



# GUIDING PRACTICES FOR EARLY CHILDHOOD TRANSITION IN NORTH CAROLINA

Transition of services for young children and families from  
the Infant-Toddler Program to the Preschool Program

# ACKNOWLEDGEMENTS

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**Special thanks to the following states for providing information included in this document by sharing their guidance documents:**

- North Dakota Departments of Human Services and Public Instruction
- Indiana State Department of Health and Public Education

<b>Introduction</b> .....	<b>3</b>
<b>Explanation of Terms and Resources</b> .....	<b>4</b>
<b>Understanding the Differences between Programs</b> .....	<b>5</b>
Table A. Comparison Between the Programs .....	5
<b>Eligibility Determination Process and Requirements</b> .....	<b>6</b>
<b>The Educational Plan/Program</b> .....	<b>8</b>
Table B. Comparison Between the Educational Plans .....	9
<b>Table C. North Carolina Early Childhood Transition Timeline</b> .....	<b>10</b>
<b>Steps in the Transition Process</b>	
Child’s Age: 2 Years, 0 Months to 2 Years, 3 Months .....	11
Child’s Age: 2 Years, 3 Months to 2 Years, 9 Months .....	11
Child’s Age: 2 Years, 8 Months to 2 Years, 11 Months .....	12
<b>Late Referrals to the Infant-Toddler Program</b>	
Child’s Age: 2 Years, 9 Months to 3 Years, 0 Months .....	14
<b>Table D. Infant-Toddler Program Requirements for Late Referrals</b> .....	<b>15</b>
<b>Table E. Preschool Program Requirements for Late Referrals</b> .....	<b>16</b>
<b>The Summer Birthday and Extended School Year</b> .....	<b>17</b>
<b>What Happens When a Child is Not Eligible for Preschool Special Education?</b> .....	<b>17</b>
<b>Appendix</b> .....	<b>18</b>
I – Roles and Responsibilities in the Transition Process .....	18
II – Federal Regulations Which Guide the Recommendations for IDEA Part C .....	20
III – Federal Regulations and NC Policies Governing Services for Children with Disabilities Which Guide the Recommendations for IDEA Part B .....	22
IV – Acronyms and Definition of Terms .....	25



## WHAT DOES TRANSITION MEAN?

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Change is a part of life and “transition” means changing from one place, stage, or relationship to another. Change happens frequently throughout life, and our children will go through many transitions. Some transitions will signal the start of a new set of activities. Examples of early transitions include the move from the hospital to the home, from early intervention services to preschool services, and from preschool to school. For some, change is viewed as a time of growth and opportunity; for others, change is stressful.

On the third birthday of a child with a disability, the responsibility for services changes from the North Carolina Division of Public Health (Infant-Toddler Program) to the North Carolina Department of Public Instruction (Preschool Program for Children with Disabilities).<sup>\*</sup> The local lead agency responsibility moves from the Children’s Developmental Services Agency (CDSA) to the Local Educational Agency (LEA). Transitions will be smoother with careful planning and preparation.

The transition for a potentially eligible child from the Infant-Toddler Program to the Preschool Program or another community program will be enhanced by collaboration with the family, those who currently provide services, and those who may provide services in the future. It is important that parents receive the necessary information and resources when making decisions for their child. Consequently, effective sharing of information by parents and professionals is vital to successful transition. Other important ingredients include mutual respect and understanding of another’s perspective. When parents and professionals work together, the result is a positive transition experience and may also serve as a model for future transitions.

## HOW TO USE THESE GUIDING PRACTICES

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This guiding practices document is intended to provide an outline of activities, timelines, and recommended practices to facilitate a child’s transition from the Infant-Toddler Program to the Preschool Program. It is important for professionals from both programs to understand the requirements of the Individuals with Disabilities Education Improvement Act (IDEA), Parts C and B, in order to ensure collaboration, compliance and effective transitions for children and families. Both programs must work together to complete the transition process in order to meet the IDEA requirement for public schools to have the Individualized Education Program (IEP) developed and implemented for each eligible child by his/her third birthday.

*\* Throughout this document, Infant-Toddler Program is used interchangeably with Part C Program; and Preschool Program is used interchangeably with Part B Program.*



### EXPLANATION OF TERMS AND RESOURCES

Frequently used terms in this document are *Notification*, *Transition Planning Conference*, and *Referral*. These terms have specific meanings and timelines associated with them.

- **Child Find Notification:** The Children’s Developmental Services Agency (CDSA) must routinely notify the Local Educational Agency (LEA) of children enrolled in the Infant-Toddler Program who may be eligible for the Preschool Program. Child Find Notification does not require parental consent and includes the child’s name, date of birth, contact information, and may also include the service coordinator’s name and contact information and the language spoken by the child and family. The purpose of notification is to meet the requirements of Child Find, which is a required part of IDEA for both the Part C and B Programs. [20 USC 1435 §635(a)(5) and 34 CFR §300.111] This notification assists LEAs in planning for the future. By receiving information about children in the Part C Program, LEAs can estimate the number of classes needed, potential staffing and instructional needs.

Child Find Notification should be provided in one consistent format (e.g., notification spreadsheets) to the primary contact person in the Preschool Program. Each locally developed “Catchment Area Transition Plan” outlines the agreed upon practices for transmitting Child Find Notification data from the CDSA to the Preschool Program, (see, <http://www.earlylearning.nc.gov/PreKindergarten/PreschoolEC/CatchmentAreaTranPlans.asp>) Notification data should be transmitted to the LEAs in one consistent format (e.g., notification spreadsheet) to the primary contact person in the Preschool Program.

- **Parental Consent Notification:** A second form of notification may be sent to the LEA that requires parental consent. In this case, more in-depth child specific information is given to the LEA to assist with future planning. This may be especially helpful for children with complicated or intense service delivery needs. This may occur concurrently with the Child Find Notification process as outlined in the Catchment Area Plan, or any time leading up to the Transition Planning Conference.

- **Transition Planning Conference:** The CDSA staff, with parental approval will convene a Transition Planning Conference. This is a meeting among parents, the Early Intervention Service Coordinator, LEA staff, and any other service providers who might help support the transition plan. This is an opportunity to share information regarding the needs of the child and family. The purpose is to discuss services that the child may receive under Part B, review program options from the child’s 3rd birthday through the remainder of the school year and to establish (if not previously done), revise, or update the transition plan including steps to exit the Infant-Toddler Program. One important task is to identify the steps of the referral process including the gathering of available evaluation information from the Infant-Toddler Program, and other service providers. **It is not recommended that the LEA referral be initiated at the Transition Planning Conference if all existing information is not available at that time. The Transition Planning Conference must occur no later than 90 days (and at the discretion of the IFSP team, not more than 9 months) before the child’s third birthday; however, the IEP must be implemented by the child’s third birthday.**
- **Written Referral to the LEA:** The DEC 1 referral form is completed with input by the IEP Team. It is recommended that the LEA complete the DEC 1 within a few weeks after the Transition Planning Conference. The purpose of the LEA referral process is threefold: 1) to identify the current focus of concern, 2) to review existing data (e.g., current formal and informal evaluations), determine what, if any, additional information is needed, and 3) identify appropriate assessment information needed.

***The Federal Office of Special Education Programs (OSEP) has declared an exception to FERPA which allows the Infant-Toddler program to disclose, without parental consent, a child’s personally identifiable information to an LEA prior to transition in order for the LEA to meet its Child Find obligations.***

*Paraphrased from U.S. Department of Education OSERS Policy Letters  
February 11, 2004 Letter to Mary Elder*

- **Early Childhood Transition in North Carolina: A Parent’s Guide to the Infant-Toddler and Preschool Programs:** This is a document which has been prepared for families when discussing the transition process and the differences between services in the two programs. This document can be found at the following websites: 1) <http://www.earlylearning.nc.gov/> and 2) <http://www.bearly.nc.gov/>.

## UNDERSTANDING THE DIFFERENCES BETWEEN PROGRAMS

Mutual respect between transition team members is paramount as they explain the differences in programs, eligibility criteria, assessment processes, and delivery of services to the families. Table A provides a comparison between the Infant-Toddler and Preschool Program by program components.

