Transition from Part C to Part B Guidance Document

OCALI Center for the Young Child

Ohio Department of Children & Youth

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Introduction

Purpose

The purpose of this document is to provide clear information regarding the transition process from the Individuals with Disabilities Education Act (IDEA) Part C early intervention (EI) to IDEA Part B special education preschool services.

The Early Intervention Service Coordinator (EISC) and the Local Education Agency (LEA) Representative play key roles in guiding the family through transition. Their responsibilities are designated as follows throughout the document:

- **C EISC Responsibility**
- **B LEA Responsibility**
- **● Shared EISC/LEA Responsibility**

This guidance is designed to assist the Ohio Early Intervention Part C Program and Ohio Local Education Agencies to facilitate a smooth and effective transition for eligible Early Intervention families and children.

Organization of this Guidance Document

The document begins with background, compliance, and definitions related to transition. After that, each section is presented in a question-and-answer format. This includes information that supports federal regulations or Ohio Rule that applies in each section. This document is intended to support staff involved in the transition process for children transitioning from Early Intervention Part C Program to Local Education Agency Part B Program. The EISC should be able to apply the information to each step of the transition process.

Overview (34 OCFR 303.209)

All children in Early Intervention will have a transition planning conference (TPC) with parental consent to ensure a smooth transition at age 3.

However, for children who may be eligible for Part B, the EI Service Coordination agency must notify the LEA in which the child resides of any child who may be eligible for Part B services at least 90 days before the child's third birthday.

For children residing in foster care, the EI service coordinator documents the foster parent's district. It is important to accurately reflect the school district where the child resides as this information will be used for required LEA notification and to ensure, when applicable, transition to the correct school district.

For parents who are divorced or have a formal custody agreement, the residential parent assigned by the court for school enrollment purposes will determine the school district. This information can be found and verified within a divorce decree or custody paperwork.

This is the language that is in IFSP guidance document which you can find here: https://ohioearlyintervention.org/guidance-documents-and-memos

Transitions occur throughout the Early Intervention process. Best practice indicates transition should be a topic of conversation with the family and the other team members from the beginning of the family's journey in EI.

C Therefore, one role of the EISC is to assist the family in gathering knowledge of possible supports and services to prepare for transition. This includes making the family aware of early childhood educational opportunities such as local pre-schools, childcare, and Head Start. During the transition process the EISC facilitates the development and implementation of a transition outcome and the steps and activities outlined in the child's Individualized Family Service Plan (IFSP).

An important part of the transition process includes the Transition Planning Conference (TPC). The TPC is the meeting to develop a transition plan from Part C services to Part B services, or to other transitions the child and family may have when the child turns three (e.g., to home, childcare, Head Start, etc.). The TPC must occur at least **90 days**, but not more than **9 months** (once a child is determined eligible for Part C services, the EISC shall ensure that parent's consent for TPC is obtained) before the child's third birthday. While the TPC is required to occur at least 90 days prior to the child turning three, the transition process officially begins at 24 months of age when the child begins to appear on the LEA notification (see timeline example below).

DOB	24 Months	9 Months Prior to Age 3	90 Days Prior to Age 3	Age 3
10/12/22	10/12/24	7/14/25	7/14/25	10/12/25

Transition and Compliance

Ohio must ensure that transition for children and their families is consistent with the Individuals with Disabilities Education Act (IDEA). Compliance with transition policy is measured as outlined in the State Performance Plan (SPP). Indicator 12 for Part B and Indicators 8A, 8B, and 8C for Part C state:

Toddlers with disabilities exiting Early Intervention must have timely transition planning. This includes the following steps taken by the Lead Agency:

The early intervention service coordinator shall explain the role of the local educational agency in determining eligibility for preschool services under part B. For a child who may be eligible for preschool services under part B, an early intervention service provider responsible for service coordination will on or before, but not more than ten calendar days in advance of, the first day of February, May, August, and November of each year, identify each child turning three years of age within one year from the first day of the respective month and notify the local educational agency where the child resides. The notification will include only the child's name, date of birth, statewide student identifier, and the parent contact information. The EISC shares and explains this process each time they review the Parent Rights Brochure with the family.

The department will make a corresponding notification to the Ohio Department of Education and:

1. Notify the SEA and the LEA where the toddler resides. This begins on the first LEA notification after the child's second birthday, or whenever determined eligible, if referred after their second birthday. This is for toddlers potentially eligible for Part B preschool services.
2. Develop an IFSP with transition outcome (including steps and services), not fewer than ninety calendar days, but not more than nine months before a child's third birthday, the individualized family service plan shall include at least one transition outcome to create a plan to support a smooth transition of the child from early intervention services under part C to preschool services under part B, to the extent those services are appropriate, or to other appropriate services. The early intervention service coordinator shall ensure that transition outcomes include the steps that will be taken and the services that will be provided for:
    - (i) Needed discussions with, and training of, the parent, as appropriate, regarding future placements and other matters related to the child's transition;
    - (ii) Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting;

(iii) The identification of the transition services, steps, or activities that the individualized family service plan team determines are necessary to support the transition of the child; and (iv) Confirmation that child find information about the child, and with parent consent, a copy of the most recent evaluation and assessments of the child and the family and the most recent individualized family service plan, has been transmitted to the local educational agency

3. Conduct a transition planning conference (TPC)

(i) If a child may be eligible for preschool services under part B, after obtaining the parent's consent using form EI-07 Consents for Transition, the early intervention service coordinator shall ensure that a transition planning conference is conducted during an individualized family service plan meeting in accordance with rule 5180-10-02. The transition planning conference shall occur not fewer than ninety calendar days and not more than nine months prior to the child's third birthday, and shall include the local educational agency to discuss any services the child may receive under part B.

(ii) If a child is determined not to be potentially eligible for preschool services under part B, or a parent has not consented to inviting the local educational agency to the transition planning conference, after obtaining the parent's consent using form EI-07 the early intervention service coordinator will ensure that a transition planning conference is conducted during an individualized family service plan meeting in accordance with paragraphs (J)(4) to (J) (9) of this rule. The transition planning conference will occur not fewer than ninety calendar days and not more than nine months prior to the child's third birthday.

