

SYNTHESIS OF KEY POINTS FROM THE OSEP EARLY CHILDHOOD TRANSITION FAQ (SPP/APR INDICATORS C-8, B-11 AND B-12)

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This document is a synthesis of the key points provided in the *OSEP Early Childhood Transition FAQs: SPP/APR indicators C-8 and B-12* released on December 1, 2009. It was developed to assist states with the implementation of effective transition policies and practices. The *OSEP Early Childhood Transition FAQs: SPP/APR indicators C-8 and B-12* can be accessed at: <http://spp-apr-calendar.rfcnetwork.org/explorer/view/id/798>

A STATE MUST USE POLICIES AND PROCEDURES TO ENSURE A SMOOTH TRANSITION FOR TODDLERS RECEIVING EARLY INTERVENTION SERVICES UNDER PART C OF IDEA TO PRESCHOOL, OTHER APPROPRIATE SERVICES, OR EXITING THE PROGRAM. (IDEA SECTION 637(a)(9)(A))

TRANSITION PLAN (C-8A)

- A transition plan, that includes steps to exit from the program and appropriate services, is required to be developed after the toddler turns two and before the child's 3rd birthday and is a part of the IFSP.
- The IFSP team, which includes the parent, is responsible for developing the transition plan.
- The lead agency may develop the transition plan in the IFSP at the transition conference.
- The team must review program options for the toddler with a disability who is potentially eligible for Part B for the period from that child's third birthday through the remainder of the school year.

LEA NOTIFICATION FROM PART C (C-8B)

General Information about LEA Notification:

- Content of the LEA Notification must include information to assist Part B in their child find responsibilities:
 - Must include:
 - Child's name.
 - Child's date of birth.
 - Parent contact information (including names, addresses and telephone numbers).
 - May additionally include:
 - Service coordinator's name and contact information.
 - The language(s) spoken by the child and family.
- The LEA Notification must be provided to the LEA where the toddler with a disability resides.
- The State determines the method to be used for LEA Notification (e.g, electronically or hard copy directly to LEA or to SEA to be forwarded to LEA).

Two Steps of LEA Notification (can be separate or combined):

- **Step 1: Notification of children “shortly reaching the age of eligibility”** – [as required by IDEA section 637(a)(9)(A)(ii)(I)]
 - Notification is required for all children who will shortly reach the age of three (not reported in C-8B).
 - Parental consent cannot be required. Parents can choose to opt-out of the notification only if the state has an OSEP approved opt-out policy.
 - This is not considered to be a referral.
 - There are options for how Part C handles Step 1 Notification
 - Decision made according to state context, data capacity, and relationship between Part C and Part B.
 - May occur on individual child basis or as a list of multiple children.
 - No action needs to be taken by Part B.
 - For some children, Part B may not be invited to the Transition Conference if the child is not potentially eligible.

- **Step 2: Notification of children deemed potentially eligible** – required for the APR under Indicator C-8B
 - Part C Lead Agency must define potentially eligible (or develop a process for determining it).
 - In establishing its policy regarding potentially eligible for Part B, the Lead Agency should review, ideally in collaboration with the SEA, the Part B eligibility definitions including the state’s definition of developmental delay.
 - The determination of whether a toddler is potentially eligible for Part B is made by the child’s IFSP team.
 - This step of notification is usually provided on a subset of children depending on state’s definition of potentially eligible (reported in C-8B); thus, in some instances the LEA Notification may be sent for all Part C children (in such examples as eligibility definition for both programs are aligned and very similar or Part C eligibility is more narrow and restrictive than the Part B eligibility).
 - Parental consent cannot be required; however, parents can choose to opt-out of the notification if the state has an OSEP approved opt-out policy (see below).
 - This is considered to be an initial referral to Part B. Therefore, Part B is required to complete the following actions (Part B regulation §300.504(a)(1)):
 - Send procedural safeguards to the child’s parents.
 - With parent approval, attend the transition conference which is initiated by Part C. (Note: Approval is an affirmative response that may be given orally.)
 - Sending the procedural safeguards to the family does not initiate the Part B timeline for initial evaluation. The timeline starts when parental consent for initial evaluation is obtained.

