

## Part C to B Transition

### Part C *tiny-k* Program and Part B LEA Responsibilities

*States must have in place policies and procedures to ensure a smooth transition for toddlers receiving early intervention services under Part C. This information is provided to assure tiny- k programs and LEAs understand and implement federal and state transition policies and procedures. The content reflects Part C IDEA regulatory guidance and consequent revisions to the Kansas State-level Interagency Memorandum of Agreement (MOA) between KDHE and KSDE. For the most current state and federal guidance on transition from Part C to B services, consult the references at the end of this document.*

#### **NOTIFICATION of CHILDREN POTENTIALLY ELIGIBLE FOR PART B (Referral)**

##### ***tiny-k* Programs will ensure:**

- Any child receiving Part C services, at least 90 days prior to the child's third birthday or determined eligible for Part C services at least 45 days prior to their third birthday, is considered "potentially eligible" for Part B.
- A referral to the SEA and appropriate LEA of residence is made for each "potentially eligible" child receiving Part C services, at least 90 days and not more than 9 months prior to the child's third birthday.
- A referral to the SEA and LEA is made for any child determined to be eligible for Part C services between 45 and 90 days prior to the child's third birthday, as soon as possible, after a child's eligibility determination.
- Parental consent for referral is not required and parents cannot deny referral to Part B.
- Referral information that is transmitted to the SEA and the appropriate LEA of residence is confirmed by the referral source and noted in the ITS database.
- Content of the referral will include the following information to assist LEAs in their child find responsibilities:
  - Child's Name
  - Child's Date of Birth
  - Parent contact information (including names, addresses and telephone numbers)
  - Additional information may include:
    - Service Coordinator's name and contact information
    - The language (s) spoken by the child and family
- When written parental consent to share information with Part B has been obtained, confirmation that the *tiny-k* program has transmitted additional information such as the most recent evaluation, assessments and IFSP will occur in the child's file.

##### **LEAs will ensure:**

- When they receive a referral to Part B, the LEA will complete the following actions:
  - Provide procedural safeguards and prior written notice to the child's parents within a reasonable amount of time, which in Kansas policy is 15 school days unless reasonable justification is provided;
  - Attend the transition conference, which is initiated by Part C.
- The timeline for an initial evaluation starts when written parental consent for initial evaluation is obtained.

### **LATE REFERRALS TO PART C**

#### ***tiny- k* Programs will ensure:**

- For a child referred to a *tiny-k* program fewer than 45 days prior to the child's third birthday, *tiny-k* programs may, but are not required to:
  - Conduct an initial evaluation and assessment;
  - Conduct an initial IFSP meeting, if eligible; and
  - Develop a transition plan for such children (these children will not be counted in the calculation for Part C- indicator 8A).
- For a child referred to a *tiny-k* program fewer than 45 days prior to the child's third birthday, *tiny-k* programs will:
  - With parental consent, refer the child to the SEA and LEA of residence, including the special education cooperative, as appropriate, if that child may be eligible for Part B services.
- For a child referred to a *tiny-k* program between 45 and 90 days prior to the child's third birthday, local *tiny-k* programs will:
  - Conduct an 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); and
  - Provide the SEA and LEA of residence, including the special education cooperative, as appropriate, a referral for that child (who is reported under SPP/APR Indicator C-8).

#### **LEAs will ensure:**

- For children referred to Part C less than 90 days before the child's third birthday and then referred to Part B, LEAs will :
  - Conduct an initial evaluation under Part B within 60 school days of receiving parental consent for the evaluation, even if that timeline expires after the child's third birthday;
  - Hold a meeting to develop an IEP within 30 days of a determination that the child needs special education and related services (these children **will not** be considered when determining compliance for indicator B12).

### **LATE REFERRALS FROM PART C TO PART B**

#### **LEAs will ensure:**

- When a child has been receiving services in 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 birthday, LEA's will:
  - Complete an initial evaluation, and
  - For those children determined eligible under Part B; an IEP will be developed and implemented by the child's third birthday, even if the state established timeline for evaluation expires after the child's third birthday (these children **will** be considered when determining compliance for indicator B12).

