

Transition from Part C to Part B

Guidance Document



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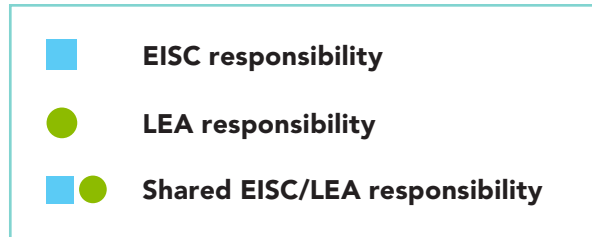
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Introduction

Purpose

The purpose of this document is to provide clear information regarding the transition process from the Individuals with Disabilities Education Act (IDEA) Part C early intervention (EI) to IDEA Part B special education preschool services.

The Early Intervention Service Coordinator (EISC) and the Local Education Agency (LEA) Representative play key roles in guiding the family through transition. Their responsibilities are designated as follows throughout the document:



This guidance is designed to assist the Ohio Early Intervention Part C Program and Ohio Local Education Agencies to facilitate a smooth and effective transition for eligible Early Intervention families and children.

Organization of this Guidance Document

The document begins with background, compliance, and **definitions** related to transition. After that, each section is presented in a question and answer format. This includes information that supports federal regulations or Ohio Rule that applies in each section. This document is intended as a reference for the Early Intervention Service Coordinator. The EISC should be able to apply the information to each step of the transition process.

Background (34 OCFR 303.209)

All children in Early Intervention will have a transition planning conference (TPC) with parental consent (so all children with parental consent must have a TPC) to ensure a smooth transition at age 3.

- However, for children who may be eligible for Part B, the EI Service Coordination agency must notify the LEA in which the child resides* of any child who may be eligible for Part B services at least 90 days before the child's third birthday.

Record the school district where the child resides. For children residing in foster care, the EI service coordinator documents the foster parent's district. It is important to accurately reflect the school district where the child resides as this information will be used for required LEA notification and to ensure, when applicable, transition to the correct school district.

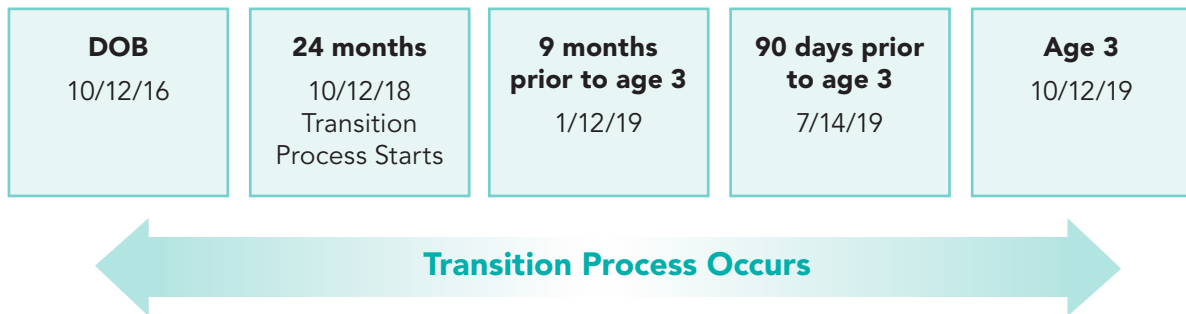
For parents who are divorced or have a formal custody agreement, the residential parent assigned by the court for school enrollment purposes will determine the school district. This information can be found and verified within a divorce decree or custody paperwork.

This is the language that is in IFSP guidance DOC

Transitions occur throughout the Early Intervention process. Best practice indicates transition should be a topic of conversation with the family and the other team members from the beginning of the family's journey in EI.

- Therefore, one role of the EISC is to assist the family in gathering knowledge of possible supports and services to prepare for transition. This includes making the family aware of early childhood educational opportunities such as local pre-schools, child care, and Head Start. During the transition process the EISC facilitates the development and implementation of a transition outcome steps and activities outlined in the child's Individualized Family Service Plan (IFSP).

An important part of the transition process includes the Transition Planning Conference (TPC). The TPC is the meeting to develop a transition plan from Part C services to Part B services, or to other transitions the child and family may have when the child turns three (e.g., to home, child care, Head Start, etc.). The TPC must occur at least **90 days**, but not more than **9 months** (at the discretion of all parties) before the child's third birthday. While the TPC is required to occur at least 90 days prior to the child turning three, the transition process officially begins at 24 months of age. (see timeline example below)



Transition and Compliance

Ohio must ensure that transition for children and their families is consistent with the Individuals with Disabilities Education Act (IDEA). Compliance with transition policy is measured as outlined in the State Performance Plan (SPP). Indicators 8A, 8B, and 8C state:

Toddlers with disabilities exiting Early Intervention must have timely transition planning. This includes the following steps taken by the Lead Agency:

The early intervention service coordinator shall explain the role of the local educational agency in determining eligibility for preschool services under part B and ensure the parent's consent is obtained using form EI-07 Consents for Transition, before the disclosure of personally identifiable information to the local educational agency and the Ohio department of education as required in accordance with rule 5123-10-01.

- 1. Notify the SEA and the LEA** where the toddler resides. This will occur as part of the IFSP closest to the child's second birthday, or whenever a child is determined eligible for **EI at or after 24 months**. This is for toddlers potentially eligible for Part B preschool services. (This includes the discussion with family and signing consents form EI-07 Consents for Transition)
- 2. Develop an IFSP with transition outcome (including steps and services)**, not fewer than ninety calendar days, but not more than nine months before a child's third birthday, the individualized family service plan shall include at least one transition outcome to create a plan to support a smooth transition of the child from early intervention services under part C to preschool services under part B, to the extent those services are appropriate, or to other appropriate services. The early intervention service coordinator shall ensure that transition outcomes include the steps that will be taken and the services that will be provided for:
 - (a) Needed discussions with, and training of, the parent regarding future placements;
 - (b) Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting; and
 - (c) The identification of any transition services or activities that the individualized family service plan team determines are necessary to support the transition of the child. 5123-10-02 (L)(2)(a)

3. Conduct a transition planning conference (TPC)

a. If a child may be eligible for preschool services under part B, after obtaining the parent's consent using form EI-07 Consents for Transition, the early intervention service coordinator shall ensure that a transition planning conference is conducted during an individualized family service plan meeting in accordance with rule 5123-10-02. The transition planning conference shall occur not fewer than ninety calendar days and not more than nine months prior to the child's third birthday and shall include the local educational agency to discuss any services the child may receive under part B.

b. If a child is determined not to be potentially eligible for preschool services under part B, or a parent has chosen not to share personally identifiable information with the local educational agency, after obtaining the parent's consent using form EI-07 Consents for Transition, the early intervention service coordinator shall ensure that a transition planning conference to discuss appropriate services the child may need to transition to the next learning environment occurs at an individualized family service plan meeting held not fewer than ninety calendar days and not more than nine months prior to the child's third birthday and conducted in accordance with rule 5123-10-02 (L)(2)(b)(c).

