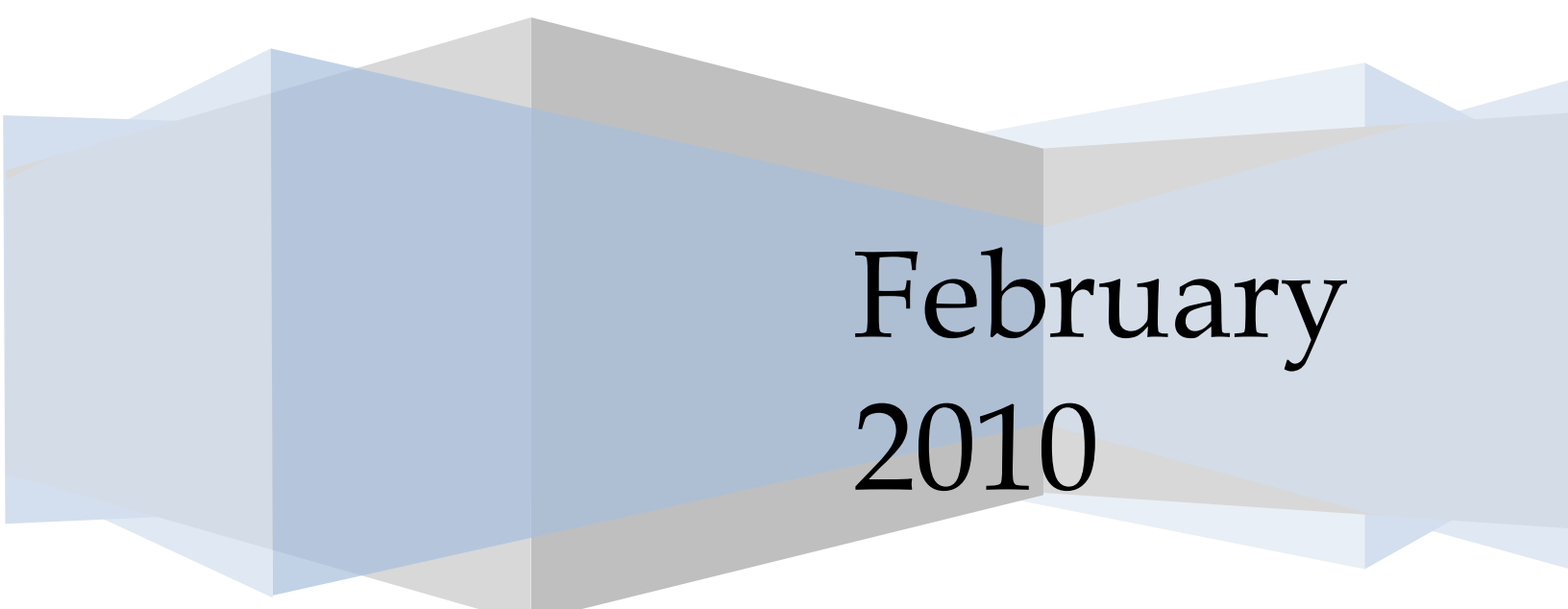


New Mexico Public Education Department
New Mexico Department of Health

New Mexico Guidance: Children Transitioning from IDEA Part C to IDEA Part B

Individuals with Disabilities Education Act



**February
2010**

**New Mexico Guidance -
Children Transitioning from IDEA Part C to IDEA Part B
(February 2010)**

Table of Contents

Topic	Page
Purpose.....	1
Timeline of Steps for Early Childhood Transition and Part B Eligibility	2
Notification	3
Individualized Steps and Services for Transition Planning	4
Referral to LEA.....	6
Transition Conference (Formerly Called 90-day Conference)	8
Initial Evaluation for Part B Services.....	13
Eligibility Determination Meeting	17
Evaluation Report and Documentation of Eligibility.....	20
Child Transitions to LEA.....	20
Child Remains in FIT Program.....	21
Individualized Education Program (IEP)	22
Community Transition Planning and Agreements.....	23

Appendices

- A. FIT Transition Assessment Summary Form
- B. FIT Transition Referral Form
- C. Parent Consent Form for Preschool Evaluation
- D. Sample Transition Conference Invitation Letter



STATE OF NEW MEXICO
PUBLIC EDUCATION DEPARTMENT
300 DON GASPAR
SANTA FE, NEW MEXICO 87501-2786
Telephone (505) 827-5800
www.ped.state.nm.us

DR. VERONICA C. GARCÍA
SECRETARY OF EDUCATION

BILL RICHARDSON
Governor

August 18, 2009

MEMORANDUM

TO: Family Infant Toddler Program, Part C Providers
District Special Education Directors
Regional Education Coordinators Directors
Charter School Special Education Coordinators
Transition Team Coaches

FROM: Denise Koscielniak, Special Education Director, Special Education Bureau
Andy Gomm, Director, Family Infant Toddler (FIT) Program

RE: PART C TO PART B TRANSITION GUIDANCE

The Special Education Bureau of the New Mexico Public Education Department and the New Mexico Department of Health Family Infant Toddler (FIT) Program are pleased to provide you with the New Mexico Guidance: Children Transitioning from the Individuals with Disabilities Education Act (IDEA) Part C to IDEA Part B, technical assistance document. The guidance is a result of the collaboration between the New Mexico Public Education Department, the New Mexico Department of Health, the Mountain Plains Regional Resource Center, the National Early Childhood Technical Assistance Center, the New Mexico Transition Steering Committee, and the New Mexico Early Childhood Stakeholder Group. The individuals participating in the development of this manual worked from a philosophical belief that transition planning begins early in a child's life, and requires commitment from all parties involved in the transition in order to ensure that families are fully informed of the process and their rights resulting in smooth and effective IDEA Part C to Part B transition.

The technical assistance document provides clarification on the roles and responsibilities of Part C Providers and Part B staff including notification and referral, evaluation, eligibility determination requirements and the initial IEP. The intent of the manual is to provide relevant information for early childhood providers (Part C and Part B) so they can assist and support families in navigating from one service system to the next.

If you have any questions regarding the transition from Part C to Part B guidance, please contact the Special Education Bureau at (505) 827 - 1457 or contact the FIT Program at (505) 476-8974.

DK/AG/sg

Enclosure

cc: Catherine Cross Maple, Ph.D., Deputy Secretary, Learning and Accountability
Gloria O. Rendón, Ed.D., Assistant Secretary, Instructional Support and Vocational Education
Mikki Rogers, Developmental Disabilities Supports Division, Director
Ida Tewa, Education Administrator, Special Education Bureau
Sbicca Brodeur, LBSW, LMSW, SW Manager, FIT Program
Sophie Bertrand, NM Early Childhood Transition Coordinator, Center for Development and Disability, UNM Health Sciences Center
Ron Dughman, Program Specialist, Mountain Plains Regional Resource Center
Wayne Ball, Program Specialist, Mountain Plains Regional Resource Center
Kathy T. Whaley, National Early Childhood Technical Assistance Center Administrators, Special Education Bureau
FIT Program Regional Managers

PURPOSE

The purpose of this guidance document is to provide clarifying information on steps in the transition process that relate to initial evaluation and eligibility determination practices for the transition of young children and their families from Part C Early Intervention into IDEA Part B special education preschool services.

This guidance is meant to assist New Mexico Family Infant Toddler (FIT) Program and New Mexico school district personnel to facilitate a smooth and effective transition for eligible families and children.

New Mexico will measure the success of transition for children and their families through the Individuals with Disabilities Education Act (IDEA) performance measures as outlined in the State Performance Plans (SPP) for the PED and FIT agencies.

PART C AND PART B SPP/APR INDICATORS

Part C Indicator C8 Effective Transition

Percent of all children exiting Part C who received timely transition planning to support the child's transition to preschool and other appropriate community services by their third birthday including:

- A. IFSPs with transition steps and services;
- B. Notification to LEA, if child potentially eligible for Part B; and
- C. Transition conference, if child potentially eligible for Part B.

