



**TRANSITION FROM PART C (EARLY INTERVENTION) TO
PART B (EARLY CHILDHOOD SPECIAL EDUCATION)
QUESTION AND ANSWER DOCUMENT**

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Introduction

The Infant and Toddler Connection of Virginia (Part C of IDEA) is in the Virginia Department of Behavioral Health and Developmental Services (DBHDS). Early Childhood Special Education (Part B of IDEA) is in the Virginia Department of Education (DOE). Both agencies have responsibilities for ensuring the smooth and timely transition of children. There are regulations governing both Part C and Part B of IDEA.

It is the [Practice Manual](#), found on the [Infant and Toddler Connection of Virginia](#) website, that outlines the regulations for Part C. The [Regulations Governing Special Education Programs for Children with Disabilities in Virginia](#) provide the regulations for Part B.

The [Virginia Interagency Memorandum of Agreement Among the Agencies Involved in the Implementation of Part C of the Individuals with Disabilities Education Act](#) (Memorandum of Agreement) documents the agreement between the DOE and DBHDS with regard to transition responsibilities. It provides the commitments of the agencies to meet statutory and regulatory requirements to ensure collaboration and coordination.

Glossary of Terms for the Transition from Part C to Part B

Age of Eligibility: Age of eligibility means all eligible children with disabilities who have not graduated with a standard or advanced studies high school diploma who, because of such disabilities, are in need of special education and related services, and whose second birthday falls on or before September 30, and who have not reached their 22nd birthday on or before September 30 (two to 21, inclusive) in accordance with the *Code of Virginia*.

Child Find: Each local education agency (LEA) has the responsibility to develop 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. Each local school division shall coordinate child find activities for infants and toddlers (birth to age two, inclusive) with the Part C local Interagency Coordinating Council.

Child with a Disability: A child evaluated in accordance with the provisions of the *Regulations* as having an intellectual disability, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disability (referred to in this part as “emotional disability”), an orthopedic impairment, autism, traumatic brain injury, other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities who, by reason thereof, needs special education and related services. This also includes developmental delay if the local educational agency recognizes this category as a disability.

Eligibility: A school-based team comprised of a group of qualified professionals, the parent(s) of the child, and a Part C representative upon parent request, shall determine whether the

child is a child with a disability and if the educational needs of the child warrant special education and related services. If a determination is made that a child has a disability and requires special education and related services, an Individualized Education Program (IEP) shall be developed. A variety of assessment tools and strategies are used to gather relevant functional, developmental, and academic information about the child. No single measure is to be used as the sole criterion. Tools and strategies that provide information regarding the child's involvement and progress in appropriate activities:

- Shall provide information about the child's physical condition, social or cultural background, and adaptive behavior;
- Shall include information provided by the parent(s);
- Shall include an observation in the child's learning environment (for the child less than school age, this is to be an environment appropriate for a child of that age that will provide authentic information regarding the child's development); and
- Shall consider evaluation information from the Part C program as well as information from the Individualized Family Service Plan (IFSP), including:
 - A statement regarding natural environments, and
 - A component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills.

Eligibility Team: An eligibility team is established to conduct the activities to determine if the child meets criteria for eligibility for special education and related services. The team composition is to consist of the following at a minimum:

- (1) Local educational agency personnel representing the disciplines providing assessments;
- (2) The special education administrator or designee;
- (3) The parent(s);
- (4) A special education teacher;
- (5) A regular education teacher qualified to teach a child of the child's age (for a child of less than school age, an individual qualified to teach a child of the child's age); and
- (6) At least one person qualified to conduct individual diagnostic examinations of children, such as school psychologist, speech-language pathologist, or remedial reading teacher.

Parents are to be informed that the Part C Service Coordinator or other representative may be invited to the Eligibility meeting. Part C is to be invited to the meeting(s) if parent requests.

Indicator B12: The Office of Special Education Programs (OSEP) requires states to report on data indicators that measures of compliance and effectiveness of a state's implementation of the Individuals with Disabilities Education Act. Indicator B12, is a data indicator for LEAs to report to the state regarding the transition from Part C to B. It is:

The 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.