Definitions

Consent to Release Information - EI Form 06 -

EI Form completed to give permission or not give permission for the release of child's EI record to the agency or agencies listed on form EI-06. It may also be used to exchange information between agencies listed on form EI-06. EI-06 must be completed to release/share information (IFSP, Assessments, Evaluations, notes and other detailed information) with the LEA and/or Early Childhood partners, as LEAs are not considered a participating agency, so consent must be obtained using EI-06 to share information with an LEA.

Consents for Transition - EI Form 07 -

EI form. This form also seeks consent from the parent to have the TPC meeting. It also seeks consent to invite the LEA and includes who the parent would like to have participate in the TPC meeting.

DCY – Department of Children and Youth

EI - Early Intervention, Part C program in Ohio

EIDS - Early Intervention Data System
The Early Intervention Data System is the system used to enter information regarding children in Part C services.

EISC - Early Intervention Service Coordinator
An Early Intervention Service Coordinator assists and enables an infant or toddler with a disability and their family to receive the necessary services and supports. Service Coordinators ensure families are informed of their rights and follow all the procedural safeguards required under Part C. EISCs have 16 mandated responsibilities under Part C.

EMIS - Education Management Information System
A statewide data collection system for Ohio's primary and secondary education, including demographic information, attendance, course information, financial data, and test results.

ESSA - Every Student Succeeds Act
Replaced the No Child Left Behind Act, asked Ohio and other states to clearly articulate how they will use federal funds to ensure that schools educate every student, create safe and supportive learning environments, encourage innovation and extended learning opportunities, and more.

ETR - Evaluation Team Report
The written evaluation team report shall include a summary of the information obtained during the evaluation process; and the names, titles and signatures of each team member, including the parent, and an indication of whether or not they agree with the eligibility

determination. Any team member who is not in agreement with the team's determination of disability shall submit a statement of disagreement.

ESY - Extended School Year Services
The District ensures that extended school year services are provided if a child's individualized education program (IEP) team determines that the services are necessary for the provision of FAPE to the child. If a child is transitioning from Part C services, the District considers ESY as part of the IEP process.

A school district must consider extended school year services as part of the IEP process for children transitioning from Part C services. There is no requirement that a child must have previous school experience to receive extended school year services. Based upon data available from the Part C system, the evaluation team or the IEP team and other qualified professionals shall determine if extended school year services are required as outlined in paragraph (G) of rule 3301-51-02 of the Administrative Code.

FERPA - Family Educational Rights and Privacy Act
US Law that governs the access of educational information and records to public entities such as potential employers, publicly funded educational institutions, and foreign governments.

HS – Head Start
Head Start encompasses Head Start preschool programs, which primarily serve ages 3 to 5 and school eligible and Early Head Start programs for infants, toddlers, and pregnant women. Head Start services are delivered nationwide through 1,600 agencies which tailor the federal program to the local needs of families in their service area.

IDEA - Individuals with Disabilities Education Act
The Individuals with Disabilities Education Act (IDEA) is a law that makes available a free appropriate public education to eligible children with disabilities throughout the nation and ensures special education and related services to those children.

IEP - An Individualized Education Program
The IEP is a plan or program developed to ensure a child who is at least three years of age, has a disability identified under the law, and is attending preschool, elementary, or secondary educational institution receives specialized instruction and related services.

IFSP - Individualized Family Service Plan
An IFSP (EI-04) is the written plan for providing early intervention services to an eligible child and the child's family. An IFSP only applies to children from birth to three years of age in Ohio. Once a child turns three, if found eligible, they may have an Individualized Education Program (IEP).

IFSP Team -
The IFSP team encompasses those team members who have had input and supported the child and family with the IFSP outcomes and strategies (this includes the Evaluation and

Assessment Team). It must include parents, anyone the parents invited, EISC, PSP, and any applicable service providers. According to the federal regulations, the IFSP Team must include at a minimum "the parent and two or more individuals from separate disciplines or professions and one of these individuals must be the service coordinator."

IFSP Meeting Notice - (EI form 13) - This form is provided to families and providers to notify them of date and time and purpose of the IFSP review. When used in conjunction with Transition/TPC this would act as the meeting invitation to notify the LEA and other providers (with Parental consent) of the TPC meeting.

LEA - Local Education Agency
A commonly used synonym for a school district, an entity which operates local public primary and secondary schools in the United States

LRE - Least Restrictive Environment
The IEP team determines the delivery of services and the educational environment in which the child can access, participate, and make progress in the general education curriculum based on the individual needs of the child.

The Ohio Department of Education and Workforce provides the resources and supports essential to raising student achievement and accelerating learning opportunities, advancing the connectivity between K-12 and postsecondary learning, creating programs to support and expand workforce experiences, and ensuring students have the necessary supports to be ready each day to learn. The Department is committed to collaborating with schools, districts, educators, students, families, businesses, nonprofits and all stakeholders to achieve our educational goals.

OSEP - Office of Special Education Programs
The Office of Special Education Programs is part of the U.S. Department of Education. OSEP provides leadership and support for professionals working with children with disabilities. Another critical role of OSEP is to protect the educational rights of children with disabilities from birth through twenty-one.

Part B Definition of Parent- "Parent" means

(i) A biological or adoptive parent of a child but not a foster parent of a child;

(ii) A guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the child (but not the state if the child is a ward of the state);

(iii) An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare; or

(iv) A surrogate parent who has been appointed in accordance with rule 3301-51-05 of the Administrative Code.

(v) Except as provided in paragraph (B)(48)(f), the biological or adoptive parent, when attempting to act as the parent under this rule and when more than one party is qualified under this rule to act as a parent, must be presumed to be the parent for

purposes of this chapter of the Administrative Code unless the biological or adoptive parent does not have legal authority to make educational decisions for the child.

(vi) If a judicial decree or order identifies a specific person or persons under paragraphs B)(48(a) to (B)(48)(c) of this rule to act as the parent of a child or to make educational decisions on behalf of a child, then such person or persons shall be determined to be the parent for purposes of this rule.

Part C Definition of Parent -

"Parent" means a biological or adoptive parent of a child, a guardian, a foster parent or person acting in place of a biological parent or adoptive parent with whom the child lives, or an appointed surrogate parent, consistent with 34 C.F.R. 303.27, as in effect on the effective date of this rule.

