

TRANSITION FROM THE INFANT-TODDLER PROGRAM

Introduction

Transitions occur for families across their lifespan. The transition process begins with the infant-toddler. A *transition* is defined as a change or movement from one place, plan, or interactional situation to another. Examples of transitions include, but are not limited to, a move from the hospital to home; a replacement of a service provider; the introduction of a new service; a move from individual to group service; a change from the Individualized Family Service Plan (IFSP) to the Individualized Education Program (IEP); from home to a center-based program; from Part C to Part B systems; or any event that has a major impact on the child and family. Transitions require interdisciplinary and interagency collaboration, cooperation and coordination, with family involvement throughout every phase.

One major transition required within IDEA 2004 is when children transition out of Part C early intervention services into Part B preschool special education services. Families must be fully informed about the process and afforded their rights, responsibilities, and choices as they move their child from infant-toddler early intervention services to Part B preschool special education services upon the child's third birthday.

The family service coordinator serves as the facilitator in the planning and implementation of transitions for children and families in the Infant-Toddler Services/tiny-k network. Roles and responsibilities include negotiation of timelines, participants, and settings. The family service coordinator ensures that the family is involved in planning transitions and provides assistance and attention to ensure that the transition is as smooth as possible. The IFSP team, facilitated by the family service coordinator, is required to develop outcomes related to transition from the Infant-Toddler Services/tiny-k network to the next service provider. The transition plans must be included as a part of the IFSP.

I. Principles for All Transitions

One synonym for transition is *change*. Families (and individuals within families) react very differently to change. For some, changes are unsettling, disruptive, and even threatening. For others, changes are seen as growth-producing opportunities or as benchmarks for progress.

Good transitions are timely and well-planned processes that occur as a result of effective communication, collaboration and coordination of activities among both individuals and agencies. Such transitions allow both families and providers to "close" old relationships and prepare for new ones. A child and family may make numerous transitions while in the Infant-Toddler Services/tiny-k network. Examples of such transitions include hospital to home, agency to agency, provider to provider, home to center-based, and from the Infant-Toddler Services/tiny-k network to a preschool program within the community setting.

A. Quality Procedures for All Types of Transitions

1. The family is involved in all phases of the transition.
2. There is an understanding that transition is a process, not an isolated event.
3. Information is freely exchanged and shared with everyone involved, and interagency cooperation ensures exchange of records (with parental consent).
4. There is sufficient preparatory time for the transition to be implemented smoothly. Transition processes and local community transition procedures need to build in appropriate agency response times to requests for services. For example, most systems cannot accommodate a multidisciplinary evaluation request on short notice.
5. There is recognition that families have the right and responsibility to make informed decisions about their choices and options. This may include having the opportunity to visit programs and agencies before decisions are made, having discussions with providers or with other families using given services, reviewing videotapes or written materials, and being fully informed about service delivery options, including inclusion of the child in a typical preschool program within the community.
6. Communities must develop and design their own transition procedures based upon the needs of families in the community and local resources.
7. Families must be prepared for possible differences in service models. Supporting families in becoming more informed about community transition options will strengthen their level of comfort with the change. Service providers must be careful to present facts only and not personal bias or prejudice.
8. Practices are implemented that reduce or eliminate duplication in paper work and other services.

II. Transitions from Part C Infant-Toddler Services/tiny-k to Part B Preschool Services or Other Services

- A. Notification to the Local Education Agency (LEA) [20 U.S.C. 1437(a)(9); OSEP Letter to Mary Elder, February 11, 2004]
1. At least nine months before the child's third birthday, the Infant-Toddler Services/tiny-k network must notify the LEA for the area in which the child resides that the child on his or her third birthday will reach the age of eligibility for preschool services under Part B.
 2. The Infant-Toddler Services/tiny-k network must disclose to the LEA where the child resides the following limited information:
 - the child's name
 - the child's date of birth

- parent contact information (including parents' names, addresses, and telephone numbers)
3. If a child is determined to be eligible for Part C early intervention services within the nine-month period before the child's third birthday, the Infant-Toddler Services/tiny-k network will notify the LEA as soon as possible that the child on his or her third birthday will reach the age of eligibility for preschool services under Part B.

