

## Question and Answer Document Transition from Part C to Part B

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### **Glossary:**

Virginia Regulations Section **8VAC20-81-60. Child Find.**

<http://www.doe.virginia.gov/VDOE/Instruction/Sped/varegs.pdf>

**Child Find:** Each local school division has the responsibility to design and maintain an active and continuing child find program designed to identify, locate and evaluate those children residing in the jurisdiction who are birth to age 21, inclusive, who are in need of special education and related services. The regulations describe target ages, populations, public awareness activities, and screening guidelines.

**Child Study Team:** This team is a part of the child find screening process.

A child study team shall be established in each school to review records and other performance evidence of the children referred through a screening process, or by school staff, the parent or parents, or other individuals.

a. All referrals to the child study team shall be made to the principal or designee. The team shall include:

- (1) The referring source, as appropriate (except if inclusion of referring source would breach the confidentiality of the child);
- (2) The principal or designee;
- (3) At least one teacher; and
- (4) At least one specialist.

b. The child study team shall meet within 10 business days following receipt of the referral. The purpose of the meeting is to identify and recommend strategies to address the child's learning, behavior, communication, or development. This does not preclude the child study team from making a referral for evaluation for special education and related services prior to implementing strategies. The child study team shall refer the child to the special education administrator or designee within five business days following the determination by the committee that the child should be referred for an evaluation for special education and related services.

c. Actions by the committee shall be documented in writing and shall include information upon which a decision was based.

## Virginia Special Education Regulations 8VAC20-81-80. Eligibility.

**Eligibility Process:** According to the Virginia regulations the eligibility process ensures that the decision regarding eligibility for special education and related services is made. The procedures include timelines including IEP development (if the child is found eligible), test administration and data collection and review, eligibility committee composition, and the procedures for determining eligibility under a disability category. This section also discusses special educational programs and eligibility for children transferring in from other states and within the state. Information to be shared with teachers and others and parental options are also described for children not found eligible for services. The determination of eligibility is made during the Eligibility Committee Meeting

### Transition Planning Conference

**Question:** Please define “LEA participation in the Transition Planning Conference”. Is a specific person, such as the special education director, required to attend and is attendance required in person?

**Answer:** “LEA participation in the Transition Planning Conference” means that a representative from the LEA who is knowledgeable about the services available in the local school division participates in the Transition Planning Conference. The LEA representative does not need to be the Special Education Director or any other specific position. The key is that the LEA representative is able to provide information and answer questions regarding the continuum of supports and services available through the school division, as well as participate in developing the transition plan with the family. This may be the Early Childhood Special Education (ECSE) teacher, a speech therapist or other related service provider who sees children in the ECSE program, or child find person for the school division. [While a face-to-face meeting among all participants is preferable, participation by teleconference and/or videoconferencing are acceptable methods as well.](#) In that rare instance when the local school division representative cannot participate in any of these ways, then the local school division must provide written information about early childhood special education services to the family and a contact name and phone number where the family may call with questions about school services.

**Question:** Can the transition meeting be a group meeting including several families?

**Answer:** The transition planning conference must be an individual conference for each family, with the family’s permission, for each child who is expected to transition to Part B. The purpose of the transition planning conference is to help parents make an informed decision about ALL the available options within their community for their child after eligibility with Part C ends. Participants of the Part C transition planning conference should include representatives from the programs the family wishes to learn more about (e.g., Part B, Head Start, daycare centers, church preschools, etc) to explain their services; eligibility requirements, answer the parent’s questions, etc. As transition planning begins at the initial IFSP and continues at subsequent IFSP meetings, the Service Coordinator, through conversations with the family, will have an idea of which transition destinations the child might be eligible for or parents are interested in learning more about to identify those representatives to invite to the transition planning conference. Whether a transition planning conference is held with all

representatives' present or individual meetings with the representatives is part of the individualized transition planning process that is developed in conjunction with the family. At the transition conference the transition plan is developed outlining the steps and activities that will occur to ensure a smooth transition between the dates of the transition conference to when the child transitions out of Part C.

**Question:** If parents choose not to participate in a Transition Planning Conference, what should Part C personnel tell the family about what will happen in Part B, including options for services?