Part B Indicator B11 Child Find

Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation.

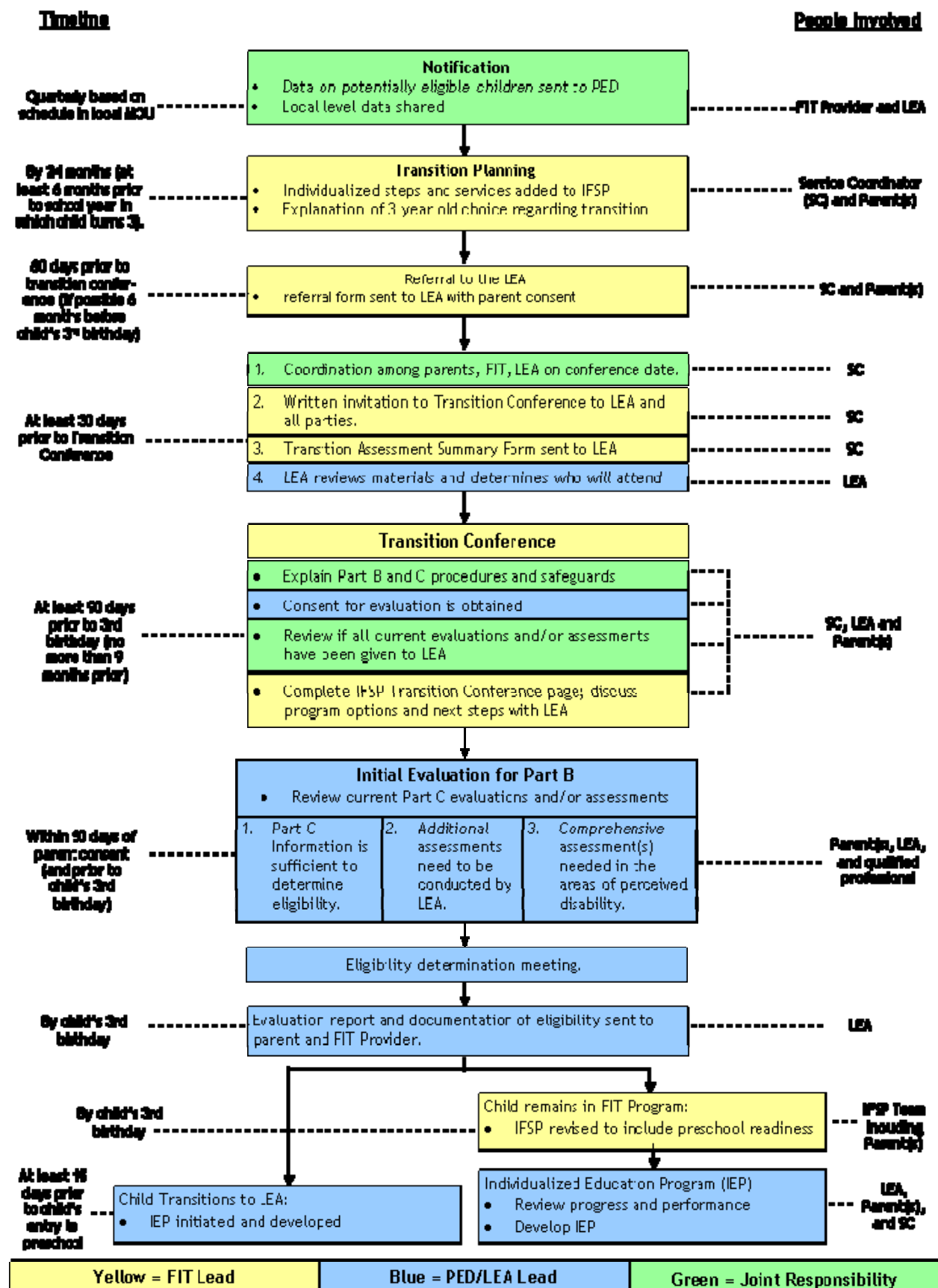
Part B Indicator B12 Effective Transition

Percent of children referred by Part C prior to age 3, who are found eligible for Part B and who have an IEP developed and implemented by their third birthday.

FORMAT: .QUESTIONS, DISCUSSION, AND REGULATIONS

Each section in this manual is presented in Question and Answer format followed by discussion and federal and state regulatory references. The discussion clarifies the regulatory and rule references as needed and provides additional information about evidence-based and field-tested practices that have shown to be effective relating to the topic. Direct language from Federal Statute or Regulations and New Mexico PED and FIT State Rules follow the discussions as appropriate.

TIMELINE OF STEPS FOR EARLY CHILDHOOD TRANSITION IN NEW MEXICO



NOTIFICATION

- FIT Provider will notify the LEA of children who are potentially eligible (Dev. Delay / Established Condition)

1.) *What is the requirement for notification of the LEA?*

Discussion

Notification is legally required in accordance with IDEA Part C Sec. 303.148 (b) (1), which states that the early intervention provider will: “notify the educational agency for the area in which the child resides that the child will shortly reach the age of eligibility for preschool services under Part B of the Act”

The FIT Program service provider agency must notify the LEA of children who reside in the LEA’s educational jurisdiction and who are potentially eligible for Part B services. For this purpose, potentially eligible is considered to be those children eligible under the Part C’s “established condition” or “developmental delay” category. The list should include children who will turn three within the next 12 months*.

The notification must include: the child’s first name, last name, middle initial, date of birth, the LEA in which the child resides, and contact information for the parent(s). In accordance with OSEP’s correspondence “Letter to Elder” dated 02/11/2004, this disclosure of limited personally identifiable information is allowed without parent consent under FERPA (Family Educational Rights & Privacy Act). The LEA must protect this informational as educational records under FERPA in a manner which will not permit personal identification of Part C children and their parents to anyone other than the LEA. The FIT provider must also maintain in the child’s file a record that there has been a disclosure to the LEA.

This notification will be provided to the LEA at least quarterly, in accordance with the schedule agreed upon in their local community transition team’s Memorandum of Understanding.

This notification provides the LEA with a list of children who will potentially transition to their school district within the next year, in order for the LEA to project future allocation of resources. The list can also help the LEA and the local FIT provider plan for upcoming transition conferences throughout the year. The LEA should work with the FIT service coordinator, who will schedule the transition conferences. The LEA should not contact the family directly at this early stage of the transition process.

*The list should be cumulative (i.e. each quarter, children who will turn three within the next 12 months will be added to the list).

Federal Regulations

As a part of **Sect. 637(a)(9) of the IDEA Statute for Part C** (ii) the lead agency designated or established under section 635(a)(10) will (I) notify the local educational agency for the area in which such a child resides that the child will shortly reach the age of eligibility for preschool services under part B, as determined in accordance with State law;

OSEP Letter to Elder (2004) (<http://www.ed.gov/policy/speced/guid/idea/letters/2004-1/elder021104ifsp1q2004.pdf>) – If an infant or toddler is determined eligible under Part C, that infant and toddler with a disability and the family receive the early intervention services identified in the child's IFSP under Part C .At least 90 days (or up to six months depending on the State) prior to a toddler reaching the age of three (the age of initial eligibility for services under Part B), the Part C lead agency must notify the LEA for the area where the child resides that the child will shortly reach the age of eligibility for preschool services under Part B .

Under the IDEA, in States where the SEA, through an interagency agreement or other mechanism, has included the lead agency's participation in the SEA's child find activities, the SEA, with the lead agency, can establish procedures that allow the lead agency to refer a child to the SEA without prior parent consent in order to meet the SEA's child find responsibilities under 34 CFR §300.125 . The specific information that can be included in the referral without prior parental consent by the lead agency for these limited child find purposes are the child's name, date of birth, and sufficient parent contact information (as determined by the SEA) to the SEA and/or LEA so that the SEA and LEA can meet their respective child find responsibilities

State Rules

7.30.8.13 TRANSITION (B) In a timely manner, the early intervention provider shall notify the local education agency of children that reside in the geographic area served by the LEA that may be eligible for preschool special education services.

