

Building the Legacy for Our Youngest Children with Disabilities:

Module 8

The Transition Process and Lead Agency Notification to the LEA and SEA



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in collaboration by:*

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All of the modules in the Part C training curriculum can be found online at:
Center for Parent Information and Resources
<http://www.parentcenterhub.org/repository/legacy-partc/>

A training curriculum on Part C of IDEA 2004

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Although funding for NICHCY has officially ended except for completing the Part C training curriculum, its rich website (including these training materials) will remain online until September 30, 2014. Thereafter, all training materials in this Part C training curriculum will be made available at the website of the Center for Parent Information and Resources, at:

<http://www.parentcenterhub.org/repository/legacy-partc/>

Background and Discussion

This module is part of a training package on the Part C regulations of the Individuals with Disabilities Education Act, as amended in 2004.

This training curriculum provides a detailed discussion of the Part C regulations as published in the *Federal Register* on September 28, 2011.¹

The curriculum is entitled *Building the Legacy for Our Youngest Children with Disabilities*. This module is entitled *The Transition Process and Lead Agency Notification to the LEA and SEA* and is the 8th module in the curriculum.

The information in this module is *not* a substitute for the requirements reflected in the IDEA statute and Part C regulations.

Early Intervention and IDEA

Thanks to a powerful and important federal law called the Individuals with Disabilities Education Act, or IDEA, 333,982 eligible infants and toddlers birth through age 2 received early intervention services in 2012 under Part C of IDEA.²

Early intervention services are concerned with all the basic and brand-new developmental skills that babies typically develop during the first three years of life, such as:

- physical (reaching, rolling, crawling, and walking);
- cognitive (thinking, learning, solving problems);
- communication (talking, listening, understanding);

How the Trainer's Guide is Organized

This trainer's guide is organized by slide. A thumbnail picture of each slide is presented, along with brief instructions as to how the slide operates. This is followed by a discussion intended to provide trainers with background information about what's on the slide. Any or all of this information might be appropriate to share with an audience, but that decision is left up to the trainer.

- social/emotional (playing, feeling secure and happy); or
- adaptive behavior (eating, dressing).³



Early intervention services are designed to meet the needs of eligible infants and toddlers who have a *developmental delay* or *disability*. Services may also address the needs and priorities of each child's family to help family members understand the special needs of the child and how to enhance his or her development.⁴

This Module in the Context of Early Intervention

Eligibility for early intervention services under Part C typically ends when a child reaches his or her third birthday. Most children then exit the Part C system and move on to other appropriate programs, environments, or services—including, for many, special education and related

services made available under Part B of IDEA.

Therefore, as toddlers receiving early intervention services approach their third birthday, it's time to start planning ahead for when they (and their families) leave the Part C system and move on to either Part B services or other appropriate programs or services. This module and its companion, Module 9, together take a detailed look at what the Part C regulations require in terms of the transition planning and activities that must occur.

What Research Tells Us About Transition

Transition is a complex process, not a static event. Positive relationships and transition support activities can ease the stress of transition for families.



Trainer's Note

Throughout this training module, all references in the discussion section for a slide are provided at the *end* of that slide's discussion.

The quote above comes from a 2009 review of the research in early childhood transition prepared by the National Early Childhood Transition Center (NECTC).⁵ We draw upon that review of the literature to offer a brief summary of what research has to tell us about how children and families absorb the impact of transition from one environment to another and what practices or activities can help to “ease the stress of transition” and promote the child’s subsequent achievement.



- Preschool and kindergarten teachers and their principals or directors view social development and social communication skills (e.g., expresses wants, takes turns, follows directions) as being more important for school readiness than academic skills.
- Teaching skills that the child will need in the next environment is associated with more successful adjustment and positive outcomes for young children with disabilities/ developmental delay or who are at risk for school failure.
- The child’s initial adjustment to the next environment may be hampered by geographic factors, such as a rural versus an urban setting.
- Families from different cultural groups may experience transition differently.
- Providing transition assistance (health and family support services, parent involvement, curricular modifications) for an extended period of time upon entering a school system may prevent children at risk from being diagnosed with a developmental disability in the elementary grades.
- Although adequate preparation for skills needed in the next environment is important, the most crucial factor in a successful transition to an inclusive environment for children with disabilities may be a positive working relationship between the family and the service providers.
- Communication between program/school personnel and families to exchange information and answer family questions was seen as critical to resolving concerns.

- Parental sense of self-efficacy is associated with greater school-related parent involvement and improved academic outcomes for children.
- Needs of families must be met before families are able to help their children with disabilities transition between programs or systems.⁶

Interestingly—and disappointingly—a primary finding from this review was that there were only a limited number of data-based, published studies available on early childhood transition.

A related finding is the small number of data-based studies focused on young children with disabilities and their families. The initial goal of this research study was to provide a synthesis of validated transition practices, especially related to children with disabilities, but this was not possible given the paucity of the research available.⁷

Fortunately, the field does have more than 25 years of experience in early childhood transitions. As the NECTC review concludes, “State and federal law and policy, family experiences and advocacy, federal monitoring procedures, and historical precedent all underscore the importance of effective transition practices for young children with disabilities.”⁸

Federal and State Law and Policy

One of the major service components under the IDEA for young children with disabilities and their families is specific planning and support for transition as children move from Part C to Part B or other appropriate programs. Building adequate State and local infrastructures to support and guide effective transition for children with disabilities and their families is a complex undertaking that requires collaboration among all agencies providing early childhood services to children and their families, collaborative leadership, and resource commitment.

The Part C regulations⁹ require States to have policies and procedures to ensure a smooth transition for infants and toddlers with disabilities and

their families from receiving early intervention under Part C of IDEA to Part B or other appropriate programs. This module looks in detail at the nuts and bolts of Federal law and transition policy, which provide States with the requirements and guidelines for States to ensure smooth transitions from Part C for young children with disabilities and their families.

This Module in the Part C Training Curriculum

The training curriculum on Part C of IDEA is organized into separate themes, which multiple training modules under each theme. The themes are:

Theme A | Welcome to IDEA

Theme B | Public Awareness Program and the Child Find System

Theme C | Evaluating Infants and Toddlers for Disabilities (Post-Referral Activities)

Theme D | Individualized Family Service Plan (IFSP)

Theme E | Transition from Part C to Part B of IDEA

Theme F | Procedural Safeguards

Theme G | Use of Funds

This module on the Transition Process and the Lead Agency's notification to the LEA and SEA falls within the umbrella topic of **Theme E, Transition from Part C to Part B**. There are two modules under that umbrella, as follows:

- *The Transition Process and Lead Agency Notification to the LEA and SEA* (this module), which takes a look at the lead agency's responsibilities as toddlers who are receiving early intervention services approach their third birthday. No fewer than 90 days before a child's third birthday, the lead agency must notify the child's local educational agency (LEA) and the State educational agency (SEA) that the child will soon reach the age of eligibility for Part B services. This module also

outlines the transition process including the requirements for the transition conference and the transition plan.

- *Development of the Transition Plan* (Module 9) looks at what the Part C regulations require with respect to developing a transition plan for each toddler who is approaching his or her third birthday, when eligibility for Part C services typically ends.

For Whom Is This Module Designed?

This module is primarily intended for trainers to use with audiences who are responsible for addressing children's transition from Part C to either Part B or other appropriate programs or services. This includes but is not limited to:

- lead agency staff; SEA personnel; staff in LEAs with early childhood programs; and administrators at the SEA, LEA, and lead agency levels;
- members of State Interagency Coordinating Councils (ICCs), which guide and advise the State's lead agency;
- stakeholders in the early childhood community, including Head Start and Early Head Start personnel, preschool professionals, and early childhood educators;
- parents and family members of a toddler receiving early intervention services under Part C, as that toddler approaches his or her third birthday;
- staff of Parent Training and Information (PTI) centers and of Community Parent Resource Centers (CPRCs); and
- preservice early childhood candidates who are learning about the Part C system or specializing in early childhood transitions.

Files You'll Need for This Module

All of these files can be downloaded free of charge from the Center for Parent Information and Resources website, at: <http://www.parentcenterhub.org/repository/legacy-partc/>

- **Slideshow.** NICHCY is pleased to provide a four-color slideshow (produced in PowerPoint®) around which trainers can frame their presentations and training on the transition planning process in Part C.

Important note: You do NOT need the PowerPoint® software to use the slide show. It's set to display, regardless, because the PowerPoint Viewer® is included. (You may be asked to agree to Viewer's licensing terms when you first open the slideshow.) The presentation is also saved as a "show"—which means it will launch when you open it.

- **Trainer's Guide Discussion.** The trainer's guide describes how the slides operate and explains the content of each slide, including relevant requirements of the statute passed by Congress in December 2004 and the final regulations for Part C published in September 2011. The trainer's guide is available in PDF and Word® formats.

