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## Technical Assistance Paper



### **Transition from Early Steps to the School District Prekindergarten Program for Children with Disabilities or Other Programs**



**Summary:** The purpose of this jointly developed technical assistance paper is to clarify and provide guidance regarding the requirements of the Individuals with Disabilities Education Act (IDEA 2004) related to transition from Early Steps to the school district prekindergarten program for children with disabilities or to other programs at age three.

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## Technical Assistance Paper

### Transition from Early Steps to the School District Prekindergarten Program for Children with Disabilities or Other Programs

#### Purpose

This technical assistance paper (TAP) has been jointly developed by staff members from the Department of Health, Children's Medical Services/Early Steps, and the Department of Education, Bureau of Exceptional Education and Student Services. The purpose is to clarify the requirements of the Individuals with Disabilities Education Act (IDEA 2004) related to the transition of children from Early Steps—Florida's early intervention system for children from birth to age three (IDEA 2004, Part C)—to school district prekindergarten programs for children with disabilities (IDEA 2004, Part B) or to other programs at age three.

Our shared intent is to provide transition guidance that can be applied to all children "aging out" of Early Steps. Many issues related to this topic have been identified by both school districts and Early Steps staff. The focus of this TAP is to provide guidance regarding requirements related to transition and to clarify the roles and responsibilities of school districts (local education agencies) and Local Early Steps for ensuring a smooth transition. In addition, both agencies have established activities related to improving the transition process through their respective State Performance Plans as required by the U.S. Department of Education, Office of Special Education Programs (OSEP).

#### Background Information

To build a common understanding regarding the applicable federal and state laws and rules that apply, we have organized the following information to reflect the applicable policies. For certain requirements, information from the Department of Health's *Program Plan and Operations Guide* has been included to clarify some of the procedures that may be unique to Florida.

#### Early Steps Requirements

The following information is summarized from IDEA 2004, Public Law (PL) 108-446, Part C, Sections 636(d)(7) & (8), 637(a)(9), and 639 (2); Title 34, Part B, Section 300.124, 300.321(f), and 300.323(b), and Part C, Section 303.148, Code of Federal Regulations; and Department of Health, Children's Medical Services, *Program Plan and Operations Guide (PPOG), Component 7*:

- Early Steps must have policies and procedures that describe how families will be involved in transition planning [PL 108-446, Section 637(a)(9)(A)(i)].

- Local Early Steps must notify the school district of children who will shortly reach the age of eligibility for preschool services under Part B [PL 108-446, Section 637(a)(9)(A)(ii)]. (**Note:** In Florida, the *PPOG* requires that if personally identifiable information will be shared through this notification process, parental consent must be obtained.)
- Initial planning for transition of the child at age three must begin six months to one year prior to the child's third birthday (*PPOG* 7.8.0).
- In the case of a child who may be eligible for school district preschool services, Local Early Steps (with consent of the family) must convene a transition conference to include Local Early Steps, the family, and the school district (if the child is potentially eligible for Part B preschool) **not less than 90 days nor more than 9 months** before the child's third birthday to discuss possible services that the child may receive [PL108-446, Section 637(a)(9)(A)(ii)(II)].
- In the case of a child who may not be eligible for school district preschool services, and with consent of the family, Local Early Steps must convene a transition conference among Early Steps, the family, and providers of other appropriate services that the child may receive **not less than 90 days or more than 9 months** before the child's third birthday to discuss possible services that the child may receive. (Note: In Florida, the *PPOG* does not make a distinction between a child who is potentially eligible and not potentially eligible for Part B. A transition conference is required for all children with the consent of the family.)
- In addition to using Part C funds to maintain and implement the statewide early intervention system required, a state may use funds to provide a free appropriate public education (FAPE), in accordance with Part B, to children with disabilities from their third birthday to the beginning of the following school year [PL 108-446, Section 638 (3)]. The child's program options will be reviewed for the period from the child's third birthday through the remainder of the school year [PL 108-446, Section 637(a)(9)(B)].
- Local Early Steps must develop a transition plan as a part of the individualized family support plan (IFSP). This transition plan must include the steps to be taken to support the transition from Early Steps to preschool or other community services [PL 108-446, Section 636(d)(8)].
- Interagency agreements for transition are required between Local Early Steps and each school district within the Local Early Steps service area (*PPOG*, 7.14.2).