PR-01 – Prior Written Notice
The District provides prior written notice as required by IDEA and Operating Standards. The Ohio Operating Standards for the Education of Children with Disabilities identify the state requirements and federal Part B Individuals with Disabilities Education Improvement Act (IDEA) requirements that apply to the implementation of special education and related services to students with disabilities by school districts, county boards of developmental disabilities and other educational agencies.

PR-04 - Referral for Evaluation
The ETR process begins with a referral for a child who is struggling with functional, developmental, and/or academic readiness areas. A parent, Part C provider, or school staff member may initiate a request for an evaluation either in writing or verbally to the district. The district will provide the parent a copy of the Parent Notice, then complete the Referral for Evaluation (PR-04) form

PR-05 - Consent for the evaluation must be informed consent. The parent must be involved in the planning and decision-making to ensure that he/she understands what areas will be assessed, by whom and for what purpose. This is especially important for the initial evaluation. At the end of the evaluation planning meeting, the district should present the parent with the Consent for Evaluation (PR-05). This form documents informed, written consent given by the parent or guardian, allowing the district to proceed with the proposed evaluation, assessments and data collection. The PR-05 should be date stamped by the district to document the date the district received the signed parental consent. The 60-day timeline to complete an initial evaluation starts on the date the district receives parental consent. If the district does not date stamp the PR-05, the date the parent signed is the start date for the 60-day timeline.

PSP - Primary Service Provider
This is the team member who serves as the principal provider to a family. The PSP receives coaching from other team members and uses coaching as the key intervention strategy to build the capacity of parents and other care providers to use every day learning opportunities to promote child development.

SEA - State Education Agency
The state-level government organization within each U.S. state or territory responsible for education, including providing information, resources, and technical assistance on educational matters to schools and residents.

School District of Residence as defined in Rule 3301-51-01(A)(2)(a) "School district of residence": The child's school district of residence is responsible, in all instances, for ensuring that the requirements for making a free appropriate public education (FAPE) available are met for every eligible child in its jurisdiction, regardless of whether services are provided by another school district, other educational agency, juvenile justice facility, or other facility, agency, department or entity unless Chapter 3323 of the Revised Code, or a rule adopted by the state board of education specifies that another school district, other educational agency, or other agency, department, or entity is responsible for ensuring compliance with Part B of the IDEA.

SSP – Secondary Service Provider
This team member uses coaching to support the PSP, parents, and other care providers directly related to the IFSP outcomes. This support may occur within the context of a team meeting, during a joint visit, or as part of a conversation between meetings and scheduled visits.

Steps that will be taken and the services that will be provided for:

(i) Needed discussions with, and training of, the parent, as appropriate, regarding future placements and other matters related to the child's transition;

(ii) Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting;

(iii) The identification of the transition services, steps, or activities that the individualized family service plan team determines are necessary to support the transition of the child; and

(iv) Confirmation that child find information about the child, and with parent consent, a copy of the most recent evaluation and assessments of the child and the family and the most recent individualized family service plan, has been transmitted to the local educational agency.

TPC - Transition Planning Conference
The TPC is the meeting to develop a transition plan from Part C services to Part B or other services. The TPC is required to occur at least 90 days, or at the discretion of all parties, not more than 9 months before the child's third birthday. Form EI-07 Consent is required for TPC, and to invite the LEA.

Notification of Potentially Eligible Children

What is the requirement for notification of the local school district?

Notification is required in accordance with IDEA Part C, Sec. 303.209 (b), which states the early intervention provider must notify the LEA in which the child resides that there is a child receiving EI services who will reach the age of eligibility for Part B services and may be eligible for Part B services.

Part C Service Coordination Agency must notify the LEA of children potentially eligible for Part B.

C The Part C Service Coordination agency must provide LEAs four notifications per year via the Quarterly LEA report.

The notifications must be sent by:

- February 1st
- May 1st
- August 1st and
- November 1st

of each year for children who turn three within one year from the report date. As such, some children may be listed on more than one notification during a 12-month period. These reports may not be generated more than 10 days prior to the due date.

This notification provides the LEA with a list of Part C eligible children who may potentially transition to their school district in the next year. The list helps the school districts project future allocation of resources and prepares the school district and Part C Service Coordination Agency for upcoming TPCs throughout the year.

The notification (EIDS Quarterly LEA Report) will include only the child's name, date of birth, statewide student identifier, and the parent contact information.

- The LEA must protect this information as educational records under FERPA in a manner that does not permit personal identification of Part C children and their parents to anyone other than the appropriate school district. Educational records must be compliant with FERPA guidelines.

C Local Education Agency (LEA) Notification: The EISC (coordination agency) notifies the LEA where the child resides that the child will be turning 3 using LEA quarterly notification. Children who are at least two years old and have an active IFSP will be automatically included in the LEA quarterly notification.

The Early Intervention Service Coordinator

- Verifies the address of where the child resides, determines the appropriate school district, and ensures the LEA reports go to the correct school district.
- Makes sure all information is correct in EIDS (correct address, LEA, spelling of name, date of birth).
- Ensures the address entered in EIDS is the kinship/foster address/shelter, if the child lives in an out-of-home placement. The Part C Service Coordination Agency must also maintain a record that there has been disclosure to the LEA. The Part C Service Coordination Agency must explain to parents that their privacy is protected at the school district by FERPA and that notification is not a referral for Part B preschool special education services.

- EI-06 should be discussed and completed for information to be shared (IFSP, Evaluations and Assessments) with LEA, and or Early Childhood partners).
- Parents should be informed of the potential benefits of special education services for their child.
- If the Part C Service Coordination Agency determines that a toddler is eligible for early intervention services more than 45 days, but less than 90 days, before the toddler's third birthday, the Part C Service Coordination Agency must provide the transition notification, as soon as possible after determining the toddler's eligibility.
- If a child is referred to the Part C Service Coordination Agency fewer than 45 days before the toddler's third birthday, the Part C Service Coordination Agency is not required to conduct an evaluation, assessment, or initial IFSP meeting. If that child is potentially eligible for preschool services under Part B of the IDEA, the Part C Service Coordination Agency must refer the toddler to the LEA where the toddler resides (with parental consent). EISC may use form EI-08 to ensure referral to the LEA.
- The Part C Service Coordination Agency must provide a timely notification to the LEA of these situations.
- It is important that the LEA reports are run prior to the 1st of the month listed above. The 10-day window allows the program to run and review to ensure accuracy of the report information, make changes as needed, and ensure correct contact information for LEA's.