Individualized Education Program (IEP): A written statement for a child with a disability that is developed, reviewed, and revised in a team meeting. The IEP specifies the individual educational needs of the child and what special education and related services are necessary to meet the child's educational needs.

IEP Team: An Individualized Education Program team is established to develop the child's IEP. The team composition is to consist of the following at a minimum:

- (1) The parent(s) of the child;
- (2) A regular education teacher, if the child is or may be participating in the regular educational environment;
- (3) A special education teacher or, if appropriate, a special education provider (for a child whose only disability is speech-language impairment, the special education provider shall be the speech-language pathologist);
- (4) A representative of the LEA who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of children with disabilities, knowledgeable about the general education curriculum, and knowledgeable about the availability of resources of the local education agency;
- (5) An individual who can interpret the instructional implications of evaluation results (this individual may be a member of the team serving in another capacity, other than the parent of the child); and
- (6) At the discretion of the parent(s) or local educational agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel, as appropriate.

Parents are to be informed that the Part C Service Coordinator or other representative may be invited to the meeting. Part C is to be invited to the meeting(s) if parent requests.

Individualized Family Service Plan (IFSP): A written plan for providing early intervention services to an infant or toddler with a disability eligible under Part C and to the child's family.

Infant and Toddler Connection: The Infant & Toddler Connection of Virginia (ITCVA) is Virginia's early intervention system for infants and toddlers (age 0-36 months) with disabilities and their families. ITCVA operates under Part C of the Individuals with Disabilities Education Act and is in the Department of Behavioral Health and Developmental Services. The ITCVA is written into the Code of Virginia and is charged with establishing a statewide system of early intervention services in accordance with state and federal statutes and regulations.

There are 40 local ITCs across the state that deliver early intervention services at the local level.

Referral from Part C: In the case of a child who is receiving service from Part C and who is suspected of having a disability and will soon reach the age of eligibility for preschool services under Part B, with parent consent, Part C is to provide notification to the LEA for the area in which a child resides. This is done by transmitting each child's name, parent's name(s), address, phone number and birth date.

Special Education Administrator or Designee: The person at the LEA who receives the notification/referral from Part C. The administrator shall within three business days: (1) Initiate the evaluation eligibility process; (2) Require that the school-based team review and respond to the request; or (3) Deny the request and provide Prior Written Notice to the parents.

Transition Conference: A meeting between the sending ITC system providers, the family, and the LEA. A Transition Conference is required, with parent approval, for all children who are potentially eligible for Part B preschool services.

Transition Plan: A part of the IFSP, the Transition Plan outlines individualized transition supports and services to support the family as the child exits early intervention.

Transition from Part C to B Steps

Question: What are the steps involved in making a smooth transition from Part C to B?

Answer: Transition Planning is an ongoing process. The ITC is to ensure that each child and family is offered individualized transition supports and services through the development of the Transition Plan. The Transition Plan must be developed at least 90 days and, at the discretion of all parties, up to 9 months before the child's anticipated date of transition. The Transition Plan meeting must meet the requirements of an Individualized Family Service Plan (IFSP) meeting and may be combined with the Transition Conference.

For children who are potentially eligible for Part B, the ITC provides notification to the LEA for the area in which a child resides unless the parent indicates in writing that they do not want the notification sent. This notification is considered a referral. This is done by transmitting each child's name, parent's name(s), address, phone number and birth date. According to Federal regulations, notification is to be sent not fewer than 90 calendar days before that child reaches the age of eligibility for Part B, or for a child who will be age eligible in the upcoming school year, provided by April 1. However, our Virginia Memorandum of Agreement between DBHDS and DOE further specifies timelines that ensure notification happens early enough for the school division to complete the eligibility and IEP steps so the child can have an IEP in place prior to the third birthday or start of the school year. Under the Memorandum, notification must be sent no later than April 1st for those who will be age eligible in the coming school year or at least 6 months prior to the child's third birthday. Other dates can be established in a local interagency agreement as long as it ensures the child can start school on time.