## Part B Preschool Requirements

- In the case of a child who was previously served under Early Steps, families must be informed of the provisions in the law that they may request the participation of the Early Steps service coordinator or other representatives of the Part C system to

attend the initial individual educational plan (IEP) team meeting. If requested, an invitation to the initial IEP meeting must be sent to the Early Steps service coordinator or other representatives of the Part C system to assist with the smooth transition of services [IDEA 2004, PL 108-446, Part B, Section 614(d)(1)(D); Title 34, Code of Federal Regulations (CFR) 300.322(b)ii and 300.321(f)], and Analysis of Comments and Changes, page 46677.

- The Florida Department of Education must have policies and procedures ensuring that children who participate in Early Steps and who will be participating in preschool programs under Part B experience a smooth and effective transition [Title 34, CFR, 300.124(a)].
- Each school district is required to participate in the transition conference arranged by the Local Early Steps for those children who are potentially eligible for the school district prekindergarten program for children with disabilities [Title 34, CFR, 300.124 (c) and Rule 6A-6.03028(9)(b), FAC.].
- “By the third birthday of a child participating in the early intervention program for infants and toddlers with disabilities, an IEP consistent with this rule [Rule 6A-6.03028, Florida Administrative Code (FAC.)] or an [individualized] family support plan consistent with Rule 6A-6.03029, FAC., must be developed and implemented” [Rule 6A-6.03028(9)(a), FAC.] and Title 34, CFR, 300.124(b)].
- “If the child’s third birthday occurs during the summer, the child’s IEP team shall determine the date when service under the IEP or [individualized] family support plan will begin” [Title 34, CFR, 300.101(b)(2) and Rule 6A-6.03028(9), FAC.].

**Note: IDEA, Part C and Part B requirements stated in this paper are reflective of IDEA 2004 and the final Part B Federal Regulations.**

## Questions and Answers

The questions and answers addressed by this paper are organized by five broad areas. Those areas address content on the following topics:

- Notification
- Transition Conference
- Referral Procedures Related to Transition Process
- Evaluation/Eligibility Determination/Individual Educational Plan (IEP) Development/Extended School Year (ESY)
- Improving Transition Practices

### A. NOTIFICATION

#### A-1. What is notification?

Notification is a process that is required by federal law and Early Steps policy. Through this policy Local Early Steps are required to notify the school district of children who “will shortly reach the age of eligibility” [PL 108-446, Section 637(a)(9)(A)(ii)(I)] for preschool services under Part B. The federal requirement is broader than that reflected in the Early Steps *PPOG*, in that the *PPOG* requires notification only for those children who are potentially eligible for Part B, whereas the federal law requires notification for all children. Therefore, to be compliant with the federal law, Local Early Steps must notify the school district of all children who are eligible for Part C as well as children who are being served by Early Steps, regardless of whether there is a determination that they are “potentially eligible for Part B” based on specific program eligibility criteria.

Notification is **not the same** as “referral” to the school district.

#### A-2. What is the purpose of notification?

The notification process is intended to provide school districts with information to assist in program planning.

#### A-3. Is parent consent required for notification?

State policy established through the *PPOG* requires that parent consent be obtained if personally identifiable information will be provided to the school district. With parent consent, the content of notification should include the child’s name, date of birth, and sufficient parent contact information.

**A-4. If a parent refuses to provide consent, must Early Steps still provide notification to the school district?**

Yes. When a parent refuses consent to release personally identifiable information, Early Steps should provide information that is not personally identifiable. It is recommended that such information include the number of children per zip code turning three within a specified time-period (e.g., month or quarter) who have not been personally identified. The process and timelines related to notification should be addressed in interagency agreements between the Local Early Steps and the school district. The Early Steps State Office (ESSO) data manager can provide guidance for using the Early Steps data system reports for notification.

**A-5. When should notification occur?**

The *PPOG* states that notification to the school district occurs between 2 years and 2 years 6 months. The timelines and process for notification should be a collaborative decision between Early Steps and the school district. Once the procedure is agreed upon, it should be written and formalized as part of the interagency transition agreement.

**A-6. Does providing information about children served by a Local Early Steps to the Florida Diagnostic and Learning Resources System (FDLRS) for entry into the Children's Registry and Information System (CHRIS) database meet the requirements of notification?**

In preparing our response to this question we asked for feedback from school districts, FDLRS Associate Centers, and Local Early Steps on their current practices. The result of that inquiry revealed varied practices across the state.