**Answer:** The Part C service coordinator should provide the family with a contact person at the school division to answer any questions they have about eligibility and school services.

**Question:** What should Part C personnel tell families that have additional questions after attending the Transition Planning Conference?

**Answer:** Part C should check with the school division early childhood special education program or special education director for a contact person who will be able to answer the parent's questions. The school division can supply a name and contact information for the families who have additional questions.

### **Referral to Part B, Special Education**

**Question:** Who is responsible for referring and evaluating children considered homeless?

**Answer:** The programs in the locality where the family last lived, before becoming homeless, are responsible for the process. Even if the family is in temporary housing in a county nearby, the last county/city of residence is responsible.

**Question:** What is considered a referral? Must it be sent through the mail? What information is required to qualify as a referral?

**Answer:** Identifying information and a request for an evaluation to determine eligibility for special education services of a child with a suspected disability given to the special education director or designee of the school division is considered a referral. The initial information can be provided through the mail, fax, email, or over the phone. The date the special education director or their designee receives the information is considered the start of a referral and begins the 65 day timeline towards eligibility. Additional information such as the IFSP, most recent evaluations from the Part C program, therapy notes, etc. need to be provided to the school division as soon as possible.

**Question:** Who can make a referral to Part B?

**Answer:** Part C personnel, parents, doctors, care providers, and other family members can make referrals to Part B.

**Question:** What constitutes the referral date to Part B? Is it the date Part C makes (sends) the referral form and information or the date the family signs the consent to exchange information form? Define "referral is received".

**Answer:** All referrals from Part C are considered referrals for determining special education eligibility and considered the start date for the 65 day timeline, unless it is specifically stated that a screening is being requested. The date the referral is received by the special education director or the designated person in the local school division starts the process. If the referral is sent via US Mail or fax, it is

the date the paperwork is received by the designated person, not the date the information was sent. If the referral is made verbally, it is the date the referral is made and received (which is the same) over the phone or face to face. School divisions should have a mechanism in place for an alternative person to receive the referrals when the designated person is absent.

**Question:** Is the referral from Part C a referral to a child study team or a referral for evaluation?

**Answer:** It is a referral for evaluation to determine if the child is eligible for services. Referrals from Part C are considered a referral of a child with a suspected disability (who may be eligible under Part B) and should be evaluated under Part B, unless information is stated otherwise (i.e. request for a screening). However not all referrals have to go through the entire eligibility process for Part B services. School divisions may have the child study team review the information provided from Part C within the 65-day timeline for the eligibility meeting. Upon review of the available information, the child study team may decide, with parent input and agreement, that the referral will not proceed past the child study team meeting. The child study team could decide to screen the child, follow the child for a period of time, or decide that additional evaluations are not needed based on the information from the family and Part C.

**Question:** If Part C requests a screening, is this a request for referral to Part B?

**Answer:** A request for screening is not considered a referral for evaluation. A request for screening does not start the 65-day timeline. The Part C person making the referral must be clear about whether the referral is for screening or is a referral for evaluation and the Part B person receiving the request also has a responsibility to be sure that they are clear about the purpose of the request.

**Question:** Is it OK for the school division to consider referrals from Part C, except those with the most severe delays, as referrals for screening, and thus not start the 65-day timeline?

**Answer:** It is not acceptable to consider a referral from Part C as a referral for screening unless the Part C system has specifically indicated that the referral is for screening. All referrals from Part C should be considered by Part B to be a referral of a child with a suspected disability and begin the process and the 65 day timeline. The referral can go to a child study team meeting to review the referral information as part of the process within the 65 day timeline.

**Question:** Some referrals from Part C are not going through to eligibility. Instead the child study team may recommend participation in a preschool program that observes, "Intervenues", and screens that child. The child remains in Part C during this time. Is this allowed?

**Answer:** School divisions have the right and responsibility to review all referrals for special education evaluations to determine whether they recommend the special education evaluation or not. A school division can propose that the team screen, observe or even provide interventions and collect data with regard to the student's response to those interventions, prior to a referral for a special education evaluation. If the family agrees to this and consents as such, then this action is appropriate.