Additionally, the ITC is to convene the required Transition Conference between the sending ITC system providers, the family, and the local school division. The Transition Conference is to occur at least 90 days, or up to 9 months, prior to the child's anticipated date of transition to early childhood special education services under Part B.

The ITC and LEA must work together to ensure a smooth and timely transition.

Transition Conference

Question: What is a Transition Conference?

Answer: The Transition Conference is a meeting between the sending ITC system providers, the family, and the LEA. A Transition Conference is required, with

parent approval, for all children who are potentially eligible for Part B preschool services. The Transition Conference is coordinated by the local ITC and:

- Must be at least 90 days and can be up to nine months before the child's anticipated date of transition;
- Must meet the requirements of an IFSP meeting;
- Must include the family;
- Must include a Part C representative;
- Must include an LEA representative who is knowledgeable about services available in ECSE programs (any staff familiar with the ECSE program that can explain the program to the family); and
- May be combined with a meeting to develop the Transition Plan.

Question: What is the requirement for LEA participation in the Transition Conference?

Answer: A representative from the LEA who is knowledgeable about the services available in the local school division is to participate in the Transition 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. This may be the ECSE teacher, a speech therapist or other related service provider who sees children in the ECSE program, or a 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.

The transition section of the IFSP documents who participated in the Transition Conference. The Part B representative will be documented. If a Part B representative does not attend, contact notes should document the invitation to attend.

Question: Can the Transition Conference be a group meeting including several families?

Answer: The Transition Conference must be an individual conference for each family for each child who is expected to transition to Part B. The purpose of the Transition 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 Conference should include representatives from the programs the family wishes to learn more about (e.g., Part B, Head Start, child care 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 Conference. Whether a Transition 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.

Question: If parents choose not to participate in a Transition 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 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, Early Childhood Special Education

Question: When is a referral to Part B made?

Answer: A referral is made for any child suspected of having a disability and will soon reach the age of eligibility for preschool services under Part B. Unless the parent opts out, Part C is to provide notification (referral) to the LEA for all children potentially eligible for Part B. According to Federal regulations, notification is to be sent not fewer than 90 calendar days before that child reaches the age of eligibility for Part B, or for a child who will be age eligible in the upcoming school year, by April 1. However, our Virginia Memorandum of Agreement between DBHDS and DOE further specifies timelines that ensure notification happens early enough for the school division to complete the eligibility and IEP steps so the child can have an IEP in place prior to the third birthday or start of the school year. Under the Memorandum, notification must be sent no later than April 1st for those who will be age eligible in the coming school year or at least 6 months prior

to the child's third birthday. Other dates can be established in a local interagency agreement as long as it ensures the child can start school on time.

Question: What is considered a referral? How is it sent?

Answer: Notification from Part C of 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, encrypted 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 but are not required in order for the 65 day timeline to begin.

Question: What does a referral or notification require?

Answer: The referral requires only the child's name, birthdate, parent(s) name and contact information.

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?

Answer: All referrals from Part C are considered referrals for determining special education eligibility. The date the referral is received by the special education director or the designated person in the local school division starts the 65 day timeline. 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: What impacts when the referral is sent to the local school division?

Answer: Unless the parent opts out (in writing on the IFSP), Part C is to provide notification to the LEA. According to Federal regulations, notification is to be sent not fewer than 90 calendar days before that child reaches the age of eligibility for Part B, or for a child who will be age eligible in the upcoming school year, by April 1. However, our Virginia Memorandum of Agreement between DBHDS and DOE further specifies timelines that ensure notification happens early enough for the school division to complete the eligibility and IEP steps so the child can have an IEP in place prior to the third birthday or start of the school year. Under the Memorandum, notification must be sent no later than April 1st for those who will be age eligible in the coming school year or at least 6 months prior to the child's third birthday. Other dates can be established in a local interagency agreement as long as it ensures the child can start school on time.