The federal requirement is that Early Steps notify the "local education agency for the area in which the child resides that the child will shortly reach the age of eligibility." Because FDLRS is a statewide network with multiple obligations and services, one of which is child find, but is not a local educational agency (LEA), provision of information to FDLRS for entry into CHRIS **would only meet this requirement if** FDLRS communicates this information to the LEA where the child resides. Although some areas report effective interagency agreements that assure that this occurs, other areas do not have such a system.

Because this is a compliance indicator for Early Steps, it is incumbent on Early Steps to make certain that effective notification procedures are in place.

## **B. TRANSITION CONFERENCE**

### **B-1. What is the transition conference?**

The **transition conference** is a meeting that provides the opportunity to review service delivery changes that will occur when a child turns three years of age and exits Early Steps. This conference can provide the opportunity to discuss potential options with the parent and to address parents' questions about supports and services that are available when a child turns three. Conversely, this conference should provide the parent the opportunity to discuss information about their child and to identify any concerns they may have. The Early Steps service coordinator should discuss his or her knowledge of the child and the services Local Early Steps has provided. Transition conferences give school district staff and other potential community providers the opportunity to share information about their program and the evaluation/eligibility process.

The conference also provides an opportunity to identify the preparation that the child and family will need as they transition. Part of the initial transition planning process, documented on Form I of the individualized family support plan (IFSP), should include discussions with the family about whether or not the child should be given the opportunity to practice specific skills in preparation for the transition. Discussion should focus on the best ways to prepare the child for upcoming changes in the child's daily routine. Whenever possible, the transition conference should take place in conjunction with a regularly scheduled IFSP meeting.

### **B-2. When must the transition conference be held?**

The transition conference **may be held up to nine months** prior to the child's third birthday but **must be held not less than three months (90 days)** before the child's third birthday [PL 108-446, Section 637(a)(9)(ii)(II)].

### **B-3. Is parent consent required to conduct a transition conference?**

Yes. Without the consent of the parent, the transition conference cannot be convened. Local Early Steps are not required to hold a transition conference if the parent does not consent. However, the Early Steps service coordinator must document this on the transition plan page of the IFSP, Form I (see copy of Form I in Appendix A) and in the case notes. This does not preclude the service coordinator from having a discussion with the family regarding transition options, any other requested information and assistance, or updating Form I of the IFSP.

Planning and preparation for exiting Early Steps should be a part of the IFSP process regardless of whether the child may be eligible for Part B, or whether the family is interested in transitioning to Part B or to other community program services.

**B-4. Who are the minimum required participants for the transition conference?**

For children who are “potentially eligible for Part B,” the family, the Early Steps service coordinator, and a representative of the school district are the required participants for the transition conference [PL 108-446, Section 637(a)(9)(ii)(II)]. However, because permission must be obtained from the family to invite the school district representative, an exception to this requirement would be any instance where the family declines inclusion of the school district representative in the transition conference. In this instance, the school district would not be invited and the transition conference would be held among the remaining participants.

For children who are **not** potentially eligible for Part B, the family, the Early Steps service coordinator, and other appropriate community providers are the required participants.

All special circumstances related to attendance of participants at the transition conference must be documented on Form I of the IFSP and in the case notes.

**B-5. May the transition conference be conducted without the parent?**

No. The parent must participate. If the parent is unable to be physically present for the meeting, as an alternative, the parent could participate via telephone conference call as long as the transition conference is not held in conjunction with an initial or annual IFSP meeting, as face-to-face participation is required for these meetings. If the parent participates by phone, the service coordinator documents “participation by phone” on the signature line of the IFSP, Form I.

**B-6. Is the physical presence of the Early Steps service coordinator required for the transition conference?**

If the transition conference is held in conjunction with an initial or annual IFSP meeting, face-to-face participation with the family is required of the Early Steps service coordinator. Although not ideal, the Early Steps service coordinator may participate in the transition conference by other means, such as through a telephone conference call, when the transition conference is not held in conjunction with an initial or annual IFSP meeting.

**B-7. Can someone other than the assigned Early Steps service coordinator represent the Local Early Steps at the transition conference?**

Yes. It is permissible for the Local Early Steps service coordinator to designate someone other than the assigned service coordinator, such as a service coordinator supervisor, to participate in the transition conference in lieu of the assigned service coordinator.

