

## TRANSITION: FREQUENTLY ASKED QUESTIONS

(Regarding Transition from Part C Early Intervention to Part B Preschool Programs)

### Early Intervention Questions

#### 1. When should the service coordinator first bring up the topic of transition with a family?

Transitioning from Early Intervention (EI) at age three (3) is one of the most important events for a child and family. Discussions about transition should be **ongoing** with a family while they are in Early Intervention, but the transition “planning meeting” cannot be conducted until the child is 27 months old (not a day earlier).

#### 2. What should these discussions include?

Early discussions should include what the **process of transition** involves, who should be contacted based on parent preference, how a parent may opt out of notifying the local education agency (LEA), eligibility criteria for children admitted to programs at age 3, the variety of placement options in communities, other community support programs that continue helping families achieve their goals and the parental rights associated with preschool programs or other systems such as Head Start.

(Preschool or Part B *Special Education Rights* can be found online at [www.alabamaachieves.org](http://www.alabamaachieves.org)).

#### 3. When does a written transition plan have to be in place?

A written transition plan must be completed at 27 **months** (if the child is in the system) or during the initial IFSP meeting when a child enters AEIS after 27 months and is determined eligible. **Note: The transition plan cannot be completed before 27 months.**

#### 4. What must be included in the transition plan?

The transition plan should include goals and procedures (steps) in the best interest of a child and based on a family’s preferences. In summary, the transition plan should indicate in writing the appropriate and complete steps to ensure a family is informed about:

- ✓ Target dates for all activities
- ✓ Discussion about future placement options
- ✓ Discussion about the transition process and how it affects families
- ✓ Discussion about the **Opt-Out Policy** and parent’s decision
- ✓ Assistance to parent with *Parent Referral* to LEA depending on when the child entered AEIS
- ✓ Timely LEA notification and request LEA meeting by 33 months (if not opting out)
- ✓ Discussion of opportunities that will prepare the child and family for adjustments

The EI service coordinator is responsible for scheduling and ultimately convening a meeting with the family and LEA before the child turns 33 months old (regardless of summer schedule). The Alabama State Department of Education (ALSDE) Preschool Coordinator advises all LEAs to designate an appropriate person to receive and acknowledge EI

notification and attend the Transition Planning Meeting. (Please note more specific guidelines for OPT-OUT are at the end of this FAQ).

**5. How do Early Intervention personnel notify the LEA of a potentially eligible child?**

The Early Intervention service coordinator notifies the designated LEA representative by emailing the *Early Intervention Notification Letter to the appropriate Local Education Agency*. Parents are required to sign an Opt-Out Form if they choose not to have any information sent to an LEA. Service coordinators will automatically send the *Early Intervention Notification to the Local Education Agency* letter if a parent fails to sign an Opt-out Form after ten (10) days.

The *Early Intervention Notification to Local Education Agency* letter must be sent via an encrypted email. This letter serves to notify the LEA and begin the process of convening a Transition Planning Meeting. The invitation cites the child's age, length of time in early intervention services, a timeline for meeting, and requests confirmation. Only if a parent provides written permission may the service coordinator include more information (e.g., IFSP, evaluations, provider notes).

**6. How does the LEA representative acknowledge receipt of an invitation to the Transition Planning Meeting?**

The LEA representative acknowledges receipt of an Early Intervention notification/invitation to convene a meeting by email to the Service Coordinator. The LEA is requested to respond within two weeks.

**7. Can EI's Transition Planning Meeting be combined with the LEA Referral Meeting?**

**Yes**, if the parents agree. Service Coordinators must make the distinction in these meetings clear to families and inform the LEA of the family's preference.

**8. Who is required to attend the EI/LEA Transition Planning Meeting?**

The only individuals who must attend this meeting are the parent, a service coordinator, and **ONE LEA representative** who is knowledgeable about the referral process.

**9. For Early Intervention, is a written transition plan required if the family indicates they are not interested in having their child served by the LEA?**

**Yes**, by law, a written plan must be in place for transition, even if parents do not want their child enrolled in a Part B preschool program. A Transition Plan should, therefore, reflect family preferences and include information that they are opting out or disagreeing with notification of an LEA. Children may also transition to other placements. Steps in supporting families should reflect parent preferences.

