Technical Assistance Bulletin

Division of Early Intervention and Special Education Services | Bulletin # 17-01

☐ Birth – Age 4	☒ Birth – K	☐ Age 3 – K	☐ Birth – 21	☐ Age 3 – 21

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Effective Transition Practices: Supporting Family Choice at Age 3

In 2009 the Maryland State Department of Education (MSDE) received a $14.4 million incentive grant from the U.S. Department of Education, Office of Special Education Programs (OSEP) as part of the American Recovery and Reinvestment Act. This additional funding offered MSDE the opportunity to build a seamless system of comprehensive and coordinated early intervention and preschool special education services for children with disabilities, birth to kindergarten (K), and their families. Within the framework of a birth-K system, Maryland implemented the Extended Individualized Family Service Plan (IFSP) Option, giving parents of eligible children the choice to remain on an IFSP after age three until the beginning of the school year following the child's 4th birthday. To be eligible for the Extended IFSP Option a child must be receiving services through an IFSP prior to age 3 and be determined eligible for preschool special education services.

During the development of policies and procedures for Maryland's Extended IFSP Option, guidance received from the OSEP indicated that it was not allowable for states to concurrently develop an Individualized Education Program (IEP) and an Extended IFSP for the same child. Recently, however, the OSEP provided revised written guidance (Letter to Goodman, 68 IDELR 51, May 9, 2016) that public agencies are neither required to develop, nor prohibited from developing, an IEP before the family makes the decision to remain on an IFSP or receive preschool special education services through an IEP. Taking the guidance from OSEP under consideration, the Maryland Infants and Toddlers Program (MITP) has determined that there will not be any revisions to current policies and procedures. Current policies and procedures specify that once a family chooses to receive services through an IEP and terminate services through and IFSP, and signs *Part VIII – Parent Consent (At or Before Age 3)* of the IFSP, the child and family will no longer be eligible to receive services through an IFSP.

Based on the federal response to public comments provided on the 2011 Individuals with Disabilities Education Act (IDEA) Part C regulations, the MITP believes that current State policies and procedures are consistent with the interpretations of federal law. The federal discussion in the analysis of comments and changes states that:

> *States that choose to implement the option in §303.211 to provide Part C services to children three years of age and older **must provide**, pursuant to §303.211(b)(2), the parents of children with disabilities who are eligible for services under section 619 of the Act and previously received early intervention services with an annual notice that includes the following:*
> 1) *A description of the rights of parents to elect to receive early intervention services under part C of the Act or preschool services under part B of the Act;*
> 2) *An explanation of the differences between early intervention services provided under Part C of the Act and preschool services provided under Part B of the Act, including:*
>   a. *The **types of services and locations** that the services are provided;*
>   b. *The procedural safeguards that apply; and*

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c. *The possible costs, if any, to parents of infants or toddlers with disabilities receiving early intervention services.*

Early Intervention Program for Infants and Toddlers with Disabilities, Final Regulations, Analysis of Comments and Changes, *Federal Register*, Vol. 76, No. 188, September 28, 2011, pp. 60178-9.

The following guidance is offered to assist Local Infants and Toddlers Programs in partnership with local school systems, as appropriate, in support of effective transition planning practices, including robust information sharing with families about next steps for their child at age 3.

Transition Planning

Federal regulations require that early intervention programs provide timely transition planning for all children. Specific requirements include:

1) The development of a transition plan (34 CFR §303.209(d)) which must:
    a. Be established not fewer than 90 days-and at the discretion of all parties, not more than 9 months-before the toddler's third birthday.
    b. Include steps for the toddler with a disability and his or her family to exit from the Part C program and any transition services that the IFSP Team identifies as needed by that toddler and his or her family.
    c. Add transition steps and services to the IFSP for all children.
    d. Review program options for the toddler with a disability for the period from the toddler's third birthday through the remainder of the school year.
2) Notification to the Local Education Agency (LEA) and State Education Agency (SEA) (34 CFR §303.209(b)) must occur for all children not fewer than 90 days before the third birthday of the toddler with a disability (or not later than 45 days before the third birthday if the toddler was referred less than 90 days prior to the child's third birthday) if the toddler may be eligible for preschool services under Part B of IDEA.
3) Transition conferences (34 CFR §303.209(c)) must be convened between 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 IDEA. In Maryland, these conferences are called "Transition Planning Meetings (TPMs)," are part of an IFSP meeting, and the Transition at Age 3 page (Part 7A) of the IFSP is completed with the family.

The IFSP Transition at Age 3 page (Part 7A), along with IFSP outcomes added to help the child and/or family prepare for transition, are used to document the transition plans described above. These requirements, while seemingly compliance-specific in nature, are essential to preparing and supporting families, Local Infants and Toddlers Program (LITP) staff, and preschool special education administrators for a potential transition out of the MITP. Furthermore, the provision of timely transition planning ultimately has an impact on child and family results/outcomes.