**B-8. If unforeseen circumstances arise, and the school district representative is unable to attend a scheduled transition conference, can the conference be postponed and re-scheduled?**

Yes, if the family concurs and re-scheduling will not jeopardize compliance with the required timeline. Rule 6A-6.03028(9)(b), FAC., *Development of Individual Educational Plans for Students with Disabilities*, states that “each school district will participate in the transition conferences arranged by the state lead agency for the infants and toddlers with disabilities early intervention program.” In most school districts, a specific staff member(s) is assigned the responsibility of attending these transition conferences. If unforeseen circumstances arise and re-scheduling is acceptable to the Local Early Steps and the family, and does not jeopardize meeting required timelines, then the conference can be postponed and re-scheduled.

**However, if re-scheduling is not agreed upon with family or will jeopardize compliance with the required timeline**, then the school district should identify another staff member to attend the already-scheduled transition conference. Although not preferred, another option is to consider participation of the school district staff member via telephone conference call.

If re-scheduling will jeopardize compliance with the required timeline and there are no school district staff members available to attend, then the conference should proceed without school district representation. This activity must be documented on Form I of the IFSP and in the case notes.

**B-9. Is Early Steps considered out of compliance under the following circumstances? A transition conference is scheduled within the 90-day timeline, but the family cancels or does not show, thus requiring the meeting to be rescheduled for a date that is less than 90 days before the child’s third birthday.**

No. Early Steps would not be out of compliance because the family circumstances delayed the process by canceling or not showing up for the appointment. This situation justifies a timeline delay and must be documented on Form I of the IFSP and in the case notes.

The option of participation of the family by telephone conference call should be considered unless the transition conference is scheduled in conjunction with an initial or annual IFSP meeting.

**B-10. Who is the appropriate staff member to represent the school district at a transition conference?**

In identifying staff members to serve in this capacity, school districts should select individuals who have a thorough understanding and ability to communicate

information regarding the evaluation/eligibility process and the district's prekindergarten program for children with disabilities. This individual may be a school district staffing specialist, preschool teacher, the contact person for the program, or another knowledgeable staff member.

It is not appropriate to assign the FDLRS child find specialist to serve in this capacity. The FDLRS child find specialist may attend the transition conference for the purpose described in Question B-11. However, the FDLRS child find specialist cannot represent the school district unless the child find function is only a portion of the individual's job and this individual assumes other part-time responsibilities on behalf of the school district (e.g., part-time staffing specialist function, part-time child find specialist).

**B-11. If a FDLRS staff member (e.g., the child find specialist) attends the transition conference, what is his/her role?**

FDLRS representatives at the transition conference can share screening information; provide service coordination information that is available from the CHRIS system; gather records; arrange for necessary appointments or program visitations and evaluations, as needed; provide follow-up to ensure timelines are met; and assist the school district or family in whatever other ways necessary to facilitate a smooth transition process. In some school districts, FDLRS staff use this opportunity with the family to conduct vision and hearing screenings.

**B-12. Does conducting the transition conference six to nine months prior to the child's third birthday start the "60 school-day evaluation clock" for Part B?**

No. Rule 6A-6.0331, FAC., establishes requirements related to timelines for the completion of evaluations for students who may be eligible for specially designed instruction and related services. Specifically, this rule requires school districts to ensure that prekindergarten-age children suspected of having a disability are evaluated within 60 school days after receipt of the referral for evaluation **and** the receipt of parental consent for the evaluation. School districts define what constitutes "receipt of referral" in the district's *Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students (SP&P)*. Initiating transition planning, in and of itself, does not start the 60 school-day evaluation clock nor is the transition planning conference necessarily considered "receipt of referral." However, the 60 school-day clock must begin once referral is received (as defined by the district's approved *SP&P*) **and** parental consent for evaluation is received.

## **C. REFERRAL PROCEDURES RELATED TO TRANSITION PROCESS**

### **C-1. What is a referral?**

Referral is the formal process by which the child and family are referred by Early Steps to the school district, with parent consent, for prekindergarten program eligibility determination or to another community-based service provider to determine eligibility for services.

### **C-2. When should a referral occur?**

When a child is potentially eligible for the school district Prekindergarten Program for Children with Disabilities, the Local Early Steps refers the child to the local school district, with parental consent, either before, during, or after the transition conference. It is important that families are provided with and understand their options before they are asked to provide consent for an agency referral. The parent may choose at any point to withhold permission to send a referral to the school district.

### **C-3. The school district or community-based program finds it helpful to have some information in advance of the transition conference so that they can be adequately prepared for the conference. How does waiting for a referral until after the transition conference impact this?**

With the consent of the parent, information that will be helpful to the school district or community agency may be shared in advance of the conference. This sharing of information should not be confused with making a formal referral for services. Defining this step in the transition process could be specified in a local interagency or written agreement among the parties.