## **THE TRANSITION CONFERENCE**

### ***tiny-k* Programs will ensure:**

- Family Service Coordinators (FSCs) will convene and facilitate a transition conference for children who are considered potentially eligible for Part B with the approval of the family of the toddler, at least 90 days and, at the discretion of all parties, not more than 9 months prior to the child's third birthday to discuss any services the toddler may receive under Part B of IDEA. Approval is an affirmative response that may be given verbally and then documented by the *tiny-k* program and placed in the child's file.
- FSCs invite:
  - An LEA representative to the transition conference, *when a child is potentially eligible for Part B.*
  - Other relevant service providers (Head Start, child care providers, etc.) with parent approval.
- FSCs schedule and convene the transition conference at a time and place that is mutually agreed upon by all participants.
- FSCs (whether or not the LEA participates in the transition conference) do the following:
  - Consider the Transition Conference an IFSP meeting, including prior written notice as a transition plan is being developed or updated. The transition conference must meet the specific requirements of accessibility and convenience of meetings at §303.342(d) and (e) and for meeting participants at 303.343 (a) for an IFSP meeting , including prior written notice.
  - 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 determination under Part B; and
    - The availability of special education and related services
- FSCs document all outcomes and decisions of the transition conference.
- Before information (*beyond what is allowable for notification and referral*) is shared with Part B, obtain written parental consent.
- If the parent does not provide approval to conduct the transition conference *tiny-k* programs must still provide a referral for these children to the SEA and LEA of residence. KDHE recommends that this referral inform the SEA and LEA that the parent has declined the transition conference.

### **LEAs will ensure:**

- They provide an appropriate representative(s) to participate in the transition conference arranged by the designated *tiny-k* Program.
- Review existing data, including the IFSP, evaluations and information provided by parents or other data as allowed, as part of the process for determining eligibility for Part B.
- Determine the need for additional evaluation, assessment and information.
- Cooperate with the *tiny-k* Program providers so that the following are provided to parents:
  - A description of the Part B eligibility definitions;
  - State timelines and process for consenting to an evaluation and conducting eligibility determination under Part B; and
  - Information about the availability of special education and related services.

## **TRANSITION PLANNING**

### ***tiny-k* Programs will ensure:**

- FSCs include the family in the development of the transition plan.
- The transition plan is part of the Individualized Family Service Plan (IFSP) and includes the steps for the child to exit from the Part C program and any transition services identified as needed.
- The FSC facilitates an IFSP meeting to develop the Transition Plan within the IFSP not fewer than 90 days and, at the discretion of all parties, not more than 9 months, prior to the child's third birthday.
- FSCs inform families of transition requirements, resources and supports that are available.
- The transition steps included in the IFSP will support transition to one of the following: preschool services under Part B, early education, Head Start, Early Head Start, or child care programs; other appropriate services.
- They coordinate with LEAs to fully inform families of the services available under IDEA Part B.

### **LEAs will ensure:**

- They coordinate efforts with the *tiny-k* program's providers to support family involvement in the transition planning process.
- As appropriate, coordinate with the *tiny-k* program's providers to facilitate visits by families to possible service settings.
- Coordinate with the *tiny-k* program to fully inform families of the services available under Part B.

## **EVALUATION FOR PART B SERVICES AND ELIGIBILITY DETERMINATION**

### ***tiny-k* programs will ensure:**

- They share, with parental consent, current evaluation and assessment information and copies of IFSPs to the LEAs in a timely manner, to facilitate a coordinated and seamless transition from Part C to Part B.
- They work with the family to notify the appropriate LEA when a family moves during the evaluation process.

### **LEAs will ensure:**

- They consider Part C assessments, IFSP and parent information to determine eligibility for Part B by:
  - The IEP team and other qualified individuals reviewing current (within 6 months) evaluation data; and
  - Based on that review and input from the family, determine what additional data are needed to determine whether a child is eligible for Part B services.
- If the LEA chooses not to evaluate, prior written notice refusing to evaluate must be provided to the parents.
- If the LEA suspects the child to be a child with a disability, prior written notice for an initial evaluation will be provided and parental consent will be obtained prior to conducting an initial evaluation.
- When it is determined that an initial evaluation is needed:
  - The LEA will conduct the initial evaluation within 60 school days after obtaining parental written consent but no later than the child's third birthday.
  - A group of qualified professionals from the LEA and the parent of the child will determine whether the child is a child with a disability.