- **Combining Step 1 and Step 2** – Notification steps can be combined (report only potentially eligible in C-8B)
 - Those children who are potentially eligible can be indicated in the Step 1 Notification.
 - The invitation to the LEA representative to the transition conference for those children potentially eligible for Part B can serve as the LEA Notification of potentially eligible children.

Opt-Out Policy

- If a state has an OSEP approved opt-out policy in place, the state may require parents be provided notice, prior to making LEA Notification, of the intended disclosure and allow the parent a specified time period to object to the disclosure and thus, prevent the LEA Notification from occurring.
- A State's opt-out policy must clarify the following:
 - Parental consent can not be required for the lead agency to notify the LEA where the child resides and that such LEA Notification will occur in the absence of an objection by the parent.
 - The LEA Notification includes the following "child find information," namely the child's name, birth date, and parent contact information (including parents' name(s), address(es) and telephone number(s)).
 - The amount of time parents are provided to opt out.
 - How parents may opt out (i.e., orally or in writing).
 - When parents are informed of the opportunity to opt out of LEA Notification (how the lead agency will inform parents of LEA Notification and the State's opt-out policy including any written materials or notice information; the content of this notice/information must include a description of all of the foregoing elements).
- States do not report potentially eligible children whose parents have opted out of the LEA Notification in either the numerator or denominator in C-8B.

TRANSITION CONFERENCE FOR CHILDREN POTENTIALLY ELIGIBLE UNDER PART B (C-8C)

- Part C must invite the LEA representative to the transition conference if child is potentially eligible for Part B and the parent approves.
- The LEA is required to participate in the transition conference.
- Whether or not the LEA participates in the transition conference, the following must occur:
 - Conduct the transition conference at least 90 days (and at the discretion of all parties, nine months) prior to the child's third birthday.
 - Develop or revise the transition plan in the IFSP (including identifying appropriate transition steps and services) at the conference.
 - Provide parents at the conference with information about Part B preschool services including:
 - A description of the Part B eligibility definitions.
 - State timelines and process for consenting to an evaluation and conducting eligibility determinations under Part B.
 - The availability of special education and related services.
- If the parent does not provide approval to conduct the transition conference, Part C must still provide LEA Notification for these children unless the state has an OSEP approved Opt-Out policy and the parent has opted out.

LATE REFERRAL TO PART C (C-8, B-11 AND B-12)

Part C Responsibilities (C-8):

- For a child referred to Part C fewer than 45 days prior to the child's third birthday, Part C **may**, but is **not required** to:
 - Conduct an initial evaluation and assessment.
 - Conduct an initial IFSP meeting, if eligible.
 - Develop a transition plan for such children (do not report these children in the calculation in C-8A).
 - Provide LEA Notification (do not report these children in calculation in C-8B).

- For a child referred to Part C between 45 and 90 days prior to the child's third birthday, Part C **must**:
 - Conduct the initial evaluation, assessment.
 - Conduct the initial IFSP meeting (if eligible).
 - If eligible and receiving services under Part C (which includes service coordination services), develop a transition plan (with the appropriate transition steps and services).
 - Provide LEA Notification for that child and for children potentially eligible for Part B and report on such children under SPP/APR Indicator C-8B.

- For a child referred to Part C less than 90 days prior to the child's third birthday, Part C **may**, but is **not required** to:
 - Conduct a transition conference with the LEA representative (not required to report data on these children in C-8C).
 - Assist the family in contacting the LEA or provide the contact information for the family in case they wish to pursue eligibility for Part B.

