

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 provided to assist *Early On* staff, ECSE staff, families and program partners make informed decisions for a smooth and effective transition.

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.

Understanding Compliance

For Part B of the State Performance Plan/Annual Performance Review (SPP/APR), all states are required to report Early Childhood Transition (Indicator 12). This includes:

Indicator 12: Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an Individualized Education Plan (IEP) developed and implemented by their third birthdays. (20 U.S.C. 1416(a)(3)(B))

This is a compliance indicator, meaning that 100 percent of children referred by Part C to Part B must have an IEP written and implemented by the child's third birthday. Any percentage less than 100 percent is considered noncompliance for the local district receiving the B-12 referral. The following formula is used to compute compliance with Indicator B-12:

Measurement:

- a. number of children who have been served in Part C and referred to Part B for Part B eligibility determination.
- b. number of those referred determined to be NOT eligible and whose eligibility was determined prior to their third birthdays.
- c. number of those found eligible who have an IEP developed and implemented by their third birthdays.
- d. number of children for whom parent refusal to provide consent caused delays in evaluation or initial services.
- e. number of children who were referred to Part C less than 90 days before their third birthdays.

Percent = [(c) divided by ((a) – (b) – (d) – (e))] times 100.

This formula accounts for children included in (a) but not included in (b), (c), (d) or (e). Indicate the range of days beyond the third birthday when eligibility was determined and the IEP developed and the reasons for the delays.

Reasons for a “late” IEP vary. Unlike other SPP/APR Indicators, there are very few reasons for an acceptable late IEP. The following are the **only** reasons acceptable for a late IEP:

- Late Referral to Part C- If a child is referred to Part C (or *Early On*) less than 90 days before their third birthday, this late IEP does not count against the local. Referral date to Part C must be entered into the data collection system.
- Parent Refusal – Includes children for whom parent refusal or delay to provide consent caused delays in evaluation or initial services

All other reasons are not considered acceptable reasons for a late IEP per Office of Special Education Programs (OSEP) regulations, but all reasons must be documented. This can be documented in the Michigan Compliance Information System (MI-CIS).

IDEA Regulatory References

§ 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 manner 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 Individualized Family Service Plan (IFSP), has been developed and is being implemented for the child consistent with § 300.101(b); and
- (c) Each affected LEA will participate in a transition planning conference arranged by the designated lead agency under section 635(a)(10) of the Act.

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[64 FR 12406, 12427, Mar. 12, 1999; 71 FR 46540, 46753, Aug. 14, 2006]

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

[EFFECTIVE DATE NOTE: 71 FR 46540, 46753, Aug. 14, 2006, revised Part 300, effective Oct. 13, 2006.]

§ 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 three 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 three.

(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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[(20 U.S.C. 1412(a)(1)(A)]

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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.

Notification and Referral

The lead agency under Part C (*Early On*) and the Local Education Agency (the resident district) under Part B have a responsibility under IDEA to ensure a smooth transition for each child and family. The IDEA's Child Find provisions mandate the identification, location and evaluation of each child eligible for services under Parts B and C of IDEA. In the Early Childhood Transition, Part C (*Early On*) must provide the name of the child, date of birth and sufficient contact information to allow the local district to fulfill their Child Find responsibilities. Parental request is not required for this notification.

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.
- establish a written transition plan (may be part of the IFSP or attached to the IFSP). The transition plan must include: a 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, *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.**

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.

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

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

The responsible LEA 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.

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. 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.

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 objectives and sign the IEP and consent if in agreement.

The 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, record the plan on the IEP forms, inform the parents how they will be regularly informed of their child's progress and arrange for IEP services to be implemented.

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.

Data Reporting

Data submission for Early Childhood Transition is submitted through MI-CIS (<https://www.micis.org/>) through the 2011-2012 academic year. Follow all data instructions and timelines to ensure that accurate and timely data are submitted. Data spreadsheets for Early Childhood Transition are compiled for verification using MI-CIS and Michigan Student Data System (MSDS) data. If a local appears to have one or more child records with an IEP written and developed after the child's third birthday, the local district will need to verify the data. The prepared data spreadsheet will be available for local districts to download, verify and submit

through the Continuous Improvement Monitoring System (CIMS). Locals will have a short window in which to complete the data verification activity and resubmit the verified spreadsheet in the CIMS system. For instructions on data access, verification instructions and downloading instructions, please visit: www.cimsmichigan.org.