6.31.2.11 (A) (4) (a) Each LEA shall survey Part C programs within its **educational** jurisdiction in its child find efforts to identify children who will be eligible to enter the LEA's Part B preschool program in future years.

TRANSITION PLANNING

- Individualized steps and services added to IFSP
- Explanation of 3 year old choice regarding transition

2.) *What is the role of the service coordinator in transition planning with the family?*

Discussion

By 24 months of age, but at least 6 months prior to the beginning of the school year in which the child turns three, the service coordinator meets with the family to identify and document the specific steps and actions that will support the child and family through the transition process. These individualized steps and actions are documented on the transition plan and are included in the IFSP.

The Service Coordinator fully informs the family of their options regarding when their child may transition, in accordance with state statute. The Service Coordinator also ensures that the family is fully aware of the array of service and program options available including: home; Part B preschool special education; Head Start; childcare centers; private preschools or other community-based settings, etc. and will assist the family to visit any of these settings.

The service coordinator shall discuss options for inclusive settings for preschool in order for the child to be with typically developing peers and will also address the parent(s) need for child care (if they work or are in school) and how this might be arranged if the preschool is only half (1/2) day.

Federal Regulations

As part of the Part C requirements for specific service coordination activities under **34 CFR §303.23 Service Coordination**, activities include (7) Facilitating the development of a transition plan to preschool services, if appropriate.

34 CFR. §303.344

(h) **Content of an IFSP** requires Part C as part of transition planning to hold discussions with the family. (i) Discussions with, and training of, parents regarding future placements and other matters related to the child's transition; (ii) Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to, and function in, a new setting;

3.) *What is the responsibility of LEA staff during early transition planning process?*

Discussion

LEA staff are not required to participate in the meetings between FIT providers and the family members preceding the Transition Conference. LEAs are encouraged to routinely communicate with FIT providers about public school programs, activities and resources. LEAs should coordinate with FIT providers to allow parents to learn more about services available through school districts and support parent and family involvement in the transition planning process. LEA staff are encouraged to be responsive to requests by FIT providers and families for information and opportunities to meet with school personnel, visit school programs and tour facilities.

State Rules

6.31.2.11(A)(3)

Each public agency shall develop and implement appropriate policies and procedures to ensure a smooth and effective transition from Part C to Part B programs for preschool children with disabilities within the agency's educational jurisdiction, in compliance with 34 CFR Sec. 300.124. Each LEA and other public agencies as appropriate shall make reasonable efforts to establish productive working relations with local Part C programs and when given reasonable notice shall participate in the ninety day transition planning conferences arranged by local Part C providers.

6.31.2.11(A)(4)(b)

Each LEA shall promote parent and family involvement in transition planning with Part C programs, community programs and related services providers at least six months before the child is eligible to enter the LEA's Part B preschool program.

REFERRAL TO THE LEA

- Referral form sent to LEA with parent consent

4.) *What are the planning activities that need to occur by FIT Providers and LEA staff prior to the transition conference?*

Discussion

The Service Coordinator, with parental permission, will complete and submit the State Transition Referral Form to the LEA. Upon receipt of the referral form, the LEA staff are required to record the date of the written referral into the STARS database

The **Transition Referral Form** should be sent at least 60 days prior to the Transition Conference, and if possible at least six months prior to the child's third birthday for all children eligible for Part C under "Established Condition" or "Developmental Delay". Children eligible under the "at risk categories" may be referred if they are showing greater concern at the time of referral

The Service Coordinator will work with the family, the LEA and other key providers to determine a **date for the transition conference** that work for everyone and the family will receive prior written notice of the Transition Conference. With parent consent, the Service Coordinator will send a **written invitation to the LEA** and any other potential preschool providers with the details about the conference (e.g. Head Start, child care, NM School for the Deaf, and NM School for the Blind and Visually Impaired). (See Appendix D)

To support the use of Part C information in determining Part B eligibility, the **FIT Transition Assessment Summary Form** will be completed and sent to the LEA at least 30 days prior to the Transition Conference. Assessment information is defined as current if they are within 6 months of the Transition Assessment Summary Form being completed.

Pertinent assessment/ evaluation reports, IFSPs, and other information that may support Part B eligibility determination need to be included in files sent to the LEA along with the Transition Assessment Summary Form. Only information that originates with the FIT Program shall be sent. It is important that the **LEA review the information** sent by the Part C Service Coordinator in order to determine who will attend the transition conference.

State Rules

7.30.8.13

- A. Transition planning shall begin early enough to allow the parents to exercise all their rights under state and federal statutes and regulations. Transition planning must be undertaken for each child and family at least 6 months before the child is eligible to transition from early intervention services. Transition planning shall be a process involving meeting(s) and progressive steps toward the smooth and effective transitioning of each child and family.
- B. In a timely manner, the early intervention provider shall notify the local education agency of children that reside in the geographic area served by the LEA that may be eligible for preschool special education services.

- C. Steps/actions shall be identified and included in the IFSP that support the child and family and ensure a smooth and effective transition. With involvement of the parents, such steps/actions shall include, at a minimum:
- (1) Discussions with the parents regarding future program/service options to include preschool special education services and other community services that may be available and appropriate; representatives from these programs and services shall be included in these discussions to ensure an informed decision;
 - (2) Preparing the child and family for the changes and adjustments to a new setting;
 - (3) With parental consent and in accordance with regulation, the transmission of information, including evaluation and assessment information and copies of IFSPs to ensure continuity of services.

5.) *What happens if a family refuses to be referred to the LEA?*

Discussion

If a family whose child is potentially eligible for IDEA B (i.e. the child is eligible for Part C under the “developmental delay” or “established condition” categories) refuses to be referred to the LEA, the parent is then choosing not to continue with services through the Individuals with Disabilities Education Act (IDEA). This is true even though NM State Statute allows for family choice regarding when their child will transition.

Therefore, if a parent refuses for the referral to be made to Part B, the Service Coordinator should provide the parent(s) with prior written notice that Part C services will end at the time of their child’s third birthday. The service coordinator will also provide the family a copy of their procedural safeguards at this time.

The parent(s) can change their mind and provide consent for the referral if the child is still under the age of three. In this case the service coordinator will send the referral to the LEA.

6.) *What happens if a family who previously refused to be referred to the LEA or refused to sign consent for evaluation has changed their mind?*

Discussion

If the child is still under the age of three, the family can change their mind and apply for the Extended Part C Option. In this case the service coordinator will send the referral to the LEA or get the Consent for Evaluation signed by the parent(s). If the child has already turned three and the child and family is no longer receiving early intervention services through the FIT Program, the family cannot change their mind to choose the Extended Part C Option.

7.) *What should occur with late referrals (i.e. children referred to the FIT program within 90 days of their 3rd birthday)?*

Discussion

If a referral is received on a child within 45 days of their 3rd birthday the service coordinator can inform the parent(s) of options for preschool and assist them with applying for these options. However, as long as the child is referred to the FIT Program before their third birthday the

service coordinator can complete the intake process, including the evaluation and eligibility determination for Part C.

The service coordinator will discuss the process for transition with the family during the intake process and the transition plan will be incorporated into the initial IFSP. If the child is determined eligible under “Established Condition” or “Developmental Delay” a referral must be sent to the LEA. The service coordinator should check the box “90 day timeline for this meeting cannot be met due to child not being enrolled in the FIT Program at that time” on the Transition Referral Form. **These children would not be included in the APR indicators C8C or B12.** LEA staff are required to document the date of a late referral in the STARS database and the corresponding non-compliance reason code.

