

Preschool - 10.4 Transition from Part C Early Intervention

State Performance Plan (SPP):

(See Overview in the Introduction for more information on the SPP.)

SPP 12: Early childhood transition:

Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays. (20.U.S.C. 1416 (a) (3) (B))

Intent:

To spell out the school district's responsibilities related to the transition of a child receiving Help Me Grow early intervention services under Part C of IDEA to preschool special education services under Part B of IDEA.

Timelines:

The preschool transition conference is scheduled by the Part C service coordinator and should occur at least 90 days, but not more than nine months, before the child's third birthday.

The district must complete the evaluation process within 60 days of parents' consent and have an IEP implemented by the child's third birthday.

No later than the child's third birthday

Each school district must ensure that the obligation to make FAPE available to each eligible child for whom the school district is the child's school district of residence begins no later than the child's third birthday, for children who transition from Help Me Grow. The district also must ensure that an individualized educational program (IEP) is in effect for the child by that date.

For children entering Help Me Grow 46-90 days before the third birthday, districts must work with the service coordinator to conduct joint (not duplicative) evaluations to ensure that Help Me Grow can develop an IFSP for transition and the district can develop an IEP by the third birthday.

For children who are suspected of having a disability and enter Help Me Grow 45 days or fewer before the third birthday, Help Me Grow will refer the child directly to the district or assist the parents in contacting the district. Because these children will not have an IFSP or be provided early intervention services, this referral does not require an IEP by the third birthday. Given the fact that the child has not had early intervention, the district should consider appropriate timelines to secure necessary services.

REQUIREMENT

3301-51-11

(D) Transition from Part C early intervention

A school district is responsible for the following activities related to transition for a child receiving "Help Me Grow" early intervention services under Part C of the Individuals with Disabilities Education Act, as amended by the Individuals with Disabilities Education Improvement Act of 2004, December 2004(IDEA):

Procedures and Guidance for Ohio Educational Agencies serving Children with Disabilities

(October, 2011)

- (1) If invited by a representative of the Part C system, a school district representative shall attend a conference to discuss transition from early intervention services to preschool for a child suspected of having a disability. This conference may occur up to nine months before a child's third birthday. The school district shall document participation in the conference.
- (2) At the parent's request, the school district shall invite the Part C service coordinator to the initial IEP meeting.
- (3) If there is a suspected disability and the child is eligible for special education and related services as a preschool child, the school district shall work with the family to ensure an IEP is in place and implemented by the child's third birthday. The dates for the initiation and duration of services shall be determined by the evaluation team or the IEP team and other qualified professionals.
- (4) A school district must consider extended school year services as part of the IEP process for children transitioning from Part C services. Based upon data available from the Part C system, the evaluation team or the IEP team and other qualified professionals shall determine if extended school year services are required as outlined in paragraph (G) of rule 3301-51-02 of the Administrative Code.

GUIDANCE

Help Me Grow

Help Me Grow is a broad-based system under the Ohio Department of Health that serves children from birth through age 2 who have developmental delays and disabilities and who are considered at risk. Help Me Grow is administered on the county level through the Family and Children First Council. One component of the Help Me Grow system is Part C under IDEA, which provides service for infants and toddlers with disabilities.

(See the Help Me Grow website at <http://www.ohiohelpmegrow.org>.)

Timelines that must be met for a child suspected of having a disability who is transitioning from Help Me Grow

The Part C service coordinator is required to have a transition conference at least 90 days, but not more than nine months, before the child's third birthday. The Part C service coordinator is responsible for notifying the district of the conference, and the district must attend the conference. The local interagency agreement should address the communication process regarding the transition conference, to ensure a district representative is in attendance.

At the conference, the district provides a copy of *Whose IDEA Is This?* to the parents and briefly explains the relevant procedural safeguards. The child's present level of performance is reviewed and child's progress data is shared. If the district concludes the child has a suspected disability that could confer Part B eligibility, the referral process begins and the Referral for Evaluation PR-04 form is completed.

When the district is unsure if the child has a suspected disability, it can request additional data or undertake additional activities.

If the district does not believe the child is suspected of having a disability, a Prior Written Notice to Parents PR-01 form explaining the district's position is completed and given to the parents. If the parents disagree, they can pursue the remedies listed in *Whose IDEA Is This?*

When the district suspects a disability, the Referral for Evaluation PR-04 form is completed, the Consent for Evaluation PR-05 form may be completed. At the very least, a time to sign these documents should be agreed upon so that the child has an IEP by the third birthday. Districts that delay in signing documents in a timely manner may be unable to meet the required timelines.