**10. Who is directly responsible for advising families about the transition process?**

The **EI service coordinator** is responsible for ensuring that a written plan is in place when the child is 27 months or during the initial IFSP when a child is determined eligible after 27 months.

**11. Are Early Intervention eligibility criteria the same as for LEA preschool?**

**No.** Eligibility criteria are different. Children who receive early intervention services may not be eligible for preschool services when LEA eligibility is determined. Early Intervention focuses on family-centered practices and a child’s functional development and participation in daily routines (e.g., meals, bath, dressing, play times, etc.). EI focuses on family training.

For example, Part B programs consider delays that impact educational performance. Although family input is valuable to the success of an Individualized Education Program (IEP), a child’s developmental and educational needs are central. Part B Eligibility determination may include at least the following: “The standard score in one developmental domain must be at least two standard deviations below the mean (70 or below) (roughly equivalent to a 30-32% delay) on a standardized, norm-referenced instrument; or the standard scores on two or more developmental domains must be at least one and a half standard deviations below the mean (77 or below) (roughly equivalent to a 25% delay in two areas) on a standardized, norm-referenced instrument.” (Eligibility criteria as stated in the *Alabama Administrative Code* (AAC) Special Education Section for eligibility in the area of Developmental Delay.) This may vary and depends on the area of exceptionality being considered. For more information, click the links below.

AAC: [Alabama SES - Policies and Procedures - Alabama State Department of Education \(alabamaachieves.org\)](http://alabamaachieves.org)

Mastering the Maze Q and A: <https://www.alabamaachieves.org/wp-content/uploads/2021/04/SE-2019-Mastering-the-Maze-Process.pdf>

**12. Is Early Intervention responsible for determining eligibility for preschool special education and related services?**

**No.** Early Intervention is responsible for ongoing assessments and updating a child’s current level of functioning while receiving early intervention services. With parental consent, EI evaluations and assessments may be provided to the IEP team for consideration.

**13. Does the service coordinator send a notification letter to the LEA if a parent changes their mind after they have signed the Opt-Out form?**

**No.** Once the Opt-Out form is signed, no notification letter should be sent, even if the family changes their mind before the child is 33 months of age. However, the service coordinator should encourage the family to make a parent referral and inform them of the timeliness and procedures for a parent referral. The service coordinator can also facilitate the family meeting with the LEA and send any records to the LEA that the family chooses (with proper releases signed). The service coordinator can also attend any meetings to which the family invites them.

**14. What should happen if a child moves out of the school district where the LEA notification was originally sent?**

The service coordinator is responsible for notifying the LEA who was sent the notification of the family’s move and providing current contact information. The original LEA is then responsible for transferring the child’s information to

the new LEA. The EI service coordinator should not send a 2<sup>nd</sup> LEA Notification Letter. The new LEA and current service coordinator should then continue the transition process.

### **Part B/Preschool Questions**

#### **1. Must the LEA acknowledge receipt of a notification from EI?**

**Yes, acknowledgment is required.** This acknowledgment must occur via email. Service coordinators must document this in the child's record. Service coordinators are responsible for following up with the LEA if they do not receive confirmation within two weeks.

#### **2. Is an Early Intervention service coordinator required to attach the *Early Intervention to Preschool Transition Planning Meeting Documentation* form to the *EI Notification to the LEA*?**

**No.** This is not required of EI. The *Early Intervention to Preschool Transition Planning Meeting Documentation form* is a required form at the transition planning meeting. This form verifies that the parent has given permission to refer the child to the LEA and documents that all required persons (parents, EI representative, LEA representative) attended the meeting.

#### **3. What is the timeline for acknowledging the EI notification?**

There are no specific timeline requirements; however, it should occur in a *reasonable length of time (i.e., within two weeks)*.

#### **4. What is the date the letter of notification from EI was received?**

The date of receipt is the **actual date** that the EI Notification to the LEA letter is received by the LEA. This should not be confused with the dates of the LEA transition planning and referral meeting dates.

#### **5. Must EI notify the LEA regarding children who received Early Intervention services?**

**YES, unless** a parent signs an Opt-Out Form. Otherwise, a service coordinator is **REQUIRED** to notify an LEA regarding a child turning 3. However, without written permission to release information, a service coordinator may not send additional information, such as an IFSP or evaluations. If a child enters AEIS at 33 months or later, a service coordinator may notify an LEA (if the parent chooses), but there is no expectation that a meeting will be convened. These children are entered into the ALSDE database as "parent referrals."