B. Meeting to Develop a Transition Plan [20 U.S.C. 1437(a)(9); 20 U.S.C. 1438(3)]

1. If the child **may be** eligible for Part B preschool special education services, the Infant-Toddler Services/tiny-k network, with the approval of the family, will convene a transition meeting at least 90 calendar days before the child's third birthday to develop a transition plan as part of the IFSP and discuss any services the child may receive under Part B. At the discretion of all of the parties, the transition meeting may be convened up to nine months before the child's third birthday. The transition plan will include:
 - a. steps for the child and his or her family to exit from Infant-Toddler Services/tiny-k;
 - b. any transition services needed by the child and his or her family; and
 - c. any program options for the child for the period from the child's third birthday through the remainder of the school year and/or the beginning of the next school year.
2. If a child **may not be** eligible for Part B preschool special education services, the Infant-Toddler Services/tiny-k network, with the approval of the family of the child, will make reasonable efforts to convene a transition meeting among the Infant-Toddler Service/tiny-k network, the family, and providers of other appropriate services for the child to discuss services that the child may receive and develop a transition plan.
3. It is highly recommended that a meeting with the LEA, not just a contact, occur at least six months prior to the child's third birthday. A face-to-face meeting may be helpful to the LEA in preparing for and identifying any special assistance in the form of specialists, equipment, assistive technology, augmentative or alternative communication systems, or environmental adaptations that will be needed to ensure a free and appropriate public education.

C. Transition Meeting Participants [20 U.S.C. 1437(a)(9)]

The members of the transition meeting include the following:

- parent (guardian or child advocate);
- family service coordinator;

- representative from the LEA if the child may be eligible for Part B preschool special education services;
- representative and/or providers of the services the child may be eligible for or participate in; and
- any other person or service providers invited by the parent or the LEA who might help support and develop the transition plan.

Federal Statute 2004

20 U.S.C. 1437. STATE APPLICATION AND ASSURANCES.

(a) (9) a description of the policies and procedures to be used—

(A) to ensure a smooth transition for toddlers receiving early intervention services under this part (and children receiving those services under section 635(c)) to preschool, school, other appropriate services, or exiting the program, including a description of how—

(i) the families of such toddlers and children will be included in the transition plans required by subparagraph (C); and

(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;

(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

(III) in the case of a child who may not be eligible for such preschool services, with the approval of the family, make reasonable efforts to convene a conference among the lead agency, the family, and providers of other appropriate services for children who are not eligible for preschool services under part B, to discuss the appropriate services that the child may receive;

(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;

OSEP Letter to Mary Elder, February 11, 2004.

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.

D. Transition Plan in the IFSP [34 C.F.R. 303.344(h)]

The IFSP must include the steps to be taken to support the transition of the child to preschool services under Part B, if appropriate, or other preschool services, including early education, Head Start and Early Head Start, community child care programs, or other appropriate services. The family service coordinator, LEA representative, and the parent work closely together to ensure that decisions regarding child and family needs for transition services are made collectively by the team. All activities are documented in the IFSP.

The family services coordinator facilitates the development of the transition plan in the IFSP. The steps in the IFSP process to ensure a smooth transition include:

1. arrange for transition meeting, with approval of parents, in a timely manner and at the convenience of the participants;
2. discuss with the parent the future placements and other matters related to the child's transition;
3. prepare the child for changes in service delivery, including steps to help the child

- adjust to and function in a new setting, if appropriate;
4. obtain written parental consent for the transmission of information about the child to the new provider to ensure continuity of services, including evaluation and assessment information and a copy of the current IFSP;
 5. discuss with the parent the need for service coordination beyond age 3;
 6. determine what is needed for eligibility for other programs/services (decisions about the responsibility for performing or sharing evaluations of children are included in the process);
 7. timeline for review and update the transition plan to ensure that the
 - Infant-Toddler Services/tiny-k continue until the child's third birthday;
 - the plan delineates responsibilities of sending and receiving agencies; and
 - Part B preschool special education services become available to eligible children upon the third birthday.

Federal Regulation 1997

34 C.F.R. 303.344 Content of the IFSP

(h) Transition from Part C services. (1) The IFSP must include the steps to be taken to support the transition of the child, in accordance with Sec. 303.148, to—

- (i) Preschool services under Part B of the Act, to the extent that those services are appropriate; or
- (ii) Other services that may be available, if appropriate.

(2) The steps required in paragraph (h)(1) of this section include--

- (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; and

(iii) With parental consent, the transmission of information about the child to the local educational agency, to ensure continuity of services, including evaluation and assessment information required in Sec. 303.322, and copies of IFSPs that have been developed and implemented in accordance with Secs. 303.340 through 303.346.