Federal Regulations

34 CFR §303.209 (b)

§303.401 (e)

§303.41

§303.24

Prior to the TPC

Explain the purpose of the TPC

Add individualized steps and services to the IFSP

1. **What is the role of the EISC in the initial transition planning with the family prior to the TPC?**

   - At this point in the process, the EISC is responsible for sharing information with parents about preschool options and about whether the child is likely eligible for Part B services.

   - The EISC starts the conversation with the family about transition from Part C as soon as the family begins Part C services. The family should be made aware of special education and other options for their child after Part C services end. Every child in Part C who is approaching their third birthday must have a transition plan for when they exit, but not all children will exit to Part B preschool services.

   - The EISC meets with the family to identify priorities and needs. This information is reflected in the IFSP, through development of an outcome related to transition that includes steps and services to support the child and family during the transition process. The outcome with steps and services must be written in the IFSP; this occurs during an IFSP meeting and must follow rules associated with IFSP protocol. The IFSP must have a Transition plan at least 90 days, but not more than 9 months, prior to the third birthday. All children in Part C must have a transition outcome in their IFSP with steps and services, even if the family is not interested in pursuing other educational services.

Section 5: Your Child and Family Transition Plan

The IFSP transition plan is specific to the transition from EI to preschool and/or other community supports by the child's third birthday. The requirements for the transition plan are found in OAC 5123-10-02 (L)(2).

The EI service coordinator will begin this conversation when the child enters the program, during the explanation of what EI is and when it ends. More detailed conversations about transition at age 3 will occur as the parents have questions and after the child turns two years of age.

Your plan will be developed between **9 months** (7/28/2024) and **90 days** (1/28/2025) before your child's third birthday.
Date Date

At or before the **initial IFSP meeting**, the EI Service Coordinator will use a date calculator to determine the date range that transition planning must occur. When developing an annual IFSP, ensure that these dates are re-entered. The remaining information in this section will be completed at the IFSP meeting in which the transition plan is developed.

While the IFSP transition plan and the transition planning conference serve different purposes, both must occur within this time frame. The purpose of transition planning (documented within this IFSP section) is reviewed with the parent. The information used to develop child and family transition outcomes from ongoing child and family assessments, including conversations with the family.

This planning process will include:

- Discussion with you about your child and family's future needs, potential future services and placements, and details you may need about those service options.
- Procedures to prepare your child for changes in service delivery, including steps to help your child adjust to and function in a new setting. This may include anything from learning to get on a school bus, to separating from family members, to acquiring and using a communication or other assistive technology device in a new setting.
- Identifying the transition steps, activities, and any services that the IFSP team determines necessary to support the transition.
- With your consent (on the EI-07 Consent for Transition Planning Conference), a Transition Planning Conference (TPC) with any community service providers you have identified as potential resources.

While your child's name, date of birth, and your contact info has already been shared with your school district, the TPC is a time for you to share and learn additional information. If your child may be eligible for preschool special education services at age three, this planning process will also include conversations with you about the role of the school district and the process for obtaining your consent for sharing copies with your school district of the most recent evaluations, assessments and IFSP, and inviting the school district representative to a Transition Planning Conference.

Use this transition checklist as a tool to assist tracking transition-related activities (note*: some elements of this checklist need to be updated to align with OAC 5123-10-02 effective July 4, 2024*).

Date transition outcome with steps and services developed: 8/1/2024

Potential future resources, placements, and/or services:

Preschool special education classroom (½ day), childcare (when located), local library story time (Monday and Thursday a.m.)

Child transition outcome: What will your child need to make a smooth transition? Outcome number: 4

Sami will sit in her spot for an entire book at story time at the library.

What steps and activities, including who and when, will help us meet this outcome?

The DS and OT will support Mom and Dad at library story time and reading time at home/babysitter's. The family, Maggie, and providers will work on ways to engage Sami and maintain her attention while reading, including sensory rich items, seats, or activities.

This transition outcome addresses: ☐ Developing positive social relationships ☒ Acquiring and using new skills and knowledge ☐ Taking action to meet own needs

Family transition outcome: What will you need to support your child in this transition? Outcome number: 5

Dad will find available quality childcare, within 10 miles of his office, for Sami and her sister.

What steps and activities, including who and when, will help us meet this outcome?

Dad will research childcare options near his office. He will reach out to coworkers with kids and employee support at his office. The EISC will provide support and resources to help the family with their search, including the link to the childcare search engine and the EI Resource Directory, as needed.

C The EISC ensures the family is fully informed of the array of services, including both public and private early learning program options that are available for their child. These may include:

- home,
- Part B preschool special education services,
- Head Start,
- child care centers,
- private preschools, or
- other community-based settings, etc.

The transition outcome in the IFSP must include steps and services to prepare the child for changes in service delivery, including steps to help the child and family adjust to and function in a new setting. It must also include, with parent consent, sharing information about the child (e.g. current IFSP, evaluation and assessment information, and diagnosis, if appropriate) to ensure continuity of services.

2. What is the responsibility of LEA staff during the early transition planning process?

Recommended Practice

B LEA staff are highly encouraged to participate in meetings between the EISC and the family members prior to the TPC. The LEA is encouraged to routinely communicate, with parental consent, with the EISCs about public school programs, activities, and resources.

B LEAs should coordinate with the EISC to allow parents to learn more about services available to support parent and family involvement in the transition planning process. Early LEA involvement will support families in obtaining information, and allow opportunities to meet with school personnel, visit school programs and tour facilities. LEAs may have differences in their Inter-Agency Agreements; therefore, it is important to ensure all parties are aware of local policy.

Federal Regulations

34 CFR §303.209(d)(2)

§303.344(h)

LEA Participation in the TPC

1. What are the preparation activities that need to occur by the Part C Service Coordinator and LEA staff prior to the TPC?

