

Illinois State Board of Education

Early Intervention to Early Childhood Transition Frequently Asked Questions

Question 1. When should the Child and Family Connections (CFC) service coordinator provide formal, written referral of a potentially eligible child to the Local Education Agency (LEA)?

Answer: Discussions with the family regarding transition at age 3 may occur as soon as the child enters early intervention. Transition activities, however, should begin no later than six months prior to the child's third birthday. At that time the service coordinator should refer the child to the LEA, and obtain written parental consent to share information with the LEA. At least 90 days prior to the child's third birthday, a transition planning conference must be convened, including the child's family, the service coordinator, and the LEA representative to discuss services for the child, including service options for the period from the child's third birthday through the remainder of the school year. For children with summer birthdays it may also be a good idea to make the formal written referral earlier than 6 months before their birthday.

Question 2. Who is responsible for the initial transition meeting at least 90 calendar days before the child's third birthday?

Answer: The transition planning conference is sometimes referred to as a transition meeting. The CFC service coordinator is responsible for convening, conducting and keeping a record of this meeting. The transition meeting should include discussions concerning LEA evaluation procedures, the need to obtain parent consent for LEA initial evaluation; early childhood special education (ECSE) services eligibility determination, potential future service options, and steps to help the child move to a new service delivery system and a timeline to accomplish these activities.

Question 3. Who are the required participants at this transition planning conference?

Answer: The parents, the CFC service coordinator, the LEA representative, and others as appropriate (such as a service provider, family member, friend). [See Part C Federal regulation 34 CFR 303.148(b)(2) and Part B Federal regulation 34 CFR 300.124(c), which stipulates that each LEA will participate in transition planning conferences arranged by the CFC].

Question 4. What if the CFC gets a referral for a child between the ages of 2 ½ and 3 years?

Answer: The local transition agreement should establish practices that provide for timely evaluation and service provision on an individual basis—through early intervention services, ECSE services or a combination of the two. The LEA may serve a child eligible for ECSE services at age 2 during the school year he/she turns 3 years of age. Early intervention must complete evaluations and implement an IFSP while working on transition planning activities. The local school district may also consider using the IFSP for starting services when the child initially enters the school in order to ensure they are served at age 3.

Question 5. What information is needed to determine ECSE eligibility and how is the information used?

Answer: Upon receipt of the written referral from the CFC, the LEA is responsible for determining eligibility and keeping appropriate documentation. The LEA is responsible for reviewing the evaluation data from early intervention to determine if they are current and sufficient to establish eligibility for ECSE services. Additional assessments should be administered by the LEA only when required information is not available or is no longer current (i.e., older than 6 months). The determination of whether additional assessments are needed must be made in a domain review meeting with the parents. If an evaluation consists of existing data only, the parent must be informed and given the opportunity to request additional data in order to determine eligibility. If additional assessments are necessary it is the responsibility of the LEA to acquire them and the financial burden should not fall on the early intervention program.

Answer: The LEA evaluation team uses any existing evaluation data, including evaluation and information provided by the parents, current classroom-based assessments and teacher observations. The team must also 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. The tools and strategies must yield relevant information that directly assists in determining the educational needs of the child. Once the evaluation team (which includes the parents) has gathered all relevant information, they determine if the child meets the definition of a child with a disability. It is possible that the evaluation may consist totally of existing data, when data are sufficient to determine eligibility and write an IEP/IFSP.

Question 6. Which parent rights apply during the transition period?

Answer: The parents' rights under the Individuals with Disabilities Education Act (IDEA) apply to both Part C and Part B. The LEA staff should provide the parents with the parents' rights document upon referral for an initial evaluation and at notification of the IEP/IFSP meeting. Early intervention parent rights apply until the LEA services begin. Special education parent rights apply as soon as the LEA receives the referral. Early childhood special education services begin at the child's third birthday. It is the responsibility of the CFC service coordinator to provide the family with the rights of both Part C and Part B of IDEA when they discuss and make the school referral.

Question 7. What happens if a child is found to be NOT eligible for ECSE services? May early intervention services continue past the child's third birthday?

Answer: No, to continue to receive state and federal funding for services, a 3 year old child MUST meet special education eligibility. For a child who is not eligible, the team should consider the individual needs of the child and potential community programs or services for which she/he may be eligible. The exit IFSP meeting is an opportune time to discuss other options at the time of transition that may meet the needs of the child and family.

Question 8. May LEAs conduct screenings for children who are transitioning from early intervention to early childhood special education?

Answer: Yes, screenings may be conducted particularly when the team suspects the child may not be eligible for ECSE services. However, conducting a screening may NOT delay the transition process.

Question 9. For children with a late spring/summer birthday, may a school district have a policy that they will only admit preschool aged children in the fall?

Answer: No, school districts must address each child on an individual basis, and the 90 calendar day transition meeting should result in a smooth and effective transition for each child by the age of 3, with ECSE eligibility determined, an IFSP/IEP written, and written parent consents signed for initial service provision and placement. A child entering school district services in the late spring/summer cannot be denied services over the summer solely because he/she has just entered the school district.