**Table A. Comparison Between the Programs**

PROGRAM COMPONENT	INFANT-TODDLER PROGRAM	PRESCHOOL PROGRAM
<b>Individualized Planning</b>	Individualized Family Service Plan (IFSP): The IFSP identifies outcomes and strategies to address family focused concerns, priorities and resources. Services are designed to be provided in natural environments.	Individualized Education Program (IEP): The IEP is based on the child’s present level of academic achievement and functional performance. For the preschool child, the present level must describe how the disability affects the child’s participation in appropriate activities. Measurable annual goals are developed to meet the educational needs of the child. Related services needed (if required to benefit from special education), supplemental aids, services, modifications and/or accommodations are identified. Services in the least restrictive environment (LRE) are determined. Preschool program services may continue to use the IFSP if it meets all IDEA and State Policy requirements and is agreed to by the LEA and the child’s parents.
<b>Family Involvement</b>	The IFSP outlines the Infant-Toddler Program services for the child and family based on the needs of both child and family. Parents are equal partners in making decisions and the team must consider parents’ concerns and information they provide regarding their child.	Parents are required members of the IEP Team. The IEP Team must consider any concerns the parents have for enhancing their child’s education. Team members make decisions by consensus.
<b>Primary Contact</b>	The Early Intervention Service Coordinator from the CDSA will be assigned to coordinate services with the family.	The IEP case manager is the primary contact and could be the Preschool Coordinator, Speech-Language Pathologist, Preschool Teacher, etc.
<b>Coordination of Services</b>	Service coordination is provided as a component of the Infant-Toddler Program services and may be called case management.	IEP case management is provided by the LEA to ensure provisions of the IEP are implemented as stated in the IEP.
<b>Where Services are Provided</b>	Services are provided in “natural environments” in the home and community in order to enhance the child’s natural learning opportunities within daily routines and activities of the child and family.	Special education and related services are provided in the LRE and to the extent appropriate with nondisabled peers. These placement options may include regular early childhood program, separate school, home, and service provider location.
<b>Costs for Services</b>	Parents may be asked to pay for some services on a sliding fee scale. The following services must be provided at no cost to the family: child identification and screening, service coordination, developmental evaluations, development and review of the IFSP, and activities related to making sure family rights are protected.	Services included in the IEP are provided at no cost to the family. Under Federal law, this is called Free Appropriate Public Education (FAPE).  Private Insurance and Medicaid can be billed, with parental consent, as long as it does not negatively impact the lifetime benefit of the plan.
<b>Transition</b>	CDSA staff will convene a transition conference as part of overall transition planning with families for children exiting from the Infant-Toddler Program. The schedules and timelines for each activity required in transition are provided in this guide. Transition planning must address the child’s program options, child and family preparation, the transfer of assessment information, and referrals that should be made for future services.	LEA staff are required to participate in the transition planning conference when they have been invited (with parental consent) by the Infant-Toddler Program staff for a child who may be eligible for special education services. Their participation is prior to the actual transition and should support ongoing planning activities. The LEA is required to provide assistance to assure the transition is a smooth and effective process for the child and the family.

## ELIGIBILITY DETERMINATION PROCESS AND REQUIREMENTS

### INFANT-TODDLER PROGRAM SERVICES ELIGIBILITY DETERMINATION REQUIREMENTS

**Categories of Eligibility:** Eligibility is based on information from family interviews, review of pertinent information, observation, evaluation results and informed clinical opinion. A child must meet one of the two following eligibility categories:

- Developmental Delay or
- Established Conditions.

**Definition of Developmental Delay:** A child is considered to have developmental delay if the child's development is delayed in one or more of the following areas:

- Cognitive development,
- Physical development, including gross and fine motor function,
- Communication development,
- Social-emotional development, and
- Adaptive development.

The specific delay must be:

- Documented by scores of 2.0 standard deviations below the mean of the composite score (total test score) on standardized tests in at least one of the above areas of development; or
- Documented by a 30 percent (30%) delay on instruments which determine scores in months in at least one of the above areas of development; or
- Documented by scores of 1.5 standard deviations below the mean of the composite score (total test score) on standardized tests in at least two of the above areas of development; or
- Documented by a 25 percent (25%) delay on instruments which determine scores in months in at least two of the above areas of development.

**Definition of Established Conditions:** A child is considered to have an established condition if the child has a diagnosed physical or mental condition which has a high probability of resulting in developmental delay. Specific conditions through which a child may be deemed eligible in the established conditions category are as follows:

- Congenital Anomaly/Genetic Disorders/Inborn Errors of Metabolism,
- Congenital Infections,
- Autism,
- Attachment Disorder,
- Hearing loss,
- Visual Impairment,
- Neurologic Disease/Central Nervous System Disorders, and
- Neonatal Conditions and Associated Complications.

Full definitions of the established conditions can be found at <http://www.bearly.nc.gov/>.

### PRESCHOOL PROGRAM SERVICES ELIGIBILITY REQUIREMENTS

Staff from the Infant-Toddler and Preschool Programs should understand the differences in eligibility requirements for each program, and work together to assemble the necessary information and assessment requirements to consider eligibility under the Part B Federal Regulations and State Policies. Eligibility for Infant-Toddler Program Services does not automatically transfer to eligibility for preschool special education services at age three, nor does any specific diagnosis automatically qualify a child for special education and related services at age three. Ultimately, it is the responsibility of the LEA to complete an evaluation prior to determining eligibility.



**Categories of Eligibility:** Eligibility is based on observation, screening, and evaluation results. Required documentation for each of the 14 categories of eligibility can be found in *The North Carolina Policies Governing Services for Children with Disabilities* located at <http://ec.ncpublicschools.gov/>. Identification of these children shall be based on informed appropriate educational and/or clinical opinion and appropriate assessment measures. To be eligible for services, the disability or delay must have an adverse effect on educational performance, and require specially designed instruction. The most prevalent categories of eligibility for preschool children are defined below:

- Developmental Delay,
- Speech Impairment, and
- Autism Spectrum Disorder.

**Criteria of Developmental Delay:** To be determined eligible in this disability category, a child must be between the ages of three through seven, whose development and/or behavior is so significantly delayed or atypical that special education and related services are required.

**Delayed/Atypical Development.** A child may be defined as having delayed/atypical patterns of development in one or more of the following five areas: physical development, cognitive development, communication development, social/emotional development or adaptive development. Criteria include:

- A 30 percent delay using assessment procedures that yield scores in months, or tests performance of 2 standard deviations below the mean on standardized tests in one area of development; or
- A 25 percent delay using assessment procedures that yield scores in months or test performance of 1.5 standard deviations below the mean on standardized tests in two areas of development.
- The disability must:
  - Have an adverse effect on educational performance, and
  - Require specially designed instruction.

**Delayed/Atypical Behavior.** A child with delayed or atypical behavior is characterized by behaviors that are so significantly inadequate or inappropriate that they interfere with the child’s ability to learn and/or cope with normal environmental or situational demands. There must be evidence that the patterns of behavior occur in more than one setting over an extended period of time.

- Criteria must be documented in one or more of the following areas for delayed atypical behavior:
  - Delayed or abnormalities in achieving milestones and/or difficulties with issues, such as:
  - Attachment and/or interaction with other adults, peers, materials, and objects;
  - Ability to communicate emotional needs,
  - Ability to inhibit aggression, or
  - Ability to tolerate frustration and control behavior.
  - Fearfulness, withdrawal, or other distress that does not respond to comforting or interventions;
  - Indiscriminate sociability, for example, excessive familiarity with relative strangers; or
  - Self-injurious or other aggressive behavior.
- The disability must:
  - Have an adverse effect on educational performance, and
  - Require specially designed instruction.

**Criteria of Speech or Language Impairment:** To be eligible, a child must meet the criteria listed in one or more of the following areas:

- **Articulation.** It is required that a child's speech have:
  - Two or more phonemic errors not expected at the child's age or developmental level observed during direct testing and/or in conversational speech, and/or
  - Two or more phonological processes not expected at the child's age or developmental level observed during direct testing and/or in conversational speech.
- **Fluency.** A child must demonstrate non-fluent speech behavior characterized by repetitions/prolongations/blocks on a regular basis.
- **Language.** It is required that two diagnostic measures occur, one assessing comprehension and one assessing production of language. It is required that:
  - Standard scores on the particular evaluation instrument suggest a language disorder; and/or
  - Non standardized/informal assessment indicates that the child has difficulty understanding and/or expressing ideas and/or concepts.
- **Voice.** It is required that a child must demonstrate consistent deviations in vocal production that are inappropriate for chronological/mental age, gender and ability.
- **The disability must:**
  - Have an adverse effect on educational performance, and
  - Require specially designed instruction.