III. Requirements of the Local Education Agency to Ensure a Smooth Transition

When the Part B preschool services staff receives the notice from the Infant-Toddler Services/tiny-k network regarding a child who may be eligible for Part B services, they must participate in the transition meeting and provide appropriate services to ensure a smooth transition for the child and the family. The Part B preschool personnel are to initiate the evaluation process by providing the parent with prior written notice and the Parent Rights Notice, and obtaining written parent consent for the initial Part B evaluation. The Part B preschool services staff has 60 school days from the time they receive parental consent to conduct and complete the evaluation, determine eligibility, conduct an IEP/IFSP meeting, and implement the IEP/IFSP.

A. Services at Age 3 [K.S.A. 72-987; K.A.R. 91-40-2; K.A.R. 91-40-17(b)]

For a child transitioning from Infant-Toddler Services/tiny-k services, the LEA must make available to each child identified as eligible for Part B special education services a free appropriate public education (FAPE) by the child's third birthday. At the discretion of the LEA, the LEA may serve a child who is 2 years old but will turn 3 during the school year.

1. An IEP or Part B IFSP must be in effect by the child's third birthday, but if the child's birthday occurs during the summer when school is not in session, the child's IEP/IFSP team must determine the date when services will begin.
2. Part C funds may be used to provide FAPE in accordance with Part B to children with disabilities who are eligible for Part B and have an IEP/IFSP, from their third birthday to the beginning of the following school year [20 U.S.C. 1438(3)].
3. In order for the IEP/IFSP to be in effect, the parent must receive prior written notice and provide consent for the services proposed by the Part B IEP/IFSP team.
4. The LEA, at the request of the parent, must invite the Part C family services coordinator or other representatives of the Part C system to attend the IEP meeting to assist with the smooth transition of services.

Federal Statute 2004

20 U.S.C. 1438. USES OF FUNDS.

"In addition to using funds provided under section 633 to maintain and implement the statewide system required by such section, a State may use such funds—

“(3) to provide a free appropriate public education, in accordance with part B, to children with disabilities from their third birthday to the beginning of the following school year;

Kansas Statute Part B 2006

K.S.A. 72-987. Individualized education program or family service plan; contents; development; duties of IEP team.

(A) In the case of a child with a disability aged three through five and for two year-old children with a disability who will turn age three during the school year, an individualized family service plan that contains the material described in 20 U.S.C. 1436, and that is developed in accordance with this section, may serve as the IEP of the child if using that plan as the IEP is agreed to by the agency and the child's parents.

(B) In conducting the initial IEP meeting for a child who was previously served under part C of the federal law, an agency, at the request of the parent, shall send an invitation to attend the IEP meeting to the part C services coordinator or other representatives of the part C system to assist with the smooth transition of services.

Kansas State Regulations Part B 2008

K.A.R. 91-40-17

(b) The notice required in subsection (a) of this regulation shall meet the following requirements:

(2) If the meeting is for a child who has been receiving special education services under the infant and toddler provisions of the federal law but is now transitioning to the provisions for older children, the notice shall specify that the parent may require that a representative of the infant and toddler program be invited to attend the initial IEP team meeting to assist with the smooth transition of services.

K.A.R. 91-40-2. Free appropriate public education (FAPE)

(b)(1) Each agency shall make FAPE available to each child with a disability residing in its jurisdiction beginning not later than the child's third birthday.

(2) An IEP or IFSP shall be in effect by the child's third birthday, but, if that birthday occurs during the summer when school is not in session, the child's IEP team shall determine the date when services will begin.

If a child is transitioning from early intervention services provided under part C of the federal law, the agency responsible for providing FAPE to the child shall participate in transition planning conferences for the child.

B. Parent Rights under Part B [K.S.A. 72-990; K.A.R. 91-40-27]

1. After receipt of the referral from the Infant-Toddler Services/tiny-k network, the LEA will provide the parent with prior written notice and request consent to conduct an evaluation. The LEA will also provide the Parent Rights Notice.
2. Once the IEP team has developed the initial IEP/IFSP, prior written notice must be provided to the parents and a request made for consent to initiate special education and related services as proposed in the IEP/IFSP.

3. If there are disputes at the time of the IEP meeting between the parent and IEP team members regarding services for the child, the IEP team must try to reach a consensus. If this does not occur, the IEP team must advise the parent of his/her rights to mediation and/or due process.