Definitions

Consent to Release Information - EI Form 06 -

EI Form completed to give permission or not give permission for the release of child's EI record to the agency or agencies listed on form EI-06. It may also be used to exchange information between agencies listed on form EI-06. EI-06 must be completed to release/share information (IFSP, Assessments, Evaluations, notes and other detailed information) with the LEA and/or Early Childhood partners, as LEAs are not considered a participating agency, so consent must be obtained using EI-06 to share information with an LEA.

Consents for Transition - EI Form 07 -

EI form. This form seeks consent to share child's name and contact information with the Ohio school district responsible for the child's education and with the ODE.

It also seeks consent to schedule a TPC with a representative from the school district who will explain the process for determining part B preschool eligibility.

DODD - Department of Developmental Disabilities (Part C Lead Agency)

The Program for Infants and Toddlers with Disabilities (Part C of IDEA) is a federal grant program which assists states in operating a comprehensive statewide program of early intervention services for infants and toddlers with disabilities, ages birth through age 2 years, and their families.

EI - Early Intervention, Part C program in Ohio

EIDS - Early Intervention Data System

The Early Intervention Data System is the DODD data system used to enter information regarding children in Part C services.

EISC - Early Intervention Service Coordinator

An Early Intervention Service Coordinator assists and enables an infant or toddler with a disability and their family to receive the necessary services and supports. Service Coordinators ensure families are informed of their rights and follow all the procedural safeguards required under Part C. EISCs have 10 mandated responsibilities under Part C.

EMIS - Education Management Information System

A statewide data collection system for Ohio's primary and secondary education, including demographic information, attendance, course information, financial data, and test results.

ESSA - Every Student Succeeds Act

Replaced the No Child Left Behind Act, asked Ohio and other states to clearly articulate how they will use federal funds to ensure that schools educate every student, create safe and supportive learning environments, encourage innovation and extended learning opportunities, and more.

ETR - Evaluation Team Report

The written evaluation team report shall include a summary of the information obtained during the evaluation process; and the names, titles and signatures of each team member, including the parent, and an indication of whether or not they are in agreement with the eligibility determination. Any team member who is not in agreement with the team's determination of disability shall submit a statement of disagreement.

ESY - Extended School Year Services

The District ensures that extended school year services are provided if a child's individualized education program (IEP) team determines that the services are necessary for the provision of FAPE to the child. If a child is transitioning from Part C services, the District considers ESY as part of the IEP process.

FERPA - *Family Educational Rights and Privacy Act*-US Law that governs the access of educational information and records to public entities such as potential employers, publicly funded educational institutions, and foreign governments.

HS – *Head Start*

Head Start encompasses Head Start preschool programs, which primarily serve 3- and 4-year-old children, and Early Head Start programs for infants, toddlers, and pregnant women. Head Start services are delivered nationwide through 1,600 agencies which tailor the federal program to the local needs of families in their service area.

IDEA - *Individuals with Disabilities Education Act*

The Individuals with Disabilities Education Act (IDEA) is a law that makes available a free appropriate public education to eligible children with disabilities throughout the nation and ensures special education and related services to those children.

IEP - *An Individualized Education Program*

The IEP is a plan or program developed to ensure a child who is at least three years of age, has a disability identified under the law, and is attending preschool, elementary, or secondary educational institution receives specialized instruction and related services.

IFSP - *Individualized Family Service Plan*

An IFSP (EI-04) the written plan for providing early intervention services to an eligible child and the child's family. An IFSP only applies to children from birth to three years of age in Ohio. Once a child turns three, if found eligible, they may have an Individualized Education Program (IEP).

IFSP Team -

The IFSP team encompasses those team members who have had input and supported the child and family with the IFSP outcomes and strategies (this includes the Evaluation and Assessment Team). It must include parents, anyone the parents invited, EISC, PSP, and any applicable service providers. According to the federal regulations, the IFSP Team must include at a minimum "the parent and two or more individuals from separate disciplines or professions and one of these individuals must be the service coordinator."

IFSP Meeting Notice - (EI form 13) - This form is provided to families and providers to notify them of date and time and purpose of the IFSP review. When used in conjunction with Transition/TPC this would act as the meeting invitation to notify the LEA and other providers (with Parental consent) of the TPC meeting.

LEA - *Local Education Agency*

A commonly used synonym for a school district, an entity which operates local public primary and secondary schools in the United States

Least Restrictive Environment - The IEP team determines the delivery of services and the Least Restrictive Environment based on the individual needs of the child.

ODE – *Ohio Department of Education (Part B Lead Agency)*

The Ohio Department of Education oversees the state's public education system, which includes public school districts, joint vocational school districts and charter schools. The Department also monitors educational service centers, other regional education providers, early learning and child care programs, and private schools.

OSEP - *Office of Special Education Programs*

The Office of Special Education Programs is part of the U.S. Department of Education. OSEP provides leadership and support for professionals working with children with disabilities. Another critical role of OSEP is to protect the educational rights of children with disabilities from birth through twenty-one.

Part B Definition of Parent- "Parent" means

- (a) A biological or adoptive parent of a child but not a foster parent of a child;
- (b) A guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the child (but not the state if the child is a ward of the state);
- (c) An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare; or
- (d) A surrogate parent who has been appointed in accordance with rule 3301-51-05 of the Administrative Code.
- (e) Except as provided in paragraph (f), the biological or adoptive parent, when attempting to act as the parent under this rule and when more than one party is qualified under this rule to act as a parent, must be presumed to be the parent for purposes of this chapter of the Administrative Code unless the biological or adoptive parent does not have legal authority to make educational decisions for the child.
- (f) If a judicial decree or order identifies a specific person or persons under paragraphs (a-c) to act as the parent of a child or to make educational decisions on behalf of a child, then such person or persons shall be determined to be the parent for purposes of this rule.