- The EISC as well as the IFSP team, with parental permission, must complete and submit the IFSP/TPC meeting notification EI-13 to the local school district where the child resides.

The IFSP Meeting notice EI-13 form is an invitation from the SC agency to the school district of residence to participate in the IFSP/TPC. This includes determining if the child should be referred to the local school district to determine eligibility for preschool special education services. This invitation should include the family, Primary Service Provider, other providers, and anyone the family wishes to attend. The local school district shall participate in the TPC arranged by the Part C Service Coordination Agency.

The TPC must occur at least 90 days and at the discretion of all parties, not more than nine months before the child turns three years of age.

The EISC must work with the other participants to determine a date, time and location for the TPC. The EISC will provide the IFSP/TPC meeting notice EI-13 to the family. With parental consent, the EISC must send a meeting notification form to the LEA, PSP, IFSP Team, other potential service providers, and anyone else the family chooses. (Head Start, child care, etc.) with the details about the conference. EI-13 shall be provided to the parent and other participants early enough to ensure they will be able to attend the proposed TPC Meeting date. Once the EISC has identified a date/time/location and identified the participants, the EISC coordinates the TPC. This document is the referral to the LEA.

- C The family and EISC should make an effort to set up the TPC to be as convenient as possible for all involved; thus, the TPC date, time, and place can be rearranged as long as the TPC occurs no later than 90 days before the child turns three. (Unless family is unable to meet this timeline)

- C With parental consent EI-06, the EISC will share the child record with the LEA including, most recent evaluations and assessments, IFSP that would include the most recent progress. The parent may choose to limit the type of information that is released to the LEA.

Federal Regulations

§303.209 (c)(1), (c)(2)

§303.209 (d)

§303.344(h)(2)(iii)

2. What happens if a family declines to consent to have the TPC?

All children in Part C must have a transition outcome in their IFSP, even if the family is not interested in pursuing other educational services. However, families do have the right to consent or to decline consent to participating in a TPC (5123-10-02 (I)(2)(b). If a family does not consent to have the TPC scheduled, the EISC will ensure families are aware of possible ramifications of declining the TPC meeting, and/or declining to involve the LEA.

3. What happens if a family declines to have the LEA invited to the TPC?

If a family does not consent to have the EISC invite the LEA to the TPC, the EISC will inform the family that the parent is then choosing not to have the LEA involved to determine if their child is eligible for special education preschool services. The EISC will also let the parent know they may change their mind and grant permission to invite the LEA, and the EISC will facilitate and coordinate the TPC meeting if the child is not yet three years old. The EISC will also let the parent know how to contact the LEA after the child turns 3 in case the parent changes their mind to have the child evaluated after the child has turned three.

- The EISC must provide the family a copy of the Part C procedural safeguards. These activities are a responsibility of the EISC and he/she must inform the family how to contact the LEA after their child reaches his or her third birthday.

If, after the child turns three years of age the family changes their mind about exploring special education services, the family can directly contact the school district.

4. What happens if a family who previously declined to have the LEA invited to the TPC or have a TPC has changed their mind?

Parent(s) can change their mind and provide consent for the invitation of the LEA to a TPC or referral for initial evaluation by the LEA if the child is still under the age of three and receiving Early Intervention Services. EI-07 will be completed reflecting consent.

- In this case, the EISC will send the IFSP meeting notice EI-13 and will include that it will also be a TPC meeting. This will be the referral for the LEA. However, this may affect whether educational services start on or after the child's third birthday. (see late referral timelines)

Federal Regulations

§303.209

5. What should occur with late referrals to Early Intervention (i.e., children referred to the Part C Service Coordination Agency program within 90 days of their third birthday)?

- If a child is referred to Part C between 45 and 90 days prior to the child's third birthday, the Part C Service Coordination Agency must conduct the initial evaluation, assessment, and initial IFSP meeting. If the child is determined eligible for Part C services, the EISC must develop a transition outcome (with appropriate steps and services), and provide the LEA with the child's information as soon as possible after determining eligibility.

The notification will include only the child's name, date of birth, statewide student identifier, and the parent contact information. The department will make a corresponding notification to the Ohio department of education and workforce. If a child is referred to the early intervention program ninety or fewer calendar days but more than forty-five calendar days before the child's third birthday, a transition planning conference is not required but the early intervention service coordinator will coordinate the eligibility determination process. If the child is eligible for early intervention services, the early intervention service coordinator will:

(i) Coordinate assessment of the child and the family-directed assessment and the development of the initial individualized family service plan with transition plan (including steps and services).

(ii) (ii) Notify the local educational agency that the child will reach the age of eligibility for services under part B on the child's third birthday. The notification will include only the child's name, date of birth, statewide student identifier, and the parent contact information. The department will make a corresponding notification to the Ohio department of education and workforce.

- A transition planning conference is not required but the early intervention service coordinator will coordinate the eligibility determination process.
- If a child is referred to Part C fewer than 45 days prior to the child's third birthday, the Part C Service Coordination Agency is not required to conduct an evaluation, assessment, or initial IFSP meeting for the child. If the child is potentially eligible for preschool services under Part B of the IDEA, the Part C Service Coordination Agency must refer the toddler to the LEA where the toddler resides (with parental consent) form EI-08 Consent to Refer Child to the LEA and ODE.

In most cases, the family will receive the relevant LEA information from Central Intake rather than the EISC.

The school district shall not delay or refuse participation in the transition conference because of residency disputes or the absence of a birth certificate; this includes homelessness. A school district may use the thirty days following the transition conference to confirm residency and gather other enrollment documentation, or document attempts to gather such evidence.

Federal Regulations

34 CFR §303.209

§303.414

Transition Planning Conference (TPC)

Explain Part B and Part C procedures and safeguards

Discuss program options and next steps with family and local school district Obtain consent for referral and evaluation

Review and ensure all current evaluations, assessments, records, most current IFSP, and information given to LEA

Who convenes and attends the IFSP/TPC?