### **C-4. What information should be included in the “referral packet”?**

The *PPOG* provides guidance that the referral packet include the current IFSP, recent evaluations and assessments, any hearing and vision screening completed within the last 6 months, and a copy of the written consent for release of information executed by the parent. Information in the Early Steps record that was generated by outside sources related to screening, evaluation and assessment, eligibility determination, development and implementation of the individualized family support plan, or provision of services may be shared with local school districts, regardless of the payer. Any information that the Local Early Steps provides to the school district requires written parental consent.

## D. EVALUATION/ELIGIBILITY DETERMINATION/INDIVIDUAL EDUCATIONAL PLAN (IEP) DEVELOPMENT/EXTENDED SCHOOL YEAR (ESY)

### D-1. May the school district use existing evaluation data from Early Steps as a basis for eligibility determination for the school districts?

Yes. For children ages birth through five years, Rule 6A-6.03026(3)(b), FAC., *Special Programs for Prekindergarten Children with Disabilities*, states that “existing screening and evaluation information available from agencies that previously served the child and family shall be used as appropriate.” The purpose of this provision is to minimize the need for repeating evaluations that are current and have been conducted by appropriately qualified staff.

### D-2. Does the state establish criteria for determining whether an evaluation is considered “current”?

No. Such decisions are left up to the professional judgment of staff. Because young children develop at a very rapid rate, it is of critical importance that existing information be carefully reviewed to determine if it represents an accurate assessment of the child’s current functioning level. To minimize the need for the comprehensive reevaluation of the child, expedite the transition process, and save time and expense, the school district should work with the Local Early Steps to use existing Local Early Steps information and data—such as parent reports, evaluation and current assessment, IFSP information, and observations by service providers—to assist in determining eligibility.

### D-3. What is the difference between the Early Steps transition conference and the school district eligibility staffing meeting?

These two meetings have very different purposes. Please refer to question B-1 for discussion of the purpose of the transition conference.

The school district will schedule and conduct an **eligibility staffing meeting** for a child who is potentially eligible for Part B services. The purpose of the eligibility staffing meeting is to review the available evaluation data (both existing information and any new evaluations conducted by the school districts, if needed) and determine the child’s eligibility for specially designed instruction. Specific processes related to the eligibility staffing are set forth in Rule 6A-6.0331(5), FAC., *Identification and Determination of Eligibility of Exceptional Students for Specially Designed Instruction*. An eligibility staffing committee must be composed of a minimum of three professionals, one of whom is the district administrator for exceptional student education or his/her designee. The parents of the child must be invited and are encouraged to “participate as equal members of the staffing committee.”

This rule establishes the following responsibilities for the committee:

- Interpret evaluation data by drawing upon information from a variety of sources including aptitude and achievement tests, parent input, teacher/service provider recommendations, physical condition, social or cultural background, and adaptive behavior
- Ensure that information obtained from the sources noted above is documented and considered carefully
- Determine eligibility in accordance with the criteria included in applicable State Board of Education Rules

**D-4. Can the eligibility determination staffing and the IEP meeting be conducted at the same time as the transition conference?**

This is not an appropriate practice and is discouraged on a routine basis. The family should be given the opportunity to explore all possible service options for their child. With parental consent, Local Early Steps staff have the responsibility of making the referral to the school district in sufficient time to ensure that school district prekindergarten services for children with disabilities begin at age three. The transition conference is most appropriately held during regularly scheduled IFSP meetings.

**D-5. If a child is referred to Early Steps between 33 months of age and 45 calendar days prior to the child's third birthday, what is the obligation of Early Steps?**

With parental consent, Early Steps must evaluate, determine eligibility, and, if eligible, develop an IFSP within 45 days of the referral date [Title 34, CFR, 300.342(a)]. As always, a family has the right to refuse or decline any service with Early Steps. The service coordinator should explain to the family their options, including receiving services with Early Steps until the age of three and then transitioning to the local school district or declining services with Early Steps and, with parental consent, being referred directly to the local school district. The service coordinator should make sure the family understands the ramifications of declining enrollment in Early Steps (i.e., the local school district is not obligated to have an IEP implemented by the age of three for a child who does not have a current IFSP with Early Steps.).

**D-6. If a child is referred to Early Steps 45 days or less before turning three (for example, three weeks prior to the child's third birthday) and Early Steps is unable to complete an evaluation, is the school district obligated to have an IEP in effect on the child's third birthday?**

No. The obligation to have an IEP in effect on the child's third birthday applies to children who have been determined eligible for Part C by Early Steps and have an IFSP. In the example referenced in the question, the child should be referred to the school district for evaluation.