To help facilitate transition planning, the MITP has created several resources. The Parent Information Series: *A Family Guide to Next Steps, When Your Child in Early Intervention Turns Three* (see Additional Online Resources at end of this document) was created to help families prepare for transition at age 3 and provide them with written information about the family choice to remain on an IFSP or transition to an IEP. In addition, the MITP created three flowcharts to assist both families and service providers understand the three different points of transition from the MITP, including *Transition by Age 3, Transition After Age 3,* and *Transition at the Beginning of the School Year Following the Child's Fourth Birthday*. These flowcharts are included as attachments to this Technical Assistance Bulletin.

Building Relationships for Effective Communication

While transitions are a natural part of life, they can be difficult for young children with disabilities and their families. It is important to implement effective transition activities with family members to both promote positive relationships and prepare children and families for potentially new settings and services. Transition at age 3 and after age 3 should be well planned and collaborative in nature as families and service providers walk through the process together.

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Building relationships is a critical component of effective transition. How program staff and service providers interact with each other and with families can potentially impact family choice at age 3. Team members represent programs and/or agencies and, therefore, family decisions regarding the choice at age 3 should be based on program options not on the personalities of staff attending meetings or providing services. For example, interactions perceived by the family as unpleasant or unfriendly could potentially discourage them from choosing a specific option. Similarly, it is important to build strong, trusting relationships between LITP staff and preschool special education staff. Staff from all agencies must work together to fully support children's and families' services and transitions throughout the entire course of their education experience.

Effective on-going communication with families is an extremely important part of the transition process. Service coordinators and service providers are encouraged to begin talking about transition at the earliest opportune time during home visits and as part of IFSP meetings. These discussions become more formalized during the IFSP meeting designated as the Transition Planning Meeting (TPM). At the TPM, the preschool special education (Part B) representative provides a full explanation of the eligibility process for preschool special education services as well as the local continuum of services for children and families moving to an IEP. The LITP (Part C) Service Coordinator provides information about the local continuum of service options for children and families remaining on an Extended IFSP. As part of this discussion, *A Family Guide to Next Steps, When Your Child in Early Intervention Turns Three* can be very helpful by providing a side-by-side description of the differences between services provided on an Extended IFSP and services provided on an IEP. In addition, the side-by-side comparison helps families understand the differences between parental rights in early intervention and special education.

After the TPM, at the IEP meeting to determine initial eligibility for preschool special education, families, LITP staff, and preschool special education staff share information to assist the team with the eligibility decision. Once a child has been determined eligible by the IEP team, LITP and preschool special education staff are available as necessary to provide a full explanation of the local continuum of services for children and their families to assist with the family's decision to remain on an Extended IFSP or move to an IEP. Effective communication about a child's strengths and needs plays a critical role in supporting the family's choice. For example, the family of a child with social-interpersonal needs may elect to transition to preschool special education (Part B) in a jurisdiction that has more opportunities for promoting positive social interactions in their preschool special education service delivery models than in their LITP (Part C) service delivery models. Another family, however, may decide to continue receiving services through an Extended IFSP because they have many opportunities during the week for their child to spend time with typical peers and their child has made continued progress by working on outcomes and strategies through daily routines.

Please note: Education Article §8-419, Annotated Code of Maryland, requires each local board of education to develop and publish on its website a list of all special education service delivery models that are part of the local continuum available for children with disabilities. A written copy of this information is made available to families upon request. The local school system website and written copy provide families with a resource they can reference before, during or after TPMs, IEP eligibility meetings, and other meetings related to the transition at age 3.

<u>Building and Implementing a Birth to Kindergarten Seamless System of Services</u>

In many jurisdictions a **<u>birth to kindergarten service delivery model</u>** has been created with no significant differences between children receiving services through an Extended IFSP or through an IEP. In these jurisdictions, services are based on child/family needs independent of a particular document. This best practice option is a local program choice that encourages seamless transitions birth to kindergarten as well as an overall seamless system of services birth to K.

<u>Building Capacity for Families and Service Providers</u>

In addition to clear ongoing communication, a common way to build family capacity around transition is by facilitating family transition workshops or events. Workshops and events can provide valuable information, resources, and the opportunity for discussions and hands-on activities. They also offer opportunities for families to network and connect with other families who are experiencing similar challenges.

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Joint trainings and professional learning activities for LITP and preschool special education staff ensures consistent knowledge to support the provision of accurate, effective information sharing with families. LITP (Part C) representatives are responsible for providing information to families about early intervention services, whereas preschool special education (Part B) representatives are responsible for providing information about services through the local school system. However, it is important to have LITP and preschool special education staff knowledgeable about service delivery models and regulations regarding both systems of services. Shared knowledge furthers local system capacity to support seamless, comprehensive and coordinated services from birth to K.

Effective Practices to Support Family Decision-Making

The facilitation of **classroom visits** is an effective practice for supporting family decision-making. For children determined to be not eligible for preschool special education services, LITPs may provide opportunities for families to observe playgroups, a Head Start classroom, and other early care and education programs in which the child could participate after age 3. Similarly, for a child found eligible for preschool special education services, classroom visits are an excellent opportunity for families to obtain information about various service delivery models. Tours of potential settings help families experience what a playgroup or classroom might look like for their child. Local school systems are encouraged to welcome site visits by families so that they may gain a better understanding of any unique features or differences among settings within the local continuum of services. Often a written description of program options included in the local service delivery model continuum does not provide enough information for a family to make an informed decision about the best next step for their child and family.

