

Transition at Age Three

The Individuals with Disabilities Education Act (IDEA) requires that no later than the third birthday, eligible children with established disabilities or developmental delays transition from Part C of IDEA, known in Michigan as *Early On*[®], to Part B, Section 619 Services, known in Michigan as Early Childhood Special Education (ECSE) services. This guide is a tool for professionals to assist everyone involved to plan together to make informed decisions and make the transition smooth and effective. *Early On* staff, ECSE staff, and program partners make this transition together. Federal law mandates that, for eligible children birth through age two and their families, services are provided through the Individualized Family Service Plan (IFSP under Part C of IDEA). For children age three through 21, services are provided through an Individualized Education Program (IEP), under Part B of IDEA.

For the purposes of this document, Local Education Agency (LEA) refers to the local educational entity responsible for ECSE programs and services. Examples may include local districts or Intermediate School Districts (ISDs).

Goals of This Guide

- To clarify federal and local requirements for transition into Early Childhood Special Education Programs.
- To discuss steps, activities, and timelines to ensure a smooth transition.
- To address specific concerns surrounding transition activities and reporting.

§ 300.124 Transition of Children from the Part C Program to Preschool Programs.

The State must have in effect policies and procedures to ensure that –

- (a) Children participating in early intervention programs assisted under Part C of the Act, and who will participate in preschool programs assisted under

Part B of the Act, experience a smooth and effective transition in a matter consistent with section 637(a)(9) of the Act;

(b) By the third birthday of the child described in paragraph (a) of this section, an IEP or, if consistent with § 300.323(b) and section 636(d) of the Act, an IFSP, has been developed and is being implemented for the child consistent with § 300.101(b); and

(c) Each affected LEAs will participate in a transition planning conferences arranged by the designated lead agency under section 635(a)(10) of the Act.

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(20 U.S.C. 1412(a)(9))

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§ 300.101 Free Appropriate Public Education (FAPE).

(a) General. A free appropriate public education must be available to all children residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school, as provided for in § 300.530(d).

(b) FAPE for children beginning at age 3. (1) Each State must ensure that-

(i) The obligation to make FAPE available to each eligible child residing in the State begins no later than the child's third birthday; and

(ii) An IEP or an IFSP is in effect for the child by that date, in accordance with § 300.323(b).

(2) If a child's third birthday occurs during the summer, the child's IEP Team shall determine the date when services under the IEP or IFSP will begin.

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Transition Timelines

Effective planning will help reduce the stress of transitions for staff and families and will promote optimal access to services and many types of support for children.

The planning process allows for the transfer of records, sharing of information, and responses to questions. Children benefit from increased continuity, reduced stress, and improved access to services that result from planning efforts.

Both federal and state regulations clearly identify steps in the process and timelines that must be met in order to ensure a smooth transition. Both *Early On* and the LEA have responsibilities for providing information and resources throughout the process. The transition from *Early On* to the Part B of IDEA, Section 619 program must occur by the child's third birthday.

Steps Toward Transition

Step 1: Transition Planning

A transition plan must be completed for each child exiting *Early On*. The plan may occur as early as nine months prior to the child's third birthday but must occur at least 90 days before the child's third birthday. Transition planning is an ongoing process while a child is enrolled in *Early On*. The child's service coordinator discusses options with his/her family and helps the family gather information about transition options in their community. The *Early On* staff will:

- notify the LEA of a child potentially eligible for ECSE;
- schedule a transition conference with the family and the ECSE program at least 90 days before the child's third birthday; and
- establish a written transition plan (may be part of the IFSP or attached to the IFSP). The transition plan must include: list of providers, times and locations of all necessary evaluations for the IEP, financial responsibilities for early intervention services for all appropriate agencies, and provisions and conditions for the disposition of the Part C record.
- Discuss other services that may be available if appropriate ;

- discuss with, and train parents regarding future placements and other matters related to the child's transition;
- develop procedures to prepare the child for changes in service delivery, including steps to help the child adjust to, and function in a new setting;
- with parental consent, transmit information about the child to the local educational agency, to ensure continuity of services, including evaluation and assessment information and copies of IFSPs that have been developed and implemented.