- **Speaker Notes.** Provided as a Word file, the Speaker Notes show thumbnail pictures of all slides in the presentation, with lines next to each for you to annotate your presentation, if you wish. You can also share the Speaker Notes with participants.

- **Handout 9 for Participants.** There's only one handout associated with Module 8, and that's Handout 9. It's provided in PDF and Word formats. The PDF is designed to share with participants. The Word version is made available for those participants who need or request accessible materials.

For trainers, we recommend using the PDF version of trainer's guide, because it's easier on the eyes. For participants in training sessions, we recommend the PDF version of the handout, because it, too, is easier on the eyes.

Word files are provided for accessibility purposes and to make it easy to copy and paste content into other software.



Looking for IDEA 2004?

Visit the Center for Parent Information and Resources' website, where you can download copies of:

- **IDEA's statute** (the law passed by Congress in 2004)
- **Part C regulations** (published by the U.S. Department of Education on September 28, 2011)
- **Part B regulations** (published by the U.S. Department of Education on August 14, 2006)

Find all at: <http://www.parentcenterhub.org/repository/idea-copies/>

Finding Specific Sections of the Regulations: 34 CFR

As you read the explanations about the Part C regulations, you will find references to specific sections, such as §303.21. (The symbol § means "Section.") These references can be used to locate the precise sections in the Part C regulations that address the issue being discussed. In most instances, we've also provided the verbatim text of the Part C regulations so that you don't have to go looking for them.

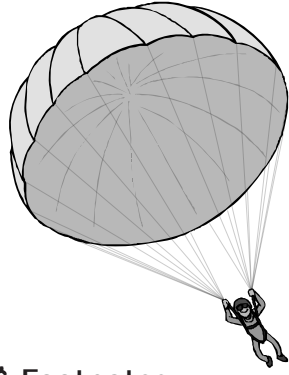
The Part C regulations will be codified in Title 34 of the *Code of Federal Regulations*. This is more commonly referred to as 34 CFR or 34 C.F.R. It's not unusual to see references to specific sections of IDEA's regulations include this—such as 34 CFR §303.21, which is where you'd find Part C's definition of "infant or toddler with a disability." We have omitted the 34 CFR in this training curriculum for ease of reading.

Citing the Regulations in This Training Curriculum

You'll be seeing a lot of citations in this module—and all the other modules, too!—that look like this: 76 Fed. Reg. at 60250

This means that whatever is being quoted may be found in the *Federal Register* published on September 28, 2011—Volume 76, Number 188, to be precise. The number at the end of the citation (in our example, 60250) refers to the page number on which the quotation appears in that volume. Where can you find Volume 76 of the *Federal Register*? At this address:

<http://www.gpo.gov/fdsys/pkg/FR-2011-09-28/pdf/2011-22783.pdf>



References & Footnotes

- ¹ U.S. Department of Education. (2011, September 28). Early intervention program for infants and toddlers with disabilities: Rules and regulations. *Federal Register*, 76(188), 60140- 60309. Washington, DC: Office of Special Education and Rehabilitative Services, Department of Education. Online at: <http://www.gpo.gov/fdsys/pkg/FR-2011-09-28/pdf/2011-22783.pdf>
- ² Data.gov. (2013). *2012 IDEA Part C child count and settings*. Retrieved January 21, 2014 from the data.gov website: <https://explore.data.gov/Education/2012-IDEA-Part-C-Child-Count-and-Settings/dg4k-psxe>
- ³ National Dissemination Center for Children with Disabilities. (2012, December). *Overview of early intervention*. Washington, DC: Author. Online at: <http://www.parentcenterhub.org/repository/ei-overview/>
- ⁴ §303.13(b)(3) of the Part C regulations.
- ⁵ Rosenkoetter, S., Schroeder, C., Rous, B., Hains, A., Shaw, J., & McCormick, K. (2009, March). *A review of research in early childhood transition: Child and family studies* (Technical Report #5). Lexington: University of Kentucky, Human Development Institute, National Early Childhood Transition Center. (Quotation from page 6.) Available online at: http://www.hdi.uky.edu/nectc/Libraries/NECTC_Papers_and_Reports/Technical_Report_5.sflb.ashx
- ⁶ Rosenkoetter, S., Schroeder, C., Rous, B., Hains, A., Shaw, J., & McCormick, K. (2009, March). *A review of research in early childhood transition: Child and family studies* (Technical Report #5). Lexington: University of Kentucky, Human Development Institute, National Early Childhood Transition Center. Available online at: http://www.hdi.uky.edu/nectc/Libraries/NECTC_Papers_and_Reports/Technical_Report_5.sflb.ashx
- ⁷ Rosenkoetter, S., Schroeder, C., Rous, B., Hains, A., Shaw, J., & McCormick, K. (2009, March). *A review of research in early childhood transition: Child and family studies* (Technical Report #5). Lexington: University of Kentucky, Human Development Institute, National Early Childhood Transition Center. Reference from page 32. Available online at: http://www.hdi.uky.edu/nectc/Libraries/NECTC_Papers_and_Reports/Technical_Report_5.sflb.ashx
- ⁸ Ibid. Reference from page 35.
- ⁹ See Part C regulations at §303.209(a)(1) (transition to preschool and other programs) and §303.211(b)(6)(ii) (State option to make Part C services available to children age three and older).

The Transition Process



and
**Lead Agency
 Notification**
 ↓
 to the
LEA & SEA

How to Operate the Slide:

Slide loads fully. No clicks are necessary except to advance to the next slide.

CLICK to advance to next slide.

Slide 1 is the title slide for this module. You don't really need to say much about the slide—it's meant to orient the audience to the training session you're about to present.

But you may wish to engage participants in a brief discussion of your own choosing or an opening activity, as best fits the needs and prior knowledge of your particular participants and, of course, your particular training style!

Suggestion

Organize your opening to align with the main concept of Theme E—**planning for children's smooth transition from early intervention services under Part C**. We all do a lot of planning in our lives, so tap into the experiences of the audience. Play a little game together, such as what's described under "Opening Icebreaker."

Opening Icebreaker

Time Activity Takes: 1-2 minutes.

Group Size: You, as leader, and the full audience, as "answerers."

Materials: none

Instructions

Say something along the lines of:

1. I'm a great planner who loves to make lists of what I need to do today, tomorrow, or farther into the future. How many of you like to make lists of what you need or want to do? (*Show of hands.*)
2. Okay, I'm going to read you a few items off lists I've made up to get ready for different kinds of events or activities. **And you tell me what kind of an event I'm preparing for. In other words, what am I getting ready to do?**

Event 1. Here's my list:

Milk. Butter. Bread. Oreos and eggs.
 What am I getting ready to do?
 (*Go to the grocery store.*)

Event 2. Here's my list:

Diapers. Extra formula and bottles. Onesies, socks, and half dozen washcloths. Oh, and the baby shampoo and towels. What am I planning ahead for?

(Lots of things might fit here, except for the "baby shampoo." That implies that we're getting ready to drop baby off at granny's for the night, or we are going somewhere overnight with the baby on board.)

Event 3. The list is:

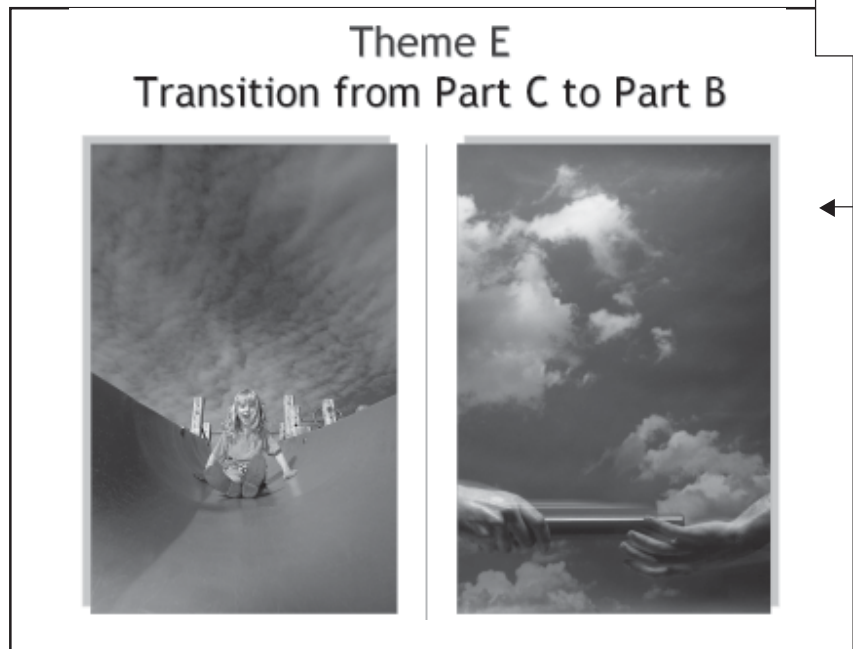
Get Libby's early intervention records—and the doctor's. Put in a redirect at the post office. Buy new tires for the car, and get it serviced. What am I planning ahead for?