**Criteria of Autism Spectrum Disorder:** To be determined eligible in this category, a child must demonstrate at least three of the four characteristics listed below:

- Impairment in communication,
  - Impairment in social interaction,
  - Unusual response to sensory experiences, and
  - Unrestricted, repetitive, or stereotypic patterns of behavior, interests, and/or activities.
- The disability must:
- Have an adverse effect on educational performance, and
  - Require specially designed instruction.

## THE EDUCATIONAL PLAN/PROGRAM

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The Individuals with Disabilities Education Improvement Act (IDEA) has established the Individualized Family Service Plan (IFSP) as the structure for planning child and family outcomes and services for infants and toddlers with disabilities. Under the same IDEA, the Individualized Education Program (IEP) provides the structure for planning and implementing goals and services for children with disabilities ages three, four and five (those five year olds who are not eligible for kindergarten under State policy).

The components of the IFSP and IEP are quite different and may be confusing for parents and service providers. Therefore, it is important to do a comparison of the IFSP/IEP during the transition conference. There are some similarities in how these plans/programs are developed and written, but there are also many differences. Understanding the differences between the intent of these plans and the content will be helpful for both the Infant-Toddler providers and LEA program staff when supporting families through the transition. Table B. provides a comparison of the IFSP and IEP. Table C. provides a timeline for the transition process from birth to 3 years.

**Table B. Comparison Between the Educational Plans**

COMPONENTS OF THE IFSP		COMPONENTS OF THE IEP
<b>Statement of Present Levels</b>	<ul style="list-style-type: none"> <li>• A statement of the child’s present levels of physical, cognitive, communication, social or emotional, and adaptive development, based on objective criteria.</li> <li>• Information on the child’s strengths and needs.</li> </ul>	<ul style="list-style-type: none"> <li>• A description of the child’s present levels of academic achievement and functional performance and for preschool children, as appropriate, how the disability affects the child’s participation in appropriate activities.</li> </ul>
<b>Outcomes/ Goals</b>	<ul style="list-style-type: none"> <li>• A statement of measurable outcomes and results needed to meet the unique needs of the child and family.</li> </ul>	<ul style="list-style-type: none"> <li>• A statement of measurable annual goals related to how the child will be involved and participate in appropriate activities, as well as how the child’s educational needs that result from the disability will be met.</li> </ul>
<b>Family Information</b>	<ul style="list-style-type: none"> <li>• A statement of the family’s resources, priorities, and concerns relating to enhancing the development of the child with a disability.</li> </ul>	<ul style="list-style-type: none"> <li>• Specific family information is not a required part of the IEP. Parents are to be equal partners in making decisions and the IEP Team must consider parents’ concerns and information they provide regarding their child.</li> </ul>
<b>Services</b>	<ul style="list-style-type: none"> <li>• A statement of specific early intervention services necessary to meet the unique needs of the child and family and help the child accomplish the outcomes identified.</li> <li>• Frequency, intensity and method of delivering services.</li> <li>• Location of services; natural environment in which services will be provided.</li> <li>• Persons responsible for providing services.</li> <li>• To the extent appropriate, a description of medical and other services that the child needs but are not required under the Infant-Toddler Program and the funding sources to be used in paying for those services or the steps that will be taken to secure those services through public or private sources.</li> </ul>	<ul style="list-style-type: none"> <li>• A statement of the special education and related services, modifications, accommodations and supplementary aides and services to be provided to the child or on behalf of the child.</li> </ul>
<b>Environments or Educational Placement</b>	<ul style="list-style-type: none"> <li>• A statement of natural environments in which Infant-Toddler Program Services will be provided, including a justification of the extent, if any, to which services will not be provided in natural settings.</li> </ul>	<ul style="list-style-type: none"> <li>• The IEP Team must discuss educational placement options, which will meet the child’s specific identified needs. The IEP Team must consider the LRE and determine the setting that is appropriate for each individual child. An explanation must be provided of the extent, if any, to which the child will participate with nondisabled peers.</li> </ul>
<b>Review and Progress Reporting</b>	<ul style="list-style-type: none"> <li>• The IFSP is reviewed a minimum of every six months by IFSP team members.</li> <li>• The criteria, procedures, and timelines used to determine the degree to which progress toward achieving the outcomes is being made and whether modifications or revisions of the outcomes are necessary.</li> </ul>	<ul style="list-style-type: none"> <li>• A statement of how the child’s progress toward the annual goals will be measured and when periodic reports on the progress the child is making toward the annual goals will be provided (e.g., through the use of quarterly or other periodic reports, concurrent with the issuance of report cards).</li> </ul>
<b>Case Management or Service Coordination</b>	<ul style="list-style-type: none"> <li>• Early Intervention Service Coordinators provide service coordination.</li> </ul>	<ul style="list-style-type: none"> <li>• Special education and related services may be provided by a Preschool Coordinator, Special Education Teacher, Speech and Language Pathologist or other LEA representative.</li> </ul>
<b>Parent Signature</b>	<ul style="list-style-type: none"> <li>• Parent signature on the IFSP means informed written consent is given for the services listed in the IFSP.</li> </ul>	<ul style="list-style-type: none"> <li>• Parent name recorded on the IEP indicates that the parent attended the meeting and participated in the development of the IEP. Informed written consent must be given by the parent for the initial provision of special education and related services.</li> </ul>
<b>Transition Plan</b>	<ul style="list-style-type: none"> <li>• The steps to be taken to support the transition of the child with a disability to preschool or other appropriate services.</li> </ul>	

# EARLY CHILDHOOD TRANSITION TIMELINE

Table C. North Carolina Early Childhood Transition Timeline



Entered NC Early Intervention System											
Transition Process Discussed	<ul style="list-style-type: none"> <li>Part C staff reviews <i>Early Childhood Transition in North Carolina</i> handbook with parents.</li> <li>Transition process, including parental rights, is explained.</li> </ul>										
	<b>Child Find Notification to LEA</b> <ul style="list-style-type: none"> <li>Information sent to LEA including child’s name, date of birth, parent contact information, home language, and Service Coordinator name.</li> <li>Process described in “Catchment Area Transition Plan”.</li> </ul>										
	<b>Invitation to Transition Planning Conference</b> <ul style="list-style-type: none"> <li>Discuss possible program options after child leaves the Infant-Toddler Program.</li> <li>Sign release of information to share evaluation and IFSP with LEA.</li> <li>Schedule Transition Planning Conference and Send Invitation (Written Notice) to parent and LEA at least 10 days prior to transition conference.</li> <li>Process for scheduling and issuing invitation to conference described in “Catchment Area Transition Plan”.</li> </ul>										
	<b>Transition Planning Conference</b> <ul style="list-style-type: none"> <li>Review current assessments &amp; update release of information.</li> <li>Discuss eligibility criteria and procedural safeguards for IDEA Part B.</li> <li>Compare IFSP and IEP and schedule LEA referral meeting.</li> <li>Develop IFSP transition outcomes.</li> </ul>										
	<b>Evaluation Process</b> <ul style="list-style-type: none"> <li>Complete a written referral, if needed.</li> <li>Determine if new assessments are needed.</li> <li>Obtain informed parent consent for new assessments.</li> <li>Provide procedural safeguards and prior written notice.</li> <li>Schedule IEP Team meeting.</li> <li>Invite service coordinator at parent request.</li> </ul>										
									<b>IEP Team Meeting</b> <ul style="list-style-type: none"> <li>Eligibility determination</li> <li>Develop IEP, if eligible</li> <li>Parental consent for services.</li> <li>Prior Written Notice</li> </ul>		Preschool Services Begin

### CHILD'S AGE: 2 YEARS, 0 MONTHS TO 2 YEARS, 3 MONTHS

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#### BEGINNING THE TRANSITION PROCESS

Preparing families for transition out of Infant-Toddler Program Services begins as early as the first contact with each family. Staff members from the Infant-Toddler Program explain to each parent that the Infant-Toddler Program serves children and families until each child's third birthday. The parents will decide what services and/or programs they want to pursue for their child after the age of three. The Early Intervention Service Coordinator can help the family plan for the changes to take place in the future. For children enrolled in the Infant-Toddler Program, formal steps preparing for transition must occur between the second and third birthdays of each child. There may be several discussions about issues, concerns, needs, and opportunities in preparation for the meetings and activities of transition. If the family chooses to pursue eligibility for Preschool Program Services, these are the roles for the Infant-Toddler Program and the family. It is important for each service coordinator to become familiar with the "Catchment Area Transition Plan" agreement that each CDSA and Preschool Program has developed and revises each year. This plan will outline specific steps in the process of providing notification and conducting the transition planning conference.