If referred to the school district, this evaluation would be subject to the timeline for evaluation found in Rule 6A-6.0331(4)(b), FAC., *Identification and Determination of Eligibility of Exceptional Students for Specially Designed Instruction*. This section of the rule requires that prekindergarten children suspected of having a disability must be evaluated within 60 school days after receipt of referral and parental consent for evaluation. The school district must define what constitutes “receipt of referral” in the school district’s *Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students*.

**D-7. Must the Early Steps service coordinator be invited to the first IEP meeting upon transition from Early Steps?**

Yes, if requested by the parent. This is new language that was included in IDEA 2004, Section 300.321(f). Families are to be informed that they can request participation of the Part C service coordinator or other representatives of the Part C system at the initial IEP team meeting.

**D-8. Is there a requirement that the outcome of the IEP meeting be shared with Early Steps if the service coordinator is not in attendance at the meeting?**

No. Best practice would indicate that, with parent consent, the results of the IEP meeting would be shared. If the interagency agreement between the local Early Steps and the school district indicate that this information be shared, then this would become a local requirement. The service coordinator may contact the family or school district to obtain the meeting outcome.

**D-9. What is the school district’s obligation when a child turns three during the “summer months”?**

When a child turns three years old near the end of or following the conclusion of the 180-day school year, the district continues to have the obligation to have an IEP in effect and implemented by the child’s third birthday.

**D-10. If the school district does not have adequate staff during summer months to conduct an IEP meeting, can the meeting be postponed until the beginning of the school year?**

No. The obligation in IDEA for school districts is clear. The district would either have to conduct the IEP meeting in advance of the child’s third birthday or institute staffing practices that ensure that sufficient staff are available to conduct the IEP meeting during the summer.

**D-11. Must extended school year (ESY) services be considered for a child exiting Early Steps?**

Yes. ESY services are provided if the child's IEP team determines, on an individual basis, that the services are necessary for the provision of a free appropriate public education (FAPE).

**D-12. If a school district does not have sufficient data to determine “regression and recoupment,” does that mean that ESY services need not be considered?**

No. School districts should review the Bureau of Exceptional Education and Student Services publication entitled “ESY: Extended School Year Services for Students with Disabilities: A Guide for IEP and FSP Teams” on the Web site at <http://www.fldoe.org/ese/pub-home.asp>. The following questions appear in that document and should be considered in addition to questions regarding whether significant regression could occur:

- Do the data indicate that the student is at a crucial state of development of a critical life skill and that a lapse in service would substantially jeopardize the student's chances of learning that skill? This may include emerging skills as well as critical points of instruction on existing skills.
- Is the nature or severity of the student's disability such that the student would be unlikely to benefit from his or her education without the provision of ESY services? This may be reflected in the student's rate of progress.
- Are there extenuating circumstances pertinent to the student's current situation that indicates the likelihood that FAPE would not be provided without ESY services?

School districts and Local Early Steps should work together to ensure that there is sufficient information for the IEP team to consider the questions identified above.

**D-13. Are children exiting Early Steps automatically entitled to ESY?**

No. Children with disabilities who have their third birthday during the summer months are not automatically entitled to receive special education and related services during the summer. However, the school district must provide such services during the summer if the IEP team determines that the child needs extended school year services at that time to receive FAPE.

**D-14. If a decision is made that ESY services are not needed, is it acceptable to wait until the beginning of the school year to initiate the services on the IEP?**

Yes. One of the changes in the regulations for IDEA 2004 was the inclusion of the following language found at Title 34, CFR, 300.101(2):

“If a child’s third birthday occurs during the summer, the child’s IEP Team shall determine the date when services under the IEP or IFSP will begin.”

If a child does not receive ESY, an IEP developed in late May may no longer be entirely appropriate when that child comes to school in late August. School district staff should be mindful of the need to re-convene the IEP team to examine goals and objectives for these children.

**D-15. Can a school district provide FAPE to a child prior to age three?**

Yes. Title 34, CFR 300.800, permits the use of IDEA preschool grant funds to support services for children who are two years old and will turn three during the school year. FAPE, in accordance with the Part B regulations, applies in this circumstance, including the Part B procedural safeguards.

This instance is the only time, however, when FAPE and Part B would apply when a school district serves children prior to the age of three. In other circumstances, (e.g., an 18-month-old child eligible for Early Steps who receives some services from the school district) the requirements of Part C apply.

