

Child Find - 3.4 Transition from Early Intervention to Preschool Special Education

State Performance Plan (SPP):

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

SPP 11: Percent of children with parental consent to evaluate, who were evaluated within 60 days (or state established timeline). (20.U.S.C. 1416 (a) (3) (B))

SPP 12: 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 provide guidelines for school districts (LEAs) and other agencies for transitioning children age 3 into preschool special education.

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, prior to 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. To have an IEP implemented by the third birthday, timelines may be less than the maximum of 60 days.

REQUIREMENT

3301-51-11 Preschool special education requirements

(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):

- (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.

GUIDANCE

Transition from Part C early intervention

The school and Help Me Grow (HMG) are required to have an interagency agreement that spells out how the agencies will address the needs of children transitioning from HMG to preschool special education. This agreement should address suspected disability, referrals and providing information to families in relationship to Child Find. Other agencies, such as Head Start and MR/ DD, may be involved with the agreement since these entities may also be HMG service providers and have a stake in Child Find.

The early intervention coordinator notifies the school district representative and sets a meeting with the family to review the evaluation process, eligibility requirements and program. The school district participates in transition planning conferences arranged by the child's service coordinator, with the approval of the child's family. The parents receive information about the preschool program and the process, if the child is suspected of having a disability and the parents agree to include the district in the conference. If a disability is not suspected, the parents are provided a Prior Written Notice PR-01 form. If a disability is suspected, the timeline for parental consent and parents' rights is determined.

To determine if a disability is suspected, the district, parents and HMG involved in the preschool transition conference review the data from the HMG program. Additional information may be needed if a disability is suspected. The district may choose to use additional screenings or complete the evaluation process, based upon the data available.

- Parents' permission is obtained for any further evaluation that is necessary (the Parent Consent for Evaluation PR-05 form) and parents are provided with a copy of *Whose IDEA Is This?*
- A team meeting, with the parents, is held to review additional findings from any new evaluations that were completed. The district will provide the parents a Prior Written Notice PR-01 form, or and IEP if the child is eligible for preschool services as a child with a disability. (See Evaluation, Section 6.)

Preschool without Part C

- A signed referral from the parents or a public agency is made to the district special education department.
- The parents complete the referral packet.
- The referral is reviewed by the preschool coordinator.
- The coordinator interviews the parents and arranges to get information that may be available regarding services provided to the child as an infant or toddler. General health information is collected. The coordinator may schedule a screening date and time that is convenient for parents and staff. The staff conducts observations, informal assessments and possibly play- based or criterion-referenced assessments while the child is engaged in a variety of activities.
- The team reviews findings with parents.
- A determination is made about further evaluation. If further evaluation is necessary, all required methodologies are addressed as well as all domains assessed,
- A team meeting is held to determine eligibility. An Individualized Education Program (IEP) is written if the child is determined to be a child with a disability.

(See [Preschool - 10.4 Transition from Part C Early Intervention](#))

REQUIREMENT

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(C) Eligibility:

Each school district of residence must conduct a full and individual evaluation in accordance with rule 3301-51-06 of the Administrative Code before the initial provision of special education and related services to a preschool child with a disability residing in the district.

- (1) Sufficient information shall be obtained using a variety of information sources to confirm that a disability exists.

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

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

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(2) Based on the variety of sources of information listed in paragraphs (C) (1) (a) to (C) (1) (d) of this rule, a group of qualified professionals and the parent of the child shall determine if the child has a disability and is eligible for special education and related services as a preschool child with a disability.

(3) The following developmental areas must be assessed with at least one source of information listed in paragraphs (C) (1) (a) to (C) (1) (d) of this rule:

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

(4) A school district must ensure that sufficient resources are available to conduct evaluations during the summer months.

(5) A preschool child with a disability is a child who has one of the following disabilities, as defined in rule 3301-51-01 of the Administrative Code, based upon the evidence required in paragraph (C) (1) to (C) (3) of this rule, and who, by reason thereof, needs special education and related services:

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(C) Eligibility

(5)

- (a) Autism;
- (b) Cognitive disability;
- (c) Deaf- blindness;
- (d) Deafness;
- (e) Emotional disturbance;
- (f) Hearing impairment;
- (g) Multiple disabilities;
- (h) Orthopedic impairment;
- (i) Other health impairment;
- (j) Specific learning impairment;
- (k) Speech or language impairment;
- (l) Traumatic brain injury;
- (m) Visual impairment; or
- (n) Developmental delay, as defined in paragraph (C) (6) of this rule.

(6)

A school district may choose to use the term "developmental delay" under the following conditions for children ages three through five who are experiencing developmental delays and who, by reason thereof, need special education and related services:

- (a) The applicability of the term shall be based upon the individual needs of the child as determined by the evaluation team or the IEP team and other qualified professionals;
- (b) In addition to the assessments required in paragraph (C) (1) of this rule, results of appropriate diagnostic instruments and procedures may also be used to help make the determination that a child has a "developmental

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delay." A developmental delay may be substantiated by a delay of two standard deviations below the mean in one or more of the areas of development or 1.5 standard deviations below the mean in two or more of the areas of development listed in paragraphs (C) (6) (b) (i) to (C) (6) (b) (v) of this rule. The results shall not be used as the sole factor in making the determination that a child has a developmental delay.

"Developmental delay" means a child of three to five years who is experiencing a delay as determined by an evaluation team, IEP team, and other qualified professionals in one or more of the following areas of development:

- (i) Physical development;
- (ii) Cognitive development;
- (iii) Communication development;
- (iv) Social or emotional development; or
- (v) Adaptive development.

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(C) Eligibility

(6)(c) The term "developmental delay" may be used only after considering the applicability of the categories provided in paragraphs (C) (5) (a) to (C) (5) (m) of this rule; and

(d) The term "developmental delay" may be used in place of the following disability categories:

- (i) Cognitive disability;
- (ii) Emotional disturbance;
- (iii) Speech or language impairment.

(A child with a developmental delay that requires special education and related services may be determined in accordance with this rule to be a child with a disability.)

GUIDANCE

Eligibility

The evaluation team (IEP team members including the parents and other appropriate professionals) reviews the information collected from the early intervention providers, the parents and the professionals involved in the screening process and determines what evaluations are to be conducted. Permission is obtained (the Parent Consent for Evaluation PR-05 form) from the parents to conduct the evaluations. The team determines a time, date and location for the evaluations, and the child is evaluated by the professionals. The team then holds a meeting to review the findings and the criteria for the disability, and a determination is made regarding whether the child qualifies for preschool services as a child with a disability in need of special education and related services. (See [Preschool - 10.1 Eligibility](#))

Use of the term "developmental delay"

The school district should determine in its policies and procedures whether it uses the term "developmental delay" for preschool children who are identified as having disabilities and are in need of special education and related services. If a school district uses the term "developmental delay," the district must use the state's definition of the term and apply the term only for children 3 through 5 years of age. Using the appropriate diagnostic instruments and procedures, personnel assess that the child has a "developmental delay" in one or more of the following areas: physical development; cognitive development; communication development; social or emotional development or adaptive development. The district should provide adequate staff to perform the necessary evaluations.

LEGAL CITATIONS:

Federal Statutes:

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

Code of Federal Regulations:

CFR §300.124

Ohio Revised Code:

Operating Standards:

3301-51-01

3301-51-06

3301-51-11(C) (1)- (6) and (D)

FORMS (* = required)

- Parent Consent for Evaluation PR-05*
- IEP PR-07*
- Whose IDEA Is This?*