If, as part of a pre-referral strategy, the school division proposes a preschool program for children without disabilities that the school division operates and it

does not provide FAPE (free and appropriate public education), the child can remain in Part C and receive services.

**Question** If a child goes through the transition process from Part C to Part B prior to their 3<sup>rd</sup> birthday and the family chooses for the child to continue Part C services until the child's 3<sup>rd</sup> birthday, can the IEP start date reflect the child's 3<sup>rd</sup> birthday?  
Example: The eligibility meeting is held in January and the child turns 3 in April, does the child have to start Part B as soon as eligibility is determined even if the family wants to wait?

**Answer:** The IEP must be written within 30 calendar days of the eligibility for Part B committee meeting. The IEP implementation date can be the child's birthday, the first day of school, or a date the family and IEP team decides on. Services should start as soon as possible following development of the IEP unless the family requests a later start date as illustrated in your example.

**Question:** What if we don't get the referral in sufficient time for an IEP to be in place for the start of school?

**Answer:** There may be circumstances beyond the control of both Part C and Part B staff that might make it challenging to complete the process for determining eligibility and IEP development in order for the child to start on the first day of school. For example, the parent who has previously not consented to a referral to the school division changes his mind. The school division should make every effort to proceed through the process to get the child in school as soon as possible. The school division then must meet the 65-day timeline for eligibility.

**Question:** "Part B special education directors have asked that Part C not accept new referrals for children who are 2 ½ or older. They have requested that we refer these families directly to Part B. The reason they are giving is that if a child is found eligible for Part C the schools are obligated to complete the child's referral/IEP process by the child's third birthday, no matter when the school division received the referral. My understanding is that Part C is required to accept and follow up on all referrals and cannot refuse a referral. Part C service coordinators inform families of their option to pursue Part C or to be referred directly to Part B. Families are informed that they can begin with Part C and that the referral to Part B can/will be made while the child is receiving Part C Services. Please clarify this."

**Answer:** For children who will soon be aging out of Part C services, Part C and Part B should work together during the eligibility determination process so assessment will not be duplicated and a smooth transition can occur. According to Ruth Ryder, Director of the U. S. Department of Education Office of Special Education Programs, when the child's age precludes completing the Part C process (i.e. time to complete the determination of eligibility, assessment for service planning, initial IFSP, and begin services before the child is no longer age eligible for Part C services), families may be directly referred to Part B. This has been further clarified as less than 90 days before the child's birthday or start of school. For children who are close to the age where they will transition, but for whom the Part C process can be completed, Part C should inform parents of their options for Part B or Part C. If a family chooses to start with Part C and is found eligible, the individual child transition requirements must be followed including scheduling a transition conference. Should Part B receive a referral that does not allow completion of all the required eligibility activities, including development of the IEP prior to the child's third birth date, this is an allowable reason for the child not

to have an IEP completed by their third birthday. Documentation for this should be the date on page seven of the IFSP that the parent signed consent to send information to the school system.

**Question:** If screening of a child referred from Part C to Part B indicates that there is not a need for further evaluation for a child, is it acceptable to recommend to the parents that they request a “re-screen” in 6 months rather than proceeding immediately with the evaluation/eligibility determination process?

**Answer:** If the Part C system SPECIFICALLY states that the referral is for screening, then recommending a re-screen in 6 months is allowable. However, if a child is referred to Part B by Part C for an evaluation, the child should begin the evaluation process to determine eligibility (with the 65-day timeline starting at the time the referral is received by the designated school division person). This could include going to a child study team meeting to review information from the family and Part C. The child study team could recommend screening, observation, or even provision of interventions and data collection with regard to the student’s response to those interventions, prior to a referral for a special education evaluation. If the parent agrees to the recommendation, the established 65-day timeline is stopped and the formal timeline that began with the referral for a special education evaluation is ended.

### **Evaluation / Eligibility / Eligibility Meeting**

**Question:** Part C has an eligibility category that automatically qualifies a child for early intervention services. Is there anything similar in Part B? For example, children who are deaf or hard of hearing are automatically eligible for Part C. Is this true for Part B?