TRANSITION CONFERENCE

- Explain Part B and C procedures and safeguards
- Consent for evaluation is obtained
- Review if all current evaluations and/or assessments have been given to LEA
- Complete IFSP Transition Conference page, discuss program options and determine next steps with LEA

8.) *Who convenes and attends the Transition Conference?*

Discussion

The FIT program is legally responsible for convening the Transition Conference. It is the responsibility of the Service Coordinator to invite an LEA representative to the Transition Conference with the approval of the family. It is the legal responsibility of the LEA representative to respond to the FIT provider’s invitation and participate if it is determined that the child is potentially eligible for Part B services. Minimally, attendees to the Transition Conference should include the family, FIT Service Coordinator, LEA representative and any other agency considered for future services. Examples of other agencies might include Head Start, Child Care, NM School for the Deaf, and the NM School for the Blind and Visually Impaired

Service Coordinators and LEA staff should schedule the conference earlier than 90 days before the child’s third birthday as this is a minimum timeline. The law allows up to nine months for the conference to be scheduled. Service Coordinators should communicate frequently with LEA personnel to coordinate the scheduling of conferences so as to promote LEA participation and attendance.

If any party is unable to attend the transition conference, the meeting may be rescheduled. However, Part C is required by law to convene the Transition Conference. Part C should

document instances when the LEA does not attend if attempts to reschedule are unsuccessful. If Part C fails to schedule the transition conference 90 days prior to the child's third birthday, the LEA should document this information in STARS.

Federal Regulations

34 CFR § 300.124 Transition of children from the Part C program to preschool programs. 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; (c) Each affected LEA will participate in transition planning conferences arranged by the designated lead agency under section 635(a)(10) of the Act.

Part C IDEA 2004 Statute: 20 USC 1437(a)(9)(A)(ii)(II) in the case of a child who may be eligible for such preschool services, with the approval of the family of the child, convene a conference among the lead agency, the family, and the local educational agency *not less than 90 days* (and at the discretion of all such parties, not more than *9 months*) before the child is eligible for the preschool services, to discuss any such services that the child may receive;

State Rule

7.30.8.13 (F) TRANSITION

With approval of the parents, a transition conference shall be convened at least 90 days prior to the anticipated date of transition from early intervention services but no later than 90 days prior to the child's third birthday. If the child may be eligible for preschool services including special education and related services offered through the local education agency, this conference shall include, at a minimum, the parents, the relevant early intervention service providers and the local education agency representative(s). Other relevant service providers should be invited to attend this meeting. The transition process must take into account availability of Head Start and other child care services in the community.

Subsection (A)(4)(e) of 6.31.2.11 states that "Each LEA shall participate in transition planning conferences arranged by the designated Part C lead agency no less than 90 days prior to the anticipated transition or the child's third birthday, whichever occurs first, to facilitate informed choices for all families."

9.) *Does the LEA need to complete any forms prior to their participation in the transition conference?*

Discussion

No, there is not any specific form that the LEA needs to complete. The LEA should review the Transition Referral Form that will be provided by the FIT program before attending the meeting. The FIT Transition Referral Form is included in this document as Appendix B.

10.) *What occurs during the Transition Conference?*

Discussion

At a minimum, as described in the federal statute, the purpose of the Transition Conference is to "discuss any such services that a child may receive" in the future and to examine "options for the period from the child's third birthday through the remainder of the school year", and "to establish a transition plan, including, as appropriate, steps to exit from the program."

The Transition Conference provides an opportunity for families to learn about their LEA's programs and services and for the LEA representative to learn about the child and the family. Representatives from the LEA and other appropriate agencies and programs should provide information about their services and answer questions.

Ideally, the family should already know some of this information prior to the Transition Conference as transition planning occurs over time as a responsibility of the Service Coordinator's role. Learning about program options and services in advance of the Transition Conference facilitates the development of a transition plan with steps and services outlined in the child's IFSP. As a result of prior planning and conversations, many parents will have signed consent for the Service Coordinator to send a Transition Assessment Summary and other relevant child information to the LEA.

The LEA representative must provide prior notice regarding consent to evaluate. The contents of the prior notice must include:

- A description of the actions proposed by the LEA;
- A description of each evaluation or assessment to be used; and
- A statement regarding Part B Parent and Students Rights and a copy of the Part B Procedural Safeguards.

Steps to Occur if Parent is *Ready* to proceed with the possible Part B Eligibility Determination Process:

- Review Prior Notice of Consent to Evaluate;
- Provide parents with a copy of procedural safeguards;
- Provide an overview of the Procedural Safeguards and obtain written consent for education evaluation (This starts the timeline of 60 days to complete the initial evaluation for Part B);
- Review current evaluation and assessments and determine if additional assessments will be needed;
- Determine next steps (including visits to the possible future settings); and
- Part C provider completes IFSP transition page.

Some families are ready to move forward with the LEA processes, while other families may need more time before making a decision. It is important to schedule Transition Conferences more than 90 days in advance of a child's third birthday as families often need more time to consider their options.

Federal Regulations

IDEA Statute – Part C section 637(a)(9) (A)(ii) the lead agency designated or established under section 635(a)(10) will-- ... (II) in the case of a child who may be eligible for such preschool services, with the approval of the family of the child, convene a conference among the lead agency, the family, and the local educational agency not less than 90 days (and at the discretion of all such parties, not more than 9 months) before the child is eligible for the preschool services, to discuss any such services that the child may receive; and (B) to review the child's program options for the period from the child's third birthday through the remainder of the school year; and (C) to establish a transition plan, including, as appropriate, steps to exit from the program;

Part B Regulations 34CFR § 300.124

(c) Each affected LEA will participate in transition planning conferences arranged by the designated lead agency under section 635(a)(10) of the Act.

34CFR § 300.503 Prior notice by the public agency; content of notice

(a) Notice. Written notice that meets the requirements of paragraph (b) of this section must be given to the parents of a child with a disability a reasonable time before the public agency – (1) Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.

§ 300.504 Procedural safeguards notice

(a) General. A copy of the procedural safeguards available to the parents of a child with a disability must be given to the parents only one time a school year, except that a copy also must be given to the parents – (1) Upon initial referral or parent request for evaluation.

State Rule

7.30.8.13

F. The service coordinator shall convene and facilitate this conference to ensure the following actions:

1. Review the child’s service/program options;
2. Renew, revise or establish a transition plan;
3. Ensure coordination of transition matters including the provision of uninterrupted services to the child and family; and
4. With parental consent, the transmission of information, including evaluation and assessment information and copies of IFSPs to ensure continuity of services.

Subsection (A)(4) (e) of 6.31.2.11 states that “Each LEA shall participate in transition planning conferences arranged by the designated Part C lead agency no less than 90 days prior to the anticipated transition or the child’s third birthday, whichever occurs first, to facilitate informed choices for all families.”

11.) *Can parent consent for Part B initial evaluation be obtained at the Transition Conference?*

Discussion

The LEA representative may secure parental consent for initial evaluation during the Transition Conference. Parents must fully understand what signing consent means and the resulting actions that will occur. Therefore, the LEA representative is responsible for providing and describing Part B Procedural Safeguards to the parents. It is the choice of the parent as to whether they sign the consent during the Transition Conference as it is not a legal requirement of the Transition Conference. Parents may need more time to consider their options and should not be pressured to make a decision during the conference. Allowing time for decision-making is one reason why the conference should be held more than 90 days before a child’s third birthday. Parents have a legal right to refuse to sign consent if they have definitely decided not to proceed with Part B initial evaluation and eligibility determination processes.

Federal Regulations

34 CFR § 300.300 Parental consent.(a) Parental consent for initial evaluation. (1)(i) The public agency proposing to conduct an initial evaluation to determine if a child qualifies as a child with a disability under § 300.8 must, after providing notice consistent with §§ 300.503 and 300.504, obtain informed consent, consistent with § 300.9, from the parent of the child before conducting the evaluation.

- (ii) Parental consent for initial evaluation must not be construed as consent for initial provision of special education and related services.
- (iii) The public agency must make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability.