Part C Definition of Parent -

"Parent" means a biological or adoptive parent of a child, a guardian, a foster parent or person acting in place of a biological parent or adoptive parent with whom the child lives, or an appointed surrogate parent, consistent with 34 C.F.R. 303.27, as in effect on the effective date of this rule.

PR-01 – Prior Written Notice

The District provides prior written notice as required by IDEA and Operating Standards.

PR-04 - Referral for Evaluation

The ETR process begins with a referral for a child who is struggling with functional, developmental, and/or academic readiness areas. A parent, Part C provider, or school staff member may initiate a request for an evaluation either in writing or verbally to the district. The district will provide the parent a copy of the Parent Notice, then complete the Referral for Evaluation (PR-04) form

PR-05 - Consent for the evaluation must be informed consent. The parent must be involved in the planning and decision-making to ensure that he/she understands what areas will be assessed, by whom and for what purpose. This is especially important for the initial evaluation. At the end of the evaluation planning meeting, the district should present the parent with the Consent for Evaluation (PR-05). This form documents informed, written consent given by the parent or guardian, allowing the district to proceed with the proposed evaluation, assessments and data collection. The PR-05 should be date stamped by the district to document the date the district received the signed parental consent. The 60-day timeline to complete an initial evaluation starts on the date the district receives parental consent. If the district does not date stamp the PR-05, the date the parent signed is the start date for the 60-day timeline.

PSP - Primary Service Provider

This is the team member who serves as the principal provider to a family. The PSP receives coaching from other team members and uses coaching as the key intervention strategy to build the capacity of parents and other care providers to use every day learning opportunities to promote child development.

SEA - State Education Agency (ODE)

The state-level government organization within each U.S. state or territory responsible for education, including providing information, resources, and technical assistance on educational matters to schools and residents.

SSP – Secondary Service Provider

This is a team member who uses coaching to support the PSP, parents, and other care providers directly related to the IFSP outcomes. This support may occur within the context of a team meeting, during a joint visit, or as part of a conversation between meetings and scheduled visits.

Steps that will be taken and the services that will be provided for:

- (i) Needed discussions with, and training of, the parent 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 in a new setting;
- (iii) The identification of the transition services, steps, or activities that the individualized family service plan team determines are necessary to support the transition of the child; and
- (iv) Confirmation that, with parent consent, child find information about the child, including a copy of the most recent evaluation and assessments of the child and the family and the most recent individualized family service plan, has been transmitted to the local educational agency.

Summer Programming - A school district must consider extended school year services as part of the IEP process for children transitioning from Part C services. There is no requirement that a child must have previous school experience to receive extended school year services. Based upon data available from the Part C system, the evaluation team or the IEP team and other qualified professionals shall determine if extended school year services are required as outlined in paragraph (G) of rule 3301-51-02 of the Administrative Code.

TPC - Transition Planning Conference

The TPC is the meeting to develop a transition plan from Part C services to Part B or other services. The TPC is required to occur at least **90 days**, or at the discretion of all parties, not more than **9 months** before the child's third birthday. Form EI-07 Consent required for TPC, both Consent to Transition, and TPC.

Notification of Potentially Eligible Children

1. What is the requirement for notification of the local school district?

Notification is required in accordance with IDEA Part C, Sec. 303.209 (b), which states the early intervention provider must notify with parental consent, the LEA in which the child resides that there is a child receiving EI services who will reach the age of eligibility for Part B services **and** may be eligible for Part B services.

Part C Service Coordination Agency must notify the LEA of children potentially eligible for Part B.

■ The Part C Service Coordination agency must provide LEAs with four notifications per year. This is done via the Quarterly LEA report.

The notifications must be sent by:

- **February 1st**
- **May 1st**
- **August 1st and**
- **November 1st**

of each year for children who turn three within one year from the report date. As such, some children may be listed on more than one notification during a 12-month period. These reports may **not** be generated **more than 10 days prior** to the due date.

This notification provides the LEA with a list of Part C eligible children who may potentially transition to their school district in the next year. The list helps the school districts project future allocation of resources and prepares the school district and Part C Service Coordination Agency for upcoming TPCs throughout the year.

The notification (EIDS Quarterly LEA Report) contains the following with parental consent:

- the child's legal first name,
- last name,
- middle initial,
- date of birth,
- the school district in which the child resides,
- contact information for the parent(s) and
- contact information for the EISC who currently works with each child/family.

The LEA must protect this information as educational records under FERPA in a manner that does not permit personal identification of Part C children and their parents to anyone other than the appropriate school district. Educational records must be compliant with FERPA guidelines.

■ The Part C Service Coordination Agency must also maintain a record that there has been disclosure to the LEA. Parents have the right to "opt-out" of giving the LEA this information about their child.

■ Prior to notification of the LEA, the Part C Service Coordination Agency must inform parents whose children will be turning three within a year, therefore EI-07 Consents for Transition should be at the IFSP closest to the child turning 24 months of age (or immediately if the child enters after 24 months of age) and advise parents of their right to "opt out" of the LEA notification about their child.

- The Part C Service Coordination Agency must explain to parents that their privacy is protected at the school district by FERPA and that notification is *not a referral for Part B preschool special education services*.
- EI-06 should be discussed and completed to share information (IFSP, Evaluations and Assessments) with LEA, and or Early Childhood partners).
- Parents should be informed of the potential benefits of special education services for their child. Parents, who choose to “opt out” of LEA notification must sign the Consents for Transition form (EI-07) which must be placed in the child’s/family’s file.
- The default option in the Early Intervention Data System (EIDS) is to “opt-in;” therefore the “opt out” must be selected in EIDS by the EISC. If the EISC does not indicate in EIDS that the family has “opted-out,” the child will automatically appear on the LEA report.
- If the Part C Service Coordination Agency determines that a toddler is eligible for early intervention services more than 45 days, but less than 90 days, before the toddler’s third birthday, the Part C Service Coordination Agency must provide the transition notification, with parental consent, as soon as possible after determining the toddler’s eligibility.
- If a child is referred to the Part C Service Coordination Agency fewer than 45 days before the toddler’s third birthday, the Part C Service Coordination Agency is not required to conduct an evaluation, assessment, or initial IFSP meeting. If that child is potentially eligible for preschool services under Part B of the IDEA, the Part C Service Coordination Agency must refer the toddler to the LEA where the toddler resides (with parental consent). EISC may use form EI-08 to ensure referral to the LEA.
- It is important to understand that families may change their mind about notification. The Part C Service Coordination Agency must provide a timely notification to the LEA of these situations.
- It is important that the LEA reports are run prior to the 1st of the month listed above *. The 10-day window allows the program to run and review to ensure accuracy of the report information, make changes as needed, and ensure correct contact information for LEA’s.