Step 2: Transition Conference

If the child is potentially eligible for ECSE and the family chooses to be referred, *Early On* will convene a conference between current providers, the family, and district representatives (LEA and lead agency). The purpose of the conference is to plan for the child's transition. The transition conference is necessary to help families know what lies ahead and what they can do to make the process move smoothly. **This meeting may occur as early as nine months prior to the child's third birthday, but must occur at least 90 days before the child's third birthday.**

Procedures for the transition planning conference and requirements of the transition plan:

- For the child who may be Part B eligible:
 - a) Convene a transition conference, which may occur as early as nine months prior to the child's third birthday, but must occur at least 90 days before the child's third birthday.
 - b) At the transition conference, review the child's program options for the period from the child's third birthday through the remainder of the school year.
 - c) Discuss future placement and related matters to transition.
 - d) Discuss procedures to prepare the child for changes in service delivery.

- e) Obtain written consent from the parent, in order to transmit documents to the LEA.
- f) Send written notification to the LEA.
- For the child who is not Part B eligible:
 - a) Make reasonable efforts to convene a transition conference; must have parent consent, which may occur as early as nine months prior to the child's third birthday, but must occur at least 90 days before the child's third birthday.
 - b) Discuss with, and provide training to, parents regarding future placements and other matters related to the child's transition.
 - c) Discuss procedures to prepare the child for changes in service delivery.
 - d) Establish a written transition plan, which may be part of, or attached to, the IFSP.

Note: While a transition conference is not required for children who are not eligible, it is recommended.

Step 3: School District Determination of Eligibility

The LEA is responsible for ensuring the determination of eligibility for Part B of IDEA services. A team of qualified Part B professionals and the parents of the child will make this determination together. The IEP meeting may occur at the same time as the transition conference, or the two may occur at separate times.

Whether or not the child is eligible for services, an IEP must be written on or before the child's third birthday in order to ensure continuity of services. Services are to be provided in the Least Restrictive Environment (LRE) (please refer to LRE on page 8). This refers to the extent the child will participate with typically developing children in regular activities or classes.

If a child turns three during the summer months and is found eligible to receive services, the IEP team will determine when services will begin. The IEP will need to be developed and implemented before the child's third birthday. The IEP team will

need to plan to ensure that an IEP is developed before recessing for the summer months. It is up to the IEP team to determine if the child will wait until the following Fall to receive services or if the child will need services immediately.

When eligibility is being determined for Part B, the family will:

- be a part of the eligibility team;
- communicate with the LEA to schedule any additional evaluations; and
- receive a copy of the evaluation report and documentation of eligibility determination.

ECSE, with *Early On*, will:

- follow up with evaluation and assessment results and other information, questions, and concerns;
- invite the parents to meet with a group of qualified professionals to determine whether the child is eligible under Part B;
- support transition to other services if a child is determined ineligible for Part B services;
- consider all information supplied by the family and *Early On* for determining eligibility, including any available independent evaluations;
- identify what, if any, additional information is necessary to determine whether the child is eligible; and
- conduct any further required evaluations.

Step 4: The IEP Meeting

When a child qualifies for ECSE and related services under Part B of IDEA, the IEP team determines the appropriate services. The IEP meeting brings together the family, teachers, administrative personnel, and related service providers to put identified goals into writing. Family members are a very important part of the IEP team. The family shares information about the child's current activities, their hopes for their child, and what skills they would like their child to develop during the next year. These priorities could be addressed through goals and objectives on the IEP.

The goals chosen for the child should fit into everyday routines and help the child to become more independent in learning, living, and playing in different environments.

Together, the IEP team members will decide:

- a) The goals and short-term objectives or benchmarks with the highest priority.
- b) What transportation and/or other related services are needed to reach these goals and short-term objectives or benchmarks.
- c) The LRE in which the child can best meet the goals and short-term objectives or benchmarks.

Parents or team members may include written comments or concerns on the IEP. Written parental consent must be provided prior to implementation of the initial IEP. If parents are in disagreement with the IEP team's proposed action and do not consent to initial placement, they may request a mediation and/or a due process hearing. For additional information on the timelines and procedures for mediation and impartial due process hearings, go to www.michigan.gov/ose-eis and click on "Compliance, Monitoring and Due Process" located in the menu on the left hand side of the screen.

At the IEP team meeting, the family will:

- describe the child's current and anticipated activities;
- discuss concerns for their child's educational needs;
- share ideas for goals and short-term objectives;
- discuss options for services in the LRE;
- sign the IEP if in agreement; and
- sign consent for initial placement.

LEA staff will:

- discuss the child's present developmental levels and what developmental growth can be expected;
- share ideas for goals and short-term objectives;
- discuss options for services in the LRE;

- record the plan on the IEP forms;
- inform the parents how they will be regularly informed of their child's progress;
- arrange for IEP services to be implemented; and
- provide the parents with a copy of the IEP.