34 CFR § 300.9 Consent. Consent means that--

- (a) The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or through another mode of communication;
- (b) The parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and
- (c) (1) The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time.
(2) If a parent revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked).

12.) *What happens if a family who has been referred to Part B refuses to provide consent for an initial evaluation?*

Discussion

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

If the parent does not consent to proceeding with the Part B evaluation and eligibility determination process, they are choosing to not continue with Individuals with Disabilities Education Act (IDEA) services. This is true even though NM State Statute allows for family choice regarding when their child will transition.

Therefore, if a parent does not consent to the Part B evaluation and eligibility determination the service coordinator should provide them with prior written notice that Part C services will end at the time of their child's third birthday. The service coordinator will also provide the family a copy of their procedural safeguards at this time

Parents who decide not to proceed with eligibility determination for Part B should be given contact information for the LEA in which they reside. It should be made clear that after they exit the FIT program, they may contact the LEA in the future and request an initial evaluation. **The LEA is responsible for documenting the status of the child and tracking that information in STARS. Documentation of refusal to provide consent is also in the Parent Consent for Evaluation Form. This form is provided in the Appendix of this document.**

Federal Regulations

- 34 CFR § 300.300 Parental consent.**(a) Parental consent for initial evaluation
- (iii) The public agency must make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability.
 - (b)(3) If the parent of a child fails to respond or refuses to consent to services under paragraph (b)(1) of this section, the public agency may not use the procedures in subpart E of this part (including the mediation procedure under § 300.506 or the due process procedures under §§ 300.507 through 300.516) in order to obtain agreement or a ruling that the services may be provided to the child.

34 CFR § 300.9 Consent. Consent means that--
(c)(1) The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time.

13.) *Can a child's eligibility be determined at the Transition Conference?*

Discussion

The Transition Conference is not the time to determine eligibility for IDEA Part B services as evaluations are not conducted at this conference. The transition conference provides an opportunity for the family to meet a representative of the LEA and learn more about the steps in the process of determining possible eligibility. An initial review of a child's records and assessment should occur during the conference.

Federal Regulation

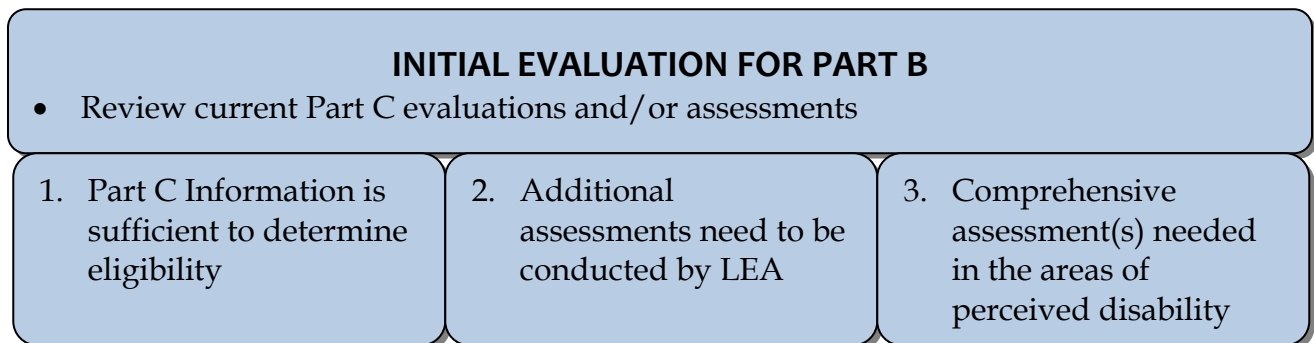
34 CFR§ 300.306 Determination of eligibility.

(a) General. Upon completion of the administration of assessments and other evaluation measures –

(1) A group of qualified professionals and the parent of the child determines whether the child is a child with a disability...

State Rule

Subsection (A)(4) (f) of 6.31.2.11 states that "Each LEA shall designate a team including parents and qualified professionals to review existing evaluation data for each child entering the LEA's preschool program in compliance with 34 CFR Sec. 300.305, and based on that review to identify what additional data, if any, are needed to determine the child's eligibility for Part B services or to develop an appropriate program.



14.) *What is the LEA responsibility for conducting an initial evaluation?*

Discussion

The LEA is responsible for obtaining written informed parental consent and conducting the evaluation within 60 days. The purpose of the initial evaluation is to determine if the child is a child with a disability, and if the child requires special education and related services to benefit from the education program. Prior to conducting evaluations to determine eligibility, the LEA team must review any existing data, including evaluations and information provided by parents and the FIT Program, assessments and teacher observations.

As part of the Part B evaluation procedures, the team must utilize a variety of assessment tools and strategies to gather functional and developmental information about the child, including information from the parents, and information related to enabling the child to be involved, and progress, in age-appropriate activities. Other factors to consider are: health, vision, hearing, social emotional status, academic performance, communication and motor skills. The LEA may consider the assessments that the FIT Providers have provided, including the Transition Assessment Summary Form. Specific evaluations considered necessary for determining eligibility but not available from the FIT Provider are the responsibility of the LEA to complete, including hearing and vision.

All tools and strategies must yield relevant information that directly assists in determining the educational needs of the child and be sufficiently comprehensive to determine the need for special education and related services. The LEA should use technically sound instruments that may assess the relative contribution of cognitive and behavior factors in addition to physical or development factors. The instruments should be used in accordance with documented instructions and for the purpose for which they were designed. The LEA should ensure the use of non discriminatory or racially or culturally biased instruments which are in child's native language.

As part of a parent's procedural safeguards under Part B, a parent has the right to have an independent evaluation at no cost. The parent also has a right to receive a copy of their child's evaluation report and documentation of eligibility at no cost.

Note: Hearing screening, including an OAE, should be current within one year.

Federal Regulations

34 CFR § 300.301 Initial evaluations. (a) General. Each public agency must conduct a full and individual initial evaluation, in accordance with §§ 300.304 through 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 § 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; and

(2) Must consist of procedures—

(i) To determine if the child is a child with a disability under § 300.8; and

(ii) To determine the educational needs of the child.

34 CFR § 300.304(b) Evaluation procedures...the public agency must—

(4) Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent, that may assist in determining—

(i) Whether the child is a child with a disability under § 300.8; and

(ii) The content of the child's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities);

- (5) Not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child; and
- (6) Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

34 CFR § 300.305 Additional Requirements for Evaluations and Reevaluations

- (a) Review of existing evaluation data. As part of an initial evaluation (if appropriate) and as part of any reevaluation under this part, the IEP Team and other qualified professionals, as appropriate, must—
 - (1) Review existing evaluation data on the child, including-
 - (i) Evaluations and information provided by the parents of the child;
 - (ii) Current classroom-based, local, or State assessments, and classroom-based observations; and
 - (iii) Observations by teachers and related services providers; and
 - (2) On the basis of that review, and input from the child's parents, identify what additional data, if any, are needed to determine--(i)(A) Whether the child is a child with a disability, as defined in Sec. 300.8, and the educational needs of the child;

34CFR § 300.502 Independent Educational Evaluation. (a) General.

- (1) The parents of a child with a disability have the right under this part to obtain an independent educational evaluation of the child, subject to paragraphs (b) through (e) of this section.
- (2) Each public agency must provide to parents, upon request for an independent educational evaluation, information about where an independent educational evaluation may be obtained, and the agency criteria applicable for independent educational evaluations as set forth in paragraph (e) of this section.
- (3) For the purposes of this subpart— (i) Independent educational evaluation means an evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the education of the child in question; and (ii) Public expense means that the public agency either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent, consistent with § 300.103.