Additionally, if the parent requests that the information be sent earlier or the parent initially opts out of notification at the established date and changes their mind, notification is sent within a reasonable time period of the parent request. If this is the case, Part C is to notify Part B of the reason for a late referral.

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

Answer: When a child is experiencing homelessness, McKinney-Vento educational rights apply when the child enrolls in a public school. The school division where the child resides when enrolling is responsible for a Free and Appropriate Public Education (FAPE) and are responsible for referrals and evaluations. Every school division has a homeless education liaison. Contact information for all school division liaisons can be found at www.wm.edu/hope. The liaison should be alerted to the family and can assist with community resources and understanding the school division's McKinney-Vento responsibilities.

Question: What if the LEA does not 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 opted out of 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 must still meet the 65 day timeline for eligibility. This is an allowable reason when reporting data for Indicator B12 for the child not to have an IEP completed by their third birthday. The parent choices related to the date of notification/referral to the LEA is documented in Section VII of the IFSP and demonstrates the reason for the delay – parent choice.

In the event the referral is sent late due to other reasons such as a paperwork error, miscommunication between the ITC and school division, 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 must still meet the 65 day timeline for eligibility. In this case, it is a preventable issue and when reporting Indicator B12, it is not an allowable reason for the child not to have an IEP completed by their third birthday.

Question: What if a child is referred to Part C when they are near their third birthday?

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 OSEP, 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 45 days before the child's birthday or start of school.

For children who are referred to Part C close to the age where they will transition (at least 45 but less than 90 days before age eligibility for Part B), 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, then a transition plan must be developed. Notification occurs as soon as possible unless the parent opts out and a Transition Conference may be held but is not required.

In either of these scenarios, Part B may receive a referral that does not allow completion of all required eligibility activities, including development of the IEP prior to the child's third birth date. This is an allowable reason when reporting data for Indicator B12 for the child not to have an IEP completed by their third birthday. The parent choices related to and date of notification/referral to the LEA is documented in Section VII of the IFSP and demonstrates the reason for the delay – parent choice.

Question: What happens when a child is receiving services through Part C but the parent refers the child to the school and does not go through the Part C transition process?

Answer: The referral is handled by the school division the same way as any other parent referral. If more information is needed from Part C, the parent would sign a release of information. This would not be considered a referral from Part C.

Age of Referral

Question: When should a child be referred to Part B?

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. A child who is potentially eligible for Part B, unless a parent opts out, must be referred in time for the eligibility to be completed and IEP implemented prior to the child's third birthday or by the start of the school year.

Question: When are two-year olds eligible for Part B?

Answer: Children who are two by September 30 and who meet eligibility requirements are eligible for Part B services. Some local divisions choose to accept Part B eligible 2-year-old children anytime throughout the year after they turn two years old. This is called "Rolling Enrollment" and is not required.

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. Therefore, enrolling 3-year-olds throughout the school year is the standard. Some local divisions choose to accept Part B eligible children anytime throughout the year after they turn two years old. This is not required.

Part B Evaluation / Eligibility / Eligibility Meeting

Question: Part C has an eligibility category (diagnosed condition with a high probability of resulting in developmental delay) that automatically qualifies a child for early intervention services. For example, children who are deaf or hard of hearing are automatically eligible for Part C. Is there anything similar in Part B?

Answer: In Part B, there is no automatic eligibility. There are 13 disability categories under which a child may be found eligible. 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.

Question: Is Developmental Delay one of the 13 disability categories?

Answer: Yes, however, it is up to the LEA whether to recognize Developmental Delay and use it as a category for finding children eligible. It is also up to the LEA to determine the criteria a child must meet to qualify for Developmental Delay. The following is the definition found in the Regulations:

"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: Will all children referred from Part C be found eligible for early childhood special education?

Answer: No. The eligibility criteria for Part C and Part B are very different. Part C is to refer any child who may be potentially eligible. It is then up to the school division to follow the regulations to complete the eligibility process.

When the administrator or designee receives a referral, he/she shall within three business days:

(1) Initiate the evaluation eligibility process - In this case, the Eligibility Team meets to begin determining the assessments to complete and begins the assessment process.

