March 22, 2010

(X) ACTION REQUIRED
( ) INFORMATIONAL

TO: Chancellor, District of Columbia Public Schools (DCPS)
Public Charter School Board
Public Charter School Directors
Principals, DCPS
Early Stages, DCPS

FROM: Kerri L. Briggs, PhD
State Superintendent of Education

RE: Early Childhood Transition Policy

CONTACTS: Amy Maisterra, Chief of Staff
Department of Special Education
Email: amy.maisterra@dc.gov
(202) 481-3757
OR
Jerri Johnston-Stewart, Early Intervention Program Manager
Department of Special Education
Email: Jerri.Johnston-Stewart@dc.gov
(202) 727-5853

This Memorandum serves to clarify what is required of all Local Educational Agencies (LEAs) regarding early childhood transition requirements as required in the Individuals with Disabilities Education Act (IDEA) of 2004 and its implementing federal regulations.[1] This Memorandum supersedes all previous policy, memoranda and/or guidance promulgated by the state education agency. This policy takes effect on March 22, 2010.

[1] This Memorandum is not intended to be a restatement of the requirements of the IDEA and the District of Columbia Code of Municipal Regulations (DCMR) in regard to early childhood transition. LEAs are responsible for knowing and implementing the requirements of IDEA and the DCMR applicable to LEAs.

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Background

The IDEA Part C requires each State to designate a lead agency under Part C who is responsible for ensuring a smooth transition from the Part C (services to children with disabilities, birth through age two[2]) program to a preschool or another appropriate program delivering services to a child with early intervention service needs. The Office of the State Superintendent of Education (OSSE) is the lead agency for implementing Part C in the District of Columbia. The DC Early Intervention Program (DC EIP) within the OSSE's Department of Special Education is responsible for assisting children participating in early intervention programs under Part C in experiencing a smooth and effective transition to IDEA Part B (special education services to children with disabilities, age three through 21) programs.

DC EIP must have policies and procedures in effect to ensure that LEAs are invited to participate in the collaborative process required to transition eligible children from Part C early intervention services to Part B special education preschool or other programs with appropriate services. LEAs must respond to the Part C invitation to participate in the transition planning conference and must participate, when appropriate, with DC EIP in planning conferences. The conference invitation serves as notice to the LEA that a child will shortly reach the age of three years old, which is the age of eligibility for preschool services under Part B.[3] Further, with parental approval and consistent with the *Early Childhood Transition Process from Part C to Part B* section of this policy, LEAs must determine Part B eligibility and develop an Individualized Education Program (IEP) to implement by each eligible child's third birthday.[4]

The District of Columbia Public Schools (DCPS), as the only LEA in the District of Columbia with geographic boundaries as defined in IDEA, is responsible for placement of children eligible for Part B special education services in preschool programs within DCPS. These responsibilities are carried out by DCPS Early STAGES. Charter schools that elect DCPS for the purposes of special education must follow DCPS's early childhood transition policies and procedures. A LEA charter school that has elected to be its own LEA for special education purposes (LEA Charter) is accountable for all LEA transition responsibilities for children enrolled in their preschool programs. Thus, if a child is enrolled in a LEA Charter, the LEA Charter must fulfill the same responsibilities DCPS Early STAGES would have fulfilled for that child. This includes, but is not limited to, participating in the Part C transition conference, conducting the Part B eligibility

[2] "Through age two" means until a child's third birthday.
[3] 20 U.S.C. §1437(a)(9)(A) (ii)(I); 34 C.F.R. §303.148(b)(1)
[4] 34 C.F.R. §300.124

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meeting, and developing an IEP if the child is determined eligible for Part B special education and related services.