Federal Regulations

34 CFR §303.209 (b)

§303.401 (e)

§303.41

§303.24

Prior to the TPC

Explain the purpose of the TPC

Add individualized steps and services to the IFSP

2. What is the role of the EISC in the initial transition planning with the family prior to the TPC?

- At this point in the process, the EISC is responsible for sharing information with parents about preschool options and about whether the child is likely eligible for Part B services.
- The EISC starts the conversation with the family about transition from Part C as soon as the family begins Part C services. The family should be made aware of special education and other options for their child after Part C services end. Every child in Part C who is approaching their third birthday must have a transition plan for when they exit, but not all children will exit to Part B preschool services.
- The EISC meets with the family to identify priorities and needs. This information is reflected in the IFSP, through development of an outcome related to transition that includes steps and services to support the child and family during the transition process. The outcome with steps and services must be written in the IFSP, this is to occur during an IFSP meeting and must follow rules associated with IFSP protocol. This IFSP with Transition plan must be in place at least 90 days, but not more than 9 months, prior to the third birthday. All children in Part C must have a transition outcome in their IFSP with steps and services, even if the family is not interested in pursuing other educational services.

Child's name **Natalia Williams** EIDS number **000000001**

Section 4: Our Child and Family Outcomes

This section identifies a child or family outcome based on what you want to accomplish, as well as the steps to meet your outcome. The outcome is based on information the team learned from the child and family assessment(s). Each IFSP outcome must be written in words easily understandable by everyone and in a way that clearly relates to what you stated as your priorities during the family-directed assessment (if conducted).

| | | | | | | |
|-------------------------|--|--|---|--|--|---|
| Outcome number 3 | <input checked="" type="checkbox"/> This child outcome addresses | <input checked="" type="checkbox"/> Developing positive social relationships | <input type="checkbox"/> Acquiring and using new skills and knowledge | <input type="checkbox"/> Taking action to meet own needs | <input type="checkbox"/> Outcome addresses family participation, family well-being, or information | <input type="checkbox"/> Outcome addresses transition |
|-------------------------|--|--|---|--|--|---|

Given what you've shared about your family's daily life, what would you like to see happen within your family's activities as a result of EI supports and services. How will we know when it is accomplished?

Tallie will participate in story time at the library by sitting and interacting with the librarian.

What's happening now?
Natalia moves around the room and watches Mary, the librarian, read the book. When Mary passes out props for her story, Tallie carries them around but doesn't use them to participate in the story. When Mary asks questions about the story, Tallie doesn't look at Mary or make an attempt to respond. Parents have found that Natalia really enjoys pop-up books. Keisha is worried that she will not be able to sit and participate in activities when she goes to preschool, and therefore she won't learn.

Strategies: What steps and activities, including who and when, will help us meet the IFSP outcome?
Keisha will arrive early to give Natalia time to explore the library. During story time, Keisha will give Tallie tight hugs to help her sit and attend to the story. Kate, SLP/PSP, will model and practice techniques with parents during their story time and at the library. Parents will share Tallie's book preferences with the librarian. EISC will help parents prepare questions for preschool visits and the transition planning conference meeting.

Supports that we currently have available to help us with this outcome (formal and natural, including services not provided by EI).
Family: grandparents, aunt
EISC: Mandy Pearson
Speech-Language Pathologist (SLP)/ Primary Service Provider (PSP): Kate Metz

Review of this outcome: A review of the IFSP must occur at least every six months, but may occur sooner. You may request an IFSP review at any time.

Result of review

| | | | | |
|--------------------------------------|--|---|---|--|
| <input type="checkbox"/> Outcome met | <input type="checkbox"/> Progress made; continue with current outcome, strategies and services | <input type="checkbox"/> Continue outcome and revise strategies and/or services | <input type="checkbox"/> Revise outcome, strategies, and services | <input type="checkbox"/> No longer parent priority |
| Date _____ | Date(s) _____ | Date(s) _____ | Date(s) _____ | Date _____ |

New concerns or events that affect this outcome

Progress made toward meeting this outcome

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Child's name **Elijah Warren** EIDS number **0000000**

Section 4: Our Child and Family Outcomes

This section identifies a child or family outcome based on what you want to accomplish, as well as the steps to meet your outcome. The outcome is based on information the team learned from the child and family assessment(s). Each IFSP outcome must be written in words easily understandable by everyone and in a way that clearly relates to what you stated as your priorities during the family-directed assessment (if conducted).

| | | | | | | |
|----------------|---|---|--|--|--|--|
| Outcome number | <input type="checkbox"/> This child outcome addresses | <input type="checkbox"/> Developing positive social relationships | <input checked="" type="checkbox"/> Acquiring and using new skills and knowledge | <input type="checkbox"/> Taking action to meet own needs | <input type="checkbox"/> Outcome addresses family participation, family well-being, or information | <input checked="" type="checkbox"/> Outcome addresses transition |
|----------------|---|---|--|--|--|--|

Given what you've shared about your family's daily life, what would you like to see happen within your family's activities as a result of EI supports and services. How will we know when it is accomplished?

We want Elijah to be able to hear his teacher in the preschool classroom so that he answers when his name is called.

What's happening now?
Elijah has bi-lateral hearing aids that he uses daily at home. When he has his aids on during family outings to the play group and to restaurants, he often says, "too loud". His Mom Shauna feels this is due to background noise amplification. The Sunday school teacher reports that it is difficult to get Elijah's attention when she calls him. Shauna has researched remote microphone (RM) systems and learned that they help children maintain focus upon the speaker and help with participation and comprehension of language.