Kansas Statute Part B 2006

K.S.A. 72-990. Notice of parental rights; contents. The notice required by subsection (b)(2) of K.S.A. 72-988, and amendments thereto, shall include:

- (a) A description of the action proposed or refused by the agency;
- (b) an explanation of why the agency proposes or refuses to take the action;
- (c) a description of other options that the agency or IEP team considered and the reasons those options were rejected;
- (d) a description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action;
- (e) a description of any other factors that are relevant to the agency 's proposal or refusal;
- (f) a statement that the parents have protection under the procedural safeguards of this act and, if the notice is not an initial referral for evaluation, the means by which a copy of the procedural safeguards can be obtained; and
- (g) sources for parents to contact to obtain assistance in understanding the provisions of the federal law and this act. History. L. 1999, ch. 116, § 19; L. 2005, ch. 171, § 16; July 1.

Kansas State Regulations Part B 2008

K.A.R. 91-40-27. Parental consent. (a) Except as otherwise provided in this regulation, each agency shall obtain written parental consent before taking any of the following actions:

- (1) Conducting an initial evaluation or any reevaluation of an exceptional child;
 - (2) initially providing special education and related services to an exceptional child; or
 - (3) making a material change in services to, or a substantial change in the placement of, an exceptional child, unless the change is made under the provisions of K.A.R. 91-40-33 through 91-40-38 or is based upon the child's graduation from high school or exceeding the age of eligibility for special education services.
- (b) When screening or other methods used by an agency indicate that a child may have a disability and need special education services, the agency shall make reasonable and prompt efforts to obtain informed parental consent from the child's parent to conduct an initial evaluation of the child and, if appropriate, to make the initial provision of services to the child.

C. Sixty-School-Day Time Frame [K.A.R. 91-40-8(f)(g)]

1. The LEA must complete the following activities within 60 school days of the date the LEA receives written parental consent for evaluation of a child:
 - a. conduct the initial evaluation of the child. The Part B evaluation may include a review of current evaluation information from Infant-Toddler Services/tiny-k network;
 - b. conduct a meeting to determine whether the child is eligible and, if so, develop an IEP/IFSP for the child (the LEA must provide 10 calendar days' written notice of this meeting to the child's parents);
 - c. ensure that an IEP/IFSP is developed for each eligible child within 30 calendar days from the date on which the child is determined to be eligible and need special education and related services;
 - d. obtain parent consent to implement the services on the child's IEP/IFSP; and
 - e. implement the IEP/IFSP.
2. The 60-school-day time frame does not apply if any of the following conditions is met:

- a. An LEA has obtained written parental consent to an extension due to extraordinary circumstances.
- b. The parent of the child who is to be evaluated repeatedly fails or refuses to produce the child for the evaluation.
- c. The child enrolls in a different school district before the evaluation is completed, and the parent and new school district agree to a specific date by which the evaluation will be completed.

Kansas State Regulations Part B 2008

K.A.R. 91-40-8

(f) Unless an agency has obtained written parental consent to an extension of time and except as otherwise provided in subsection (g), the agency shall complete the following activities within 60 school days of the date the agency receives written parental consent for evaluation of a child:

(1) Conduct the evaluation of the child;

(2) Conduct a meeting to determine whether the child is an exceptional child and, if so, to develop an IEP for the child. The agency shall give notice of this meeting to the child's parent or parents as required by K.A.R. 91-40-17(a); and

(3) implement the child's IEP in accordance with K.A.R. 91-40-16.

(g) An agency shall not be subject to the time frame prescribed in subsection (f) if either of the following conditions is met:

(1) The parent or parents of the child who is to be evaluated repeatedly fail or refuse to produce the child for the evaluation.

(2) The child enrolls in a different school before the evaluation is completed, and the parent and new school agree to a specific date by which the evaluation will be completed.

(h) In complying with subsection (f), each agency shall ensure that an IEP is developed for each exceptional child within 30 days from the date on which the child is determined to need special education and related services.

91-40-17. IEP team meetings and participants. (a) Each agency shall take steps to ensure that one or both of the parents of an exceptional child are present at each IEP team meeting or are afforded the opportunity to participate. These steps shall include the following:

(1) Scheduling each meeting at a mutually agreed-upon time and place and informing the parents of the information specified in subsection (b) of this regulation; and

(2) except as otherwise provided in K.A.R. 91-40-37, providing written notice, in conformance with subsection (b) of this regulation, to the parents of any IEP team meeting at least 10 days in advance of the meeting.

D. Determination of Eligibility for Part B [K.A.R. 91-40-1(k)(q); K.A.R. 91-40-10(h)(i)]

Children ages 3 through 9 who are determined to need special education and related services must be identified as eligible in one of the following areas

1. one or more of the categories of disabilities described in the definition of the term "child with a disability" (mental retardation; hearing impairment, including deafness; speech or language impairment; visual impairment, including blindness; emotional disturbance; orthopedic impairment; autism; traumatic brain injury; other health impairment; specific learning disability; deaf-blindness; or multiple disabilities); or
2. a "developmental delay" means such a deviation from average development in one or more of the following developmental areas that special education and related services are required:
 - physical;
 - cognitive;
 - adaptive behavior;

- communication; or
- social or emotional development.