**Answer:** In Part B, there is no automatic eligibility. Children must be found to (1) meet the school division’s criteria for a child with a disability, (2) demonstrate that the disability significantly impairs the child’s ability to participate in age appropriate activities or meet the State standards their same aged-peers must meet, and (3) require special education services in order to assist the child to participate in age-appropriate activities or meet the standards that apply to their same aged peers. The definition of the disability category of developmental delay does include having a diagnosed condition.

**"Developmental delay"** means a disability affecting a child ages two by September 30 through six, inclusive: (34 CFR 300.8(b); 34 CFR 300.306(b))

1. (i) Who is experiencing developmental delays, as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development, or (ii) who has an established physical or mental condition that has a high probability of resulting in developmental delay;
2. The delay(s) is not primarily a result of cultural factors, environmental or economic disadvantage, or limited English proficiency; and
3. The presence of one or more documented characteristics of the delay has an adverse affect on educational performance and makes it necessary for the student to have specially designed instruction to access and make progress in the general educational activities for this age group (8VAC20 81-10).

**Question:** Can information from the IFSP be used by Part B to determine a child's eligibility for Part B?

**Answer:** Information from Part C, including the child's IFSP and any recent assessments etc., must be considered when making the determination about whether or not a child is eligible for Part B services, provided the parent signs consent in a timely fashion in order for the school division to access the records. The eligibility/IEP team will likely supplement the available information with additional assessments and/or observation(s) of the child. The LEA has the authority to determine what evaluations and information is needed based on the reason for the referral and the eligibility guidelines and procedures (including testing procedures).

**Question:** Referrals from Part C for full evaluations do not always have the same testing components completed for the child. Child study teams sometimes decide to do an evaluation for suspected speech or language impairment, even though the referral clearly requests a full evaluation.

**Answer:** A request for a full evaluation is a request for a diagnostic evaluation to determine eligibility for services under Part B rather than a screening. It does not require specific or multiple assessment components. A review of existing information from the latest IFSP and other Part C sources could be used. The LEA has the right to re-evaluate in any given area should they choose to do so for evaluation purposes. The IEP team has the responsibility to determine the necessary components of the evaluation, as noted above. The scope and depth of the evaluation is determined with the parent who may choose to agree or disagree with the final recommendation. Given the above information, doing just a speech-language evaluation based on all the information gathered is acceptable. If the only suspected disability is a speech-language impairment, in addition to speech and language assessments, there should also be an educational screening to see if other component evaluations are needed.

**Question:** How is it determined for a child from a family who speaks two languages whether their delays are a result of the dual language environment or resulting from other causes?

**Answer:** A family study would be needed to determine if the language (other than English) is the primary factor for the delay. Evaluations are required to be conducted in the child's first language. Should the school division initiate a special education evaluation, the school division will administer an evaluation for special education services in the language and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is not feasible to provide or administer. Observing the child's non-verbal communication skills, play skills, and interactions with others can be used along with the other assessments to help determine the "real development issues." Keep in mind that special education and/or speech-language therapy services are provided for a child with a "disability" and in need of specialized education services. English language learners do not necessarily fall in this category solely because they are low language users. School divisions should use their English as a Second Language (ESL) programs to address the needs of English language learners (ELL) and collaborate with special educators when serving ELL identified disabilities.

**Question:** Who is required and who may attend eligibility/IEP meetings?

**Answer:** According to IDEA 2004 and Virginia special education regulations 8VAC20-80-80 B. 2., the public agency must ensure that the eligibility committee and IEP team for each child with a disability includes:

- The parent(s) of the child;
- At least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);
- At least one special education teacher of the child, or where appropriate, at least one special education provider of the child;
- At least one representative of the public agency (who has certain specific knowledge and qualifications);
- An individual who can interpret the instructional implications of evaluation results and who may also be one of the other listed members;
- At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
- Whenever appropriate, the child with a disability.

### **IEP Meeting:**

**Question:** This is the first time we have heard that the eligibility meeting is the first IEP meeting. The evaluator must be at the eligibility meeting, but not at the IEP development meeting. Isn't this correct?