(Moving to a new location.)

You get the idea. Come up with a few lists of your own, tailored to what you know about your audience and what they might appreciate or recognize in terms of list-making.

Then **CLICK** to move on to the agenda slide, which will tie this list-making game to the focus of Theme E.

Space for Notes



Opening View

← Slide loads with this view.

<p>Module 8</p> <p>The Transition Process</p> <p>⌘</p> <p>Lead Agency Notification to LEA & SEA</p>	<p>Module 9</p> <p>Development of a Transition Plan</p>
--	---

CLICK I

← *Click 1:*
The photos lift away and, and the two modules in Theme E are revealed.

Module 8 shimmers to indicate that *this* is the module participants are involved in.

CLICK AGAIN to advance to next slide.

Slide 2 lets participants know that this training session is part of a theme of importance within the Part C training curriculum—and that theme is **Transition from Part C to Part B**.

Do Participants Know What Part C and Part B Are?

As the slide presents itself, the only text visible is “Theme E:

Transition from Part C to Part B.” (The two modules addressing this theme are covered by two photos that lift off together with one **CLICK** from you. But don’t do that right away.)

Depending on how familiar your participants are with the terms Part C and Part B, you may want to explain a bit, asking questions such as:

- What’s Part C? Part C of *what*?
- Part B? Why does Part B come *after* Part C?

As needed, explain that both terms relate to the Individuals with Disabilities Education Act, commonly referred to as IDEA.

- Part C of IDEA concerns itself with addressing the developmental needs of infants and toddlers with disabilities, typically up to their third birthday. Part C is sometimes called early intervention, because it is through Part C of IDEA that early intervention services are made available to eligible infants and toddlers with disabilities.
- Part B of IDEA takes over where Part C leaves off—namely, Part B is focused on addressing the educational and other needs of school-aged children with disabilities, including preschoolers. It is through Part B of IDEA that special education and related services are made available to eligible children with disabilities, primarily through the public school system.

Together, Parts C and B are part of a national policy to “maximize the potential for individuals with disabilities to live independently in society.”¹⁰

The audience is going to hear a lot about Parts C and B in this training session! Both are relevant for toddlers with disabilities who are approaching the threshold where Part C services will end for them and Part B services will potentially begin.

Lift Off the Pictures and Reveal the Modules under Theme E

CLICK to lift off the pictures and give the audience the snapshot titles of the two modules that will address Theme E’s focus on transition. Which one they’re currently involved in will be clear by the way that Module 8’s title shimmers a few times. Not to mention that it’s in red!

References & Footnotes

¹⁰ 20 U.S.C. §1431 (2004). This citation comes from Section 631 of Public Law 108-446, the Individuals with Disabilities Education Act (IDEA), available online at: http://www.parentcenterhub.org/wp-content/uploads/repo_items/PL108-446.pdf

In this module, you'll learn:

What the “lead agency’s notification” is all about, including:

- Why** the notification is required
- What** information the notification includes
- When** the notification must be provided
- Who** is the subject of the notice, who sends it, who receives it
- Where** all this notification leads...

Slide loads completely. No clicks are necessary except to advance to the next slide.

CLICK to advance to next slide.

Slide 3 is an advance organizer for the audience, to alert them to the areas covered in this training module.

You don't need to spend long on the slide, but you may wish to have the audience consider (and share with the group, if they like) how the why, what, when, who, and where of the lead agency's notification to the LEA and SEA relates to them—to their current professional duties or to their child or family.

Encourage participants to think during the training session about how they will use or might use the information they'll be learning. How might this information be put to use in their professional or personal lives?

The Goal



Opening View

← Slide loads with this view.

The Goal

Each State must have policies and procedures...

to ensure a smooth transition for infants & toddlers with disabilities under the age of 3 (and their families)

from early

intervention services

to...



CLICK I

← Click 1: The "bull's eye" photo lifts away on your click and this text appears, segment by segment.

When it gets to the candy heart marked with the question mark... the slide view is complete.

CLICK AGAIN to advance to next slide.

See discussion on next page 

Slide 4: Background and Discussion

1 Click



Slide 4 summarizes IDEA's transition requirements: to ensure that each toddler's transition from Part C to other programs or services (including Part B pre-school services) is as smooth and as seamless as possible.

When to Start Planning for Toddlers' Transitions from Part C

We all know the virtues of planning ahead. But what triggers the need to begin planning for the transition of a toddler with a disability (and the toddler's family) from Part C services to other services or programs?

Answer: The fact that the toddler is approaching his or her third birthday.

Traditionally, Part C services have been made available to eligible infants and toddlers with developmental delays or disabilities from birth to their third birthday. When toddlers in Part C turn three years old, they "age out" of the Part C system and must move on to other programs or services.



Although States now have the option to *continue* providing early intervention services to children involved in Part C past their third birthday (known as the Part C extension option), the approach of a child's third birthday *still* triggers the need to begin transition planning for that child.

Discussing the Slide

The slide summarizes the goal of transition planning for toddlers in Part C who are approaching their third birthday, but it leaves the end hanging as a series of question marks. Children are transitioning from early intervention services to....*what?* (The next slide will complete the sentence, just as transition planning will fill in this blank for individual children.)

Take a moment to have participants brainstorm aloud what types of settings, programs, services, or environments might be available to toddlers who are exiting Part C. Jot these down on a flipchart, if you wish, so you can refer to the list as you move through this training module.



- preschool or other appropriate services for toddlers with disabilities

or



- exiting the EI program

Slide loads completely.

No clicks are necessary except to advance to the next slide.

CLICK to advance to next slide.

Slide 5 completes the sentence left hanging on the last slide.

“Each State must have policies and procedures...to ensure a smooth transition for infants and toddlers with disabilities under the age of 3 (and their families) from early intervention services to...”

The conclusion to this intro is given on the slide, as:

- preschool or other appropriate services for toddlers with disabilities, OR
- exiting the EI program.

These options come directly from the Part C regulations at §303.209(a)(1), which appears at the beginning of **Handout 9**.

Data: Toddlers in Transition

How many toddlers in Part C are we talking about, when we consider transition planning for those who are approaching their third birthday?

The box on the next page provides some interesting stats you can share with the audience regarding toddlers in transition from Part C in 2011. These are data from all States and outlying areas (American Samoa, Guam, the Northern Mariana Islands, and the U.S. Virgin Islands), as reported to the Office of Special Education Programs (OSEP).¹¹

How many toddlers transition?

Total children exiting Part C in 2012: 349,370

Part B eligible, exiting Part C: 134,447

Part B eligible, continuing in Part C: 6,044 ¹²

Not eligible for Part B, exit with referrals to other programs: 25,151

Not eligible for Part B, exit with no referrals: 13,575



Surprised by how many toddlers (more or less) exit Part C in a given year?

That's also the approximate number of children for whom transition planning is a reality and must occur. It's required by law.

References & Footnotes

¹¹ Data Accountability Center. (2013, February). *Part C Exiting (2010-11): Table C3-1. Number of infants and toddlers ages birth through 2 served under IDEA, Part C, who exited Part C programs, by exit reason and state: 2010-11*. Retrieved January 21, 2014, from: <http://uploads.tadnet.org/centers/97/assets/2404/download>

¹² Toddlers may continue in Part C in States that have adopted the Part C extension option.

Notification to the SEA & Appropriate LEA

By when?

No fewer than **90 days** before the child's 3rd birthday

What action?

...Lead agency must notify the SEA & the child's LEA

What message?

...that the child will reach the age of majority for Part B



Opening View

← Slide loads with this view.

Notification to the SEA & Appropriate LEA

By when?

No fewer than **90 days** before the child's 3rd birthday

What action?

...Lead agency must notify the SEA & the child's LEA

What message?

...that the child will reach the age of eligibility for Part B

Important to Note!

...This notification is required *only* for those toddlers who may be eligible for services under Part B of IDEA

What's disclosed?

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

Click 1

← *Click 1:* The picture lifts away and this additional info appears about the lead agency's notification to the SEA and LEA.

CLICK AGAIN to advance to next slide.

See discussion on next page ►

Slide 6: Background and Discussion

1 Click



Pertinent Handouts:

- Handout 9, Transition to Preschool and Other Programs

So let the preparing and planning begin! Let's get everyone ready for the toddler's transition from Part C. There are many moving parts to consider and key players to involve, including:

- the toddler and family;
- the lead agency for Part C and relevant early intervention personnel;
- the State educational agency (SEA); and
- the local educational agency (LEA) for the area in which the toddler resides.

As we'll see across the next several slides, the lead agency and the LEA have multiple responsibilities to fulfill before the child reaches his or her third birthday.