Key Terms and Concepts

- Child Find. DC EIP, with the advice and assistance of the State Interagency Coordinating Council (SICC), is responsible for coordinating the planning and implementation of child find activities for children from birth through age two to ensure that a comprehensive system is in place to identify, locate, and evaluate infants and toddlers[5] who are eligible to receive Part C early intervention services in the District of Columbia.[6] The District must have in place a comprehensive child find system for children from birth through age 21, as required in IDEA, its implementing federal regulations, the District of Columbia Code, and Title 5 of the District of Columbia Municipal Regulations. With regard to Part C of the IDEA, the OSSE, as the State Educational Agency (SEA) and lead agency for the Part C Early Intervention Program for Infants and Toddlers with Disabilities under IDEA, is responsible for child find activities for infants and toddlers from birth through age two. With regard to Part B of the IDEA, each LEA must have in place policies and procedures to ensure all children with disabilities and who are in need of special education and related services are identified, located, and evaluated. This includes all children ages three through 21 who are residents of the District: all children who attend public or private schools, are home schooled or are wards of the District.

- Early Childhood Transition Process: A carefully planned, proactive, outcome-oriented process initiated by DC EIP, which collaborates with the family, LEAs, and at the parents request, other program representatives to develop a plan to move children with disabilities to an appropriate program that meets their unique needs by the time they turn three years old and age out of the DC EIP.

- Individualized Education Program (IEP): An IEP is a written statement for each child determined to have a disability and be eligible for Part B special education and related services that is developed, reviewed, and revised by an appropriately assembled IEP Team.

[5] 34 C.F.R. §§303.7 and 303.16. As used in this policy, "children" shall mean infants and toddlers with disabilities, ages birth through two, unless otherwise indicated.
[6] 34 C.F.R. §§303.320 and 303.321

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- Individualized Family Service Plan (IFSP): An IFSP is a multidisciplinary written plan for providing early intervention services to an eligible child and the child's family.[7]

- Part B Transition Coordinator: Each LEA that anticipates enrolling preschool-aged children must designate an onsite staff person to participate in transition activities and serve as the primary contact person for other agencies involved with the early childhood transition process.[8]

- Part C Service Coordinator: The DC EIP service coordinator is responsible for the implementation and coordination of the IFSP and early intervention services.

- Transition Plan: The steps, identified and documented on the IFSP, to be taken to initiate and support the transition of the child upon reaching the age of three to the preschool services under Part B of IDEA or to other community services, as may be appropriate or based on family preference.

Early Childhood Transition Process from Part C to Part B

Each LEA is responsible for ensuring that children enrolled in their program, and previously receiving Part C early intervention services, experience smooth transitions to preschool either within the LEA or at other appropriate program under Part B. To assist with the transition process, the LEA must designate a transition coordinator who is responsible for participating in the child's DC EIP transition conference and subsequent Part B eligibility process. The transition coordinator's primary goal is to ensure that eligibility for Part B services is determined, and that if warranted, an IEP is developed for delivery of Part B special education and related services and implemented by the child's third birthday. The child's IFSP must include the steps to be taken to support the transition of the child.[9] It is the expectation of OSSE that Part C service coordinators will discuss with parents the referral process to Part B, if appropriate, at age two.

Because Part C eligibility is more restrictive than Part B eligibility in the District of Columbia, it is likely that many Part C children may also be eligible for Part B preschool services. Therefore, OSSE requires that transition planning occur for all children who are receiving Part C services and are approaching their third birthday.

[7] 34 C.F.R. §303.340
[8] The primary contact person's information must be made available and easily accessible through multiple formats.
[9] 34 C.F.R. §303.344(h)

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The following steps outline the early childhood transition process:

1. IFSP Meeting to Plan Transition Steps. After a child turns two years old, planning for transition should begin. The DC EIP service coordinator must convene an IFSP meeting with the parent(s) to develop and document steps to be taken to support the transition of the child to preschool services under Part B or other services that may be available, to the extent that the services are appropriate.[10] The IFSP meeting must include discussions with, and training of, parents on potential future placements and other transition matters. Before the transition conference, the DC EIP service coordinator may encourage the parents to visit the possible future placements. The IFSP meeting should also include a discussion of the procedures to prepare the child for changes in service delivery, including steps to help the child adjust to, and function in, a new setting.[11] The IFSP must include a description of the appropriate transition services for the child.[12] To facilitate a smooth transition process, a statement regarding timelines for transition activities must be included in the IFSP that includes the activities and the responsible participating agencies who will be carrying out such activities.[13] LEAs may participate in any IFSP meetings that address transition planning by mutual agreement of the parent and DC EIP. However, the LEA's participation in a formal transition conference, as described in the next section, is mandatory (with approval from the family).