**Answer:** The eligibility meeting is the first IEP *TEAM* meeting. Persons knowledgeable in the fields of the evaluations must be at the eligibility meeting to present the evaluation results, specialty area information, and recommendations for eligibility for services. If services in that field will need to be provided, a representative must also be at the initial IEP development meeting or have discussed proposed goals with the family prior to the meeting.

**Question:** Is Part C invited to what we would have called the initial IEP (eligibility determination) and IEP development meeting?

**Answer:** Yes

### **Timelines**

**Question:** Please clarify the "90 day timeline", including how it applies for children who enter school if they are age two by September 30, as well as for children who are accepted at age two throughout the year for school divisions with "rolling admissions"?

**Answer:** An individual transition planning conference between the family, Part C and the local school division must be held, with parent approval, from 9 months to at least 90 days before the child's third birthday or the date on which the child is eligible for early childhood special education services under Part B. By Virginia regulation, children are eligible for early childhood special education services at the start of the school year in which the child turns 2 by September 30. If the family wishes the child to transition to Part B at the start of the school year in which the child turns 2, then the transition planning conference must be held at least 90 days before the start of the school year or the date on which the child is eligible for early childhood special education services under Part B.

**Question:** For a child receiving services through Part C, does a parent call start the 65-day timeline or is the referral from the parent considered a request for screening rather than an official referral?

**Answer:** When a parent calls, the school division person receiving the call must clarify with the parent that this phone call is a request for an evaluation to determine eligibility for Part B services for a child with a suspected disability or a request for a screening. If the parent does not want a full evaluation, it is acceptable to tell the parent to ask for a screening or a child study team meeting.

**Question:** If a parent calls and makes a statement “I’m concerned about my child”, is that a time to screen and when does the 65-days start?

**Answer:** When a parent calls and states that they are “concerned,” the LEA designee receiving the call should try to get more information from the parent to assist in the determination of whether it is a call for a screening or full evaluation. If a parent states that they want an evaluation, not just a screening, then the 65-day timeline starts.

**Question:** Since the Part C referral starts the 65-day timeline; can we start the 65-day timeline when a parent registers a child?

**Answer:** The 65-day timeline starts when the designated person receives the referral. The referral can be in person, via mail, fax, or phone. Requesting that a parent register a child can be part of the 65-day process, however it cannot delay the start of the evaluation process and eligibility meeting. If the school division does not have the identifying information, they can wait to enroll the child, but you CANNOT delay eligibility determination, IEP development and implementation if the child is found eligible for Part B services.

**Question:** Does the timeline stop while the school division awaits required paperwork from the family (such as proof of immunization, legal residence, etc.)?

**Answer:** No. The eligibility meeting must be held within the 65 days. If the school division is waiting for paperwork that will impact the possible eligibility decision, the school division should have an eligibility meeting and find the child eligible or not based on the available evaluation information. This meeting can be postponed if the family and school division agree to wait for the missing information (8VAC20-81-60 B. 1. g.). Paperwork needed for enrollment or registration is not required for eligibility and cannot delay the eligibility determination.

**Question:** How does summer impact the 65-day timeline? Are referrals from Part C received at any time during the calendar year?

**Answer:** School divisions accept referrals at any time of the year. Summer months are considered the same as other months of the school year and the 65-day timeline is the same during the summer – business days (Monday to Friday), except for state and federal holidays.

**Question:** What about school divisions that elect to observe 4-day work weeks during the summer? Does that mean that instead of counting 5 days/week as part of their 65-days, they count 4?

**Answer:** The 65-day timeline is based on a standard workweek. Thus the 65-day timeline includes 5 days/week even for school divisions that elect to observe 4-day workweeks in the summer.

**Question:** Is it OK to wait until the child turns two years old before starting the transition process (transition planning conference, eligibility determination, IEP meeting)?

**Answer:** This depends on when the family would like the child to transition to school division services. In Virginia, children with disabilities who have an IEP are age eligible to start school at the beginning of the school year if they are two years old on or before September 30. The transition process must be started at least 90 days before the start of the school year in order for the child to be ready to start school on the first day of school, even if the child will not yet be two years old on that first day of school or not yet two when referred.

**Question:** When are school divisions required to accept children who meet the local division Part B eligibility criteria?