Strategies: What steps and activities, including who and when, will help us meet the IFSP outcome?
John(SLP/PSP) will measure background noise level at preschool using sound level meter apps, and recommend RM systems for the classroom. Monique, the SC, will help research grants to help purchase an RM system for Elijah to use at Sunday school. Monique will coordinate transition planning conference with school district to begin conversation about how they may be involved with acquisition, adjustment and care of the RM system for school.

Supports that we currently have available to help us with this outcome (formal and natural, including services not provided by EI).
Hazelwood Community Church
Hazelwood Preschool

Review of this outcome: A review of the IFSP must occur at least every six months, but may occur sooner. You may request an IFSP review at any time.

Result of review

| | | | | |
|--------------------------------------|--|---|---|--|
| <input type="checkbox"/> Outcome met | <input type="checkbox"/> Progress made; continue with current outcome, strategies and services | <input type="checkbox"/> Continue outcome and revise strategies and/or services | <input type="checkbox"/> Revise outcome, strategies, and services | <input type="checkbox"/> No longer parent priority |
| Date _____ | Date(s) _____ | Date(s) _____ | Date(s) _____ | Date _____ |

New concerns or events that affect this outcome

Progress made toward meeting this outcome

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■ The EISC ensures the family is fully informed of the array of services and Public or Private early learning program options available for their child, including:

- home,
- Part B preschool special education services,
- Head Start,
- child care centers,
- private preschools, or
- other community-based settings, etc.

The transition outcome in the IFSP must include steps and services to prepare the child for changes in service delivery, including steps to help the child and family adjust to and function in a new setting. It must also include, with parent consent, transmission of information about the child (e.g. current IFSP, evaluation and assessment information, and diagnosis, if appropriate) to ensure continuity of services.

3. What is the responsibility of LEA staff during the early transition planning process?

Recommended Practice

- LEA staff are highly encouraged to participate in meetings between the EISC and the family members prior to the TPC. The LEA is encouraged to routinely communicate, with parental consent, with the EISCs about public school programs, activities, and resources.
- LEAs should coordinate with the EISC to allow parents to learn more about services available to support parent and family involvement in the transition planning process. Early LEA involvement will support families in obtaining information, and allow opportunities to meet with school personnel, visit school programs and tour facilities. LEAs may have differences in their Inter-Agency Agreements; therefore, it is important to ensure all parties are aware of local policy.

Federal Regulations

34 CFR §303.209(d)(2)

§303.344(h)

LEA Participation in the TPC

4. What are the preparation activities that need to occur by the Part C Service Coordinator and LEA staff prior to the TPC?

- The EISC as well as the IFSP team, with parental permission, must complete and submit the IFSP/TPC meeting notification EI-13 to the local school district where the child resides.

The IFSP Meeting notice EI-13 form is an invitation from the SC agency to the local school district to participate in the IFSP/TPC. This includes determining if the child must be referred to the local school district to determine eligibility for preschool special education services. This invitation should include the family, Primary Service Provider, other providers, and anyone the family wishes to attend. The local school district should participate in the TPC arranged by the Part C Service Coordination Agency.

The TPC must occur at least 90 days and at the discretion of all parties, not more than nine months before the child turns three years of age.

The EISC must work with the other participants to determine a date, time and location for the TPC. The EISC will provide the IFSP/TPC meeting notice EI-13 to the family. With parental consent, the EISC must send a meeting notification form to the LEA, PSP, IFSP Team, other potential service providers, and anyone else the family chooses. (Head Start, child care, etc.) with the details about the conference. This notification/invitation will be sent at least 10 days prior to the proposed TPC Meeting date. Once the EISC has identified a date/time/location and identified the participants, the EISC coordinates the TPC.

- The family and EISC should make an effort to set up the TPC to be as convenient as possible for all involved; thus, the TPC date, time, and place can be rearranged as long as the TPC occurs **no later** than 90 days before the child turns three. (Unless *family* is unable to meet this timeline)
- With parental consent EI-06, the EISC will share the child record with the LEA including, most recent assessments, IFSP and progress notes. The parent may choose to limit the type of information that is released to the LEA.

Federal Regulations

- §303.209 (c)(1), (c)(2)
- §303.209 (d)
- §303.344(h)(2)(iii)

5. What happens if a family declines to consent to have the TPC?

All children in Part C must have a transition outcome in their IFSP, even if the family is not interested in pursuing other educational services. However, families do have the right to consent or to decline consent to participating in a TPC (5123-10-20 (L)(2)(b)). If a family does not consent to have the TPC scheduled, the EISC will ensure families are aware of possible ramifications of declining the TPC meeting, and/or declining to involve the LEA.

6. What happens if a family declines to have the LEA invited to the TPC?

If a family does not consent to have the EISC invite the LEA to the TPC, the EI SC will inform the family that the parent is then choosing not to have the LEA involved to determine if their child is eligible for special education preschool services. The EISC will also let the parent know they may change their mind and grant permission to invite the LEA, and the EISC will facilitate and coordinate the TPC meeting *if the child is not yet three years old*. The EISC will also let the parent know how to contact the LEA after the child turns 3 in case the parent changes their mind to have the child evaluated after the child has turned three.

- The EISC must provide the family a copy of the Part C procedural safeguards. These activities are a responsibility of the EISC and he/she must inform the family how to contact the LEA after their child reaches his or her third birthday.

If, *after the child turns three years of age* the family changes their mind about exploring special education services, the family can directly contact the school district.

7. What happens if a family who previously declined to have the LEA invited to the TPC or have a TPC has changed their mind?

Parent(s) can change their mind and provide consent for the invitation of the LEA to a TPC or referral for initial evaluation by the LEA if the child is still under the age of three and receiving Early Intervention Services. EI-07 will be completed reflecting consent.

- In this case, the EISC will send the IFSP meeting notice EI-13 and check will include TPC and make a referral for initial evaluation to the LEA. However, this may affect whether educational services start on or after the child's third birthday. (see late referral timelines)

Federal Regulations

§303.209

8. What should occur with late referrals to Early Intervention (i.e., children referred to the Part C Service Coordination Agency program within 90 days of their third birthday)?