Slide 6 indicates that, as the first step in the process, the State's lead agency must notify the SEA and the child's LEA (the LEA where the child resides) that the child will soon be reaching the age of eligibility for Part B services. As the slide also indicates (once you've clicked to lift away the picture of the man with the megaphone), the notification provides the LEA and SEA with basic "child find" information:

- the child's name,
- the child's date of birth, and
- the parent's contact information (including name, address and telephone number). [§303.401(d)(1)]

According to the Part C regulations, this information "is needed to enable the lead agency, as well as LEAs and SEAs under Part B of the Act, to identify all children potentially eligible for services under §303.211 and Part B of the Act" [§303.401(d)(2)]. The Department suggests that, "to further assist the LEA in meeting its child find responsibilities," the LEA notification might "also include the service coordinator's name and contact information and the language(s) spoken by the child and family."¹³

This latter information, however, is not required.

There's a lot to discuss on this slide, as we'll explore.

About the Notification

The lead agency's notification to the LEA and the SEA must take place not fewer than 90 days before the toddler's third birthday. The 90-day timeline is stated in the Part C regulations at §303.209(b)(1)(ii), which we cite in the box below. Refer participants to page 1 (column 2) of **Handout 9**.

There are several phrases worth noting in this regulation, because they affect how the regulation is implemented in the real world. We will highlight and discuss these phrases below, as follows:

Notification by the Lead Agency: IDEA's Regulations at §303.209(b)(1)(ii)

(b) *Notification to the SEA and appropriate LEA.* (1) The State lead agency must ensure that—

(i) Subject to paragraph (b)(2) of this section, not fewer than 90 days before the third birthday of the toddler with a disability if that toddler may be eligible for preschool services under Part B of the Act, the lead agency notifies the SEA and the LEA for the area in which the toddler resides that the toddler on his or her third birthday will reach the age of eligibility for services under Part B of the Act, as determined in accordance with State law...

- the SEA and the LEA
- the meaning of “subject to paragraph (b)(2) of this section”
- if that toddler may be eligible



The Part C Regulations Include the SEA in the Notification

For those participants who are familiar with the transition planning process in Part C, you may wish to note that the Part C regulations, as released on September 28, 2011, have added the SEA to the notification that the lead agency must provide when a toddler in early intervention who is potentially eligible for Part B is approaching his or her third birthday. Under previous regulations, the lead agency’s notification was required to the LEA only.

This change is intended to help lead agencies and SEAs coordinate to ensure smooth and effective early childhood transitions for toddlers with disabilities. The change will also help SEAs carry out their responsibilities to toddlers who are eligible under Part B of IDEA (e.g., ensuring that FAPE is made available to these children no later than their third birthday). Moreover, SEAs must report annually to the U.S. Department of Education (Department) on the percent of children referred by the Part C program before the age of three who are found subsequently eligible for Part B services and have an IEP developed and implemented by the third birthday. Requiring lead agencies to notify SEAs when a

child may be eligible for Part C services will help SEAs fulfill this obligation.

As the Department concludes, “Providing this information to SEAs will add very little burden to lead agencies because they are already required to provide the information to LEAs.”¹⁴

Does Your State Have an “Opt-Out” Policy?

“Subject to paragraph (b)(2) of this section” ... what is *that* referring to?

If participants flip to page 2 of **Handout 9**, they can readily find paragraph (b)(2). It’s at the top of the left column on page 2 and reads:

(2) The State must ensure that the notification required under paragraphs (b)(1)(i) and (b)(1)(ii) of this section is consistent with any policy that the State has adopted, under §303.401(e), permitting a parent to object to disclosure of personally identifiable information.

Don’t you just love the way that regulations interlock with one another? On one hand, the

constant cross-referencing can make it difficult to quickly grasp the full meaning of a regulation. On the other hand, those cross-references often illuminate the scope and limits of a regulation by taking into consideration the specifics of State policies.

In this case, paragraph (b)(2) is referring to a new option in the Part C regulations. States may adopt, if they wish, policies that permit parents to object to personally identifiable information being disclosed about their toddler. Such a policy is being called an “opt-out” policy, because it gives parents the opportunity to “opt-out” of an otherwise required action—in this instance, that the lead agency is required to notify the SEA and LEA about their child’s upcoming third birthday and potential eligibility for Part B services. Parents have a specified time period (set by the State) in which to object to the disclosure of this information about their child.

If a State has adopted such a policy, and a parent “opts-out” or objects to the lead agency notification to the LEA and SEA within the period of time provided by the State, then the regulation at §303.209(b)(1)(ii) would not apply. The lead agency would essentially be blocked from providing the LEA and SEA with notification that this toddler will soon reach the age of eligibility for Part B services.

In States that have not adopted an opt-out policy, the lead agency’s notification to the LEA and SEA is *required*.

For Whom is This Notification Required? Surely Not Every Toddler?

No, the Part C regulations do not require that the lead agency notify the SEA and LEA of every toddler in Part C who is approaching the third birthday. Consider the phrase “*if that toddler may be eligible for preschool services under Part B...*”

The phrase is a small one, but it carries clout. The phrase indicates that the lead agency is required to provide notification to the LEA and SEA *only* for those toddlers who may be eligible for preschool services under Part B. Notification is *not* required for those toddlers who are not potentially eligible for Part B.

If you **CLICK**, the photo of the man with the megaphone will lift away from the right side of the slide, and bring this important limitation out into the open. The text under the photo (now revealed) reads:

Important to Note!

This notification is required *only* for those toddlers who may be eligible for services under Part B of IDEA

There are several reasons for limiting the scope of required LEA/SEA notifications, as the Department discusses in its *Analysis of Comments and Changes*.¹⁵ In particular, the Department notes that limiting the required notification to only

those children who may be eligible for preschool services under Part B of IDEA



ensures that SEAs and LEAs have adequate time to meet their respective child find and early childhood transition responsibilities¹⁶ toward those children, especially the responsibility to develop and implement an IEP by the child’s third birthday.¹⁷

The Department also notes:

“[I]f the requirement applied to all toddlers who are nearing age three, it would result in the unnecessary disclosure of personally identifiable information and place an undue burden on lead agencies, without any significant benefit.”¹⁸

Moreover, the lead agency has other responsibilities for these children (those toddlers not potentially eligible for services under Part B), which the Department believes are sufficient to meet their transition needs. Those responsibilities are the subject of Slides 11 and 12, and include:

- ensuring that a transition plan is developed for the toddler [§303.209(d)]; and
- making reasonable efforts to convene a transition conference with the family of the toddler and providers of other appropriate services [§303.209(c)(2)].

Who Determines If a Toddler “May Be Eligible” for Services under Part B?

A very good question, and well worth asking (and answering). According to the Department, it is the Part C lead agency that establishes the State’s *policy* regarding which children may be eligible for preschool services under Part B of the Act. The *determination* of whether a particular Part C toddler with a disability is potentially eligible for Part B, however, is made by that toddler’s IFSP team as part of the transition process.¹⁹

With respect to each State’s policy-setting of *which* children may be eligible for preschool services under Part B, the Department observes:

“Thus, while the Part C lead agency is responsible for establishing the State policy in defining ‘potentially eligible for Part B,’ because the Part C lead agency, SEA and LEA all have transition responsibilities that hinge on this definition, best practice dictates that the policy reflect the collaboration between the Part C lead agency and the SEA...”²⁰

“In establishing this policy, the lead agency should review carefully, ideally in collaboration with the SEA, the eligibility definitions under Parts B and C of the Act, including the State’s definitions of developmental delay under both Parts B and C of the Act.”²¹

What About Late Referrals to Part C?

The Part C regulations also address two situations when a toddler who may be eligible for early intervention services is referred to the Part C program with less than 90 days to go before his or her third birthday. Clearly,

the lead agency cannot provide the notification within the required timeline of “not fewer than 90 days before” the child’s third birthday. What to do? That deadline’s already passed.

This will be the subject of the next two slides—entitled Circumstance #1 and Circumstance #2.

Trainer’s Note

For a succinct summary of the timelines for transitioning from Part C to Part B, consult this 1-pager from the ECTA Center.

IDEA Part C Transition Timeline from IDEA Part C to Part B

http://ectacenter.org/~pdfs/topics/transition/timeline_flowchart_APR_indicators_09-12_OSEP_approved.pdf



References & Footnotes

¹³ Office of Special Education Programs, U.S. Department of Education. (2009, December). *OSEP early childhood transition FAQs: SPP/APR indicators C-8 and B-12*. Washington, DC: Author. (Quote from page 4.) Available online at: http://www.nectac.org/~pdfs/topics/transition/ECTransitionFAQs12_01_09.pdf

¹⁴ 76 Fed. Reg. at 60175.

¹⁵ 76 Fed. Reg. at 60173 - 60175.

¹⁶ As described in Sections 612(a)(3), 612(a)(9), 612(a)(10)(A)(ii), and 614(d)(2)(B) of Part B of IDEA.

¹⁷ As required by Section 612(a)(9) of IDEA and 34 CFR §300.124(b).