State Rule

6.31.2.10

- A. Procedural requirements for the assessment and evaluation of culturally and linguistically diverse children.
 - 1. Each public agency must ensure that tests and other evaluation materials used to assess children are selected, provided and administered so as not to be discriminatory on a racial or cultural basis and are provided and administered in the child's native language or other mode of communication, such as American sign language, and in the form most likely to yield accurate information, on what the child knows and can do academically, developmentally and functionally, unless it is clearly not feasible to select, provide or administer pursuant to 34 CFR Sec. 300.304(c)(1).
 - 2. Each public agency must ensure that selected assessments and measures are valid and reliable and are administered in accordance with instructions provided by the assessment producer and are administered by trained and knowledgeable personnel.
 - 3. Each public agency must consider information about a child's language proficiency in determining how to conduct the evaluation of the child to prevent misidentification. A

child may not be determined to be a child with a disability if the determinant factor for that eligibility determination is limited English proficiency. Comparing academic achievement results with grade level peers in the public agency with similar cultural and linguistic backgrounds should guide this determination process and ensure that the child is exhibiting the characteristics of a disability and not merely language difference in accordance with 34 CFR Sec. 300.306(b)(1).

4. Each public agency must ensure that the child is assessed in all areas related to the suspected disability.
5. Policies for public agency selection of assessment instruments include:
 - (a) assessment and evaluation materials that are tailored to assess specific areas of educational need; and
 - (b) assessments that are selected ensure that results accurately reflect the child's aptitude or achievement level.
6. Public agencies in New Mexico shall devote particular attention to the foregoing requirements in light of the state's cultural and linguistic diversity. Persons assessing culturally or linguistically diverse children shall consult appropriate professional standards to ensure that their evaluations are not discriminatory and should include appropriate references to such standards and concerns in their written reports.

15.) *Can LEAs use assessments and evaluation information from the FIT Program in determining a child's eligibility for Part B services?*

Discussion

The LEA must review *existing* evaluation data as part of the initial evaluation. The LEA is required to draw information from a variety of sources such as parent input, and teacher recommendations, as well as information about the child's physical condition, social or cultural background, and adaptive behavior. This may include existing IDEA Part C assessment data conducted within six months. IDEA Part C data cannot be the sole source for determining eligibility for IDEA Part B services.

Part C programs have substantial, pertinent information, both qualitative and quantitative that is needed by the IEP team. The FIT Assessment Summary Form and supporting documentation provides the LEA with pertinent information regarding the child's developmental level and achievement. An LEA should always consider the child's assessments if they have been completed within six months of the consent for evaluations. It is not an efficient use of resources to evaluate unnecessarily or duplicate existing evaluations. In some instances the information from the Part C Early Intervention program may be sufficient in determining eligibility, but should not be considered as the sole source of data.

It is the responsibility of the LEA to conduct any further evaluations in order to determine eligibility for Part B services. The LEA must ensure that a full and individual initial evaluation has been conducted before determining the child's eligibility for special education. The initial evaluation must be conducted within 60-days of parent consent.

Federal Regulations

34 CFR § 300.305 Additional Requirements for Evaluations and Reevaluations

- (a) Review of existing evaluation data. As part of an initial evaluation (if appropriate) and as part of any reevaluation under this part, the IEP Team and other qualified professionals, as appropriate, must—
 - (1) Review existing evaluation data on the child, including-
 - (i) Evaluations and information provided by the parents of the child;

- (ii) Current classroom-based, local, or State assessments, and classroom-based observations; and
 - (iii) (Observations by teachers and related services providers; and
- (2) On the basis of that review, and input from the child's parents, identify what additional data, if any, are needed to determine--(i)(A) Whether the child is a child with a disability, as defined in Sec. 300.8, and the educational needs of the child;

State Rules

Subsection (A)(4)(f) of 6.31.2.11 states that “Each LEA shall designate a team including parents and qualified professionals to review existing evaluation data for each child entering the LEA’s preschool program in compliance with 34 CFR Sec. 300.305, and based on that review to identify what additional data, if any, are needed to determine the child’s eligibility for Part B services or to develop an appropriate program.”

Additional Information

(OSEP Letter to Eleanor Hirsch, August 2005) located at

<http://www.ed.gov/policy/speced/guid/idea/letters/2005-3/hirsh080905eval3q2005.pdf> –

“OSEP has encouraged States to use results from child assessments completed under Part C when determining eligibility for Part B. Under 34 CFR 300.571 (which applies to Part C through 34 CFR §303.402), parental consent must be obtained before personally identifiable information from evaluation and assessment records under Part C is disclosed by the lead agency to the local educational agency (LEA) (subject to the exceptions identified in 34 CFR §300.571 and 34 CFR Part 99). As noted above, section 614(c)(1) of IDEA permits an LEA to review existing data regarding a child with a disability, including a child who has been referred by the lead agency, as part of an initial evaluation. However, the statutory language does not specifically require the +and related services under Part B. Parents may make this information available to the Part B eligibility group for their consideration.”

(The Part C regulations described in the OSEP letter to Hirsch are the 1999 regulations. However the OSEP response is reflective of the IDEA 2004 statute for Part B and Part C.)

ELIGIBILITY DETERMINATION MEETING

16.) *How is eligibility determined for Part B services?*

Discussion

Eligibility is determined after the initial evaluation procedures are completed including the careful review of existing evaluation and assessment information, observations and input from the parents.

A team of qualified professionals including the parents determine whether the child meets the New Mexico Part B eligibility requirements. The LEA may choose to use the State recommended “Determination of Eligibility for Special Education” form. The LEA must, at no cost to the parent, provide a copy of the evaluation report and the documentation of the child’s eligibility. With consent of the parent, documentation of the eligibility determination for Part B will also be sent to the referring FIT provider.

Federal Regulation

34 CFR §300.306 Determination of eligibility.

- (a) General. Upon completion of the administration of assessments and other evaluation measures –
- (1) A group of qualified professionals and the parent of the child determines whether the child is a child with a disability, as defined in §300.8, in accordance with paragraph (b) of this section and the educational needs of the child; and
 - (2) The public agency provides a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent...
- (c) Procedures for determining eligibility and educational need.
- (1) In interpreting evaluation data for the purpose of determining if a child is a child with a disability under §300.8, and the educational needs of the child, each public agency must –
 - (i) Draw upon information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child’s physical condition, social or cultural background, and adaptive behavior; and
 - (ii) Ensure that information obtained from all of these sources is documented and carefully considered.
 - (2) If a determination is made that a child has a disability and needs special education and related services, an IEP must be developed for the child in accordance with §§300.320 through 300.324.

State Rules

6.31.2.11(A)(4)(f) Each LEA shall designate a team including parents and qualified professionals to review existing evaluation data for each child entering the LEA’s preschool program in compliance with 34 CFR Sec. 300.305, and based on that review to identify what additional data, if any, are needed to determine the child’s eligibility for Part B services or develop an appropriate program.

6.31.2.10

F. Eligibility determinations.

(1) General rules regarding eligibility determinations

- (a) Upon completing the administration of tests and other evaluation materials, a group of qualified professionals and the parent of the child must determine whether the child is a child with a disability, as defined in 34 CFR Sec. 300.8 and Paragraph (2) of Subsection B of 6.31.2.7 NMAC. The determination shall be made in compliance with all applicable requirements of 34 CFR Sec. 300.306.
- (b) The public agency must provide a copy of the evaluation report and the documentation of determination of eligibility to the parent.

6.31.2.7(B)(2) “Child with a disability” means a child who meets all requirements of 34 CFR Sec. 300.8 and who:

- (a) is aged 3 through 21 or will turn 3 at any time during the school year;
- (b) has been evaluated in accordance with 34 CFR Secs. 300.304-300.311 and any additional requirements of these or other public education department rules and standards and as having one or more of the disabilities specified in 34 CFR Sec. 300.8 including mental retardation, a hearing impairment including deafness, a speech or language impairment, a visual impairment including blindness, emotional disturbance, orthopedic impairment, autism, traumatic brain injury, and other health impairment, a specific learning disability,

- deaf-blindness, or being developmentally delayed as defined in paragraph (4) below; and who has not received a high school diploma; and
- (c) at the discretion of each local educational agency and subject to the additional requirements of Subsection 2 of Paragraph F of 6.31.2.10 NMAC, the term “child with a disability” may include a child aged 3 through 9 who is evaluated as being developmentally delayed and who, because of that condition, needs special education and related services.