- If a child is referred to Part C **between 45 and 90 days prior to the child's third birthday**, the Part C Service Coordination Agency must conduct the initial evaluation, assessment, and initial IFSP meeting. If the child is determined eligible for Part C services, the EISC must develop a transition outcome (with appropriate steps and services), and provide the LEA with the child's information as soon as possible after determining eligibility with parental consent.
- Generally, in these instances, the transition plan would be part of the initial IFSP (EI-13 Meeting notice will be needed). The TPC cannot occur prior to the initial IFSP. A child can't transition from Part C services to Part B services unless they are determined eligible and needing services; therefore, the IFSP needs to be written establishing eligibility and services. The EISC must notify the LEA of the TPC and must inform the LEA the child was referred late to Part C.
- If a child is referred to Part C **fewer than 45 days prior to the child's third birthday**, the Part C Service Coordination Agency is **not** required to conduct an evaluation, assessment, or initial IFSP meeting for the child. If the child is potentially eligible for preschool services under Part B of the IDEA, the Part C Service Coordination Agency must refer the toddler to the LEA where the toddler resides (with parental consent) form EI-08 Consent to Refer Child to the LEA and ODE.

In most cases, the family will receive the relevant LEA information from Central Intake rather than the EISC.

Federal Regulations

34 CFR §303.209

§303.414

Transition Planning Conference (TPC)

Explain Part B and Part C procedures and safeguards

Discuss program options and next steps with family and local school district

Obtain consent for referral and evaluation

Review and ensure all current evaluations, assessments, records, most current IFSP, and information given to LEA

Who convenes and attends the TPC?

- ● The Part C Service Coordination Agency is responsible for convening the TPC for all children in EI (After consent is sought, Form EI-07). It is the responsibility of the LEA to respond to the IFSP meeting notice from the EISC. According to Part C federal regulations, the SC agency must invite, with parental consent, the LEA representative to the TPC. The TPC must include the family and the Part C EISC, at minimum. According to Part B federal regulations, the LEA representative must participate in the TPC arranged by the Part C SC agency. Any other agency considered for future services should be invited to this meeting, with parent consent. Examples of these agencies include Head Start or child care programs. Ideally, the IFSP team should attend the TPC.
- Discussions should also include EI-06 Release/exchange of information to LEA to release IFSP, Eval and Assessments and other detailed information as parents have the right to choose what information they would like to share with LEA and or Early childhood partners
- The EISC should include these team members on the IFSP meeting Notice EI-13 for the TPC. If they are unable to attend, their information should be provided to the EISC so it can be shared with the LEA and other potential programs (Head Start, child care, another preschool). This information should include any transition services and activities related to preparing the child and family for transition.
- It is the EISC's responsibility to explain and prepare the parent for the TPC. This shall include:
 - describing the purpose of the TPC and
 - obtaining consent to the TPC and consent to invite the LEA, PSP, and other providers via EI-07 and EI-13
- The EISC must coordinate the TPC to ensure the right people are present (with parental consent). This includes:
 - sending meeting notices,
 - calling to schedule,
 - ensuring that all participants are able to attend the IFSP/TPC,
 - emailing to follow up with IFSP team members who are unable to attend to ensure they have provided information to share at the TPC, and
 - facilitating this meeting to ensure parents are informed of possible options and they understand the process and their rights within the process.
- It is the EISC's responsibility to schedule the TPC at least 90 days, or at the discretion of all parties, not more than 9 months before the child before the child turns three. The EISC should communicate frequently with the LEA to ensure participation and attendance at the TPC. The TPC shall be completed in conjunction with an IFSP. The IFSP/TPC must include the steps and services to be taken to support the smooth transition of the child. The steps required must include—discussions with, and training of, parents, as appropriate, regarding future placements and other matters related to the child's transition; procedures to prepare the child for changes in service delivery, including steps to help the child adjust to, and function in, a new setting; transmission of additional information needed by the LEA to ensure continuity of services from the part C program to the part B program, including a copy of the most recent evaluation and assessments of the child and the family and

most recent IFSP; identification of transition services and other activities that the IFSP Team determines are necessary to support the transition of the child. 5123-10-02 L.

- With parent consent, the EISC must provide written notification of the meeting date, location and time to all invited persons, including the LEA, using the EI-13. This will be provided at least 10 days prior to the TPC meeting date. Best practice is to schedule the TPC with input from the LEA and parent and provide them with ample notice regarding the upcoming conference.

When any party other than the parent is unable to attend the TPC, it can be rescheduled; however, it must occur at least 90 days prior to the child's third birthday. Therefore, if the LEA cannot attend and the parent agrees, the TPC can still occur.

9. Does the School district need to complete any forms or activities prior to their participation in the TPC?

- The LEA should review the IFSP/TPC meeting notice and any other documentation that has been shared (with consent) from the EISC.

10. What occurs during the TPC?

As described in the federal regulations, at a minimum, the purpose of the TPC is to:

- “discuss any such services a child may receive” in the future which includes the LEA special education services and/or other community services for preschool-aged children,
- examine “options for the period from the child’s third birthday through the remainder of the school year” for children who may be eligible for LEA special education services, and

The EISC and the IFSP team, must develop and/or review the transition goals, steps, and services that relate to the family’s vision for the child’s growth and progress and ensure a smooth transition.

In most cases the current IFSP for the child must include a transition outcome with steps and services that constitute the transition plan (exception would be if child was referred late and the Initial IFSP is also the TPC). The IFSP/TPC, with the parents’ approval, additions or modification of the transition outcomes and objectives/strategies may take place. These modifications may include:

- making parents aware of information about possible future placements, services, and other matters related to the child’s transition,
- procedures to prepare the child (and family) for changes in services delivery, including steps to help the child (and family) adjust to and function in a new setting,
- ■ with parental written consent, transmitting additional information about the child to the LEA to ensure continuity of services, including evaluation and assessment information and copies of IFSPs.
- ● the role of the LEA at the TPC is to introduce the school district to the family, explain eligibility for special needs preschool services, and may obtain parental consent to move forward with the next steps. At this time the LEA will also inform and provide the parent with their rights in Part B.
- any other steps which promote a smooth transition for child and family.