#### PARENT CONSENT NOTIFICATION

When providing information to the LEA *beyond* Child Find Notification, parental consent is necessary. CDSA staff or Part C staff may use the release of information form to obtain parental consent.

#### CHILD FIND NOTIFICATION

CDSA staff should send notification to the LEA of children enrolled in the Part C system who may be eligible for Part B Program Services at regular intervals. The Catchment Area Transition Plan outlines the agreed upon notification processes between each CDSA and its respective LEAs around notification timelines and process for transmission of the data (<http://www.earlylearning.nc.gov/PreKindergarten/PreschoolEC/CatchmentAreaTranPlans.asp>). One primary contact person in each agency should be identified to send and receive this information. This information does not require parental consent. LEA staff should enter this information into the CECAS database under "pending status".

The purpose of this Child Find information is to alert the LEA of the potential numbers of children they should prepare for, and for data tracking information. Child Find information includes the following:

- *First and Last Name of Each Child,*
- *Birth date,*
- *Sufficient parent contact information to meet the Child Find responsibilities (e.g., parent/guardian name, current phone number(s) and address),*
- *May also include the service coordinator's name and contact information, and*
- *May also include the language spoken by the child and family.*

### CHILD'S AGE: 2 YEARS, 3 MONTHS TO 2 YEARS, 9 MONTHS

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#### TRANSITION PLANNING CONFERENCE

The first joint meeting with parents, Infant-Toddler and Preschool Program staff will occur no earlier than when the child is 2 years, 3 months, and must occur no later than 2 years, 9 months. In order to complete all of the child centered activities for a smooth transition, best practice would suggest that the Transition Planning Conference be held earlier than when the child is 2 years, 9 months. The CDSA is responsible for convening this conference.

The transition planning conference is a Infant-Toddler Program meeting to review all available options that families may consider for services after their child leaves the Infant-Toddler Program. One option is services that the child may receive through the Preschool Program. One important task is to identify the steps of the referral process including the gathering of available evaluation information from the Infant-Toddler Program, and other service providers.

Another important purpose of this meeting is to help the family develop strategies to prepare their child to transition to a new environment for services. When the child turns three years of age, if eligible for Part B services, he or she begins services with new providers. The team may develop suggestions about how the family may assist the child in becoming comfortable in a new setting and with new children. Appendix I outlines the various roles and responsibilities during the transition planning conference.

**Who Will Attend?** Family members and other participants at the request of the family, the Early Intervention Service Coordinator, representatives of the LEA, representatives of the evaluative agency, if the child has been evaluated, and any other person who might help support and develop the transition plan may attend this meeting.

**What Will Happen?** At this meeting, several important activities should occur:

- Parents will be informed of their rights under the law (IDEA Part B Procedural Safeguards) and have their rights explained by a representative of the LEA,
- A copy of the child's records will be given to the LEA with parent consent and current status will be reviewed. As children enrolled in Part C are part of the education system under IDEA, the Family Educational Rights and Privacy Act (FERPA) supersedes the Health Insurance Portability and Accountability Act (HIPAA). However, only the medical information included in the child's Part C record that directly pertains to the evaluation to determine eligibility for services should be shared with Part B. As such, all information (including third party) will be released with parental consent unless the originator of the information has stated that re-disclosure is prohibited or has placed any other conditions on its release. See Infant-Toddler Program Policy and Procedure Manual Bulletin 11,
- Current IFSP outcomes, progress and need for services will be reviewed,
- Outstanding evaluation and information components for eligibility determination will be identified and a timeline developed for the purpose of completing this process, and
- Potential service options will be discussed.

### CHILD'S AGE: 2 YEARS, 8 MONTHS TO 2 YEARS, 11 MONTHS

#### REFERRAL TO THE LEA AND ASSESSMENT PROCESS

The IEP Team must meet to determine if the child will be referred for further evaluation. The IEP Team is required to review any existing information presented by the parent. This information may be obtained from outside evaluators and service providers. In addition, the progress on the goals and outcomes from the IFSP will be reviewed. From this information, the IEP Team can identify the focus of

concern from the family and providers and identify the necessary assessment steps that need to be completed in order to consider eligibility for services. The IEP Team would complete the written referral and issue prior written notice to the parents.

The LEA evaluation process recognizes individual experiences and differences and is nondiscriminatory and unbiased. The findings of the evaluation process will:

- Determine if the child has a disability,
- Provide vital information regarding the educational needs of the child, and
- Guide decision making in appropriate educational programming for each child with a disability that is eligible for special education and related services.

The necessary evaluation components required for each disability category can be found in *The North Carolina Policies Governing Services for Children with Disabilities*. NC 1503-2.5 located at <http://ec.ncpublicschools.gov/>.

#### **What Are the Different Ways to Complete the Assessment?**

Assessment can be thought of as the basic process of finding out what a child knows and can do in relation to his/her optimum level of functioning and development. It is not a single measure or test. Assessment is the process of gathering information about children from several sources of information, then organizing and interpreting that information. Assessment is reliable when it measures accurately and consistently and is valid when it measures what is intended to be measured. Most importantly, for very young children, assessment must be developmentally appropriate in terms of what is expected for a child to perform at a given age, and how observation information is gathered. According to McAfee, et. al. (2004), the components of functional assessments for young children include records that describe behavior, reference a developmental continuum (age level), count or tally behavior, or rate/rank behavior. Therefore, the assessment process for young children may include a number of different types of information.

The LEA multidisciplinary team completing the assessment may develop a profile of the student based on the information previously gathered from all available sources. The student profile will do the following:

- Provide a comprehensive picture of the child,
- Identify patterns of current student functioning, and
- Indicate area(s) where further information is needed.

In the case where eligibility for Part B may be questionable due to a child's progress in the Infant-Toddler Program, the LEA may decide to conduct appropriate screenings to determine if further in-depth multidisciplinary assessments are needed. An individual "Permission to Screen" form may be developed by each LEA for this purpose. If screening results indicate no further need for evaluation, then the IEP Team may decide to do no testing and discontinue the referral process. The IEP Team documents the decision on the written referral form (DEC 1), gives the parent a prior written notice (DEC 5), and the procedural safeguards.

At the conclusion of the school referral and evaluation process, the follow-up IEP Team meeting will be scheduled to determine eligibility, develop the IEP if eligible, and complete the placement.

### **ELIGIBILITY DETERMINATION, IEP DEVELOPMENT AND PLACEMENT**

Prior to the child turning three years of age, an IEP Team meeting will be scheduled to determine eligibility and develop an IEP, if the child is eligible. In most situations, these meetings will be combined, and in other cases, separate meetings will address each process. The LEA must notify the parents of the meeting early enough to ensure that they will have an opportunity to attend. The notice must indicate the purpose, time, and location of the meeting, who will be in attendance, and of their right to invite other individuals who have knowledge or special expertise about their child. [34 CFR 300.322] The participation of the Part C staff in the IEP development must be at the request of the parent, and is encouraged in order to continue the coordinated planning effort on behalf of the child.

As part of the Part B eligibility determination process, the assessment results will be reviewed and the child's eligibility for preschool special education services will be decided. The criteria for eligibility for services through the LEA are defined by federal law and *North Carolina Policies*. [NC 1503-2.5 through 1503-2.7]

If the IEP Team finds the child eligible for special education services, an IEP can be developed or a separate meeting can be scheduled for the development of the IEP. The development of an IEP for an eligible child turning three years of age who has been in the Infant-Toddler Program is the responsibility of the LEA and must be completed, along with parental consent and placement, *within the 90-day timeline*.

The IEP Team must consider the use of an IFSP if it meets all of the criteria described in the law, including the natural environments statement, and an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills. The IFSP may be used as the IEP if the LEA and parents agree to its use. If it is used the parents must be provided a detailed explanation of the differences in an IFSP and IEP and they must provide informed parental consent. [34 CFR 300.323(b)]

For children transitioning from the Infant-Toddler Program, the IEP must be developed and implemented by the third birthday; however, the LEA is not required to provide services when school is not in session, e.g. during the summer. The IEP Team must discuss Extended School Year (ESY) services during the development of the IEP and make a decision as to eligibility for ESY.

During the development of the IEP, the services and location of services will be determined by the IEP Team. This determination leads to the decision pertaining to placement in the least restrictive environment (LRE) that is appropriate for the child as discussed in the following pages.

### **THE LEAST RESTRICTIVE ENVIRONMENT**

LRE is a term used in the IDEA that means children with disabilities are educated with children who are nondisabled to the maximum extent appropriate. After the child is determined eligible for preschool special education services by the LEA, the team writes an IEP and considers the placement options where the services will be provided. By law, the child's placement for Part B services must occur in the LRE in which the goals can be met.