(6.31.2.7(B)(17) NMAC as authorized by 34 CFR §§ 300.8 and 300.39, “special education” in New Mexico may include speech-language pathology services.)

17.) Under What Circumstances May the Category of Developmental Delay Be Considered for Part B Eligibility?

Discussion

The eligibility category of Developmental Delay may only be considered by LEA personnel for children who do not qualify for special education under any other disability category.

If a district has opted to use this eligibility category*, then it is important that a group of qualified individuals review all data collected by Part C and Part B to determine if the child is a child with developmental delays in at least one of five areas: communication development, cognitive development, physical development, social or emotional development, or adaptive development.

*Districts are not required to use the category of Developmental Delay.

State Rules

Subsection (F)(2) of 6.31.2.10 Optional use of developmentally delayed classification for children aged 3 through 9

- (a) The developmentally delayed classification may be used at the option of individual local education agencies but may only be used for children who do not qualify for special education under any other disability category.
- (b) Children who are classified as developmentally delayed must be reevaluated during the school year in which they turn 9 and will no longer be eligible in this category when they become 10. A student who does not qualify under any other available category at age 10 will no longer be eligible for special education and related services.

Subsection (B)(4) of 6.31.2.7 NMAC states that Developmentally Delayed “means a child aged 3 through 9 or who will 3 at any time during the school year: (i) with documented delays in development which are at least two standard deviations or 30 percent below chronological age; and (ii) who in the professional judgment of the IEP team and one or more qualified evaluators needs special education or related services in at least one of the following five areas: receptive or expressive language, cognitive abilities, gross and/or fine motor functioning, social or emotional development or self-help/adaptive functioning. Use of the developmentally delayed option by individual local education agencies is subject to the further requirements of Paragraph F (2) of 6.31.2.10 NMAC,” which specifies in part that “The developmentally delayed classification may be used at the option of individual local education agencies but may only be used for children who do not qualify for special education under any other available disability category.”

EVALUATION REPORT AND DOCUMENTATION OF ELIGIBILITY SENT TO PARENT AND FIT PROVIDER

18.) How will the FIT program know if a child has been determined eligible by Part B?

Discussion

FIT providers will receive a copy of the evaluation report and the documentation of eligibility from the LEA with parental consent. For more information refer to the “Timeline of Steps for Early Childhood Transition in New Mexico” at the beginning of the document.

State Rule

6.31.2.10

F. Eligibility determinations.

(1) General rules regarding eligibility determinations

- (a) Upon completing the administration of tests and other evaluation materials, a group of qualified professionals and the parent of the child must determine whether the child is a child with a disability, as defined in 34 CFR Sec. 300.8 and Paragraph (2) of Subsection B of 6.31.2.7 NMAC. The determination shall be made in compliance with all applicable requirements of 34 CFR Sec. 300.306.
- (b) The public agency must provide a copy of the evaluation report and the documentation of determination of eligibility to the parent.

CHILD TRANSITIONS TO LEA

- IEP initiated and developed

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

Discussion

Yes, according to 34 CFR §§ 300.323.(b)(1) and 300.124(b). In the case that a child with a disability is ages three through five, an IEP must be in place if Part B is chosen.

Federal Regulation

§ 300.124 Transition of children from the Part C program to preschool programs.

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

- (a) By the third birthday of a child described in paragraph (a) of this section, an IEP or, if consistent with § 300.323(b) and section 636(d) of the Act, an IFSP, has been developed and is being implemented for the child consistent with § 300.101(b);

§ 300.323 When IEPs must be in effect.

(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.

(b) *IEP or IFSP for children aged three through five.* (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

CHILD REMAINS IN FIT PROGRAM

- IFSP revised to include preschool readiness

20.) Does an IEP have to be developed for a child who remains in the Part C program?

Discussion

An IEP does not need to be developed while the child remains in the Part C Program.

If the child remains in Part C beyond their third birthday, the IFSP will be updated and revised to include an educational component that promotes preschool readiness, including addressing pre-literacy, language, and numeracy skills. The LEA staff do not need to be involved in revising the IFSP.

21.) If children do not meet eligibility for Part B but still meet eligibility for Part C can they remain in the FIT Program under the Parent Choice Statute?

Discussion

Yes, If the child is not eligible for Part B but remains eligible for Part C under “Established Condition” or “Developmental Delay” and the family chooses to remain in the FIT Program – they can do so and receive all services in accordance with their IFSP. The FIT service coordinator will assist the family with referrals to Head Start and other preschool options. For children who are eligible for Part C under “Biological / Medical Risk” or “Environmental Risk”, the family may still choose to remain in the FIT Program and can continue to receive service coordination and up to 2 hours per month of early intervention services.

INDIVIDUALIZED EDUCATION PROGRAM (IEP)

- Review progress and performance
- Develop IEP

22.) Is a Part B reevaluation needed closer to the actual transition for children who have been determined eligible for Part B, and whose parent's choose for them to remain in FIT services beyond their third birthday and transition at a later time to Part B services?

Discussion

The child would not need to be reevaluated upon entry to Part B at a later date because the child has been determined eligible for Part B services.

The initial evaluation is considered valid for up to three years. However, it is recommended practice to revisit the most current Part C data to determine if the child has progressed since the initial evaluation in order to develop an appropriate IEP.

Federal Regulation

34 CFR § 300.303 Reevaluations.(a) General. A public agency must ensure that a reevaluation of each child with a disability is conducted in accordance with §§ 300.304 through 300.311 – (1) If the public agency determines that the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or (2) If the child's parent or teacher requests a reevaluation.(b) Limitation. A reevaluation conducted under paragraph (a) of this section – (1) May occur not more than once a year, unless the parent and the public agency agree otherwise; and (2) Must occur at least once every 3 years, unless the parent and the public agency agree that a reevaluation is unnecessary.

State Rule

6.31.2.10(D)(2) Reevaluations.

- (a) Each LEA must ensure that a reevaluation of each child is conducted at least once every three years, unless the parent and the public agency agree that a reevaluation is unnecessary, and is in compliance with the requirements of 34 CFR Secs. 300.303-300.311, and any other applicable department rules and standards.
- (b) Reevaluations may be conducted more often if:
 - (i) the LEA determines the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or
 - (ii) the child's parent or teacher requests a reevaluation.
- (c) Reevaluations may not occur more than once a year, unless the parent and public agency agree otherwise.

23.) If a family chooses for their child to remain in FIT or more, what procedures do you follow to update information to Part B for IEP development?

It is recommended that the LEA invite the FIT service coordinator and other early intervention staff, with parent permission to attend and help develop initial IEP. If the FIT service coordinator and other early intervention staff are not invited to the initial IEP meeting the LEA can request the current IFSP and assessment information from the FIT service coordinator prior to the IEP. The service coordinator can send this information with parent consent. : The LEA will use the information from the FIT program in the development of the IEP with the family.

COMMUNITY TRANSITION PLANNING AND AGREEMENTS

- 24.) *Should there be a MOU between the LEA and local FIT Provider to outline the transition process to ensure that children being referred from Part C to Part B have an IEP in place by their third birthday and receive FAPE?*

Discussion

Yes, the Memorandum of Understanding (MOU) should outline the early childhood transition process in detail for both Part C and Part B to ensure that children and their families have a smooth transition process and that FAPE will be provided children entering the Part B program.

The MOU should address specific procedures at the local level in order to promote smooth and effective transition for child and their families. The MOU should be reviewed, and revised as necessary, at least annually.