2. Transition Conference. With the approval from the family of the child, the DC EIP service coordinator and LEA participate in a transition conference with the family not more than nine months and not less than 90 days before the child turns three years of age.[14] The DC EIP service coordinator is responsible for completing the following steps to initiate the transition conference and support collaboration between the parent(s) and LEA responsible for Part B services:[15]

[10] 34 C.F.R. §303.344(h)(1)
[11] 34 C.F.R. §303.344(h)(2)
[12] 20 U.S.C. §1436(a)(3)
[13] The LEA will be included in this initial meeting if the parent has previously consented to sharing the child's service information with the LEA.
[14] 20 U.S.C. § 1437(a)(9)(A)(ii)(II)
[15] For sake of efficiency, the Part C coordinator may complete more than one step per interaction; for example, parental approval for the transition conference and parental consent for the release of the child's information may both occur at the same IFSP meeting.

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- Obtain parental approval to hold a transition conference with the LEA;

- If DC EIP has not already obtained parental consent for the release of information about the child to the LEA to ensure continuity of services, including, but not limited to, evaluation and assessment information and copies of IFSPs that have been developed and implemented, DC EIP should request consent[16] at this time;[17]

- Notify the LEA for the area in which the child resides;[18] and

- Invite the LEA's Part B transition coordinator to participate in the transition conference.[19]

If the child is NOT going to be referred to a LEA/community based preschool program for Part B services, a transition conference is still required to write or review the IFSP to include activities to connect the family with community resources and programs.

3. Eligibility Determination for Part B Services. Each LEA must complete an initial evaluation before determining that a child has a disability. All LEAs must follow the District of Columbia initial evaluation/reevaluation policies and procedures for Part B.[20] Consistent with those policies and procedures, when appropriate and with parental consent, LEAs shall consider and use as part of the evaluation process relevant DC EIP documentation, including, but not limited to, IFSPs,

[16] 34 C.F.R. §303.344 (h)(2)(iii)
[17] 34 C.F.R. §303.460(a). DC EIP and the LEA shall ensure the protection of any personally, identifiable information collected, used, or maintained under Part C, including the right of parents to written notice of and written consent to the exchange of this information among DC EIP and the LEA.
[18] 34 C.F.R. §303.148(a) and (b)(1). As explained above, charter schools that elect DCPS for the purposes of special education must follow DCPS's early childhood transition policies and procedures, unless the parent decides to enroll a child in a LEA charter school. LEA charters must assume all LEA transition responsibilities for children enrolled in their preschool programs. Therefore, DCPS is responsible for all Part B transition activities outlined in this policy for the District of Columbia, with the exception of the few children enrolled in LEA charter school preschools.
[19] 34 C.F.R. §300.124
[20] 5 D.C.M.R. §5-3005

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assessments, and evaluations when determining if a child is eligible for special education under Part B. Additional assessments should be administered only when required information is not available or available information is no longer current.

4. Initial IEP Meeting. Upon determining a child's eligibility, each LEA must schedule an initial IEP meeting[21] to develop an appropriate IEP. Parents must be informed by the LEA that DC EIP service coordinators or other representatives of the Part C system may be invited to the IEP meeting. At the request of a parent, a LEA must send a meeting invitation to the appropriate DC EIP service coordinator or other representatives of the Part C system to assist with the smooth transition of services.[22]

5. Implementation of the IEP. The obligation to make a free appropriate public education (FAPE) available to each eligible child begins no later than the child's third birthday;[23] and an IEP must be in effect for the child by that date.[24] LEAs can place children in programs at any point during the school year. If a child's third birthday occurs during the summer, the IEP team shall determine the date when services under the IEP begin, including determining whether a child qualifies for Extended School Year (ESY).[25] If the child does not qualify for ESY, the LEA must review the child's program options and provide the family information about community resources that may be available to support their child's developmental needs.[26] A child entering an LEA in the late spring/summer cannot be denied ESY solely because he/she has just entered the LEA.