- The EISC must discuss the child's progress with input from family members and providers. The EISC should assist the family with communicating any additional concerns. The EISC must also discuss the transition process and document this in case notes. These case notes should document the entire transition process, including:
 - planning,
 - scheduling,
 - conversations prior to the TPC,
 - the TPC itself,
 - all related activities, including consents, and
 - the reasons for any delays, explaining why the delay occurred and reflecting conversations or circumstances that occurred prior to the TPC due date.

Representatives from the LEA and the other participants should provide general information about their services and answer questions during this meeting. The EISC and the LEA must explore other options if a disability is not suspected.

Some families are then ready to move forward with the LEA referral for their initial evaluation of eligibility for preschool special education services. Other families may need more time before deciding. The TPC must occur **no later than 90 days** prior to a child's third birthday to ensure parents have ample time to make informed decisions.

Federal Regulations

34 CFR §303.209(d and e) §303.343 (a)
§303.344(h)
§303.209 (c1)
§300.124 (c)

11. Can parental consents for Part B initial evaluation be signed at the TPC?

- Yes. The LEA representative may secure parent's consent for the initial evaluation during the TPC. It is the responsibility of the LEA to provide and describe Part B procedural safeguards to the parent. Parents must fully understand what they are signing and what consents mean, as well as the resulting actions that can occur.

Parents may need more time to consider their options and should not feel they are required to sign at this time. Parents have the right to withhold consent if they decide to not proceed with a Part B initial evaluation and eligibility determination. It is not a legal requirement of the TPC.

The initial evaluation must be completed by the district **within 60 days of the written consent.**

- The EISC should offer information on all supports and services within the community from which the child and family would benefit to ensure a smooth transition.

12. What happens if a family who has been referred to Part B declines to provide consent for an initial evaluation?

Parents have the right to withhold consent if they decide to not proceed with a Part B initial evaluation and eligibility determination process.

If the parent declines to sign consent to proceed with the Part B evaluation and eligibility determination process, access to special education services under the IDEA will not be available to the child upon turning three. Parents may initiate the evaluation and eligibility process later if they desire.

- Therefore, if the parent declines to sign consent for the Part B evaluation and eligibility determination, the Part C Service Coordination Agency must provide them with contact information for the LEA in which they reside in case the parent would change their mind in the future.

Federal Regulations

34 CFR § 300.300

§300.9

§303.400(a)

§303.421

13. Can a child's eligibility be determined at the TPC?

No. The TPC provides an opportunity for the family to meet a school representative and learn more about the steps in the process of determining possible eligibility. An initial review of the child's records and assessments could occur during the TPC, but not an initial evaluation for determination of Part B eligibility. The TPC is to prepare and plan for the child/family's transition from Part C to Part B or to other educational or supportive services.

Federal Regulations

§ 300.306

Initial Evaluation for Part B

14. What is the school district's responsibility for conducting an initial evaluation?

- The LEA is responsible for obtaining written informed parental consent and completing the evaluation and assessment within 60 days from written consent. The purpose of the initial evaluation is to determine if the child has a disability and requires special education and related services to benefit from the education program. The initial evaluation must occur within three months before the child turns three.

Prior to conducting evaluations to determine eligibility, the evaluation report team must review any existing data, including evaluations, and information provided by parents, the Early Intervention Service Coordination Agency, assessments, and teacher observations. OAC 3301-51-06 (F)

As a part of the Part B evaluation procedures, the team must utilize a variety of assessment/evaluation tools and strategies to gather functional and developmental information about the child, including:

- information from the parents,
- information related to enabling the child to be involved, and
- progress in age appropriate activities.

All tools and strategies must yield relevant information that directly assists in determining the educational needs of the child and must be comprehensive to determine if a child has a disability and need for special education and related services.

Federal Regulations

§300.301

§300.304

§300.305

15. Can school districts use assessments and evaluation information from the Part C Agency in determining a child's eligibility for Part B services?

- Yes. The LEA must review existing evaluation data as part of the initial evaluation.
- ● For children referred to Part C Early Intervention at least 46 days, but not more than 90 days prior to their third birthday, the assessment and evaluation process is a shared responsibility. The LEA and the Part C Agency should have an interagency agreement in place to determine what their specific responsibilities must be in the evaluation process to determine Part B eligibility. This agreement should be reviewed annually.
- ● For children referred to Part C Early Intervention at least 46 days, but not more than 90 days prior to their third birthday, an initial IFSP/TPC meeting will be held, arrangements shall be made with the parent and other participants. Prior written notice of IFSP (EI-13) shall be provided to the parent and other participants early enough to ensure they will be able to attend. The Interagency Agreement shall address how to meet the 45 day timeline, including the initial IFSP meeting notification.
- Sufficient information shall be obtained using a variety of information sources to confirm that a disability exists.

No single source of information, such as a single measure or score, shall be used to determine if a preschool child is eligible or not eligible for special education and related services. Eligibility for special education and related services as a preschool child shall be determined on the basis of multiple sources of information, including, but not limited to:

- (a) Information from Part C for children transitioning from early intervention services;
- (b) Structured observations in more than one setting and in multiple activities;
- (c) Information provided by the parent or caregiver; and
- (d) Criterion-referenced and norm-referenced evaluations.

This may include existing IDEA Part C assessment data. In some cases, this information may be sufficient in fulfilling Part B required assessment methods/data sources. The two structured observations would have to occur after informed written consent and assessment methods/data sources provided by Part C within the past 12 months. This would be decided and written explicitly in the IAA to assign roles and responsibilities, ensure parent consents, required assessments for both Part C and Part B fulfilled. The EISC and LEA could agree that for those children referred 45 days, but not more than 90 days, prior to their third birthday, that the TPC would be structured as a ETR planning meeting, if a disability is suspected, and collaborate to determine what assessments need to be completed, who will participate, (agency and role), and the required parental consent is obtained.

- It is the responsibility of the school district to conduct any further evaluations to determine eligibility for Part B services. The district must ensure that a complete evaluation has been conducted before determining eligibility and this evaluation must be conducted within 60 days of parental consent.

Federal Regulations

§300.304

§300.305

16. What happens when a referral comes into the Part C Service Coordination Agency for a child suspected of having a delay, when the child is 45 days or fewer from their third birthday?

The Help Me Grow Central Intake and Referral System will provide the parents the relevant LEA information so the parent is able to contact the LEA.