Question 10. May an IEP be used for a 2 year old child?

Answer: Yes, if the child is being served in ECSE during the school year he/she becomes 3 years of age.

Question 11. If an LEA begins services for a child who is 2 and will become 3 during the school year, may the child continue to receive early intervention services as well?

Answer: Yes, the child may receive all early intervention services listed on the IFSP until the third birthday. If this occurs, the IFSP team may consider a team meeting to modify the service plan as needed.

Question 12. May an IFSP be used for a child from age 3 through 5 years, who is eligible for ECSE services?

Answer: Yes. For children from 3 through 5 years of age, an IFSP may be used for ECSE services, as long as it meets special education requirements for participants, timelines and notice/consent procedures. The IFSP would be developed by the LEA staff, would have a new start date, and would be in effect for one year. If an IFSP is used, this does not mean the child "remains in early intervention", but instead means that ECSE services are being provided using an IFSP. Parents must be given an explanation of the difference between an IFSP and an IEP, and must provide consent for using an IFSP. [See Part B Federal regulation 34 CFR 300.323 (b)(1)]

Question 13. Can the LEA IFSP/IEP team determine that the existing IFSP developed under the early intervention system contains all appropriate information and services identified through the initial evaluation?

Answer: Yes. The IEP team may review the current IFSP to see if it continues to be appropriate. It would then be considered a new IFSP with a new start date and meet all requirements of special education IEP procedures. It could be that this IFSP would only be in effect for a short period of time, such as over the summer, at which time a new IEP/IFSP must be in effect for services to continue. The frequency, duration, and location of the services must be determined by the team.

Question 14. What are some possible placement options in which the child could receive ECSE services that may be considered by the IEP team at the time of transition?

Answer: The LEA IEP team must consider a regular education preschool setting as the first option for placement. More restrictive options may be considered after the determination is made that the nature or

severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. Some regular education preschool options could include:

- *State-funded Prekindergarten or Preschool for All programs.*
- *Head Start*
- *Child care*
- *Community preschool programs*
- *Park district preschool programs*
- *School district preschool programs*
- *Home (if home is where the child would be if he/she did not have a disability).*
- *Blended classrooms*

Other placement options may include:

- *Early childhood special education self contained programs*
- *Separate school*
- *Residential facility*

Question 15. May the LEA pay tuition for a community placement such as a preschool or child care program?

Answer: Yes, the IEP/IFSP team may decide that the least restrictive environment is the community early childhood placement. They may decide to pay a portion of the tuition related to the provision of special education (to be determined by the IFSP/IEP team), provide other in-kind services, or make other arrangements with community programs so that “slots” are provided to families at no cost to the parents.

Question 16. For a child whose third birthday is late spring/summer, may extended school year (ESY) services be provided without using the regression formula for school-aged children?

Answer: Yes, the IFSP/IEP team must decide the need for ESY services on an individual basis. Besides regression, the team must consider the nature and severity of the child’s disability, degree of impairment, rate of progress and availability of other services. It might be more helpful to consider what summer services may be necessary for the child to receive FAPE. Because brain research demonstrates significant opportunity for learning during the early childhood years, the team can use that as justification for taking advantage of such “windows of opportunity” during breaks in the school year. In addition, particular consideration should be given to children who need instruction in self-help skills such as dressing or eating, or who need continued structure to develop behavioral control. If the IEP team (including the parent) determines that services are not needed over the summer for the child

to receive FAPE, the IEP team may note the first day of the next school year as the date services will begin.

Question 17. When a 3 year old child is in the transition process and there is no ECSE IEP/IFSP in place, is the “stay put” placement the early intervention placement?

Answer: No. The intent of the law is to provide for a “smooth transition” between Part C early intervention and Part B early childhood special education. Early intervention services end on the child’s third birthday and ECSE services cannot begin until the child has been determined eligible for special education and the parents have consented to begin services. If all of this has not happened by the child’s third birthday, there is no “stay put” placement and services. That is why it is important to begin the transition process as soon as possible before the child’s third birthday and why regulations require LEAs to have an IEP/IFSP in place by the child’s third birthday.

Question 18. What about children who turn 3 over the summer? The school district staff does not work over the summer.

Answer: If the child’s third birthday is in the summer or early fall, the 90 calendar day timeline should be at least 90 calendar days before the end of the school year, so that the IFSP/IEP will be in place by the third birthday. The CFC service coordinator may consider making the school referral sooner than 6 months before the child’s birthday to ensure this happens.

Question 19. What if the school district says there is no room in the program for the child?

Answer: State and federal regulations require school districts to serve children who are transitioning from early intervention and who are eligible for ECSE when they turn 3 on or before their third birthdays. If the placement the IEP team has chosen is at capacity, the team may consider another placement or services in the interim until a slot becomes available in the preferred placement.

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