**Answer:** Children who are two by September 30 and who meet eligibility requirements are expected to have the eligibility and IEP process completed in order for the child to start the first day of the school year. Children in Part C who are eligible for Part B and whose parents elect for them to continue in Part C until they are three are expected to have an IEP in place so the child can start Part B by their third birthday. Some local divisions choose to accept Part B eligible children anytime throughout the year after they turn two years old.

**Question:** Given the timeline requirements for Part B eligibility and development of the IEP, how can rolling enrollment not be an option for a school division?

**Answer:** The terminology “rolling enrollment” only pertains to children turning two after September 30. Admission throughout the school year for children reaching their third birthday is the standard. It is a local decision whether to serve children who turn two after Sept. 30 for that school year.

**Question:** Please clarify the dates required on the IEP.

**Answer:** The IEP date is the date of the IEP meeting. The **review date** of the IEP must be within a year of the initial IEP (at least by the anniversary of the IEP meeting to develop the IEP). The IEP team can specify a date sooner than one year for the review. Services on the IEP begin according to what the IEP team decides, when transportation can be arranged, and/or when the child is age-eligible. The IEP meeting may be in May and the child will begin services at the beginning of the up-coming school year. In this example, the services will start the first day of school and the IEP review date will be in May. If the child is to begin during the school year and the school division is providing transportation, services may start two weeks after the IEP meeting. This allows transportation time to arrange for pick-up, a wheelchair lift bus, or a new route. If the family chooses to transport the child, the services could start as soon as the classroom teacher is notified and the family registers for school.

**Question:** Is there a limit to how much time can lapse between IEP development and start date of services?

**Answer:** Federal regulations do not specify an exact period of time for when services must start following the IEP meeting. 34 CFR 300.323 (c) (2) states “*As soon as possible following the development of the IEP, special education and related services are made available to the child in accordance with the child’s IEP*”. The public schools do have a reasonable amount of time to set up transportation for the child. If the child is eligible to start at the beginning of the school year and the IEP is held in June, the start date would be the first day of school.

## Documentation

**Question:** What would a transition “plan” look like; both the document and content?

**Answer:** The transition plan is an outline of the steps that will be taken in the process of helping the child and family move from the Part C system to Part B (or to other community services, as appropriate, for children who do not need Part B services). The “plan” can be documented in contact notes and/or on page 7 of the IFSP. If it is documented in a contact note, then a notation must be made on page 7 of the IFSP referring to the date of the contact note.

**Question:** Does it make sense to develop a transition plan during the individual transition conference? Doesn't the family need time to think about what they just heard?

**Answer:** Transition planning is an ongoing process. The plan developed during the transition conference would list transition steps that were identified during the meeting and/or note that the family requested time to think about the information discussed and that follow-up will occur at a given time to determine with the family how they would like to proceed with transition planning. As discussions continue, the service coordinator must document the additions and/or changes to the Transition Plan that was started in the Transition Planning Meeting.

**Question:** Is it acceptable to document the date the transition conference was held, who attended, etc in contact/progress notes?

**Answer:** The date of the meeting, who attended and the resulting transition plan can be documented in a contact note and/or on page 7 of the IFSP. If this information is documented in a contact note, then a notation must be made on page 7 of the IFSP referring to the date of the contact note.

**Question:** Can Page 9 of the IFSP be used to document approval for the Transition Planning Conference?

**Answer:** Parent approval for the transition conference may be documented in either of two ways:

1. Use of the *Parent Approval for Transition Planning Conference* form; or
2. Parent signature in the designated place on page 7 (the transition page) of the statewide IFSP form.

**Question:** Why document parental consent for the individual transition conference? Doesn't the parent coming to the conference mean they consent?

**Answer:** Federal Part C regulations require the conference be convened with the approval of the family. While the parent's attendance at the conference may seem to imply that they have approved, there is no documentation to support that the family received the information necessary to make an informed decision about whether or not they gave approval for the conference. Options for documenting parent approval for the transition conference are specified in the answer directly above.