¹⁸ 76 Fed. Reg. at 60174.

¹⁹ Office of Special Education Programs, U.S. Department of Education. (2009, December). *OSEP early childhood transition FAQs: SPP/APR indicators C-8 and B-12*. Washington, DC: Author. (See question #5, page 2.) Available online at: http://www.nectac.org/~pdfs/topics/transition/ECTransitionFAQs12_01_09.pdf

²⁰ Office of Special Education Programs, U.S. Department of Education. (2009, December). *OSEP early childhood transition FAQs: SPP/APR indicators C-8 and B-12*. Washington, DC: Author. (See page 3.) Available online at: http://www.nectac.org/~pdfs/topics/transition/ECTransitionFAQs12_01_09.pdf

²¹ 76 Fed. Reg. at 60174.

Circumstance #1



Opening View

Slide loads with this view.

Circumstance #1

What circumstance?

When a toddler is referred to the lead agency between **45 & 90 days before** the 3rd birthday

And...

...that toddler **may be eligible** for preschool services under Part B



Click 1

← Click 1: The two top pictures lift away and the conditions of Circumstance #1 are given.

continued on the next page ►

Circumstance #1

<p>What circumstance? _____</p> <p>When a toddler is referred to the lead agency between 45 & 90 days before the 3rd birthday</p>	<p>And...</p> <p>...that toddler may be eligible for preschool services under Part B</p>	<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;">CLICK 2</div>
<p>What action? _____</p> <p>Lead agency refers the toddler to the SEA & appropriate LEA as soon as possible after determining the child's eligibility for Part C</p>	<p>Parent consent needed?</p> <p>Depends on if the State has an "opt-out" policy by which parents may object</p>	<p>←</p> <p><i>Click 2:</i> Now the bottom two pictures lift away and the text beneath describes the lead agency's responsibility for referring the toddler to the SEA and appropriate LEA.</p>

CLICK AGAIN to advance to next slide.

Slide 7: Background and Discussion

Pertinent Handouts:

- Handout 9, Transition to Preschool and Other Programs

2 Clicks



There are two circumstances under which it becomes impossible for the lead agency to fulfill its obligation to notify the SEA and a toddler's LEA within 90 days of the child's potential eligibility for Part B.

- When the child is referred to the Part C program **with less than 90 days to go** before his or her third birthday (but more than 45 days to go); and
- When the child is referred to the Part C program **with less than 45 days to go** before that crucial third birthday.

This slide looks at the first of these circumstances. (The next slide looks at the second.) Both are derived from the Part C regulations at 303.209(1) and (2), which appear on **Handout 9**

and in the box on the next page. The bolded text (in the box) is the focus of this slide.

Operating and Discussing the Slide

The slide opens with four pictures on the screen. The first of these is "90"—used here in reference to the situation where a toddler is referred to Part C with fewer than 90 days left before his or her third birthday. When you **CLICK**, this picture will lift away, and so will the second picture, so that the text describing the situation becomes visible. It reads:

When a toddler is referred to the lead agency fewer than 90 days before the 3rd birthday...

And ... that toddler may be eligible for preschool services under Part B

That’s the situation, summarized. Talk with participants briefly as to why this situation would be challenging. What’s the problem? (The 90-day notification timeline has already passed.)

When you’re ready to move on to how the Part C regulations address this situation, **CLICK** once to lift away the last two photos, and the “solution” will appear, as well as the question of whether the notification to the SEA and LEA can take place without parental consent.

What action?

Lead agency refers the toddler to the SEA & appropriate LEA as soon as possible after determining the child’s eligibility for Part C

Parental consent needed?

Depends on if the State has an “opt-out” policy by which parents may object

What to Note for Participants

Who evaluates the child? | Implicit in the “action” that the lead agency must take is that it remains responsible for determining the child’s eligibility for Part C—which means, in turn, that the lead agency must conduct the evaluation cycle: screening the child (if an option in the State), and evaluating and assessing the child in order to determine if he or she is eligible for Part C.

Timeline | If the lead agency finds the child eligible for Part C and believes that he or she may be eligible for Part B upon reaching the third birthday, then the lead agency must notify the LEA and SEA as soon as possible after determining the child is eligible for early intervention.

Parental consent | The question regarding whether parental consent is needed is referring to the consent that’s needed from parents before any personally identifiable information about the child may be released to the LEA and the SEA. The answer depends on the whether or not the State has an “opt-out” policy such as discussed under the previous slide.

Notification to the SEA and Child’s LEA When There’s Less than 90 Days to the Child’s Third Birthday: 303.209(1) and (2)

(b) *Notification to the SEA and appropriate LEA.* (1)
The State lead agency must ensure that—

(i) Subject to paragraph (b)(2) of this section, not fewer than 90 days before the third birthday of the toddler with a disability if that toddler may be eligible for preschool services under Part B of the Act, the lead agency notifies the SEA and the LEA for the area in which the toddler resides that the toddler on his or her third birthday will reach the age of eligibility for services under Part B of the Act, as determined in accordance with State law;

(ii) Subject to paragraph (b)(2) of this section, if the lead agency determines that the toddler is eligible for early intervention services under Part C of the Act more than 45 but less than 90 days before that toddler’s third birthday and if that toddler may be eligible for preschool services under Part B of the Act, the lead agency, as soon as possible after determining the child’s eligibility, notifies the SEA and the LEA for the area in which the toddler with a disability resides that the toddler on his or her third birthday will reach the age of eligibility for services under Part B of the Act, as determined in accordance with State law; or

(iii) Subject to paragraph (b)(2) of this section, if a toddler is referred to the lead agency fewer than 45 days before that toddler’s third birthday and that toddler may be eligible for preschool services under Part B of the Act, the lead agency, with parental consent required under §303.414, refers the toddler to the SEA and the LEA for the area in which the toddler resides; but the lead agency is not required to conduct an evaluation, assessment, or an initial IFSP meeting under these circumstances.

(2) The State must ensure that the notification required under paragraphs (b)(1)(i) and (b)(1)(ii) of this section is consistent with any policy that the State has adopted, under §303.401(e), permitting a parent to object to disclosure of personally identifiable information.

Circumstance #2



Opening View

Slide loads with this view.

Circumstance #2

What circumstance?

When a toddler is referred to the lead agency fewer than **45 days before** the 3rd birthday

And...

...that toddler **may be eligible** for preschool services under Part B



Click 1

Click 1: The two top pictures lift away and the conditions of Circumstance #2 are given.

continued on the next page 

Circumstance #2

<p>What circumstance?</p> <p>When a toddler is referred to the lead agency fewer than 45 days before the 3rd birthday</p>	<p>And...</p> <p>...that toddler may be eligible for preschool services under Part B</p>	<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;">CLICK 2</div>
<p>What action?</p> <p>Lead agency refers the toddler to the SEA & appropriate LEA*</p> <p style="text-align: center;"><i>* Parental consent required</i></p>	<p>What non-action?</p> <p>Lead agency is <i>not</i> required to conduct:</p> <ul style="list-style-type: none"> • evaluation • assessment • an initial IFSP meeting 	<p>← <i>Click 2:</i> The bottom two pictures lift away and the text beneath describes what the lead agency is and is <i>not</i> responsible for in this circumstance.</p>

CLICK AGAIN to advance to next slide.

Slide 8: Background and Discussion



Pertinent Handouts:

- Handout 9, Transition to Preschool and Other Programs

Slide 8 looks at the specific situation of toddlers who are referred to the Part C program when they have less than 45 days until their third birthday. Obviously, there's not enough time before such a child's birthday for the lead agency to conduct the post-referral activities required by the Part C regulations:

- screening the child (if the State has policies that include screening);
- evaluation;
- initial assessments of the child and family; and

- holding the IFSP meeting to develop the child's IFSP, if he or she is found eligible for early intervention. [§303.310(a)]

Slide 8 summarizes how this situation is to be handled by the lead agency, as set forth at §303.209(b)(1)(iii). This regulation appears on **Handout 9** (page 1, column 2) and in the box on the next page.

Operating and Discussing the Slide

The slide opens with four pictures on the screen (yes, a parallel construction to the previous slide). The first picture is

"45"—taken from a speed limit sign, but used here in reference to the situation where a toddler is referred to Part C with fewer than 45 days left before his or her third birthday.

When you **CLICK**, this picture will lift away, and so will the second picture, so that the text describing the situation becomes visible. It reads:

When a toddler is referred to the lead agency fewer than 45 days before the 3rd birthday...

And ... that toddler may be eligible for preschool services under Part B

You've already talked with participants about the challenges associated when a child is referred to Part C with less than 90 days to go until the third birthday, but, in this circumstance, the referral is even *later*. There's *less than 45 days* to go. What's the problem now? Why is this a bigger challenge yet? What are the duties of the lead agency when a child is referred to Part C? Is there time for the lead agency to complete those duties? What possible solutions might there be?