State Rules

6.31.2.9 Public Agency Responsibilities

- (a) Compliance with applicable laws and regulations. Each New Mexico public agency, within the scope of its authority, shall develop and implement appropriate policies, procedures, programs and services to ensure that all children with disabilities who reside within the agency's educational jurisdiction, including children who are enrolled in private schools or facilities such as residential treatment centers, day treatment centers, hospitals, mental health institutions, or are schooled at home, are identified and evaluated and have access to a free appropriate public education (FAPE) in compliance with all applicable requirements of state and federal laws and regulations. This obligation applies to all New Mexico public agencies that are responsible under laws, rules, regulations or written agreements for providing educational services for children with disabilities, regardless of whether that agency receives funds under the IDEA and regardless of whether it provides special education and related services directly, by contract, by referrals to private schools or facilities including residential treatment centers, day treatment centers, hospitals, mental health institutions or through other arrangements.
- (b) Public agency funding and staffing.
- (1) Each public agency that provides special education or related services to children with disabilities shall allocate sufficient funds, staff, facilities and equipment to ensure that the requirements of the IDEA and all department rules and standards that apply to programs for children with disabilities are met.
 - (2) The public agency with primary responsibility for ensuring that FAPE is available to a child with a disability on the date set by the department for a child count or other report shall include that child in its report for that date. Public agencies with shared or successive responsibilities for serving a particular child during a single fiscal year are required to negotiate equitable arrangements through joint powers agreements or memorandums of understanding or interstate agreements for sharing the funding and other resources available for that child. Such agreements shall include provisions with regard to resolving disputes between the parties to the agreement.

APPENDICES

Contents

- A. FIT Transition Assessment Summary Form
- B. FIT Transition Referral Form
- C. Parent Consent Form for Preschool Evaluation
- D. Sample Transition Conference Invitation



APPENDIX A.



Transition Assessment Summary Form

Today's Date: _____

Child's Name: _____ DOB: _____

Primary Language: _____

Primary FIT Agency: _____

FIT Service Coordinator Name: _____

Child's Diagnosis / Disability (if applicable): _____

Current Developmental Levels / Information (from assessment within the past 6 months):

Adaptive/ Self Help		
Cognitive		
Communication	Receptive Language:	Expressive Language:
Fine Motor		
Gross Motor		
School Readiness- (Pre-literacy / Pre-numeracy)		
Social/Emotional		

Other Information:

Vision:	
Hearing	
Health/Medical	

Assessments were conducted by:

Name:	Title:

Assessment Instrument(s) Used:

- 1.
- 2.
- 3.

Early Childhood Outcomes:

Date completed _____ (Exit or most recent ECO completed)

Indicator	Outcome Ratings
A. Positive social-emotional skills (including social relationships);	
B. Acquisition and use of knowledge and skills (including early language/ communication);	
C. Use of appropriate behaviors to meet their needs.	

By signing this form I agree that _____ (FIT provider agency) can release the information on this form to the Local school district. This release is good from _____ to _____.

Parent/Guardian Signature

Date

Attached to this document are the child's current IFSP, any recent assessment(s), and most recent Early Childhood Outcomes (ECO) Summary Form.

FIT Service Coordinators Signature

Date

APPENDIX B.



Transition Referral Form

Today's Date: _____

Child's Name: _____ DOB: _____

Child's Diagnosis / Disability (if applicable): _____

Parent/Guardian Name(s): _____

Address: _____

Phone: _____

FIT Agency Referring: _____

FIT Service Coordinator: _____

Phone: _____

E-mail: _____

Current IFSP Date: ___/___/___ (See attached)

Provider agencies on the child's current IFSP:

- | | |
|----|----|
| 1. | 3. |
| 2. | 4. |

The FIT Service Coordination will be contacting the school district to schedule a Transition Conference that will need to occur by ___/___/___*

*At least 90 days prior to the child's 3rd birthday. *

90 day timeline for this meeting cannot be met due to the child entering the FIT Program within 90 days of their child's third birthday.

By signing this form I agree that _____ (FIT provider agency) can release information to the local school district. This release is good from _____ to _____.

Parent/Guardian Signature

Date

FIT Service Coordinator Signature

APPENDIX C. Parent Consent Form for Preschool Evaluation

To the Parent(s)/Guardian(s) of _____ Date: _____

Following a discussion with Early Intervention Service Providers acquainted with my child, I authorize the use of current assessments, classroom based observation, information provided by the parents and school educational diagnosis to aid in the planning and to assist in the guidance of my child. I understand that this initial evaluation may include administration of the following assessments including review of Part C data:

- Assessments-designed to measure learning ability or intellectual capacity of school readiness to include:
 - Pre-literacy
 - Language
 - Numeracy Skills

- Functional/Developmental Skills – designed to evaluate how the child applies and uses his or her abilities in different circumstances to include:
 - Self help skills
 - Fine/Gross motor skills
 - Physical

- Behavior and psychological assessment – tests how the child feels, reacts, and adapts to different social environments and situations; assesses social skills, emotional skills and mental skills, including review of Part C data (if applicable)
 - Socio/emotional/mental skills

- Visual-motor/vision – checks coordination, balance, eye movement, eye-to-hand coordination, form recognition, and visual memory including review of Part C data (if applicable)

- Speech and language assessment – assesses symbolic communication in speech, language, or hearing, including articulation disorder, language disorder, and voice disorder including review of Part C data (if applicable)

CONSENT FOR EVALUATION (continued)

- OT evaluation—assesses the ability to use and manipulate small muscle groups, primarily the hands, which affect activities such as drawing and writing including review of Part C data (if applicable).
- PT evaluation— assesses the ability to use and manipulate large muscles that affect activities such running and throwing; assesses body control, balance, and coordination including review of Part C data (if applicable)
- Audiology/Hearing evaluation— determines the presence and/or degree of hearing loss and the selection and fitting of hearing aids including review of Part C data (if applicable)
- Program based (Part C) observation—a trained professional observes behavior in natural environment and records or classifies each behavior objectively as it occurs including review of Part C data (if applicable)
- (other) _____

A copy of the evaluation report and documentation of eligibility will be sent to the parent and the Part C Coordinator, unless I instruct the district not to share my child’s information with the Part C Coordinator.

I hereby certify that I have been advised of and have received a copy of “Parent and Child Rights in Special Education.”

I understand that my child’s initial evaluation will be conducted within 60 days of my consent.

I understand that the granting of my consent is voluntary and may be revoked at anytime.

I understand that revocation of consent is not retroactive in that revocation does not negate an action that has occurred after the consent was given and before the consent was revoked.

I have been fully informed of all the relevant information for which consent is sought.

_____ I am aware of these rights, I **give** my permission for my child to be evaluated to determine if my child has a need for special education services.

_____ I am aware of these rights, I **do not give** my permission for my child to be evaluated to determine if my child has a need for special education services.

CONSENT FOR EVALUATION (continued)

Name of Child: _____

Birth date: _____

School: _____

Signature of Parent: _____

Date: _____

Interpreter: _____

APPENDIX D. Sample Transition Conference Invitation

<FIT PROVIDER AGENCY LETTERHEAD>

To: <Parent(s) names>
<LEA representative>
<Head Start / other preschool provider (as appropriate)>
<Other FIT provider agency(ies) currently serving the child and family>
<FIT early intervention personnel>
<Other individuals (as requested by the parent)>

From: <Service Coordinator's name, title and FIT provider agency>

Date: <Today's Date>

Re: Transition Conference Invitation

You are requested to attend the transition conference for <name of child> <(Date of Birth)>

The transition conference details were scheduled with parent(s) and preschool providers. The details of the conference are as follows:

Date: <date of transition conference>
Time: <start and end times of the transition conference>
Location: <address and room information of the transition conference>

The purpose of this conference is to fully inform the parent(s) of their options for their child's transition from the Family Infant Toddler (FIT) Program and the timelines for transition based on their child's 3rd birthday and the parents choice. At this meeting the team will decide on specific steps and activities to make sure that the transition process is smooth for the child and family.

If you have any questions / concerns regarding this transition conference please contact me at (xxx) xxx-xxxx or name@xxxx.org

Thank you!

copy: child file