**D-16. If a child turns three in April, and it does not seem appropriate to enroll the child for a brief period of time in a prekindergarten class that has well-established routines, could implementation of the IEP be postponed until the beginning of the next school year?**

No. This would not be consistent with the intent of the law. In such a circumstance, the IEP team should consider what services would best meet the child’s needs. Districts should explore continuing services that the child is currently receiving that would support the goals of the IEP. This can be accomplished through contractual or purchase of services arrangements.

**E. IMPROVING TRANSITION PRACTICES**

The Early Steps *PPOG* requires that a written agreement be in place between the Local Early Steps program and each school district in a service area. A high priority should be placed on ensuring that such agreements are current; used routinely to inform transition practices; reviewed at periodic intervals; and revised, as needed, based on changes in community service delivery systems.

**E-1. What are the recommended components of a transition interagency agreement? How does this agreement promote transition planning?**

A transition interagency agreement is a written document that indicates the willingness of two or more agencies or parties to work in a collaborative manner to deliver services to a specific group or population. Responsibilities, timelines, and procedures for the delivery of services are clearly delineated.

An effective transition interagency agreement consists of the following ten components and reflects the procedural and timeline expectations of the sending and receiving agencies:

- Purpose
- Description of participating agencies
- Requirements that impact the agreement
- Definition of terms
- Working procedures and timelines
- Implementation of agreement
- Monitoring and evaluation of agreement
- Interagency dispute resolution process
- Duration of agreement (recommended)
- Signatures and dates

The development of a local transition interagency agreement is needed to document and formalize the process for collaboration and the provision of services within a community. Interagency agreements clarify roles and responsibilities, can help avoid gaps in services, increase accessibility and adherence to required timelines for services, formalize the outcomes of collaboration, and foster a positive experience for families and children being transitioned.

Transition interagency agreements between Local Early Steps and the local school district are required by Early Steps. Agreements should be reviewed on a regular basis and updated when changes in services and other activities occur that impact the agreement. Florida's Transition Project funded by the Department of Education, Bureau of Exceptional Education and Student Services, through federal assistance under IDEA, provides training and guidance in the development of an interagency transition agreement. Additional information regarding the project can be obtained by visiting the Web site at <http://www.floridatransitionproject.com>.

**E-2. What type of procedures/practices will improve the transition process?**

Consideration should be given to implementing the following practices:

- Using data from CHRIS and the Local Early Steps data system to project needs

- Establishing procedures that specify a process for referring children to the school district from Local Early Steps who are potentially eligible for the school district's prekindergarten program for children with disabilities
- Establishing procedures that encourage conducting the transition conference as early as possible before the child turns three years of age
- Establishing processes and procedures agreed upon by the agencies for the school district to notify the Local Early Steps of the eligibility staffing date and, at the parent's request, inviting the Early Steps service coordinator to the IEP or IFSP development planning meeting. (These procedures will ensure the child is receiving services at the age of three.)
- Creating regularly scheduled blocks of time specifically for transition conferences
- Implementing periodic meetings between the Local Early Steps administrators and the school district contact person for the prekindergarten program for children with disabilities to discuss transition practices
- Using resolution procedures if written interagency agreements are not being successfully implemented

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## Appendix A

Name: \_\_\_\_\_ DOB: \_\_\_\_\_ IFSP Date: \_\_\_\_\_  
 ID#: \_\_\_\_\_ Service Coordinator: \_\_\_\_\_