- The Part C Service Coordination Agency is responsible for convening the TPC for all children in EI (After consent is sought, Form EI-07). It is the responsibility of the LEA to respond to the IFSP meeting notice from the EISC. According to Part C federal regulations, the SC agency must invite, with parental consent, the LEA representative to the TPC. The TPC must include the family and the Part C EISC, at minimum. According to Part B federal regulations, the LEA representative must participate in the TPC arranged by the Part C SC agency. Any other agency considered for future services should be invited to this meeting, with parent consent. Examples of these agencies include Head Start or child care programs. Ideally, the IFSP team should attend the TPC.

- Discussions should also include EI-06 Release/exchange of information to LEA to release IFSP, the most recent Evaluation and Assessments and the current IFSP with recent progress, as well as other detailed information as parents have the right to choose what information they would like to share with LEA and or Early childhood partners

- The EISC should include these team members on the IFSP meeting Notice EI-13 for the TPC. If they are unable to attend, their information should be provided to the EISC so it can be shared with the LEA and other potential programs (Head Start, child care, another preschool). This information should include any transition services and activities related to preparing the child and family for transition.

- It is the EISC's responsibility to explain and prepare the parent for the TPC. This shall include:
  - describing the purpose of the TPC and
  - obtaining consent to the TPC and consent to invite the LEA, PSP, and other providers via EI-07 and EI-13

- The EISC must coordinate the TPC to ensure the right people are present (with parental consent). This includes:
  - sending meeting notices,
  - calling to schedule,

- ensuring that all participants are able to attend the IFSP/TPC,
- emailing to follow up with IFSP team members who are unable to attend to ensure they have provided information to share at the TPC, and
- facilitating this meeting to ensure parents are informed of possible options and they understand the process and their rights within the process.
- Ensuring parents questions are answered during the IFSP/TPC

- The TPC shall be completed in conjunction with an IFSP. The IFSP/TPC must include the steps and services to be taken to support the smooth transition of the child The steps required must include—discussions with, and training of, parents, as appropriate, regarding future placements and other matters related to the child's transition; procedures to prepare the child for changes in service delivery, including steps to help the child adjust to, and function in, a new setting; transmission of additional information needed by the LEA to ensure continuity of services from the part C program to the part B program, including a copy of the most recent evaluation and assessments of the child and the family and most recent IFSP; identification of transition services and other activities that the IFSP Team determines are necessary to support the transition of the child. 5123-10-02 L.

- With parent consent, the EISC must provide written notification of the meeting date, location and time to all invited persons, including the LEA, using the EI-13. EI-13 shall be provided to the parent and other participants early enough to ensure they will be able to attend. Best practice is to schedule the TPC with input from the LEA and parent and provide them with ample notice regarding the upcoming conference.

When any party other than the parent is unable to attend the TPC, it can be rescheduled; however, it must occur at least 90 days prior to the child's third birthday. Therefore, if the LEA cannot attend and the parent agrees, the TPC can still occur.

1. Does the School district need to complete any forms or activities prior to their participation in the TPC?

- The LEA should review the IFSP/TPC meeting notice and any other documentation that has been shared (with consent) from the EISC.

2. What occurs during the TPC?

As described in the federal regulations, at a minimum, the purpose of the TPC is to:

- "discuss any such services a child may receive" in the future which includes the LEA special education services and/or other community services for preschool-aged children,

- examine "options for the period from the child's third birthday through the remainder of the school year" for children who may be eligible for LEA special education services, and

The TPC must occur at least 90 days and at the discretion of all parties, not more than nine months before the child turns three years of age.

IFSP for the child must include a transition outcome with steps and services that constitute the transition plan (exception would be if child was referred late and the Initial IFSP is also the TPC). The IFSP/TPC, with the parents' approval, additions, or modification of the transition outcomes and objectives/strategies may take place. These modifications may include:

- making parents aware of information about possible future placements, services, and other matters related to the child's transition,
- procedures to prepare the child (and family) for changes in services delivery, including steps to help the child (and family) adjust to and function in a new setting,
- with parental written consent, transmitting additional information about the child to the LEA to ensure continuity of services, including evaluation and assessment information and copies of IFSPs.
- the role of the LEA at the TPC is to introduce the school district to the family, explain eligibility for special needs preschool services, and may obtain parental consent to move forward with the next steps. At this time the LEA will also inform and provide the parent with their rights in Part B.
- any other steps which promote a smooth transition for child and family.
- The EISC must discuss the child's progress with input from family members and providers. The EISC should assist the family with communicating any additional concerns. The EISC must also discuss the transition process and document this in case notes.

  These case notes should document the entire transition process, including:

  - planning,
  - scheduling,
  - conversations prior to the TPC,
  - the TPC itself,
  - all related activities, including consents, and
  - the reasons for any delays, explaining why the delay occurred and reflecting conversations or circumstances that occurred prior to the TPC due date.

Representatives from the LEA and the other participants should provide general information about their services and answer questions during this meeting. The EISC and the LEA must explore other options if a disability is not suspected.

Some families are then ready to move forward with the LEA referral for their initial evaluation of eligibility for preschool special education services. Other families may need more time before deciding. The TPC must occur no later than 90 days prior to a child's third birthday to ensure parents have ample time to make informed decisions.

Federal Regulations

34 CFR §303.209(d and e) §303.343 (a)

§303.344(h)

§303.209 (c1)

§300.124 (c)

3. Can parental consents for Part B initial evaluation be signed at the TPC?

- Yes. If the LEA does suspect the transitioning child may be eligible for preschool special education and the parent agrees to proceed with evaluation planning at this time. The LEA representative may secure parent's consent for the initial evaluation during the TPC. It is the responsibility of the LEA to provide and describe Part B procedural safeguards to the parent. Parents must fully understand what they are signing and what consent means, as well as the resulting actions that can occur.

Parents may need more time to consider their options and should not feel they are required to sign at this time. Parents have the right to withhold consent if they decide to not proceed with a Part B initial evaluation and eligibility determination. It is not a legal requirement of the TPC.

The initial evaluation must be completed by the district within 60 days of the written consent.

- The EISC should offer information on all supports and services within the community from which the child and family would benefit to ensure a smooth transition.

4. What happens if a family who has been referred to Part B declines to provide consent for an initial evaluation?

Parents have the right to withhold consent if they decide to not proceed with a Part B initial evaluation and eligibility determination process.