***IEP Team Transition – 34 CFR §300.321(f) In the case of a child who was previously served under Part C, an invitation to the initial IEP meeting shall, at the request of the parent, be sent to the Part C service coordinator or other representatives of the Part C system to assist with the smooth transition of services.***

The LRE continuum for preschool-aged children with disabilities includes a variety of early childhood settings. All settings allow children with disabilities to participate in appropriate activities and opportunities that support children achieving age appropriate abilities and skills. The IEP Team will need to consider necessary modifications, accommodations, supplementary aids, services, and supports that may be needed for the child to advance toward attaining the annual goals, be involved in and progress in the preschool curriculum, and participate with nondisabled children. Examples of supplementary aids and services might include training for the staff, changes in surroundings or equipment, or specially chosen materials to help the child learn in the new environment.

Unless the IEP requires other arrangements, the placement of preschool special education services must be:

- As close as possible to the child's home,
- Where a child would spend time had he or she not had a disability, and
- An IEP Team decision.

For example, at age three, a child who has been successfully participating in a community preschool with typically developing peers should not automatically be placed in a public preschool with children who all have developmental delays. The time for making this decision is at the IEP Team meeting, after the IEP annual goals have been written, the level of services has been determined and the LRE continuum of alternative placements has been explored. The placement decision is an IEP Team decision.

**Continuum of Alternative Placements:** The disability category of a preschool-aged child must not determine the placement, location, or services to be provided to meet the child's needs. Placement and services must be individually determined based upon the IEP Team's consideration of a child's present levels of performance, abilities, and needs rather than a categorical disability. The IEP Team will determine what services and placement are necessary to implement the annual goals for the child.

Services may be provided in a school that is not in the district in which the child lives. Services may be provided in the child care center or a preschool program the child attends. They may also be provided in the home. All of these decisions are made by the IEP Team.

### PROVISION OF SPECIAL EDUCATION SERVICES

After the IEP is developed, the IEP Team provides parent with the prior written notice form of the decision (DEC 5). The parent(s) must sign informed consent (DEC 6) of the decision prior to services beginning.

IEP Team decisions are made by consensus. However, when the team cannot come to consensus the LEA that is responsible for the education of the child must make the decision, give the parents prior written notice (DEC 5), and the procedural safeguards. If the parents disagree, they have one year to file a due process petition from the date they receive the prior written notice (DEC 5), or they could request mediation. (See, <http://ec.ncpublicschools.gov/parent-resources/dispute-resolution>)

### CHILD'S AGE: 2 YEARS, 9 MONTHS TO 3 YEARS, 0 MONTHS

#### LATE REFERRALS TO THE INFANT-TODDLER PROGRAM (90 days to 45 days prior to the child's third birthday)

Smooth and effective transitions may be challenging when children are referred to the Infant-Toddler Program after 2 years, 9 months of age. Gathering all the necessary information and conducting the evaluation and assessments should be viewed as a team effort in order to provide services in a timely fashion. When children are referred to the Infant-Toddler Program as they are approaching age three, there are different program and reporting requirements for the Infant-Toddler and Preschool programs depending on the age of the child. Coordination between the different programs is critical to assist families in the transition process and ensure that both programs can reach and maintain 100 percent compliance with objectives in the State Performance Plan and Annual Performance Reports for transition (Indicator 8 for the Infant-Toddler Program and Indicator 12 for the Preschool Program). It is also critical to ensure that families gain an understanding of the different service delivery systems and their options in a compassionate and meaningful way. Table D. (Infant-Toddler) and Table E. (Preschool) outline the transition responsibilities and requirements when children are enrolled in the Infant-Toddler Program during the transition period.



# REQUIREMENTS FOR LATE REFERRALS TO THE INFANT-TODDLER PROGRAM

**Table D. Infant-Toddler Program Requirements for Late Referrals**

	Child referred to Part C prior to 90 days before 3rd birthday	Child referred to Part C during this time period	Child referred to Part C during this time period
	90 days before 3rd birthday 33 months	45 days before 3rd birthday 2 years 10.5	3rd Birthday 3 years 36 months
<b>Part C Program Requirements</b>	Conduct evaluation, assessments, determine eligibility, and develop initial IFSP with transition steps.	same	Can choose NOT to act on referrals to Part C based on state policy and interagency agreement.
	If eligible and receiving service coordination, child is considered to be served by Part C.		Child is not considered served by Part C.
	Provide parents with information on the Part B 619 preschool program.		
	Provide LEA Notification: 1) for all children who will shortly reach age of eligibility; and 2) for children potentially eligible.		LEA Notification and transition plan are NOT required unless eligibility is determined.
	Invite Part B and conduct transition conference with family approval.	Transition conference is NOT required.	
	Obtain parental consent to share personally identifiable information, including evaluation and ISFP, with LEA.		
<b>Part C Reporting Requirements</b>	Report in C8 A, B, and C. Under 8B, report on the LEA Notification for children potentially eligible. If transition conference is late, note reason for delay and the number of children impacted in 8C.	Report in C8 A and B DO NOT report in C8C	DO NOT report in C8 A, B, or C
<b>Recommended Collaborative Practices (via Catchment Area Transition Plan)</b>	May jointly conduct evaluations for respective eligibility criteria to meet Part C and B timelines.		Part C assists family in contacting LEA and facilitates initiating Part B eligibility determination process.
	CDSA and LEA leadership develops and agrees to Catchment Area Transition Plan, and revises when appropriate.		
	Attend Part C transition conference as part of the initial IFSP meeting	May jointly conduct initial IFSP meeting and initial IEP meeting concurrently to meet Part C and B timelines.	

Adapted from Federal IDEA Part C & B Transition Requirements for Late Referrals to Part C, Diefendorf & Lucas (NECTAC and RRC), 2010

# REQUIREMENTS FOR LATE REFERRALS TO THE PRESCHOOL PROGRAM

**Table E. Preschool Program Requirements for Late Referrals**

	Child referred to Part C prior to 90 days before 3rd birthday	Child referred to Part C during this time period	Child referred to Part C during this time period
	90 days before 3rd birthday 33 months	45 days before 3rd birthday 2 years 10.5	3rd Birthday 3 years 36 months
<b>Part B Program Requirements</b>	Attend transition conference & provide procedural safeguards notice to parents. This does not start the 90 day timeline for Indicator 11.	same	No transition conference is held. If Part C notifies Part B, Part B must make contact with parent within 30 days or sooner.
	Conduct referral meeting; review existing data, including Part C evaluations, provide prior written notice, and obtain parental consent for evaluation if additional information is needed. This does start the 90 day timeline for Indicator 11.		Conduct referral meeting (DEC 1) if parent initiates request for an evaluation, obtain parental consent for evaluation, prior written notice, and provide parents with procedural safeguards notice and Part B information. This does start the 90 day timeline for Indicator 11.
	Conduct initial evaluation and schedule initial IEP meeting. Inform family that Part C Service Coordinator must be invited to IEP meeting at parent's request; invite Part C if parent requests.		Conduct initial evaluation and schedule initial IEP meeting to determine eligibility and develop IEP if child is eligible. Service Coordinator is not invited to IEP meeting since child was not served in Part C.
	Conduct initial IEP meeting within the 90 day timeline and obtain parental consent for services, and implement IEP by 3rd birthday.	Conduct initial IEP meeting within the 90 day timeline and obtain parental consent for services, and implement by 3rd birthday or as soon after the child's 3rd birthday as possible.	
<b>Part B Reporting Requirements</b>	Report in B11 and B12(a)	Report in B11, B12(a) and B12(e)	Do NOT report in B12; Report in B11 only
<b>Recommended Collaborative Practices (via Catchment Area Transition Plan)</b>	CDSA and LEAs within respective catchment area completes "Catchment Area Transition Plan" and reviews effectiveness annually.		
	Attend Part C transition conference as part of the initial IFSP meeting.	May jointly conduct initial IFSP and Initial IEP meeting concurrently to meet Part C and B timelines.	

## THE SUMMER BIRTHDAY AND EXTENDED SCHOOL YEAR

Given the significance of early intervention during the first years of life, the planning team should carefully consider the impact of an interruption in services on the child's developmental progress when making the transition from the Part C to the Part B Program at age three. Planning teams need to work together when a child's birthday occurs in the summertime or shortly before the public school year ends.