Step 5: Putting the IEP into Action

After the IEP has been written and services determined, it will need to be implemented by the child's third birthday. Topics to be reviewed upon implementation include:

- health records and immunizations;
- transportation arrangements;
- special equipment;
- medications, special diet;
- staff training;
- emergency contacts and procedures; and
- other unique needs of the child or family.

IEP By Three Special Issues

The Least Restrictive Environment (LRE)

After the child is determined eligible for ECSE, the team considers the placement options where the services will be provided. By law, the child's placement for Part B services must occur in the LRE in which the goals can be met.

The LRE continuum for preschool-aged children with disabilities includes those early childhood settings designed primarily for children without disabilities. These environments allow children with disabilities to participate in appropriate activities and opportunities that support children achieving age-relevant skills and abilities.

Depending on the IEP goals, the team will need to consider necessary modifications, supplementary aides, services, and supports that may be needed.

The Summer Birthday

Planning teams need to work closely when a child's birthday occurs in the summer or shortly before the school year ends. Service providers are challenged to find ways to develop and implement policy so that children and families do not wait needlessly for vital services. It is important to start the transition process early enough to ensure that the LEA's staff are available for the necessary transition planning conferences according to the timelines described. **Not having personnel available for assessments or meetings is not an acceptable excuse for a late IEP.** LEA staff and the IEP team need to plan ahead to ensure IEP development and implementation by the child's third birthday.

Frequently Asked Questions

When must the transition conference occur?

If the child has been referred to the LEA, the transition conference must occur, with parent approval, at least 90 days prior to the child's third birthday.

If a family chooses not to participate in Part B services when the child turns three, does this count against the LEA?

If the family chooses not to participate in Part B services, a finding will not be issued to the LEA for that child. LEAs need to ensure that families have been given adequate information regarding program services. Identify "parent refusal" when entering "reason late" in the data collection system.

What reasons are not acceptable for a late IEP?

According to federal guidelines, personnel unavailable, unable to arrange mutually agreeable IEP meeting times, extenuating family circumstance, and any other reasons stated are all unacceptable reasons for a late IEP. It is the responsibility of the LEA to ensure staffing and completion of activities in a timely manner. Remember, LEAs have up to nine months before the child's third birthday to initiate the transition process.

If a family chooses not to participate in Part B services when the child turns three, can the family pursue services at a later time?

Yes, the family can pursue services at a later date by contacting their LEA.

If our program has children turning three during the summer months and we are not required to provide programming during the summer months, are we still responsible for developing an IEP by the child's third birthday?

It is a requirement that transition planning begin three to nine months prior the child's third birthday. This planning can begin up to nine months prior to the child's third birthday. It is the responsibility of the LEA to plan for such birthdays and have IEPs developed before the child's third birthday, regardless of birth date.

If we use Michigan’s combined IFSP/IEP form, are we in compliance for transition?

Yes, if the child does have an IEP in place by his/her third birthday, the IFSP/IEP form is acceptable.

Who is responsible for making the first contact with the LEA about a child who will be transitioning from *Early On*?

The *Early On* local coordinator will make the referral to the LEA three to nine months prior to the child’s third birthday, as long as the family gives informed, written consent.

What is the timeline for evaluation and placement when the initial referral to the LEA comes very close to the child’s third birthday?

Early On and Part B are required to coordinate activities for timely implementation of services. Effective for the 2008-2009 school year, late referrals from *Early On* to Part B resulting in a late IEP will result in a finding. LEAs need to make every effort to ensure timely referral and IEP implementation.

What constitutes implementation of an IEP by the child’s third birthday?

An IEP must be complete and signed by the parents and the LEA. If services will not begin by the child’s third birthday, the IEP will need to state the reason (e.g., summer break) and the date services will begin.

Is it required to hold a transition conference for *Early On* children not potentially eligible for ECSE?

No, it is not required to hold a transition conference for children not eligible for ECSE, but it is recommended. Transition plans **are** required for all children exiting *Early On*.

Is there a timeline requirement for eligible/ineligible children following a referral, transition plan, or transition conference?

The only measureable timeline for this SPP/APR Indicator is that an IEP is developed and implemented by the child's third birthday. Timeline requirements and extensions may apply to *Early On* or Child Find Indicators that are not applicable to the Transition Indicator.

Several reasons are excused by *Early On* for late Transition Plans or Transition Conferences and do not count against an LEA. Are those reasons acceptable for a late IEP?

The only reason accepted for an IEP developed and implemented after the child's third birthday is parent refusal. While *Early On* and ECSE services are closely linked, they are mandated by separate parts of IDEA, thus the requirements will vary.