If the parent declines to sign consent to proceed with the Part B evaluation and eligibility determination process, access to special education services under the IDEA will not be available to the child upon turning three. Parents may initiate the evaluation and eligibility process later if they desire and would need to submit a new request for evaluation at that time.

- Therefore, if the parent declines to sign consent for the Part B evaluation and eligibility determination, the Part C Service Coordination Agency must provide them

with contact information for the LEA in which they reside in case the parent would change their mind in the future.

Federal Regulations

34 CFR § 300.300

§300.9

§303.400(a)

§303.421

5. Can a child's eligibility be determined at the TPC?

No. The TPC provides an opportunity for the family to meet a school representative and learn more about the steps in the process of determining possible eligibility. An initial review of the child's records and assessments could occur during the TPC, but not an initial evaluation for determination of Part B eligibility. The TPC is to prepare and plan for the child/family's transition from Part C to Part B or to other educational or supportive services.

Federal Regulations

§ 300.306

Initial Evaluation for Part B

1. What is the school district's responsibility for conducting an initial evaluation?

B The LEA is responsible for obtaining written informed parental consent and completing the evaluation and assessment within 60 days from written consent. The purpose of the initial evaluation is to determine if the child has a disability and requires special education and related services to benefit from the education program.

The timeline for when the LEA obtains written informed parental consent for conducting the evaluation is dependent upon the date the TPC occurs in relation to the child's third birthday. The referral for evaluation is the earliest of the following:

- One hundred fifty days prior to the child's third birthday, if the transition planning conference or notification from part C occurs more than one hundred fifty days prior to the child's third birthday; or
- The date the part C representative first notifies the school district about the child, if this date is within one hundred fifty days prior to the child's third birthday; or
- The date of the transition planning conference, if the transition planning conference occurs within one hundred fifty days prior to the child's third birthday.

Prior to conducting evaluations to determine eligibility, the evaluation report team must review any existing data, including evaluations, and information provided by parents, the Early Intervention Service Coordination Agency, assessments, and teacher observations. OAC 3301-51-06 (F)

As a part of the Part B evaluation procedures, the team must utilize a variety of assessment/evaluation tools and strategies to gather functional and developmental information about the child, including:

- information from the parents,
- information related to enabling the child to be involved, and
- progress in age appropriate activities.

All tools and strategies must yield relevant information that directly assists in determining the educational needs of the child and must be comprehensive to determine if a child has a disability and need for special education and related services.

Federal Regulations

§300.301

§300.304

§300.305

2. Can school districts use assessments and evaluation information from the Part C Agency in determining a child's eligibility for Part B services?

B Yes. The LEA must review existing evaluation data as part of the initial evaluation.

- For children referred to Part C Early Intervention at least 46 days, but not more than 90 days prior to their third birthday, the assessment and evaluation process is a shared responsibility. The LEA and the Part C Agency should have an interagency agreement in place to determine what their specific responsibilities must be in the evaluation process to determine Part B eligibility. This agreement should be reviewed annually.

  If a child is referred to the early intervention program ninety or fewer calendar days but more than forty-five calendar days before the child's third birthday, a transition planning conference is not required but the early intervention service coordinator will coordinate the eligibility determination process. If the child is eligible for early intervention services, the early intervention service coordinator will:

  (i) Coordinate assessment of the child and the family-directed assessment and the development of the initial individualized family service plan with transition plan (including steps and services).

  (ii) Notify the Local Education Agency that the child will reach the age of eligibility for services under Part B on the child's third birthday. The notification will include only the child's name, date of birth, statewide student identifier, and the parent contact information. The department will make a corresponding notification to the Ohio Department of Education and Workforce.

- For children referred to Part C Early Intervention at least 46 days, but not more than 90 days prior to their third birthday, an initial IFSP/TPC meeting will be held, arrangements shall be made with the parent and other participants. Prior written notice of IFSP (EI-13) shall be provided to the parent and other participants early enough to ensure they will be able to attend. The Interagency Agreement shall address how to meet the 45 day timeline, including the initial IFSP meeting notification.

B Sufficient information shall be obtained using a variety of sources of information to confirm that a disability exists.

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

(a) Information from Part C for children transitioning from early intervention services;

(b) Structured observations in more than one setting and in multiple activities;

(c) Information provided by the parent or caregiver; and

(d) Results from at least one criterion-referenced and one norm-referenced evaluation.

This may include existing IDEA Part C assessment data. In some cases, this information may be sufficient in fulfilling Part B required assessment methods/data sources. The two structured observations would have to occur after informed written consent and assessment methods/data sources provided by Part C within the past 12 months.

This would be decided and written explicitly in the IAA to assign roles and responsibilities, ensure parent consents, required assessments for both Part C and Part B fulfilled. The EISC and LEA could agree that for those children referred 45 days, but not more than 90 days, prior to their third birthday, that the TPC would be structured as a ETR planning meeting, if a disability is suspected, and collaborate to determine what assessments need to be completed, who will participate, (agency and role), and the required parental consent is obtained.

B It is the responsibility of the school district to conduct any further evaluations to determine eligibility for Part B services. The district must ensure that a complete evaluation has been conducted before determining eligibility and this evaluation must be conducted within 60 days of parental consent.

Federal Regulations

§300.304

§300.305

3. What happens when a referral comes into the Part C Service Coordination Agency for a child suspected of having a delay, when the child is 45 days or fewer from their third birthday?

The Help Me Grow Central Intake and Referral System will provide the parents the relevant LEA information so the parent is able to contact the LEA.

If referral does come into the EISC agency within this timeframe and EISC will complete form EI-08 to provide consent to refer to LEA/ODE

B When a child is referred to the LEA from the Help Me Grow – Ohio's Central Intake and Referral System 45 days or fewer from the child's third birthday, the school district must have an assessment/evaluation completed within 60 days of parental consent for a child who is suspected of having a disability. An IEP is not required by the child's third birthday.

State Rule

OAC 3301-51-11 (B) (4) (b)

OAC 5123-10-02 (L)(1)(d)

Eligibility Determination Meeting

1. How is eligibility determined for Part B services?

Eligibility is determined after the initial evaluation procedures are completed including the review of existing evaluation and assessment information, observations and input from the parents. A team of qualified professionals, including the parents, determine whether the child meets the eligibility requirements.