When you're ready to move on to how the Part C regulations address this situation, **CLICK** once to lift away the last two photos, and the "solution" will appear.

What action?

Lead agency refers the toddler to the SEA & appropriate LEA*

**Parental consent required*

What non-action?

Lead agency is not required to conduct:

- evaluation
- assessment
- an initial IFSP meeting

That's clear enough. As the Department notes, when a child is referred "late" to the Part C system—in this case, with less than 45 days until his or her third birthday—not only does the lead agency not have sufficient time to conduct the evaluation, assessment, and initial IFSP meeting, but there's also insufficient time

"to conduct a transition conference to discuss steps and services." Thus:

...if the lead agency has received information in its referral that the child may be eligible for pre-school services or other services under Part B of the Act, the lead agency, with the parental consent required under §303.414, must refer the toddler to the SEA and the LEA for the area in which the toddler resides.²²

The "parental consent required under §303.414" is again referring to the consent that's needed from parents before any personally identifiable information about the child may be released. You'll find the full text of this regulation on **Handout 9** (page 3).

As discussed above, this phrase refers to the need for parental consent in States that have an "opt-out" policy that permits parents to object to the LEA and SEA being notified that their child will soon reach the age of eligibility for Part B services.

Circumstance #2: Fewer Than 45 Days to the Child's Third Birthday

(iii) Subject to paragraph (b)(2) of this section, if a toddler is referred to the lead agency fewer than 45 days before that toddler's third birthday and that toddler may be eligible for preschool services under Part B of the Act, the lead agency, with parental consent required under §303.414, refers the toddler to the SEA and the LEA for the area in which the toddler resides; but the lead agency is not required to conduct an evaluation, assessment, or an initial IFSP meeting under these circumstances.

[§303.209(b)(1)(iii)]



References & Footnotes

²² 76 Fed. Reg. at 60175.

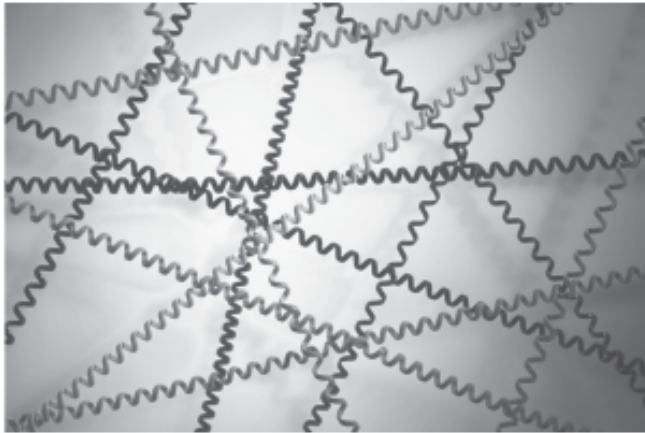
Trainer's Note

An excellent resource to consult on the subject of late referrals to Part C comes from the ECTA Center. Check it out! Share it with your trainees!

Late Referral Timeline

http://ectacenter.org/~pdfs/topics/transition/timeline_late_referral_09-12_OSEP_approved.pdf

Interagency Agreements! Intra-Agency Agreements!



smooth the way!

Slide loads completely.

No clicks are necessary except to advance to the next slide.

CLICK to advance to next slide.

Pertinent Handouts:

- Handout 9, Transition to Preschool and Other Programs

Slide 9 takes up the topic of interagency agreements and *intra*-agency agreements, which are addressed in the Part C regulations as important ingredients in ensuring that toddlers with disabilities make a seamless transition “between the early intervention program under part C...and the preschool program under section 619 of part B.”²³

- An interagency agreement is required when the lead agency and the SEA are different agencies in the State.
- An intra-agency agreement is required when the SEA is also the lead agency for Part C.

Summary v. Details

The slide is designed to let you indicate, in summary fashion or in detail, the importance of interagency and intra-agency agreements in the transition process for toddlers with disabilities exiting Part C and potentially moving on to Part B services.

If your audience doesn't need to delve into the subject deeply, simply highlight the practical common sense of having agreements that spell out the responsibilities of each party (Part

C and Part B) in the transition process. The agreements are useful vehicles for promoting communication and collaboration between these two systems, which in turn support the smooth and effective transition of children and their families.

If your audience has more intensive training needs on the subject, however, you can expand discussion of this slide to include the information provided on the next pages.

Why Intra-Agency Agreements?

The Department's discussion in the *Analysis of Comments and Changes* illuminates why intra-agency agreements are required for those States where the SEA is responsible for both Part B and Part C programming.

We've put the Department's remarks in the box at the right.

The Department also states that the benefits of requiring the SEA to have an intra-agency agreement between the Part C and Part B programs outweigh the minimal burden of developing it.

An intra-agency agreement serves the useful purpose of ensuring that there is an appropriate level of coordination and communication across the early intervention and preschool programs in a lead agency that is also an SEA...

[T]he requirement does not involve the development of new transition policies and procedures—these policies and procedures are already required...²⁵

What Do the Regulations Mean?

The interagency or intra-agency agreement ultimately developed by a State must describe how the Part C lead agency and the SEA will address specific requirements [§303.209(a)(3)(ii)]. It's hard to interpret what those requirements are without looking at them one by one, which is what we're going to do now.

We're talking about *this* regulation, found at §303.209(a)(3)(ii) (see page 1, column 1 of **Handout 9**).

(ii) To ensure a seamless transition between services under this part and under Part B of the Act, an interagency agreement under paragraph (a)(3)(i)(A) of this section or an intra-agency agreement under paragraph (a)(3)(i)(B) of this section must address how the lead agency and the SEA will meet the requirements of paragraphs (b) through (f) of this section (including any policies adopted by the lead agency under §303.401(d) and (e)), §303.344(h), and 34 CFR 300.101(b), 300.124, 300.321(f), and 300.323(b).

The Department of Education on Intra-Agency Agreements

[T]hrough the Continuous Improvement Focused Monitoring System (CIFMS) process and State reporting under the SPP/APRs, the Department has identified **noncompliance with transition requirements** under both Part C of the Act (e.g., ...regarding notification of the LEA and conducting transition conferences, and...regarding the transition steps and services in the IFSP) and Part B of the Act (e.g., ...regarding development and implementation of an IEP by a child's third birthday).

Given this noncompliance and the need for States to have clearly defined transition coordination policies and procedures between the early intervention program under Part C of the Act and the preschool program under Part B of the Act, **requiring an intra-agency agreement will be a useful tool to enhance coordination and communication between the Part C and Part B preschool programs.**²⁴

OK, we defy you to understand at a glance what's required here! Let's break it down.

Summary of the Lead-in Phrase | So, the interagency or intra-agency agreement must address how the lead agency and the SEA will meet the requirements of ...

§303.209 is titled "Transition to preschool and other programs" and has the following italicized lead-ins to its paragraphs.

paragraph (b) | Notification to the SEA and appropriate LEA.

paragraph (c) | Conference to discuss services.

paragraph (d) | Transition plan.

paragraph (e) | Transition conference and meeting to develop transition plan.

paragraph (f) | Applicability of transition requirements.

All of these paragraphs can be seen on **Handout 9**.

But there's more! Lots more, in fact, including:

§303.401(d) and (e) are part of the regulations entitled "Confidentiality and opportunity to examine records."

paragraph (d) | Disclosure of information.

paragraph (e) | Option to inform a parent about intended disclosure.

And there's also:

§303.344(h) is part of the regulations entitled "Content of an IFSP."

paragraph (h) | Transition from Part C services.

And what about...

References to Regulations under Part B of IDEA

300.101(b) is part of the Part B regulations entitled "Free appropriate public education." paragraph (b) | FAPE for children beginning at age 3.

300.124 is entitled "Transition of children from the Part C program to preschool programs.

300.321(f) is part of the Part B regulations entitled "IEP Team."

paragraph (f) | Initial IEP Team meeting for child under Part C.

300.323(b) is part of the Part B regulations entitled "When IEPs must be in effect."

paragraph (b) | IEP or IFSP for children aged three through five.

We won't exhaustively explain what each of these regulations refers to or cite the verbatim regulations themselves. However, **consider the titles and subtitles of the regulations referenced.** All refer to an aspect of the transition process that would be appropriate to address in an interagency or intra-agency agreement—spelling out, in other words, how early intervention programs will work with preschool programs to ensure that toddlers with disabilities (and their families) experience a smooth and efficient transition from Part C to Part B or other programs. That needs to include taking such actions as:

- notifying the SEA and LEA that the child will soon reach the age of eligibility under Part B, consistent with Part C's confidentiality requirements and any opt-out policy the State may have;
- developing a transition plan and including it in the child's IFSP;
- ensuring that FAPE is made available to eligible children with disabilities upon their third birthday; and
- inviting the Part C coordinator to the initial IEP meeting, if parents request it.