Correction of Noncompliance

Local districts not in compliance (<100 percent of children referred by *Early On* to Part B as being potentially eligible for Part B with an IEP written and implemented by the child's third birthday) will be asked to write an approved Corrective Action Plan (CAP), subsequent progress reports and data. The set of questions listed below will be useful for a local Review and Analysis Process (RAP) team to consider when writing and implementing CAPs. Instructions and timelines for these activities can be found on the CIMS website.

The following questions were taken from: [Local Corrective Action Plans: Collection and Use of Valid and Reliable Data for Determining Factors Contributing to Noncompliance](#) (2008) developed by National Early Childhood Technical Assistance Center (NECTAC), Western Regional Resource Center (WRRRC) and Data Accountability Center (DAC). This document provides ideas for the types of questions a local program team would consider in investigating contributing factors for noncompliance and developing improvement strategies.

1. How do we ensure that children referred by Part C are found eligible for Part B and have an IEP developed by their third birthday?
2. Do we have clear policies and procedures in place regarding obtaining parental consent for evaluation, completing the evaluation within state established timelines, determining eligibility, and developing an IEP prior to the child's third birthday?
3. Does the number of days between each activity as specified in our procedures ensure that the IEP is developed by the child's third birthday?
4. Do we provide opportunities for providers to receive training and technical assistance (TA)?
5. Do we have adequate numbers of personnel to conduct evaluations?
6. Do we adequately coordinate with Part C programs to ensure we receive referrals in adequate time to conduct the evaluation and develop the IEP by the child's third birthday? Do we have agreed upon timelines and procedures?
7. Do we coordinate with Part C programs in using information and evaluations of the child to assist us in having the IEP by the third birthday?
8. Is our monitoring and supervision adequate for this requirement?
9. Do we have valid and reliable data available to address this indicator?
10. Do our providers have the necessary knowledge and skills to implement policies and procedures related to completing all required activities from referral through developing the IEP/IFSP?
11. Based on a review of child records, including those where the IEP is not developed by the child's third birthday, and/or the local data available:
 - o How many days following referral was parental consent obtained for evaluation?

- How many days from parental consent until the evaluation was completed?
- How many days from completion of the evaluation was eligibility determined?
- How many days from eligibility was the IEP completed?
- What percent of the delays are related to parents not providing consent for the evaluation?
- What percent of the delays are related to not completing evaluations in a timely manner? What are the reasons for those delays?
- In looking at disaggregated data, is there a difference in timeliness based on specific personnel who provide evaluations? What were the reasons?

Local districts not in compliance will need to verify and/or submit data throughout the program year to establish and document compliance. CIMS Coordinators at the local district will be contacted regarding requirements and deadlines for such activities.

Frequently Asked Questions

When must the transition conference occur?

If the child has been referred to the LEA, the transition conference must occur 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. Instructions for entry can be found in the MI-CIS user's manual (www.mi-iis.com).

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. The only acceptable reasons for a late IEP are a late referral to Part C (<90 days before the child's third birthday) or parent refusal. 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?

Yes. It is the responsibility of the LEA to plan for and develop the IEP before the child's third birthday, regardless of the birth date. Transition planning may begin up to nine months prior to the child's third birthday. This allows flexibility in the timeline so that districts may complete and implement the IEP prior to the child's third birthday, even if it falls during the summer.

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. Refer to the Part C to Part B Transition Timeline for a clear delineation of steps and services (www.michigan.gov/ecse).

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. Late referrals from *Early On* to Part B resulting in a late IEP will result in a finding for the LEA. 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 (such as 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?

No. The only reason accepted for an IEP developed and implemented after the child's third birthday is parent refusal or late referral to *Early On*. While *Early On* and ECSE services are closely linked, they are mandated by separate parts of IDEA, thus the requirements will vary.