(2) Require that the school-based team review and respond to the request. A school-based team will review the child's records and meet with the parents. They may determine to move forward with the eligibility and begin the assessment process or may determine there is not enough evidence to warrant a full evaluation; or

(3) Deny the request and provide Prior Written Notice to the parents.

If an eligibility is completed, once the assessments are completed, the team will reconvene to discuss the reports and determine if the child meets the eligibility criteria for special education, and if so, the appropriate disability category.

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., shall 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 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: How does the school-division determine the assessments to complete?

Answer: The Eligibility Team has the right to evaluate in any given area and consider the disability categories they determine are appropriate for evaluation purposes. The team has the responsibility to determine the necessary components of the evaluation, to determine whether there is the presence of a disability and an educational need. The scope and depth of the evaluation and the tools to be used is determined with the parent. Additionally, the review of the assessments and reports and the determination of whether the child has a disability and qualifies for special education and related services is determined with the parent.

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: The LEA must ensure that the Eligibility 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.

Parents are to be informed that the Part C Service Coordinator or other representative may be invited to the meeting. Part C is to be invited to the meeting(s) if parent requests.

Individualized Education Plan (IEP) Development:

Question: Is Part C invited to the initial eligibility and IEP development meetings?

Answer: Parents are to be informed that the Part C Service Coordinator or other representative may be invited to the meetings. Part C is to be invited to the meeting(s) if parent requests.

Question If a child goes through the transition process from Part C to Part B prior to their 3rd birthday and the family chooses for the child to continue Part C services until the child's 3rd birthday, can the IEP start date reflect the child's 3rd 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 this example. Another more common example is when a child is found eligible and has an IEP developed in the late spring or summer months to begin during the new school year. In this example, a child may continue receiving early intervention until the IEP is implemented.

Timelines

Question: When is the Transition Conference to be held?

Answer: An individual Transition 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 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: How long does the school-division have to complete the eligibility and IEP?

Answer: All referrals from Part C are considered referrals for determining special education eligibility and considered the start date for the 65 day timeline. The date the referral is received by the special education director or the designated person in the local school division starts the process, thus starting the 65 day timeline. All evaluations are to be completed and decisions about eligibility are made within 65 business days of the receipt of the referral by the special education administrator or designee, including if the special education administrator or designee routes the referral to the school-based team for review and action.

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.

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

Answer: It is important for any child referred to be a resident of the county or city the school division serves. Part C should confirm the accuracy of the residence prior to referring a child to Part B. This is sometimes an issue when there are many school divisions in an area, such as Northern Virginia. In the event Part B has a question about the child's residency, they shall continue with the evaluation while working to help the parent demonstrate proof of residency.

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

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.

IEP Timeline

Question: How long does the school division have to develop the IEP?

Answer: The team has 30 calendar days to write the IEP.

Question: What are 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.

Transition Planning

Question: What does a Transition Plan look like?

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 Transition Plan is documented in Section VII of the IFSP.

Question: Is a Transition Plan developed during the individual Transition Conference?

Answer: Transition planning is an ongoing process. The meeting to develop the initial Transition Plan may but is not required to be combined with the Transition Conference.

Question: Is the Transition Conference provided before or after a referral?

Answer: The Regulations do not specify, so either is acceptable.

Question: Where is the Transition Conference documented?

Answer: The date of the meeting and who attended must be documented in Section VII of the IFSP.

Question: Does parental consent for the individual Transition Conference need to be documented?

Answer: Federal Part C regulations require the conference be convened with the approval of the family. Approval for the Transition Conference may be documented in a contact note and in Step 4b of Section VII on the IFSP.

Interagency Agreements

Question: What is an Interagency Memorandum of Agreement?

Answer: The *Virginia Interagency Memorandum of Agreement Among the Agencies Involved in Implementation of Part C of IDEA*, documents the understandings and commitments of participating agencies in the Virginia statutory requirements related to Part C. The Memorandum of Agreement must be upheld by the local ITC and LEA as they work to transition children from Part C to Part B.

Question: What is a local interagency agreement?