Part B Responsibilities (B-11 & B-12):

- For a child who has been served in Part C and referred to Part B, but was referred to Part C less than 90 days before the child's third birthday, Part B:
 - Must conduct an initial evaluation under Part B within 60 days of receiving parental consent for the evaluation or within the State established timeline, even if that timeline expires after the child's third birthday.
 - Does include the child under B-11 due to the initial evaluation requirement.
 - Must hold a meeting to develop an IEP within 30 days of a determination that the child needs special education and related services.
 - Must include the child in B-12(a) when reporting under Indicator B-12. However, even if an evaluation under Part B to determine eligibility is conducted, and if appropriate, an IEP is developed and implemented by the child's third birthday, the child must be factored out of the equation and reported in B-12(e).
 - Must include in measurement B-12e all children served in Part C and referred to Part B who were referred to Part C less than 90 days before their third birthdays even if the LEA has determined the child to be not eligible or found the child eligible and had an IEP developed and implemented by the child's third birthday. All children reported in measurement B-12e must be subtracted from measurement B-12a when calculating the percentage of children who have an IEP developed and implemented by their third birthdays.
 - States will be required to include measurement B-12e in the FFY 2009 APR submission due February 1, 2011.

LATE REFERRALS FROM PART C TO PART B (B-11 AND B-12)

- For a child served in Part C who was referred to Part C more than 90 days before the child's third birthday, but referred to Part B less than 90 days before the child's third birthday, the LEA is responsible for:
 - Ensuring that an initial evaluation under Part B is completed.
 - If the child is determined eligible under Part B, an IEP is developed and implemented by the child's third birthday, even if the State-established timeline for conducting an initial evaluation expires after the child's third birthday.
 - Reporting this child in the SPP/APR Indicator B-12a, even if the child was referred to Part B less than 90 days before the child's third birthday.
 - If the child was determined to be not eligible or found eligible and had an IEP developed and implemented by the child's third birthday, the child must in addition be included in B-12b or B-12c.
 - If parental refusal to provide consent caused a delay in the evaluation or initial services, the child must be included in B-12d.
 - If a late referral to Part B results in the LEA determining eligibility, and if appropriate, developing and implementing an IEP after the child's third birthday, the State must include this child in measurement B-12a, but not in B-12b, c, d or e, and indicate that the reason for the delay was late referral from Part C to Part B, in addition to indicating the range of days beyond the third birthday when eligibility was determined and the IEP developed.

PART B INITIAL EVALUATION AND ELIGIBILITY DETERMINATION (B-11)

- Part C assessments and parent information may be used to determine child eligibility for Part B:
 - The IEP team and other qualified individuals must review existing evaluation data, including evaluations and information provided by the parents.
 - Based on that review and input by the family, the team determines what additional data are needed to determine if child is a child with a disability.
- Children who are served in Part C and transition to Part B should be reported in both B-11 and B-12.
- A child who has been served in Part C that enrolls in another LEA after the child has been referred to Part B but before the child is evaluated to determine eligibility for Part B services can be excluded from SPP/APR Indicators B-11 and B-12. The child can be excluded 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.

IEP DEVELOPED AND IMPLEMENTED BY 3RD BIRTHDAY FOR CHILDREN REFERRED BY PART C (B-12)

- Referral to Part B for the purpose of reporting in B-12a occurs when the LEA has been notified that a child who is served in Part C is potentially eligible for services under Part B. The following children must be reported in 12a:
 - Children for whom the LEA has received LEA Notification prior to the child's third birthday that the child will shortly reach the age of eligibility for Part B services and that the child is potentially eligible for services under Part B.
 - Children for whom the LEA has received an invitation to the transition conference.
 - Children served in Part C and referred to Part B even if child was referred to Part C less than 90 days before the child's 3rd birthday. (These children will be subtracted out per measurement B-12e when calculating the percentage of children who have an IEP developed and implemented by their third birthdays. This is true even if there has not been a transition conference at least 90 days before the third birthday and even if there has been an evaluation but an IFSP has not been developed).
- Children not included in B-12 are those who have not been evaluated or determined eligible for Part C and therefore have not received any services. (However, these children should be included in B-11.)

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