It is important to start the transition process early enough to ensure that LEA staff are available for the necessary transition planning conference, conducting assessments, and conducting the initial IEP Team meetings prior to the child's third birthday.

When a child with a disability reaches his/her third birthday during the summer, the required IEP Team members may not be readily available. If need be, an LEA may want to develop contracts with pertinent preschool staff or use flexible scheduling to meet the requirements of the IDEA during the summer months. In any case, Part B and Part C staff must plan ahead to ensure that necessary meetings are held and if the child is eligible that the IEP is developed and implemented by the third birthday.

Children with disabilities who have their third birthday during summer months are not automatically entitled to receive special education and related services during the summer. The LEA must provide services during the summer only if the IEP Team determines the child needs

Extended School Year (ESY) services in order to receive a free appropriate public education (FAPE). If the child is not eligible for extended school year services, the IEP should begin on the first day of the regular school year calendar. The LEA will have met its IDEA responsibility for the transition process by meeting and developing the initial IEP prior to the third birthday.

## WHAT HAPPENS WHEN A CHILD IS NOT ELIGIBLE FOR PRESCHOOL SPECIAL EDUCATION?

Some children receiving Part C services and approaching their third birthday may not be referred to special education at the parent's request. Other children may be evaluated by the LEA but not meet the eligibility requirements for special education. The Part C staff must try to assist families in determining and arranging other options to meet the child's and family's needs through the development of a transition plan with steps and activities. Parents should be made aware of the community resources that are available in the area. Every community varies in what is available, but with some creativity and effort, opportunities can be found.

Part C staff may want to provide a list of local programs that are available in the community and share this information with families. Some suggestions include: case management through Community Care for Children (CC4C) and the local Health Department, Head Start, MC PreK, and Title I preschool programs; private preschool programs; library activities for young children; summer recreation programs; and YMCA classes such as swimming or gymnastics.

The IEP Team may schedule a follow-up meeting in the future to "touch base" and make sure that the child's development is staying on track.

***Sec. 300.323(a) General. At the beginning of each school year, each public agency must have in effect, for each child with a disability within its jurisdiction, an IEP, as defined in Sec. 300.320.***

***Sec. 300.323 I(1)(2) Initial IEPs; provision of services. Each public agency must ensure that a meeting to develop an IEP for a child is conducted within 30 days of a determination that the child needs special education and related services; and as soon as possible following development of the IEP, special education and related services are made available to the child in accordance with the child's IEP.***

***20 USC 1437 §637.(9)(A)(ii)(III)...in the case of a child who may not be eligible for such preschool services, with the approval of the family, make reasonable efforts to convene a conference among the lead agency, the family, and providers of other appropriate services for children who are not eligible for preschool services under part B, to discuss the appropriate services that the child may receive.***

## APPENDIX I

## ROLES AND RESPONSIBILITIES IN THE TRANSITION PROCESS

**Notification Process** **The Service Coordinator**

- CDSA transmits notification information to the LEA for children who are potentially eligible for Part B services by the time the child turns 2 years, 3 months of age as outlined in the Catchment Area Transition Plan.

 **The Preschool Coordinator**

- Log in notification data and track due dates for transition planning conference.

**Planning for the Transition Conference** **The Family**

- Share vision of the child's future.
- Review the parental rights information.
- Review the *"Early Childhood Transition in North Carolina: A Parent's Guide to the Infant-Toddler and Preschool Programs"*.
- Investigate programs and placement options.
- Collect and write down information to share, any changes they want to make or questions that they want to ask to ensure concerns are not forgotten.
- Gather information about their child that new service providers should know prior to working with the child.

 **The Service Coordinator**

- Review state developed *"Early Childhood Transition in North Carolina: A Parent's Guide to the Infant-Toddler and Preschool Programs"*.
- Explain transition processes, including parental rights.
- Begin development of a transition plan as part of the IFSP process.
- Help the family identify potential programs, settings and services as part of the IFSP transition plan.
- Explain that the LEA's IEP team is the only entity that can determine a child eligible for LEA services.
- If the parents choose to pursue services from the LEA, aren't should sign the Authorization to Disclose Health Information form.
- Review the parental rights information
- If parent choose not to pursue services from the LEA, this should be documented in the child's record.

- Schedule Transition Planning Conference according to outlined process in the Catchment Area Transition Plan.
- Send Transition Planning conference invitation/prior written notice to the parents and the LEA.
- Provide interpreter or translator services, if needed, for the family to understand and participate throughout the process.

 **The Preschool Coordinator**

- Schedule Transition Planning Conference according to outlined process in the Catchment Area Transition Plan.

**Conducting the Transition Planning Conference** **The Family**

- Provide updated observation of child's development and progress.
- Participate as a team member in planning and completing the transition process.
- Share questions and concerns about anything that is unclear.
- Sign necessary consent forms for release of information, evaluations, etc.
- Work with staff to complete necessary assessments.

 **The Service Coordinator**

- Consider the family's concerns about the transition.
- Review and provide Part B with existing evaluation and assessment results, including the IFSP
- Assist in the development of the IFSP transition plan.
- Provide information about support groups that the family may choose to contact.

 **The Preschool Coordinator**

- Consider the family's concerns about the transition.
- Review differences between Infant-Toddler Program and Preschool Program and the educational plans.
- Provide information on how eligibility for preschool special education services is determined for a child.
- Inform the family of parental rights in special education by providing the Procedural Safeguards (Handbook on Parents' Rights).
- Plan how to obtain any needed evaluation and assessment information a in a timely manner.
- Determine with the family the need for an evaluation for special education services.
  - If there are no developmental concerns, OR if there are concerns and the family does not want their

child to be evaluated:

- Offer information about other available community resources that might be of interest to the family.
- Explain that the family can contact the school district any time in the future if they have concerns about their child's development, and provide contact information to the family.
- Share resources on developmental milestones and tips for promoting development.
- Document parent's decision on the Infant Toddler prior written notice.
- If there are developmental concerns and the family agrees to an evaluation, explain the next steps for the process of conducting an evaluation to determine if their child might be eligible for preschool special education services.
- Discuss continuum of alternative placements for preschool special education, share local program information and possible location of services.
- Assist in the development of the IFSP transition plan
- Schedule the IEP Team meeting to discuss the referral and/or assessment(s).
- Establish clear and ongoing communication by providing a contact person for the family.

### **Conducting the IEP Team Meeting to Discuss the Referral and/or Assessment(s)**

- Review existing information, identify focus of concern, and identify additional assessments required for determining eligibility and document on the referral form (DEC 1).
- Develop with the family a list of specific questions they would like to have answered through the evaluation/assessment process.
- Decide if child will be evaluated and if yes, obtain informed parental consent
- If the team determines not to proceed with the referral, complete a prior written notice (DEC 5) and provide Procedural Safeguards
- Decide what additional information is needed in order to learn more about the child.
- Be sure that the family understands the purpose and process involved for any information gathering activities and allow opportunities for questions and discussion.
- Determine with the family if the child's skills, abilities

and behaviors are representative of

- interactions at home and with familiar people.
- Conduct necessary assessments
- Schedule eligibility determination/IEP team meeting in conjunction with the family. Upon parent request invite Early Intervention Service Coordinator.

### **Holding the IEP team meeting**

- Provide and explain prior written notice for the eligibility decision and explain procedural safeguards, including procedures to resolve any disagreement.
- Review and summarize findings and share perspectives of all team members, including the family.
- Discuss the child's eligibility for the program, and as a team, determine eligibility.
- If the child is determined not eligible by the team, discuss possible community resources and explain the process for contacting the school district if there are future concerns. Provide parents with prior written notice (DEC 5) and Procedural Safeguards.
- If the child is found to be eligible, complete the initial placement (DEC 5) and gain parent informed consent for placement (DEC 6).
- Collaboratively develop IEP goals to address the child's identified needs and promote positive developmental outcomes.
- Identify potential goals and discuss what the child can reasonably achieve within one year.
- Ensure that the goals are written with respect to appropriate early learning guidelines and reflect what other children this age are learning and doing.
- Write goals using active language that is specific, measurable, attainable, and realistic, and that can be demonstrated by the child across settings.
- Identify the criteria, procedures, and timelines for determining progress toward achieving each goal.
- Ensure the family understands their rights to access information and services within the IEP process.
- Identify the team member who will be the key contact person for the family

*Resource: Key Practices Underlying the IEP Process: Supporting Family Participation, Inclusive Practices and Positive Outcomes for Preschool Children with Disabilities, October 2012*