An alternative option to classroom visits is the creation of a **local video** to explain and illustrate various service delivery models. Videos can include a sample segment of a variety of program settings depicting the potential ways in which services can be delivered. Several advantages of video include:

1) Alleviating concerns about confidentiality;
2) Decreasing the amount of time it takes to view each service delivery model which is a benefit to both the LSS/PA and families;
3) Allowing for all potential service delivery models to be viewed at one time rather than scheduling multiple program visits;
4) Supporting a family member's knowledge of more than one setting as potentially appropriate for their child versus identification with one particular classroom and teacher;
5) Providing a consistent process for all families; and
6) Creating a resource that can be posted online and viewed at a time convenient for the family.

Note: Videos may also be used by families and service providers to illustrate a child's strengths and needs in the context of daily activities and routines. These videos can be a powerful professional learning/reflective coaching tool to support caregivers and service providers when a child **transitions** to new settings.

Many LITPs and preschool special education programs have developed **transition planning checklists**. These checklists not only assist local service providers and programs to maintain compliance but ensure that appropriate documentation and step-by-step planning occurs. Transition planning checklists may also assist parents in the preparation for transition by giving them information about their service coordinator's responsibility, the family's role, and the family's priorities after age 3. Checklist responses can support families in making an informed choice to remain on an IFSP after age 3 or to transition to an IEP. If, for example, the checklist asks the family about features of a program that are important to them (e.g., continuous year-round services, service coordination, structured child-centered focus, etc.), the family will be better prepared to make a choice that offers a best fit in relation to their priorities for their child. The Division for Early Childhood (DEC) Recommended Practices on the topic area of transition has a *Transition from Early Intervention Services into Part B Preschool Special Education Checklist* (see Additional Online Resources at the end of this document). This recommended practices checklist can support family decision-making and promote service provider planning, communication, and collaboration skills.

Challenges to Effective Transition Planning

While it is essential that each child and family receive an individualized, effective transition planning process there can be programmatic challenges to this process including late referrals, transportation, and service location decisions.

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Late Referrals
Federal regulations require the evaluation and assessment of any child referred greater than or equal to 45 days prior to their third birthday (34 CFR §303.209(b)(iii)). State regulations further require that by the child's third birthday an IEP be in effect, if transitioning to preschool special education (13A.05.01.08.A(2)(iv)), or an educational component be added to the child's IFSP, if remaining on an Extended IFSP after age 3 (13A.13.01.09.C(1)(b)). While these requirements may sometimes make it difficult to ensure compliance when there is a shortened amount of time before the third birthday, LITP and preschool special education services can utilize innovative strategies to ensure effective transition. For example, utilizing the same evaluation reports to make both IFSP and IEP eligibility decisions is an effective way to maximize efficient information sharing between programs and reduce the amount of time the family and child will need to engage in evaluation and/or assessment activities. In addition, with parent permission, IFSP and IEP eligibility meetings may be scheduled on the same day provided there is a clear distinction between the two meetings. In all instances, meetings should be scheduled at times that are convenient for the family.

Transportation
It is the LEA's responsibility to provide transportation for children receiving preschool special education services on an IEP. Transportation is included as a related service in IDEA, 34 CFR §300.34(a) and (c)(16). This regulation applies to preschool special education; MSDE guidance is provided in the TA Bulletin #16-01 *Frequently Asked Questions about Transportation of Children With Disabilities* (see Additional Online Resources at the end of this document). If, therefore, an IEP Team determines that transportation is required to assist a preschool-age child to benefit from special education (and includes transportation in the IEP), the LEA is required to provide transportation for that child.

Service Location
The family choice option discussed in this TAB does not give parents additional rights to select service setting or location outside of the IFSP/IEP team decision. Once the IEP team decides what services and the frequency of services needed to meet IEP goals, the team must then decide where the services will be provided. As members of the IEP team, parents have a right to be a part of the placement discussion. Aside from the parental right to choose services through the Maryland School for the Blind or the Maryland School for the Deaf, consistent with COMAR 13A.13.02.08.O, a placement decision is based on the least restrictive environment in which IEP services can be implemented. This decision cannot be based on the child's identified disability, documented condition or diagnosis, a particular disability category, or on the location of staff, funds available, or local school system administrative convenience.

Additional Online Resources:
A Family Guide to Next Steps, When Your Child in Early Intervention Turns Three
http://marylandpublicschools.org/programs/Documents/Special-Ed/BKPIS/YellowNextStepsWhenYourChildTurns3Guide[Sept2018]online.pdf

DEC Recommended Practices Topic Area: TRANSITION
Transition from Early Intervention Services into Part B Preschool Special Education Checklist
http://ectacenter.org/decrp/type-checklists.asp#checklists-transition

TA Bulletin #16-01 *Frequently Asked Questions about Transportation of Children With Disabilities*
http://www.marylandpublicschools.org/programs/Pages/Special-Education/TAB.aspx

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