- Provide a copy of the evaluation report and the documentation of the eligibility determination at no cost to the parent(s) and with parental consent, a copy of this report to the referring Part C provider;
- When a family moves during the evaluation process, the LEA will work with the family to ensure the appropriate LEA is notified of the family's move.

### **THE INDIVIDUAL EDUCATION PROGRAM (IEP)**

#### ***tiny-k* programs will ensure:**

- When invited, the FSC and appropriate early intervention staff make every effort to participate in the IEP meeting conducted by the LEA.

#### **LEAs will ensure:**

- They inform families that they may invite Part C representatives to attend the IEP meeting, and if the family chooses to invite Part C representatives, the LEA will send an invitation to the *tiny-k program* and request assistance with the development of an IEP to ensure a smooth transition;
- Develop and implement the IEP on or before the child's third birthday in accordance with Part B regulations and K.A.R. 91-40-18; and
- For children eligible for Part B services, aged three through five, an IFSP that meets Part B regulations may serve as the IEP of the child if the LEA and parent(s) agree.

### **SUMMER BIRTHDAYS**

#### ***tiny-k* Programs will ensure:**

- Services may be provided in accordance with the existing IFSP to children and families until the implementation date specified on the IEP; and
- Once the IEP has been implemented, the child is no longer eligible for Part C services and Part C funds cannot be used to serve the child.

#### **LEAs will ensure:**

- Once eligibility is determined and an IEP developed, a child may begin Part B services anytime during the school year he/she turns three. If the decision to begin Part B services before age three occurs, the transition team proceeds through the IEP process and placement is determined. Once a child begins Part B services, he/she is no longer eligible for Part C services and Part C funds cannot be used to serve the child.
- If a child turning age three during the summer (which is defined by Part B as the day after the last day of school) is determined to be eligible for Part B, and has an IEP in place with special education services to begin the following school year, the child can continue to be served on an IFSP by the Part C program during the summer until the IEP is implemented at the beginning of the next school year.
- If a child turns age three before the end of the school year and it is determined by the IEP team that it is in the best interest of the child for the child to be served by Part C providers on a Part B IEP in the child's home until the beginning of the next school year, the LEA can contract with *tiny-k* program to provide those services to the child to assure a smooth transition;
- If a child turns age three during the summer and the IEP team determines the need for extended school year (ESY), the Part B team may provide the ESY services or may decide that it is in the best interest of the child to be served by *tiny-k* providers on an IEP until the next school year. The LEA can choose to contract with the local *tiny-k* program to provide Part B ESY services to the child in order to minimize disruption to the family and to assure a smooth transition; and
- If a child's third birthday occurs during the summer, the child's IEP team will develop the IEP and determine the date when services under the IEP will be implemented, which must occur no later

than the first day of school the following school year. It is only the *implementation* of the IEP that may be delayed. LEA's will begin Part B services on the date specified on the IEP.

### **UNINTERRUPTED SERVICES**

#### ***tiny-k* programs will ensure:**

- They consider the school calendar when making a referral to LEAs to avoid potential gaps in services and ensure a smooth transition for the child and family.

#### ***tiny-k* programs and LEAs will ensure:**

- Local *tiny-k* programs and LEAs are aware of these options:
  - A child may begin Part B services anytime during the school year he/she turns three.
  - If the decision to begin Part B services before age three occurs, the transition team proceeds through the IEP process and placement is determined. Once a child begins Part B services, he/she is no longer eligible for Part C services. This option would allow a child to start school well in advance of a school break if the team is concerned about a smooth transition for the child; and
  - If a child turns age three during the school year and the Part B team determines the start date is too close to a school break (i.e. Winter or Spring break) to facilitate a smooth transition, the Part B team may decide that it would be in the child's best interest to continue services provided by Part C providers in the child's home on an IEP until the first day after the break. The LEA can choose to contract with the *tiny-k* program to provide those services to the child in order to minimize disruption to the family and to assure a smooth transition. Alternately, the IEP team may provide services to the child in the home until after the school break is over.

Much of the language of this information summarizes guidance from the following documents: IDEIA 2004, clarification provided by the *Office of Special Education Transition FAQ* (2010), the *Kansas State-level Interagency Memorandum of Agreement (MOA)* between KDHE and KSDE (2012), the *Kansas Special Education Process Handbook* (2011), and the *Kansas IDEA Part C Procedure Manual* (2009).