A school district who provides preschool special education shall comply with rule 3301-51-06 of the Administrative Code, except as otherwise specified in this paragraph. Sufficient information shall be obtained using a variety of information sources to confirm that a disability exists. Eligibility for special education and related services as a preschool child shall be determined on the basis of multiple sources of information, including, but not limited to:

(a) Data from part C for children transitioning from early intervention services and information from any current community or preschool program providers;

(b) Observations in more than one setting and in multiple activities shall be conducted after obtaining parental consent for such observations;

(c) Information provided by the parent or caregiver;

(d) Results of at least one criterion-referenced assessment; and

(e) Results of at least one norm-referenced assessment.

3301-51-11(G)(1)(a) to (G)(1)(e)

B The LEA must, at no cost to the parent, provide a copy of the evaluation report and the documentation of the child's eligibility to the parent, and with consent from the parent these results must be shared with the referring Early Intervention Service Coordination Agency.

B Child with a disability" means a child evaluated in accordance with rule 3301-51-06 of the Administrative Code as having an intellectual disability, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance (referred to in this rule as "emotional disturbance"), an orthopedic impairment, autism, traumatic brain injury, an other health impairment, a specific learning disability, deaf-blindness, a developmental delay (for a child between the ages of three and nine), or multiple disabilities, and who, by reason thereof, needs special education and related services.

B 3301-51-01 (B)(10)

(a) Orthopedic impairment;

(b) Other health impairment;

(c) Specific learning impairment;

(d) Speech or language impairment;

(e) Traumatic brain injury;

(f) Visual impairment; or

(g) Developmental delay,

Federal Regulations

§300.306

Child Transitions to LEA

IEP Initiated and developed

1. **If the Child is determined eligible for Part B services, is he/she required to receive them?**

No. This is parent choice.

Federal Regulations

§300.9 consent

§300.300 parental consent

Evaluation Report & Documentation of Eligibility

Sent to Parent and Part C Agency Provider

1. Should the LEAs provide the Part C Service Coordination Agency with a copy of the eligibility determination?

Yes. The LEA shall invite the EISC to the initial IEP meeting, with parental consent.

OAC 3301-51- 11 (3)(c)

If the Part C Service Coordination Agency does not attend the Part B eligibility team meeting, they must be provided with a copy of the eligibility determination page of the evaluation team report for the child's Part C record and data reporting purposes.

Individualized Education Program

B Review progress and performance

B Develop IEP

2. Does an IEP need to be in place by the third birthday when the family chooses the Part B program?

Yes. The LEA must ensure the IEP is completed by the child's third birthday or within 90 days from parental consent, whichever comes first. The LEA must ensure the IEP has been signed by a parent to indicate that the parent agrees with the specified services and initial date of services as listed.

Federal Regulations

§300.124

§300.323

Additional Questions

1. Can the LEA refuse to accept a referral from Part C?

B No. Regardless of the time of the year it is received, LEAs must accept and act upon a referral from Part C.

2. What if the LEA doesn't offer preschool special education services?

The IDEA requires all school districts to make Free Appropriate Public Education (FAPE) available to all eligible children in their district in the child's Least Restrictive Environment (LRE). If an LEA does not have preschool special education services available at the time of a Part C referral, it must either develop preschool special education services or participate with a program that has services available.

3. Who determines if Extended School Year (ESY) preschool special education services are necessary for a student with disabilities?

B The IEP team shall decide annually whether ESY preschool special education services are necessary for a student. The LEA must explain that if the child has a summer birthday, extended school year (ESY) services must be considered based upon the Early Intervention data and the need for continuity of services so the child maintains his or her level of performance. (OAC 3301-51-11(D)(3)(e). If, at the IEP meeting, the IEP team determines the child does not need ESY services, the team shall identify the date of initiation of services as the first day of the school year.

4. How does the IEP team determine if extended school year services are necessary?

The LEA must consider extended school year services as a part of the IEP process for children transitioning from Part C services. There is no requirement that a child must have previous school experience to receive extended school year services. Based upon data available from the Part C system, the IEP team shall determine if extended school year services are required.

Federal Regulations

§300.106

§300.320 - §300.324

5. Can a child under the age of three participate in Part B?

A child younger than three years of age may be eligible if the child will be three by October thirty-one of the current calendar year, and the child will receive special education and related services beginning the first day of the school year, unless an alternative start date is determined by the IEP team, which must include the child's parent.

A child cannot be served in Part C and Part B simultaneously. If services are being actively provided by Part B services, the child must be exited in Part C.

Resources

Parental Guidance: https://fosterandadopt.jfs.ohio.gov

Transition: Steps for Success: https://ohioearlyintervention.org/storage/ocali-ims-sites/ocali-ims-oei/documents/TransitionSteps_0824.pdf

Ohio IFSP Guidance Document: https://ohioearlyintervention.org/storage/ocali-ims-sites/ocali-ims-oei/documents/IFSPGuidanceDocument7.18.24.pdf

Transition Timeline Checklist:
https://drive.google.com/file/d/1f41YSwl5aVBWOZwvGeDkgGF3Jg9A96tq/view

https://ohioearlyintervention.org/storage/ocali-ims-sites/ocali-ims-oei/documents/TransitionDoes_Doesnot_0824.pdf

Transition Foundational Webinar:
https://attendee.gotowebinar.com/recording/3381854086805955843

Best Practice: https://attendee.gotowebinar.com/recording/7202324946146037259

EI: https://ohioearlyintervention.org/

DEW Operating Standards and Guidance:
https://education.ohio.gov/Topics/Special-Education/Federal-and-State-Requirements/Operational-Standards-and-Guidance

Head Start: https://education.ohio.gov/Topics/Early-Learning/Head-Start

Job and Family Services: https://jfs.ohio.gov/Ocs/CustServWebPortalWelcome2.stm

Family and Children First: https://www.fcf.ohio.gov/

OCALI/CYC: https://www.ocali.org/center/cyc

Deaf/Hard of Hearing: https://deafandblindoutreach.org/

Bridge to Preschool:
https://nebula.wsimg.com/ff536db3177fbdedc0099cb24b71428e?AccessKeyId=8D6EA05D792C49A801F9&disposition=0&alloworigin=1