## APPENDIX II

FEDERAL REGULATIONS WHICH GUIDE  
THE RECOMMENDATIONS FOR IDEA PART C**State Application and Assurances § 303.209**

(a) Application requirements. Each State must include the following in its application:

- (1) A description of the policies and procedures it will use to ensure a smooth transition for infants and toddlers with disabilities under the age of three and their families from receiving early intervention services under this part to – (i) Preschool or other appropriate services (for toddlers with disabilities); or (ii) Exiting the program for infants and toddlers with disabilities.
- (2) A description of how the State will meet each of the requirements in paragraphs (b) through (f) of this section.
- (3)(i)(A) If the lead agency is not the SEA, an interagency agreement between the lead agency and the SEA; or
  - (B) If the lead agency is the SEA, an intra-agency agreement between the program within that agency that administers part C of the Act and the program within the agency that administers section 619 of the Act. (ii) To ensure a seamless transition between services under this part and under part B of the Act, an interagency agreement under paragraph (a)(3)(i)(A) of this section or an intra-agency agreement under paragraph (a)(3)(i)(B) of this section must address how the lead agency and the SEA will meet the requirements of paragraphs (b) through (f) of this section (including any policies adopted by the lead agency under § 303.401(d) and (e)), § 303.344(h), and 34 CFR 300.101(b), 300.124, 300.321(f), and 300.323(b).

(4) Any policy the lead agency has adopted under § 303.401(d) and (e).

**Transition to preschool and other programs. § 303.209**

(b) Notification to the SEA and appropriate LEA.

- (1) The State lead agency must ensure that – (i) Subject to paragraph (b)(2) of this section, not fewer than 90 days before the third birthday of the toddler with a disability if that toddler may be eligible for preschool services under part B of the Act, the lead agency notifies the SEA and the LEA for the area in

which the toddler resides that the toddler on his or her third birthday will reach the age of eligibility for services under part B of the Act, as determined in accordance with State law; (ii) Subject to paragraph (b)(2) of this section, if the lead agency determines that the toddler is eligible for early intervention services under part C of the Act more than 45 but less than 90 days before that toddler's third birthday and if that toddler may be eligible for preschool services under part B of the Act, the lead agency, as soon as possible after determining the child's eligibility, notifies the SEA and the LEA for the area in which the toddler with a disability resides that the toddler on his or her third birthday will reach the age of eligibility for services under part B of the Act, as determined in accordance with State law; or (iii) Subject to paragraph (b)(2) of this section, if a toddler is referred to the lead agency fewer than 45 days before that toddler's third birthday and that toddler may be eligible for preschool services under part B of the Act, the lead agency, with parental consent required under § 303.414, refers the toddler to the SEA and the LEA for the area in which the toddler resides; but, the lead agency is not required to conduct an evaluation, assessment, or an initial IFSP meeting under these circumstances.

- (2) The State must ensure that the notification required under paragraphs (b)(1)(i) and (b)(1)(ii) of this section is consistent with any policy that the State has adopted, under § 303.401(e), permitting a parent to object to disclosure of personally identifiable information.
- (c) Conference to discuss services. The State lead agency must ensure that – (1) If a toddler with a disability may be eligible for preschool services under part B of the Act, the lead agency, with the approval of the family of the toddler, convenes a conference, among the lead agency, the family, and the LEA not fewer than 90 days – and, at the discretion of all parties, not more than 9 months – before the toddler's third birthday to discuss any services the toddler may receive under part B of the Act; and.
  - (2) If the lead agency determines that a toddler with a disability is not potentially eligible for preschool services under part B of the Act, the lead agency, with the approval of the family of that toddler, makes reasonable efforts to convene a conference among the lead agency, the family, and providers of

other appropriate services for the toddler to discuss appropriate services that the toddler may receive.

**IFSP Content Including the Transition Plan § 303.209**

- (d) Transition plan. The State lead agency must ensure that for all toddlers with disabilities –
- (1)(i) It reviews the program options for the toddler with a disability for the period from the toddler's third birthday through the remainder of the school year; and (ii) Each family of a toddler with a disability who is served under this part is included in the development of the transition plan required under this section and § 303.344(h);
  - (2) It establishes a transition plan in the IFSP not fewer than 90 days – and, at the discretion of all parties, not more than 9 months – before the toddler's third birthday; and
  - (3) The transition plan in the IFSP includes, consistent with § 303.344(h), as appropriate – (i) Steps for the toddler with a disability and his or her family to exit from the part C program; and (ii) Any transition services that the IFSP Team identifies as needed by that toddler and his or her family. (e) Transition conference and meeting to develop transition plan. Any conference conducted under paragraph (c) of this section or meeting to develop the transition plan under paragraph (d) of this section (which conference and meeting may be combined into one meeting) must meet the requirements in §§ 303.342(d) and (e) and 303.343(a).
- (f) Applicability of transition requirements. (1) The transition requirements in paragraphs (b)(1)(i) and (b)(1)(ii), (c)(1), and (d) of this section apply to all toddlers with disabilities receiving services under this part before those toddlers turn age three, including any toddler with a disability under the age of three who is served by a State that offers services under § 303.211.

**State Interagency Coordinating Council Functions § 303.125**

State interagency coordinating council. Each system must include a State Interagency Coordinating Council (Council) that meets the requirements of subpart G of this part.

**Functions of the Council – required duties. § 303.604**

- (a) Advising and assisting the lead agency. The Council must advise and assist the lead agency in the performance of its responsibilities in section 635(a)(10) of the Act, including –

- (1) Identification of sources of fiscal and other support for services for early intervention service programs under part C of the Act;
  - (2) Assignment of financial responsibility to the appropriate agency;
  - (3) Promotion of methods (including use of intra-agency and interagency agreements) for intra-agency and interagency collaboration regarding child find under §§ 303.115 and 303.302, monitoring under § 303.120 and §§ 303.700 through 303.708, financial responsibility and provision of early intervention services under §§ 303.202 and 303.511, and transition under § 303.209; and
  - (4) Preparation of applications under this part and amendments to those applications.
- (b) Advising and assisting on transition. The Council must advise and assist the SEA and the lead agency regarding the transition of toddlers with disabilities to preschool and other appropriate services. (c) Annual report to the Governor and to the Secretary.
- (1) The Council must – (i) Prepare and submit an annual report to the Governor and to the Secretary on the status of early intervention service programs for infants and toddlers with disabilities and their families under part C of the Act operated within the State; and (ii) Submit the report to the Secretary by a date that the Secretary establishes.
  - (2) Each annual report must contain the information required by the Secretary for the year for which the report is made.

**Procedural Safeguards Confidentiality § 303.401**

Confidentiality and opportunity to examine records.

- (a) General. Each State must ensure that the parents of a child referred under this part are afforded the right to confidentiality of personally identifiable information, including the right to written notice of, and written consent to, the exchange of that information among agencies, consistent with Federal and State laws.
- (b) Confidentiality procedures. As required under sections 617(c) and 642 of the Act, the regulations in §§ 303.401 through 303.417 ensure the protection of the confidentiality of any personally identifiable data, information, and records collected or maintained pursuant to this part by the Secretary and by participating agencies, including the State lead agency and EIS providers, in accordance with the protections under the Family Educational Rights and Privacy Act (FERPA) in 20 U.S.C. 1232g and 34 CFR part 99.

## APPENDIX III

### FEDERAL REGULATIONS AND NC POLICIES GOVERNING SERVICES FOR CHILDREN WITH DISABILITIES WHICH GUIDE THE RECOMMENDATIONS FOR IDEA PART B

#### *Transition of children from the Part C program to preschool programs – 34 CFR § 300.124*

The State must have in effect policies and procedures to ensure that –

- (a) Children participating in early intervention programs assisted under Part C of the Act, and who will participate in preschool programs assisted under Part B of the Act, experience a smooth and effective transition to those preschool programs in a manner consistent with section 637(a)(9) of the Act;
- (b) By the third birthday of a child described in paragraph (a) of this section, an IEP or, if consistent with Sec. 300.323(b) and section 636(d) of the Act, an IFSP, has been developed and is being implemented for the child consistent with Sec. 300.101(b); and
- (c) Each affected LEA will participate in transition planning conferences arranged by the designated lead agency under section 635(a)(10) of the Act.