Answer: Since local ITCs and LEAs must work together to develop understandings and procedures to ensure smooth and timely transitions, local interagency agreements that specify roles and responsibilities for accomplishing the transition planning and activities required under Part C and Part B of IDEA are required. The agreements should be reviewed and updated, as needed but should be reviewed at least annually. Either the local ITC or LEA can initiate development or revision of the agreement.

Reporting Indicator 12 for Part B

Question: What is Indicator 12 for Part B?

Answer: The U.S. Office of Special Education Programs (OSEP) requires states to report the *percentage of children referred by Part C prior to age 3, who are found*

eligible for Part B, and who have an Individualized Education Program (IEP) developed and implemented by the beginning of the school year.

Indicator 12 is reported by LEAs in the Single Sign-on Web System (SSWS) for all preschool children who are referred by Part C to Part B for eligibility determination. The reporting period is from July 1- June 30.

Question: How is Part B, Indicator 12 calculated?

Answer: For the reporting period, school divisions are to report in SSWS all children served and referred from Part C to Part B for eligibility determination. Divisions indicate the number of children who did not have an IEP developed by their third birthday and the reason why, the number of children not found eligible, and any missed timelines due to allowable exceptions. Based on these numbers, the percentage of children who have an IEP developed by their third birthday is calculated.

Question: Are there legitimate reasons why a school division may not meet a timeline that result in the exclusion in the final calculation?

Answer: Yes. The OSEP recognizes that not all children referred will be found eligible, thus not have an IEP developed. If a parent agrees in writing to extend the timeline, this should be rare but is allowable. Further, OSEP recognizes that there are reasons that an IEP may not be developed by the child's third birthday that are beyond the control of the ITC and/or LEA. Therefore, there are several exceptions that result in the exclusion in the final calculation. These include:

- Children not determined eligible due to withdrawal of parental consent, the child moved, or any extenuating circumstance;
- Children that did not meet the timeline because the parent repeatedly failed or refused to make the child available;
- Children for whom parent refusal to provide consent caused delays in evaluation or initial services (e.g., referred less than 65 business days prior to age of eligibility);
- Children who were referred to Part C less than 90 days before their third birthdays; or
- Children determined to be NOT eligible and whose eligibility was determined prior to their third birthdays.

Question: Is inclement weather an allowable reason to miss the Indicator 12 timeline?

Answer: No. The list above reflects the reasons OSEP has provided and include reasons beyond the "control" of the school system. Reasons such as inclement weather or poor communication with an ITC are NOT approved. **It is imperative that the**

local ITC and school division work together to communicate effectively and develop procedures to ensure smooth and timely transitions for all children.

Question: If a child is not referred to school until his/her third birthday because the family did not allow 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 parent choices related to and date of notification/referral to the LEA is documented in Section VII of the IFSP and demonstrates the reason for the delay – parent choice. Also, Part C is to communicate this to the school division when the referral is sent.

Question: If a child is not referred to part C until Close to their third birthday, how does this impact Indicator 12?

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 OSEP, 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 45 days before the child's birthday or start of school.

For children who are referred to Part C close to the age where they will transition (at least 45 but less than 90 days before age eligibility for Part B), 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, then a transition plan must be developed. Notification occurs as soon as possible unless the parent opts out and a Transition Conference may be held but is not required.

In either of these scenarios, Part B may receive a referral that does not allow completion of all required eligibility activities, including development of the IEP prior to the child's third birthday. This is an allowable reason when reporting data for Indicator 12.

If the parent chooses to not pursue Part C and refers their child to Part B themselves, this would not be considered a referral from Part C; therefore, would not be counted on Indicator 12.

Question: Are schools required to document specific reasons beyond those allowed by OSEP when Part B, Indicator 12 was not met?

Answer: Local school agencies must collect and document the specific reasons for not meeting Part B, Indicator 12. They must also document the number of days the timeline was missed. Special education directors or the division data managers have a spreadsheet with several in-depth reasons listed. Divisions are to add narrative in the comments section to explain why timelines were not met.