**Citation:** Section 637, (a)(9)(A)(ii)(II) of the Individuals with Disabilities Education Act 2004 as amended - In the case of a child who may be eligible for such preschool services, with the approval of the family of the child, convene a conference among the lead agency, the family and the local educational agency not less than 90 days (and at the discretion of all such parties, not more than 9 months)

before the child is eligible for the pre-school services, to discuss any such services that the child may receive.

**Question:** If a child is not referred to school until his/her third birthday because the family did not consent to referral earlier, will this be counted against the school division/local early intervention system for federal monitoring purposes?

**Answer:** No. Since the delay is attributable to exceptional family circumstances or other circumstances beyond the local Part C or school division's control, this child's situation would not be counted against the school division or early intervention program for the purposes of data collection to be reported in the Annual Performance Report. The date of the parental consent is documented on page 7 of the IFSP and demonstrates the reason for the delay – parent choice.

**Question:** Are schools required to document specific reasons beyond “parent reason” or “system reason” when Part B, Indicator 12 was not met?

**Answer:** Local school agencies must collect the specific reasons for not meeting Part B, Indicator 12. The data collection document includes reasons such as inclement weather, additional testing needed, families moving into a division after the testing was started elsewhere, and parents not making the child available for testing after consenting to the evaluation. Special education directors or the division data managers have a spreadsheet with several more in-depth reasons listed. Divisions are encouraged to add narrative in the comments section to explain why timelines were not met.

# Referrals from Part C/Infant & Toddler Connection Programs (I&TC)

**Referral For A Child Anticipated To Start At The Beginning Of The Upcoming School Year (age eligible – 2 years old by Sept 30 or older)**

**Referral For A Child Turning 3 years old**

## IFSP Transition Conference

- 90 calendar days to 9 months prior to anticipated transition to next program. Allow for referral to school divisions by April 1. Allows school divisions adequate time to plan for incoming children. If the child is found eligible, no lapse in services between programs should occur.
- Representatives from possible receiving settings need to attend

## IFSP Transition Conference

- 90 calendar days to 9 months prior to child's 3rd birthday
- Representatives from possible receiving settings need to attend
- Allow for referral to school divisions 65 business days plus 30 calendar days before 3rd birthday. If the child is found eligible, no lapse in services between programs should occur.

**Referral to Special Education Director or Designee as a child suspected of having a disability.**

Special Education Director or "Designee" reviews referral

**Starts 65 day timeline to eligibility starts**

Please ensure that the Infant & Toddler Connection knows who the "designee"

**Additional information needed**

Sent to the child study team (within 65 day timeline)

**Enough information to conduct evaluation for Part B eligibility**

- Part C evaluation and services information may be used as initial evaluation information

Alternate action decided with **parental agreement** (screening, no evaluation at this time, etc). Process (65 day timeline) may be stopped

## Eligibility Committee Meeting

- School divisions may accept/consider up-to-date information from Part C programs for eligibility (review of existing data). Part C representation is encouraged. At parental request, Part C representative(s) should be invited to eligibility meetings to present evaluation information.
- Educational needs of the child shall be made by a team of qualified professionals and the parent of a child (IDEA '04, Sec. 1414(b)(4)(A))

If the start date for the IEP services is the first day of school, not close to the date of consent on the IEP, school personnel may want to explain the reason(s) for the delay as part of the Present Level of Performance.

## Found Eligible

- IEP team has 30 calendar days to develop an IEP.
- Part C representation is encouraged. If the parent requests, Part C must be included to contribute performance information based on Part C services (IDEA '04, Sec. 1414(d)(1)(D))
- Implementation date is an IEP team decision. This may be the first day of the up-coming school year for age-eligible children (2 by 9/30) or by third birthday.

## Found Not Eligible

Family, with Part C, may decide (prior to age 3) on other possible community services. Eligibility team may provide information about other resources available in the community.

The referral process presumes parental consent for timely referral from the I&TC to the local school division. If parents choose to refer their child at a later date, the local division has 65 days from the time of the receipt of the referral by the Special Education Director or designee to complete the evaluation and eligibility process. If the child is determined eligible, the school division has 30 calendar days to develop the IEP. Services must be provided in accordance with the IEP. This does not imply that the school division has to use the full amount of time, but may do so if needed.