#### *Initial evaluations – 34 CFR §300.301*

- (a) General. Each public agency must conduct a full and individual initial evaluation, in accordance with Sec. 300.305 and 300.306, before the initial provision of special education and related services to a child with a disability under this part.
- (b) Request for initial evaluation. Consistent with the consent requirements in Sec. 300.300, either a parent of a child or a public agency may initiate a request for an initial evaluation to determine if the child is a child with a disability.
- (c) Procedures for initial evaluation. The initial evaluation –
  - (1)(i) Must be conducted within 60 days of receiving parental consent for the evaluation; or (ii) If the State establishes a timeframe within which the evaluation must be conducted, within that timeframe; North Carolina has a 90 day timeline from written referral to placement.
  - (2) Must consist of procedures – (i) To determine if the child is a child with a disability under Sec. 300.8; and (ii) To determine the educational needs of the child.

- (d) Exception. The timeframe described paragraph (c)(1) of this section does not apply to a public agency if –
  - (1) The parent of a child repeatedly fails or refuses to produce the child for the evaluation; or
  - (2) A child enrolls in a school of another public agency after the relevant timeframe paragraph (c)(1) of this section has begun, and prior to a determination by the child’s previous public agency as to whether the child is a child with a disability under Sec. 300.8.
- (e) The exception in paragraph (d)(2) of this section applies only if the subsequent public agency is making sufficient progress to ensure a prompt completion of the evaluation, and the parent and subsequent public agency agree to a specific time when the evaluation will be completed.

#### *Initial IEP Team meeting for a child under Part C – Sec. 34 CFR §300.321(f)*

- (f) In the case of a child who was previously served under Part C of the Act, an invitation to the initial IEP Team meeting must, at the request of the parent, be sent to the Part C service coordinator or other representatives of the Part C system to assist with the smooth transition of services.

#### *IEP or IFSP for children aged three through five – 34 CFR §300.323(b)*

- (1) In the case of a child with a disability aged three through five (or, at the discretion of the SEA, a two-year-old child with a disability who will turn age three during the school year), the IEP Team must consider an IFSP that contains the IFSP content (including the natural environments statement) described in section 636(d) of the Act and its implementing regulations (including an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills for children with IFSPs under this section who are at least three years of age), and that is developed in accordance with the IEP procedures under this part. The IFSP may serve as the IEP of the child, if using the IFSP as the IEP is (i) Consistent with State policy; and (ii) Agreed to by the agency and the child’s parents.
- (2) In implementing the requirements of paragraph (b)(1) of this section, the public agency must – (i) Provide to the child’s parents a detailed explanation of the



differences between an IFSP and an IEP; and (ii) If the parents choose an IFSP, obtain written informed consent from the parents

**When IEPs must be in effect – 34 CFR §300.323(a)**

(a) General. At the beginning of each school year, each public agency must have in effect, for each child with a disability within its jurisdiction, an IEP, as defined in §300.320.

**When Initial IEPs must be in effect – 34 CFR § 300.323(c)**

- (1) A meeting to develop an IEP for a child is conducted within 30 days of a determination that the child needs special education and related services; and
- (2) As soon as possible following development of the IEP, special education and related services are made available to the child in accordance with the child's IEP.

**34 CFR § 300.320 Definition of individualized education program.**

(a) General. As used in this part, the term individualized education program or IEP means a written statement for each child with a disability that is developed, reviewed, and revised in a meeting in accordance with §§ 300.320 through 300.324, and that must include –

- (1) A statement of the child's present levels of academic achievement and functional performance, including –
  - (i) How the child's disability affects the child's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled children); or
  - (ii) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;
- (2)(i) A statement of measurable annual goals, including academic and functional goals designed to –
  - (a) Meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; and
  - (b) Meet each of the child's other educational needs that result from the child's disability;
    - (ii) For children with disabilities who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives;

- (3) A description of –
  - (i) How the child's progress toward meeting the annual goals described in paragraph (2) of this section will be measured; and
  - (ii) When periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided;
- (4) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school staff that will be provided to enable the child –
  - (i) To advance appropriately toward attaining the annual goals;
  - (ii) To be involved in and make progress in the general education curriculum in accordance with paragraph (a)(1) of this section, and to participate in extracurricular and other nonacademic activities; and
  - (iii) To be educated and participate with other children with disabilities and nondisabled children in the activities described in this section;
- (5) An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in paragraph (a)(4) of this section;
- (6) (i) A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and districtwide assessments consistent with section 612(a)(16) of the Act; and
  - (ii) If the IEP Team determines that the child must take an alternate assessment instead of a particular regular State or districtwide assessment of student achievement, a statement of why –
    - (A) The child cannot participate in the regular assessment; and
    - (B) The particular alternate assessment selected is appropriate for the child; and
- (7) The projected date for the beginning of the services and modifications described in paragraph (a)(4) of this section, and the anticipated frequency, location, and duration of those services and modifications.



#### **NC 1501-2.4 Extended School Year services**

(a) General.

- (1) Each public agency must ensure that extended school year services are available as necessary to provide FAPE.
- (2) Extended school year services must be provided only if a child's IEP Team determines, on an individual basis, that the services are necessary for the provision of FAPE to the child.
- (3) In implementing the requirements of this section, a public agency may not –
  - (i) Limit extended school year services to particular categories of disability; or
  - (ii) Unilaterally limit the type, amount, or duration of those services.

(b) Definition. As used in this section, the term extended school year services means special education and related services that –

- (1) Are provided to a child with a disability--
  - (i) Beyond the normal school year of the public agency;
  - (ii) In accordance with the child's IEP; and
  - (iii) At no cost to the parents of the child; and

- (2) The IEP Team must determine that extended school year services are necessary for the provision of FAPE to an individual child by considering:
  - (i) Whether the student regresses or may regress during extended breaks from instruction and cannot relearn the lost skills within a reasonable time; or
  - (ii) Whether the benefits a student gains during the regular school year will be significantly jeopardized if he or she is not provided with an educational program during extended breaks from instruction; or
  - (iii) Whether the student is demonstrating emerging skill acquisition ("window of opportunity") that will be lost without the provision of an educational program during extended breaks from instruction.

(Authority: 20 U.S.C. 1412(a)(1); 34 CFR 300.106)

#### **NC 1507 Preschool Grants For Children With Disabilities**

##### NC 1507-1 In General

The State provides grants under section 619 of the IDEA to assist LEAs to provide special education and related services in accordance with Part B of the IDEA to three and four year-old children with disabilities and those five year-old children with disabilities who are not eligible for kindergarten.

(Authority: 20 U.S.C. 1419(a); 34 CFR 300.800)

## APPENDIX IV

## Acronyms and Definition of Terms

ACRONYM	TERM	DEFINITION
CDSA	Children's Developmental Services Agency	The local lead agency in North Carolina for infants and toddlers with developmental delays and/or established conditions.
CECAS	Comprehensive Exceptional Children's Accountability System	The database utilized by Part C and the Exceptional Children Part B Program in North Carolina.
DEC	Division of Exceptional Children	DEC on the state special education forms means Division of Exceptional Children. LEAs are not required to use the state forms and may use their own.
FAPE	Free Appropriate Public Education	Special education and related services that are provided at public expense, under public supervision and directions, and without charge. Meets the standards of the State agency and according to IDEA; includes an appropriate preschool education and conforms with the IEP.
FERPA	Family Educational Rights and Privacy Act	The Family Educational Rights and Privacy Act is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.
IDEA	Individuals with Disabilities Education Improvement Act	The federal special education law which includes children from birth through 21 years of age with disabilities.
IEP	Individualized Education Program	Educational program that contains a written statement for a child with a disability that is developed, reviewed, and revised in accordance with the regulations and through which the child receives a FAPE. Utilized by the Preschool Program.
IFSP	Individualized Family Service Plan	Educational Plan that contains a written statement for a child with a disability that is developed, reviewed, and revised in accordance with the regulations and is utilized by the Infant-Toddler Program.
LEA	Local Educational Agency	Local school system. In North Carolina, public charter schools and state-operated programs are considered local educational agencies.
LRE	Least Restrictive Environment	The IEP Team must consider educating a child with a disability in the least restrictive environment that is appropriate for that child.
Part B	Section of IDEA that regulates educational services to children with disabilities ages 3 through 21	The part of the Individuals with Disabilities Education Improvement Act that is the special education law for children ages three through twenty-one (3-21).
Part C	Section of IDEA that regulates educational services to children with disabilities ages birth to 36 months	The part of the Individuals with Disabilities Education Improvement Act that is the special education law for children ages birth through 2 years of age.
SEA	State Educational Agency	The SEA in North Carolina is the Department of Public Instruction.
DHHS	Department of Health and Human Services	State government agency responsible for providing the human service needs for various fragile populations.



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