Examples of Agreements

The ECTA Center (the Early Childhood Technical Assistance Center) offers valuable examples and guidance online regarding interagency and intra-agency agreements addressing transition from Part C to Part B and other services. This includes state-specific information that may prove useful to you as a trainer. See what's available at: <http://ectacenter.org/topics/transition/stateex.asp>



References & Footnotes

²³ 76 Fed. Reg. at 60172.

²⁴ 76 Fed. Reg. at 60172.

²⁵ 76 Fed. Reg. at 60173.

Opening View

Slide loads with this view.

If a toddler may be eligible for services under Part B

Conference to Discuss Services

- By when?
- About what?
- Approval of the family needed?



CLICK I

If a toddler may be eligible for services under Part B

Conference to Discuss Services

- By when?
- About what?
- Approval of the family needed?




Click 1:
This "Bonus Q" appears. No answer will be given on the slide but, rather, by having participants refer to the handout.

Bonus Q!

- With whom?

CLICK AGAIN to advance to next slide.

See discussion on next page 



Pertinent Handouts:

- Handout 9, Transition to Preschool and Other Programs

When children in Part C are approaching their third birthdays, a conference will be held to plan ahead to their transition from Part C.

- Slides 10 and 11 focus on what’s required for toddlers who *may* be eligible for Part B services—preschool special education.
- Slide 12 will focus on what’s required for toddlers who are *not potentially eligible* for Part B services but who will move on to other settings or programs.

When Toddlers Are Potentially Eligible for Part B

Let participants know that, first, you’re going to look at what’s required, conference-wise and planning-wise, for toddlers in Part C who *may be* potentially eligible for preschool services under Part B.

Slide 10 displays in two parts: (1) the top text and the first three bulleted questions; and (upon your CLICK) (2) the Bonus Q and its subquestion. The first part corresponds primarily to the Part C regulations at §303.209(c)(1), which appear on page 2 of **Handout 9** and in the box at the right.

Refer participants to page 2 of **Handout 9** and find this regulation. As a group, use the regulation to answer the questions on the slide.

- **By when?** | Not fewer than 90 days before the toddler’s third birthday. At the discretion of all parties, conference may also be convened up to (but not more than) 9 months before the toddler’s third birthday.
- **About what?** | The purpose of the conference is to discuss any services the child may receive under Part B of IDEA.
- **Approval of the family needed?** | Yes, approval of the family is needed before the lead agency may convene the conference.

The Bonus Q!

When you CLICK once, the bonus question will display. It focuses on identifying *who* participates in the transition conference. The answer comes in part from the very regulation you just went through with the audience— which clearly states that the conference is held “among the lead agency, the family, and the LEA” [§303.209(c)(1)].

But that’s not the whole story.

Refer participants to **Handout 9** (again, page 2) and have them find §303.209(e) (just a bit down from the regulation they just read). Section 303.209(e) was added to the regulations to clarify

Transition Conference for Toddlers Potentially Eligible for Preschool Services under Part B: IDEA’s Regulations at §303.209(c)(1)

(c) *Conference to discuss services.* The State lead agency must ensure that—

(1) If a toddler with a disability may be eligible for preschool services under Part B of the Act, the lead agency, with the approval of the family of the toddler, convenes a conference, among the lead agency, the family, and the LEA not fewer than 90 days—and, at the discretion of all parties, not more than 9 months—before the toddler’s third birthday to discuss any services the toddler may receive under Part B of the Act...

who participates in the transition conference. It reads:

(e) *Transition conference and meeting to develop transition plan.* Any conference conducted under paragraph (c) of this section or meeting to develop the transition plan under paragraph (d) of this section (which conference and meeting may be combined into one meeting) must meet the requirements in §§303.342(d) and (e) and 303.343(a).

So, this conference must meet the requirements in §§303.342(d) and (e) and 303.343(a). What might those requirements be?

You'll be pleased to know that we've included these provisions on **Handout 9**. Participants are instructed to "see Additional Regulations in this handout: C | Meetings."

If they turn to page 4 of the handout, they'll find the regulations and be able to answer the bonus question. Look in particular at §303.343(a), which lists the required participants of each initial IFSP meeting and each annual one. These are required participants in the transition conference as well:

- the parent or parents of the child;
- other family members, as requested by the parent, if feasible to do so;
- an advocate or person outside of the family, if the parent requests that the person participate;



- the service coordinator;
- a person or persons directly involved in conducting the evaluations and assessments of the child and family; and
- as appropriate, persons who will be providing early intervention services to the child or family.

Representatives of the lead agency and the LEA must also participate in the transition conference. So there you have it!

What About Those Other Regulations?

The transition conference must also meet the requirements of §§303.342(d) and (e). And what might those be? Here's a quick summary.

§303.342(d) | Applying the regulation to the transition conference means that the conference must be conducted:

- in settings and at times that are convenient for the family; and
- in the native language of the family or other mode of communication used by the family, unless it is clearly not feasible to do so.

The meeting arrangements for the transition conference must be made with the family and other participants early enough before the meeting date to ensure that they will be able to attend. Parents must be provided with prior written notice as well.

§303.342 (e) | Ask participants how they would apply this provision in the context of the transition conference. Answers might include:

- fully explaining to parents the services under Part B that the toddler may receive, and
- obtaining parental consent before any of the services may be provided to the child.

Why Does the LEA Attend the Conference?

There are two main reasons, which come from the Part C and Part B regulations both.

- The lead agency must invite the LEA representative to the transition conference. [*Part C* regulations at §303.209(c)(1)]
- Each LEA must participate in the transition conference arranged by the lead agency. [*Part B* regulations at §300.124(c)]

Slide 11

For Toddlers Who May Be Eligible for Part B (Slide 2 of 2)

In States that make EI services available to children past their 3rd birthday



Opening View

Slide loads with this view.

In States that make EI services available to children past their 3rd birthday

At the transition conference, parents must be provided:




An explanation of **toddler's options** to continue to receive EI services under Part C or preschool services under section 619

The initial annual notice —described at §303.211(b)(1)

CLICK 1

← *Click 1:* The picture of the toddler lifts away and additional info appears, specific to States that have adopted the Part C extension option.

CLICK AGAIN to advance to next slide.

See discussion on next page 



Pertinent Handouts:

- Handout 9, Transition to Preschool and Other Programs

We've mentioned the Part C extension option several times in this trainer guide. Now it's time to take a look at the option itself and how it affects transition planning in the States that adopt the option.

Summary of the Part C Extension Option

The Part C regulations give States the option of continuing to provide early intervention services to children in Part C who've passed their third birthday. As we've also mentioned, eligibility for Part C typically ends at the third birthday. In States that adopt the Part C extension option, early intervention services may continue to be made available, with parental consent, to children "beginning at three years of age until the children enter, or are eligible under State law to enter, kindergarten or elementary school."²⁶

From a trainer's perspective, the relevancy of the Part C extension option will depend upon whether or not your State has adopted the option.

The Part C Regulations

Handout 9 provides participants with the verbatim regulations for the Part C extension option. (See page 5 of the handout where this header appears: "D | Services under

§303.211.") Those regulations begin as shown in the box below.

States adopting this option must determine the specific age range of children to which the extension option applies.

Possibilities are:

- from age three until the beginning of the school year following the child's third birthday;
- from age three until the beginning of the school year following the child's fourth birthday; or
- from age three until the beginning of the school year following the child's fifth birthday. [§303.211(a)(2)]

Information Provided to Parents

The slide indicates that, in States adopting the Part C extension option, parents must be provided with specific types of information at the transition conference for their toddler. This info includes the initial annual notice described at §303.211(b)(1), which is also shown on Handout 9 under "E| Annual Notice—§303.211(b)(1)" (see pages 5 and 6).



**The Part C Extension Option:
How IDEA's Regulations at §303.211 Begin**

§303.211 State option to make services under this part available to children ages three and older.

(a) *General.* (1) Subject to paragraphs (a)(2) and (b) of this section, a State may elect to include in its application for a grant under this part a State policy, developed and implemented jointly by the lead agency and the SEA, under which a parent of a child with a disability who is eligible for pre-school services under section 619 of the Act and who previously received early intervention services under this part, may choose the continuation of early intervention services under this part for his or her child after the child turns three until the child enters, or is eligible under State law to enter, kindergarten or elementary school.

This info can be summarized as follows:

Explanation to parents | At the transition conference held for the toddler, parents must be given an explanation of the toddler's options to continue to receive early intervention services under Part C or to receive preschool services under Section 619 of IDEA.

Parents must also be given a description of their right to elect to receive services through Part C or services under Part B, if eligible, and an explanation of the differences between these two services. This explanation must describe the types of services and the locations at which the services are provided, which procedural safeguards apply, and possible costs (if any) to parents of children eligible under Part B. (§303.211(b)(1)(i)-(ii))

Steps related to the extended program | The transition plan developed prior to the age of three for a child would include steps that relate to the extended program. The IFSP would be revised to reflect those services required under §303.211 (the Part C extension option).