If referral does come into the EISC agency within this timeframe and EISC will complete form EI-08 to provide consent to refer to LEA/ODE

- When a child is referred to the LEA from the Help Me Grow – Ohio's Central Intake and Referral System 45 days or fewer from the child's third birthday, the school district must have an assessment/evaluation completed within 60 days of parental consent for a child who is suspected of having a disability. An IEP is not required by the child's third birthday.

OAC 3301-51-11 (B) (4) (b)

State Rule

OAC 3701-8-10 (F)(4)(b)

Eligibility Determination Meeting

17. How is eligibility determined for Part B services?

Eligibility is determined after the initial evaluation procedures are completed including the review of existing evaluation and assessment information, observations and input from the parents. A team of qualified professionals, including the parents, determine whether the child meets the eligibility requirements.

The following developmental areas must be assessed with at least one source of information listed in paragraphs (C)(1)(a) to (C)(1)(d) OAC Rule 3301-51-11:

- (a) Adaptive behavior;
- (b) Cognition;
- (c) Communication;
- (d) Hearing;
- (e) Vision;
- (f) Sensory/motor function;
- (g) Social-emotional functioning; and
- (h) Behavioral functioning.

- The LEA must, at no cost to the parent, provide a copy of the evaluation report and the documentation of the child's eligibility to the parent, and with consent from the parent these results must be shared with the referring Early Intervention Service Coordination Agency.

A child in preschool is eligible for special education services if he/she has one or more of the following disabilities, as defined in OAC Rule 3301-51-11 of the Administrative Code, based upon the evidence required in paragraphs (C)(1) to (C)(3) of this rule, and who, by reason thereof, needs special education and related services:

- (a) Autism;
- (b) Cognitive disability;
- (c) Deaf-blindness;
- (d) Deafness;
- (e) Emotional disturbance;
- (f) Hearing impairment;
- (g) Multiple disabilities;
- (h) Orthopedic impairment;
- (i) Other health impairment;
- (j) Specific learning impairment;
- (k) Speech or language impairment;
- (l) Traumatic brain injury;
- (m) Visual impairment; or
- (n) Developmental delay,

as defined in paragraph (C)(6) of rule 3301-51-11.

Federal Regulations

§300.306

Child Transitions to LEA

IEP Initiated and developed

18. If the Child is determined eligible for Part B services, is he/she required to receive them?

No. This is parent choice.

Federal Regulations

§300.9 consent

§300.300 parental consent

Evaluation report and documentation of eligibility sent to parent and Part C Agency Provider

19. Should the LEAs provide the Part C Service Coordination Agency with a copy of the eligibility determination?

Yes. The LEA shall invite the EISC to the initial IEP meeting, with parental consent.

OAC 3301-51- 11 (D) (2)

If the Part C Service Coordination Agency does not attend the Part B eligibility team meeting, they must be provided with a copy of the eligibility determination page of the evaluation team report for the child's Part C record and data reporting purposes.

Individualized Education Program

- Review progress and performance
- Develop IEP

20. Does an IEP need to be in place by the third birthday when the family chooses the Part B program?

Yes. The LEA must ensure the IEP is completed by the child's third birthday or within 90 days from parental consent, whichever comes first. The LEA must ensure the IEP has been signed by a parent to indicate that the parent agrees with the specified services and initial date of services as listed.

Federal Regulations

§300.124

§300.323

Additional Questions

21. Can the LEA refuse to accept a referral from Part C?

- No. Regardless of the time of the year it is received, LEAs must accept and act upon a referral from Part C.

22. What if the LEA doesn't offer preschool special education services?

The IDEA requires all school districts to offer a full continuum of services. If an LEA does not have preschool special education services available at the time of a Part C referral, it must either develop preschool special education services or participate with a program that has services available.

23. Who determines if Extended School Year (ESY) preschool special education services are necessary for a student with disabilities?

- The IEP team shall decide annually whether ESY preschool special education services are necessary for a student. The LEA must explain that if the child has a summer birthday, extended school year (ESY) services must be considered based upon the Early Intervention data and the need for continuity of services so the child maintains his or her level of performance. (OAC 3301-51-11(D)(4)). If, at the IEP meeting the IEP team determines the child does not need ESY services, the team shall identify the date of initiation of services as the first day of the school year.

24. How does the IEP team determine if extended school year services are necessary?

The LEA must consider extended school year services as a part of the IEP process for children transitioning from Part C services. There is no requirement that a child must have previous school experience to receive extended school year services. Based upon data available from the Part C system, the evaluation team or the IEP team and other qualified professionals shall determine if extended school year services are required.

Federal Regulations

§300.106

§300.320 - §300.324

25. Can a child under the age of three participate in Part B?

A child younger than three years of age may meet the age requirement if the child will be three by December 1st of the current calendar year and may participate in special education and related services as a preschool child before December 1st of the current calendar year.

A child can not be served in Part C and Part B simultaneously. If services are being actively provided by Part B services, the child must be exited in PART C.

Resources

Parental Guidance <https://fosterandadopt.jfs.ohio.gov>

EI <https://ohioearlyintervention.org/>

DODD dodd.ohio.gov/RulesLaws/Pages/RulesInEffect.aspx

ODE <https://education.ohio.gov/getattachment/Topics/Special-Education/Federal-and-State-Requirements/Operational-Standards-and-Guidance/Ohio-Administrative-Code-Rules-3301-51-01-to-09-11-and-21.pdf.aspx>

ODE Operating Standards <https://education.ohio.gov/Topics/Special-Education/Federal-and-State-Requirements/Operational-Standards-and-Guidance>

Head Start <https://education.ohio.gov/Topics/Early-Learning/Head-Start>
<https://ohsai.org/>

Job and Family Services <https://jfs.ohio.gov/Ocs/CustServWebPortalWelcome2.stm>

Family and Children First <https://www.fcf.ohio.gov/>

OCALI/CYC <https://www.ocali.org/center/cyc>

Deaf/Hard of Hearing <https://deafandblindoutreach.org/>

Bridge to Preschool <http://nebula.wsimg.com/ff536db3177fbdedc0099cb24b71428e?AccessKeyId=8D6EA05D792C49A801F9&disposition=0&alloworigin=1>