   Eligibility for ESY is determined by the IEP team. To make this determination, the IEP team must review relevant information, such as data on regression and recoupment, emerging skills, movement toward acquiring critical skills, and behavioral concerns. If the child is eligible for ESY, the IEP team must develop an IEP based on the IFSP that will go into effect during the summer.

[21] 34 C.F.R. §300.323(c)
[22] 34 C.F.R. §300.321(f)
[23] 34 C.F.R.§300.101(a)
[24] 34 C.F.R.§300.101(b)
[25] 34 C.F.R. §300.101(b)(2)
[26] 20 U.S.C. §1437(a)(9)(B); 34 C.F.R. §303.148(b)(3)

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Late Referrals/Timeline Exception

For any child referred to DC EIP between 45 and 90 days before his/her third birthday, the service coordinator will solicit consent from the parent to contact the LEA for the area in which the child resides and refer the child to Part B for evaluation and eligibility determination. The LEA may serve a child eligible for Part B special education and related services at age two during the school year he/she turns three years of age and must develop an IEP to ensure appropriate supports and services are implemented by the child's third birthday.

LEA to LEA Transfer

Regardless of the timing of a child's enrollment, the receiving LEA is responsible for providing a FAPE[27] to the child upon his or her enrollment, including the delivery of services comparable to those described in the child's most current IEP from the previous public agency or LEA, until the receiving LEA either (1) adopts the child's preexisting IEP from the previous public agency, or (2) develops and implements a new IEP.[28] If the receiving LEA does not agree with the existing IEP and/or wants to conduct its own evaluation, it must hold an IEP meeting within a reasonable amount of time to ensure that the child continues to receive appropriate special education and related services in the least restrictive environment. The LEA must provide the special education and related services as prescribed in the current IEP until a new IEP is developed.

Non-Eligibility for Part B Services

If a child is determined not to be eligible for Part B preschool services, with the approval of the family, reasonable efforts must be made to convene a meeting with the DC EIP service coordinator, the family, and service providers to discuss other appropriate programs available to the child.[29] If a parent does not agree with the eligibility determination, the parent may pursue his/her rights, as defined under the Procedural Safeguards Notice.

Reporting Requirements

Each LEA must collect and report to the OSSE accurate, reliable and timely data. Specific data elements include:

- The date the LEA was notified for children exiting early intervention services who are potentially eligible for Part B preschool services;
- The date of the transition conference and reason(s) for delay, if untimely;

[27] 34 C.F.R. §300.323(e)

[28] The requirements for IEPs for students who transfer from one public agency to another public agency within the same school year are found in the regulations at 34 C.F.R. §§300.323(e) and (g). The new IEP must meet the applicable requirements in 34 C.F.R. §§300.320 through 300.324.

[29] 20 U.S.C. §1437(a)(9)(A)(ii)(III)

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- The number of late referrals;
- Delays related to obtaining consent for initial evaluation;
- The dates of consent for evaluations and dates the evaluations were completed;
- Documentation related to dates on which IEPs were developed, implemented, and reviewed;
- Number of days after age three that services begin and/or the reasons for delay, including parental refusal; and
- Data related to early childhood outcomes upon program entry, defined as within the first 90 days, and exit, defined as 60 days prior to leaving the program.

Additional Guidance

Please direct any questions regarding the content of this policy to Amy Maisterra, Ed.D., Chief of Staff, Department of Special Education, at: (202) 481-3757, or by email at: Amy.Maisterra@dc.gov, or Jerri Johnston-Stewart, Early Intervention Program Manager, Department of Special Education, at: (202) 727-5853, or by email: at Jerri.Johnston-Stewart@dc.gov.

The OSSE has the authority as the SEA to issue additional guidance regarding policy and related practice implementation to ensure that all LEAs are complying with the law in providing transition services to all eligible students with disabilities in the District of Columbia.

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