School readiness component | The IFSP for children over age three must also include an educational component that promotes school readiness and incorporates preliteracy, language, and numeracy skills. (§303.211(b)(2))



Informed Written Consent of Parents

The Part C regulations are clear: The lead agency must obtain informed consent from the parent of any child with a disability for the continuation of early intervention services for that child. Consent must be obtained before the child reaches three years of age, where practicable.

Non-Applicability of FAPE under the Part C Extension Option

If parents opt to continue their toddler's services through Part C, then Part B's requirements for a free appropriate public education (FAPE) *do not* apply. However, the State policy must ensure that any child in this extended option has a right to receive FAPE at any time under Part B instead of continuing in the early intervention services under Part C of IDEA.

Another Transition Conference in the Future

Note that, for the children who continue in Part C past age three, there would be another transition conference held at least 90 days (and up to nine months) before the age they would transition into Part B or out of Part C eligibility—whether at age four, five, or six (depending on the age set by the State).

A transition plan would also need to be developed at that time, as can be seen in the separate but quite similar transition requirements stated at §303.211(b)(6)(ii). These appear as the final part of the additional information included on **Hand-out 9**, should you have the time or need to discuss this with the audience. See "F| Separate Transition Requirements under §303.211(b)(6)(ii)" (page 6).

References & Footnotes

²⁶ 76 Fed. Reg. at 60178.

What if the lead agency determines that a toddler **is not potentially eligible** for preschool services under Part B?



Slide loads completely.

No clicks are necessary except to advance to the next slide.

CLICK to advance to next slide.

Pertinent Handouts:

- Handout 9, Transition to Preschool and Other Programs

Slide 12 takes up the inevitable question of toddlers who are *not* potentially eligible for preschool services under Part B. What responsibilities does the lead agency have for the transition conference, if any?

Again, the slide allows you to shape the discussion to match the training needs of the audience, either summarizing or offering a more detailed examination.

Transition and Toddlers Not Potentially Eligible for Part B Services

Refer participants to **Handout 9** (page 2, column 1) and have them find §303.209(c)(2), which appears in the box at the right.

**What about Transition Conferences for Toddlers Not Potentially Eligible for Part B Services?
§303.209(c)(2)**

(c) *Conference to discuss services.* The State lead agency must ensure that—

(1) If a toddler with a disability may be eligible for preschool services under Part B of the Act, the lead agency, with the approval of the family of the toddler, convenes a conference, among the lead agency, the family, and the LEA not fewer than 90 days—and, at the discretion of all parties, not more than 9 months—before the toddler’s third birthday to discuss any services the toddler may receive under Part B of the Act; and

(2) If the lead agency determines that a toddler with a disability is not potentially eligible for preschool services under Part B of the Act, the lead agency, with the approval of the family of that toddler, makes reasonable efforts to convene a conference among the lead agency, the family, and providers of other appropriate services for the toddler to discuss appropriate services that the toddler may receive.

As can be seen, the lead agency *does* have specific responsibilities to help toddlers who are not potentially eligible for preschool services under Part B to make a smooth transition from Part C to their next setting or program. As was discussed under Slide 6, these duties include:

- ensuring that a transition plan is developed for the toddler [§303.209(d)]; and
- making reasonable efforts to convene a transition conference with the family of the toddler and providers of other appropriate services [§303.209(c)(2)].

The Part C regulations do not give examples of *who* might be “providers of other appropriate services.” For children not transitioning to Part B, however, other appropriate services might include such programs or settings as:

- Head Start,
- early education, and
- child care programs.

References & Footnotes

²⁷ 76 Fed. Reg. at 60176, 60207.

Space for Notes

Next Steps: Developing the Transition Plan

Opening View

For all toddlers with disabilities

Lead agency must ensure:

Program options are reviewed for the toddler *



* from 3rd birthday to end of school year

Slide loads with this view. Emphasis is on reviewing program options for the toddler.

Next Steps: Developing the Transition Plan

CLICK 1

For all toddlers with disabilities

Lead agency must ensure:

Program options are reviewed for the toddler *

Family is included in developing transition plan



* from 3rd birthday to end of school year

Click 1: Picture changes and the emphasis shifts to including the family in developing the transition plan.

continued on the next page 

Next Steps: Developing the Transition Plan

For all toddlers with disabilities
Lead agency must ensure:

Program options are reviewed for the toddler *

Family is included in developing transition plan

* from 3rd birthday to end of school year

IFSP includes transition plan no fewer than 90 days before toddler's 3rd birthday**

** and, at the discretion of all parties, not more than 9 months

CLICK 2

Click 2:
Picture lifts away, and the emphasis moves to the timing by which the transition plan must be included in the child's IFSP.

Next Steps: Developing the Transition Plan

For all toddlers with disabilities
Lead agency must ensure:

Program options are reviewed for the toddler *

Family is included in developing transition plan

* from 3rd birthday to end of school year

IFSP includes transition plan no fewer than 90 days before toddler's 3rd birthday**

As appropriate:

- Steps for toddler and family to exit Part C program
- Any transition services the IFSP Team identifies as needed by the toddler and family

** and, at the discretion of all parties, not more than 9 months

CLICK 3

Click 3:
Final part of the slide, where the emphasis is on including (as appropriate) steps to be taken to exit the Part C program and providing any needed transition services.

CLICK AGAIN to advance to next slide.

See discussion on next page 



Pertinent Handouts:

- Handout 9, Transition to Preschool and Other Programs

We're almost done with this training module!

This slide is actually an advanced organizer in many ways, for it previews the content to be presented in Module 9, *Development of the Transition Plan*. If your audience is also going to participate in Module 9's training session, then certainly treat this slide as the advance organizer it is.

However, for participants who are *not* going to receive training provided via Module 9, then the slide can serve as the "culminating" point about training planning for toddlers with disabilities in Part C.

For Whom is a Transition Plan Necessary?

As the slide states, a transition plan must be included in the IFSP of *all* toddlers with disabilities receiving early intervention services under Part C. To say this another way, it doesn't matter if a toddler may or may not be eligible for services under Part B upon reaching the age of three. This requirement applies to *all* toddlers in Part C before they reach their third birthday.

The requirement is found at §303.209(d), which is provided on **Handout 9** (see page 2) and reiterated in the box below, for your convenience. These regulations are distilled on the slide and should be the substance of this slide's discussion.

Timelines for the Transition Plan

The transition plan must be in a toddler's IFSP not fewer than 90 days—and, at the discretion of all parties, not more than 9 months—before the toddler's third birthday. This is the same timeline within which the LEA

Transition Plans Are Required for All Toddlers with Disabilities Exiting Early Intervention Services under Part C: §303.209(d)

(d) *Transition plan.* The State lead agency must ensure that for all toddlers with disabilities—

(1)(i) It reviews the program options for the toddler with a disability for the period from the toddler's third birthday through the remainder of the school year; and

(ii) Each family of a toddler with a disability who is served under this part is included in the development of the transition plan required under this section and §303.344(h);

(2) It establishes a transition plan in the IFSP not fewer than 90 days—and, at the discretion of all parties, not more than 9 months—before the toddler's third birthday; and

(3) The transition plan in the IFSP includes, consistent with §303.344(h), as appropriate—

(i) Steps for the toddler with a disability and his or her family to exit from the Part C program; and

(ii) Any transition services that the IFSP Team identifies as needed by that toddler and his or her family. [§303.209(d)]

notification must occur for children potentially eligible for Part B, just as it's the same timeline within which the transition conference for a toddler must be held. In fact, the regulations permit the transition plan to be developed as *part* of the transition conference [§303.209(e)].

Summarizing the Transition Plan

As can be seen by the slide and the provisions of §303.209(d), the lead agency must involve the family in the development of the transition plan for their toddler. Together—and with other required participants—the family and lead agency review the program options available to the toddler once he or she exits from Part C services.

These options may include:

- preschool services under Part B of the Act;
- elementary school or preschool services for children participating under a State's extended Part C option to provide early intervention services to children ages three and older;
- early education, Head Start, and Early Head Start or child care programs; or
- other appropriate services. [§303.344(h)]

The IFSP must include steps to support the child's transition to the program option selected by the child's IFSP Team. As the Department notes, the transition steps appropriate for a given toddler with a disability will differ depending upon which program the IFSP Team selects.²⁸

The goal of the transition plan is to map out what steps and services are needed by the child and family to make a smooth transition to whatever programs or services come next, upon exiting from Part C. Indeed, this is the goal that was stated at the beginning of this training module—on Slide 4.

References & Footnotes

²⁸ 76 Fed. Reg. at 60176.



Slide loads fully. No clicks are necessary except to END the slideshow.

CLICK to END the slideshow.

Use this slide for a review and recap of your own devising, open the floor up for a question and answer period, or have participants complete a closing activity of your choice and discuss in the large group afterwards.

Emphasize the local or personal application of the information presented here.