3. Additionally, the LEA is not required to label an eligible child according to his or her category of disability.

Kansas State Regulations Part B 2008

K.A.R. 91-40-10

(h) An agency shall not be required to classify children with disabilities according to their categories of disabilities if each child with a disability is regarded as a child with a disability and is provided FAPE.

(i) With regard to children ages three through nine who are determined to need special education and related services, an agency shall use one or more of the categories of disabilities described in the definition of the term "child with a disability" or the term "developmental delay."

K.A.R. 91-40-1

(k) "Child with a disability" means the following:

(1) A child evaluated as having mental retardation, a hearing impairment including deafness, a speech or language impairment, a visual impairment including blindness, emotional disturbance, an orthopedic impairment, autism, traumatic brain injury, any other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities and who, by reason thereof, needs special education and related services; and

(2) for children ages three through nine, a child who is experiencing developmental delays and, by reason thereof, needs special education and related services.

(q) "Developmental delay" means such a deviation from average development in one or more of the following developmental areas that special education and related services are required:

- (1) Physical;
- (2) cognitive;
- (3) adaptive behavior;
- (4) communication; or
- (5) social or emotional development. The deviation from average development shall be documented and measured by appropriate diagnostic instruments and procedures.

E. The Part B IEP/IFSP Team Meeting

Prior to the child's third birthday, the Part B preschool IEP team must convene a meeting to determine eligibility and develop an IEP/IFSP for the child. Members of this team must include:

1. parent(s);
2. as requested by the parent, a representatives from the Infant-Toddler Services/tiny-k network (family service coordinator, and/or other representative, as appropriate);
3. director of services for exceptional children or designee from the LEA;
4. at least one teacher qualified to provide special education;
5. at least one teacher qualified to provide general early childhood education or services (may be a child care representative if the child is enrolled in a child care program);
6. person knowledgeable about evaluation results (may be one of the other members of the team); and
7. others who have knowledge or special expertise about the child, as invited by the parent or LEA.

F. Use of an IFSP for Part B [34 C.F.R. 300.323; K.A.R. 91-40-16; K.S.A. 72-987]

The IEP team must consider the use of an IFSP. If the LEA and a child's parent agree, an IFSP may serve as the IEP of a child with a disability who is 3, 4, or 5 years of age. The IFSP must meet the content requirements of Part C and be developed in accordance with Part B procedures.

1. Before using an IFSP as an IEP, the LEA must provide the child's parents with a detailed explanation of the differences between an IFSP and an IEP. If an IFSP is mutually agreed upon, the LEA must obtain written consent from the parent for use of the IFSP as the child's IEP.
2. If the IEP team is using an IFSP for children who are at least 3 years of age, it must contain the IFSP content, including the natural environments statement, and an educational component that promotes school readiness and incorporates preliteracy, language, and numeracy skills.

Federal Regulation Part B 2006

34 C.F.R. 300.323. When IEPs must be in effect.

(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.

(2) In implementing the requirements of paragraph (b)(1) of this section, the public agency must—

- (i) Provide to the child's parents a detailed explanation of the differences between an IFSP and an IEP; and
- (ii) If the parents choose an IFSP, obtain written informed consent from the parents.

Kansas Statute Part B 2006

K.S.A. 72-987. Individualized education program or family service plan; contents; development; duties of IEP team.

(a) (2) (A) In the case of a child with a disability aged three through five and for two year-old children with a disability who will turn age three during the school year, an individualized family service plan that contains the material described in 20 U.S.C. 1436, and that is developed in accordance with this section, may serve as the IEP of the child if using that plan as the IEP is agreed to by the agency and the child's parents.

Kansas State Regulations Part B 2008

K.A.R. 91-40-16

(c)(1) If an agency and a child's parent agree, an IFSP that meets the requirements of the federal law and that is developed in accordance with this article may serve as the IEP of a child with a disability who is two years old but will reach three years of age during the next school year or who is three, four, or five years of age.

(2) Before using an IFSP as an IEP, each agency shall meet the following requirements:

- (A) The agency shall provide to the child's parent or parents a detailed explanation of the differences between an IFSP and an IEP.
- (B) If an IFSP is chosen, the agency shall obtain written consent from the parent for use of the IFSP as the child's IEP.