transition services for infants and toddlers served under this part from a program providing early intervention services under this part and under part B (other than section 619), to a preschool program receiving funds under section 619, or another appropriate program; and

(B) may include--

- (i) training personnel to work in rural and inner-city areas; and
- (ii) training personnel in the emotional and social development of young children.

[IDEA 2004: 20 USC 1435(a)(9)]

OTHER PART C REGULATIONS RELATED TO TRANSITION

Part C Option

Individuals with Disabilities Education Improvement Act of 2004:

- (1) In general.--**A statewide system** described in section 633 may include a State policy, developed and implemented jointly by the lead agency and the State educational agency, under which parents of children with disabilities who are eligible for services under section 619 and previously received services under this part, may choose the continuation of early intervention services (which shall include an educational component that promotes school readiness and incorporates preliteracy, language, and numeracy skills) for such children under this part until such children enter, or are eligible under State law to enter, kindergarten.
- (2) Requirements.--**If a statewide system includes a State policy described in paragraph (1), the statewide system shall ensure that--**
 - (A) **parents of children with disabilities served pursuant to this subsection are provided annual notice that contains--**
 - (i) a description of the rights of such parents to elect to receive services pursuant to this subsection or under part B; and
 - (ii) an explanation of the differences between services provided pursuant to this subsection and services provided under part B, including--
 - (I) types of services and the locations at which the services are provided;
 - (II) applicable procedural safeguards; and
 - (III) possible costs (including any fees to be charged to families as described in section 632(4)(B)), if any, to parents of infants or toddlers with disabilities;
 - (B) **services provided pursuant to this subsection include an educational component that promotes school readiness and incorporates preliteracy, language, and numeracy skills;**
 - (C) **the State policy will not affect the right of any child served pursuant to this subsection to instead receive a free appropriate public education under part B;**
 - (D) **all early intervention services outlined in the child's individualized family service plan under section 636 are continued while any eligibility determination is being made for services under this subsection;**
 - (E) **the parents of infants or toddlers with disabilities (as defined in section 632(5)(A)) provide informed written consent to the State, before such infants or toddlers reach 3 years of age, as to whether such parents intend to choose the continuation of early intervention services pursuant to this subsection for such infants or toddlers;**
 - (F) **the requirements under section 637(a)(9) shall not apply with respect to a child who is receiving services in accordance with this subsection until not less than 90 days (and at the discretion of the parties to the conference, not more than 9 months) before the time the child will no longer receive those services; and**
 - (G) **there will be a referral for evaluation for early intervention services of a child who experiences a substantiated case of trauma due to exposure to family violence (as defined in section 320 of the Family Violence Prevention and Services Act).**
- (3) Reporting requirement.--**If a statewide system includes a State policy described in paragraph (1), the State shall submit to the Secretary, in the State's report under section 637(b)(4)(A), a report on the number and percentage of children with disabilities who are eligible for services under section 619 but whose parents choose for such children to continue to receive early intervention services under this part.**
- (4) Available funds.--**If a statewide system includes a State policy described in paragraph (1), the policy shall describe the funds (including an identification as Federal, State, or local funds) that will be used to ensure that the option described in paragraph (1) is available to eligible children and families who provide the consent described in paragraph (2)(E), including fees (if any) to be charged to families as described in section 632(4)(B).**
- (5) Rules of construction.--
 - (A) Services under part B.--**If a statewide system includes a State policy described in paragraph (1), a State that provides services in accordance with this subsection to a child with a disability who is eligible for services under section 619 shall not be required to provide the child with a free appropriate public education under part B for the period of time in which the child is receiving services under this part.**
 - (B) Services under this part.--**Nothing in this subsection shall be construed to require a provider of services under this part [Part C] to provide a child served under this part [Part C] with a free appropriate public education.** *[IDEA 2004: 20 USC 1435(c)]*

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