### Form I: Your Family's Transition Plan

Page \_\_\_\_ of Form I

<b>Transition Planning Steps</b>		
1. <b>Initial Transition Planning (6 months to 1 year prior to our child's 3<sup>rd</sup> birthday):</b> In conjunction with an IFSP meeting, the IFSP team discussed the following with us:		
a)	Program options available within the community (e.g., local school district, Early Head Start, Head Start, Agency for Persons with Disabilities, other early care and education programs, etc.) were discussed with us. At this time, we are interested in the following options:	
b)	We discussed our specific concerns and the skills and preparation our child will need to be successful in a new environment. <b>Concerns:</b> _____ <b>Strategies to Address Concerns (write relevant outcomes on Form F):</b> _____	
c)	We scheduled the Transition Conference and listed the possible participants we would like to invite. Possible Participants / Date / Time: _____	
2. <b>Referral:</b> The service coordinator, with our consent, makes a formal referral to the school district and/or other agencies and community providers that we choose and sends a transition "packet." (This may occur before, during, or after the Transition Conference.)		
	Referral Date: _____	Agency: _____
	Referral Date: _____	Agency: _____
3. <b>Transition Conference (not less than 90 days and not more than 9 months prior to our child's 3<sup>rd</sup> birthday):</b> The Transition Conference is held at the same time as our child's IFSP meeting, if possible. At this meeting, information was provided to us about how our school district provides services to prekindergarten children with disabilities, including the district's evaluation/eligibility process and how the Individual Educational Plan (IEP) is developed. Also, information about other agencies/community providers that we have requested was provided. We had the opportunity to ask questions and discuss any new concerns for the coming transition. <div style="text-align: right;">Transition Conference Date: _____</div>		
a)	Following are our new concerns and strategies we discussed: <b>Concerns:</b> _____ <b>Strategies to Address Concerns (write relevant outcomes on Form F):</b> _____	
b)	We identified that these additional activities (e.g., agency/program/placement visitations, enrollment, immunizations, transportation issues, assistive technology, etc.) need to be completed before our child moves into the new setting: <b>Activity:</b> _____ <b>Persons Involved:</b> _____ <b>Timeframes:</b> _____	
<b>We attended the Transition Conference and developed this transition plan. Our rights in transition were provided and explained to us.</b>		
_____	_____	_____
Parent/Guardian	Parent/Guardian	Date
<b>We attended the Transition Conference and developed this transition plan.</b>		
_____	_____	_____
Service Coordinator IFSP	Team Member/Title	Local School District Representative/Title
_____	_____	_____
Community Representative/Agency/Title	IFSP Team Member/Title	Other/Title

## Appendix B

## Resources

The following is a partial list of resources that may prove to be helpful in the implementation of a smooth transition from the Early Steps Program to the Prekindergarten Program for Children with Disabilities and other community programs. These resources are available through the Florida Department of Health (DOH), Children's Medical Services, Early Steps Program, or the Florida Department of Education (DOE), Clearinghouse Information Center (CIC).

Booklet, ESE 311662, "Transition: A Booklet to Help Children and Families in Moving from Early Steps at Age Three to Other Community Programs" (Revised 2005).

Brochure, ESE 311372: "What's the IDEA Behind Extended School Year Services for Students with Disabilities?"

Federal Regulations, Title 34, Parts 300 (March 2004) and 303.

Individuals with Disabilities Education Act (IDEA) 2004, Public Law 108-446.

Booklet, ESE 312687, "Guidebook to Build Better Community-wide Transition Systems" (Revised 2007).

Pamphlet, ESE 311373: "Extended School Year Services for Students with Disabilities: A Guide for IEP and FSP Teams."

Technical Assistance Paper, FY 2000-1, *Evaluation Procedures and Determination of Eligibility for Children in Transition from Part C to Prekindergarten Program for Children with Disabilities.*

Technical Assistance Paper, FY 2000-2, *Re-evaluation Procedures for Students with Disabilities.*

Technical Assistance Paper, FY 2000-5, *Determining an Individual Student's Need for Extended School Year.*

**Web sites:**

Agency for Workforce Innovation (AWI), Office of Early Learning, Child Care Resource and Referral Network: <http://www.floridajobs.org/earlylearning/>

Children's Registry and Information System (CHRIS): <http://www.Chris.miami.edu>

Department of Education (DOE), Bureau of Exceptional Education and Student Services: <http://www.fldoe.org/ese/ese-home.asp>

Department of Education, Bureau of Exceptional Education and Student Services State Performance Report (SPP) and Annual Performance Report (APR):  
<http://www.fldoe.org/ese/default.asp>

Department of Education, Office of Early Learning, Voluntary Prekindergarten (VPK) Education: <http://www.fldoe.org/earlylearning/>

Early Steps: <http://www.cms-kids.com/EarlyStepshome.htm>

Early Steps State Performance Plan (SPP) and Annual Performance Report (APR)  
[http://www.cms-kids.com/EarlySteps/SPP\\_Review.htm](http://www.cms-kids.com/EarlySteps/SPP_Review.htm)

Florida Head Start: <http://www.floridaheadstart.org./search.html>

Florida's Transition Project: <http://www.floridatransitionproject.com>

National Early Childhood Technical Assistance Center (NECTAC)  
<http://www.nectac.org/topics/transition/transition.asp>

National Early Childhood Transition Center <http://www.ihdi.uky.edu/NECTC>

Technical Assistance and Training System (TATS): <http://www.tats.ucf.edu>