The district must secure the parents' consent for an evaluation no more than 30 days from the date of referral. The evaluation must be completed no more than 60 days after parental consent is obtained. The district then has 30 days to complete the IEP with a team of qualified professionals and the parents. No more than 120 days may elapse between the date of referral and the date the IEP is completed.

Procedures and Guidance for Ohio Educational Agencies serving Children with Disabilities

(October, 2011)

For children entering Help Me Grow 46-90 days before the third birthday, districts must work with the service coordinator to conduct joint (not duplicative) evaluations to ensure that Help Me Grow can develop an IFSP for transition, and that the district can develop an IEP by the third birthday.

For children who are suspected of having a disability and enter Help Me Grow 45 days or fewer before the third birthday, Help Me Grow will refer the child directly to the district or assist the parent in contacting the district. Because these children will not have an IFSP or be provided early intervention services, this referral does not require an IEP by the third birthday. Since the child has not had early intervention, the district is required to meet standard timelines to secure necessary services.

LEA referrals outside of stated timelines

Help Me Grow will provide districts with quarterly reports of children potentially transitioning, and the reports will include contact information. Therefore, the district can communicate with Help Me Grow about children on the list. (Note: Help Me Grow is revising its data system to accommodate this requirement in the state interagency agreement.)

If, at the time of the HMG transition planning conference, the parent has chosen not to include the district in the conference, confidentiality is invoked per the Office for Special Education Programs (OSEP), U.S. Department of Education. Subsequently, Help Me Grow cannot share information with the district. The district can use the quarterly reports it receives from HMG to see if desired conferences are scheduled. If the district does not receive information from HMG about a child regarding a transition conference, it may assume that the family is not seeking input from, or placement in, the school district at that time. In this way, the district can assist in tracking to ensure that transition conferences occur that include the district.

Implementation of the IEP by the child's third birthday

Third birthday in the summer

According to IDEA, the only time that a child transitioning from Help Me Grow/ Part C early intervention to preschool special education can have an IEP implementation date later than the third birthday is when the birthday is in the summer. For these children, data from Help Me Grow and additional evaluation data must be used to determine if the child requires extended school year (ESY) services to sustain current skills. If regression is a possibility, the district can provide ESY services, which can be different than those provided during the school year, to ensure that the child does not lose skills. A child who has lost skills because extended school year was not provided can require additional attention and support once he or she begins the preschool program. ESY must be provided as required by Rule 3301-51-02(G) as discussed in IEP: 7.5 Special Factors and Considerations. **Note: This exception does not apply to children with third birthdays in the spring.**

Third birthday on weekend or during breaks in the school calendar

The effective date of an IEP can be the child's third birthday, and attendance begins according to the school calendar year. This should be documented on the IEP. The IEP must be completed by the child's third birthday.

Transient Families

The district is responsible to report those children for whom the district attended a transition conference. If the family moves before all data is collected, outcomes on the special education record can indicate a parent's refusal to grant consent (CNST); scheduling conflicts with family; or, if entered with a student identification number (SID), the child's withdrawal date. District files will document that the family moved to another county for any data verification/ audits that occur. The district should also consider contacting the local Help Me Grow to follow up.

Procedures and Guidance for Ohio Educational Agencies serving Children with Disabilities

(October, 2011)

If a child moves from another county into a district and the transition conference occurred in the other county, the new district does **not** report the preschool transition conference (PSTC). Only report PSTC **if** the district attended the conference and the child is referred because of a suspected disability. Those not suspected of a disability would be counted in the aggregate count **if** the district attended the transition conference and the Prior Written Notice to Parents PR-01 form was provided to the parents, indicating that no disability was suspected.

EMIS reporting

Only transition conferences for children who are exiting Part C HMG at or around age 3 should be reported in EMIS. Data should be validated by checking the child's age and, if the child is 4 or older, a PSTC should not be reported.

IEP by age three

Children exiting Part C Help Me Grow (HMG) are required to have an IEP by the third birthday.

Children who come to the attention of HMG 46-90 days before the third birthday and who are suspected of having a disability receive a joint evaluation conducted by HMG and the district. If children are found to be eligible for Part B supports and services, an IEP must be signed and implemented by the third birthday.

Children who come to the attention of HMG 45 days or fewer before the third birthday and are suspected of having a disability do not receive an evaluation from, and are not enrolled in, HMG. They are referred directly to the district. If the district suspects a disability, standard timelines regarding consent and evaluation, which may exceed the date of the third birthday, are followed.

LEGAL CITATIONS:

Federal Statutes:

20.U.S.C. 1416 (a) (3) (B)
636(d), 635(a) (10), 637(a) (9)

Code of Federal Regulations:

34 CFR §300.124

Ohio Revised Code:

Operating Standards:

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

FORMS (* = required)