#### **6. Must the Special Education Coordinator attend a transition meeting?**

**No,** but an LEA *designee* must attend. This may or may not be the special education coordinator.

#### **7. May a transition planning meeting be combined with an LEA referral meeting?**

**Yes**, if it is agreeable with the parents or guardians. The LEA should notify the EI service coordinator that the IEP Team prefers to combine these meetings. If the two meetings are combined, the LEA must notify the family by sending a *Notice and Invitation to a Meeting /Consent for Agency Participation* form. Some parents mistakenly interpret this form as an invitation to a replacement meeting for the Transition Planning Meeting.

**8. Must the LEA notify the parents when these meetings are combined?**

**Yes.** The LEA must send a *Notice and Invitation to a Meeting/Consent for Agency Participation* form indicating that at the referral meeting, a referral may be accepted and a determination made to conduct additional evaluations if they are needed.

**9. If the two meetings are combined, who must attend from the LEA?**

If the transition planning meeting and referral meeting are combined, the LEA **must** have the required IEP Team members in place for the meeting. The IEP Team must include a representative of the LEA, someone who can interpret the instructional implications of the evaluation results, a general education teacher of the child, a special education teacher, and the parent.

**10. When are transition planning meetings convened?**

**Before the child turns 33 months** unless the child enters AEIS after 33 months of age; in that case, a parent referral is made to the LEA.

**11. Why is notification sometimes made after the child is 27 months old?**

Some children enter the EI system after the child turns 27 months.

**12. Must the LEA accept evaluations/assessments from EI for eligibility?**

**No.** The IEP Team must consider all evaluations/assessments from EI and may accept any current evaluations/assessments that meet the requirements for eligibility. Due to the rapid development of young children, it is suggested that data used for Part B Eligibility should be no older than six months. IEP Teams must meaningfully consider the data that the IEP Team determines to meet the criteria outlined in the *Alabama Administrative Code*.

**13. Must EI evaluate a child to determine his/her status/eligibility for preschool special education services?**

**No.** Some EI programs **may update** assessments/evaluations prior to notification or transition to the preschool program, but it is not required. The IEP Team or the Eligibility Committee determines eligibility for preschool.

**14. If a child is legally blind, will he/she automatically be eligible for services at age three?**

**No.** The child must (1) meet AAC criteria for eligibility in one of thirteen disability categories, (2) exhibit an adverse effect on educational performance stemming from the disability, and (3) require specially designed instruction to make progress.

**15. Must the IEP be developed by the child's third birthday if the LEA has accepted the EI Notification to LEA letter?**

**Yes.** The IEP must be developed and implemented by the child's third birthday if the LEA has accepted the referral and the child has been determined to be eligible for special education services.

**16. Must the IEP be developed and implemented by the third birthday if the process begins with a parent referral, regardless of having been served in EI?**

**No.** A parent referral is not the same as an EI referral. The public agency has 60 calendar days from the date the agency receives the signed copy of the *Notice and Consent for Initial Evaluation* to conduct the initial evaluation. After completing the initial evaluation, the LEA has 30 calendar days to determine eligibility for special education. If the student is eligible, the LEA has 30 days to complete an IEP.

**17. Must the LEA wait until the child turns three to begin the process?**

**No.** The referral to placement process must begin upon acceptance of the referral. However, special education and related services may not be provided until the child turns three of eligible children.

**18. Must the LEA begin services for an eligible child on his/her birthday when their birthday is during a school break (e.g., summer)?**

For children transitioning from Part C to Part B preschool programs, LEAs must make FAPE available to each eligible child residing in their jurisdiction no later than the child's third birthday and have an IEP developed and implemented for the child by that date. If the child's third birthday occurs during the summer months, the child's IEP Team will determine when special education services begin.

**19. Must a general education teacher participate as a member of the IEP Team for preschool-aged children?**

**Yes.** Preferably, this should be a teacher of the child.

**20. Who may the LEA designate as the general education teacher since publicly funded programs for typical three- and four-year-olds are not universally available to all children?**

If the child does not attend an early childhood program, the LEA must designate someone who **meets the state requirements** for providing services to typically developing preschool children. Some examples include K-3rd grade teachers certified in early childhood, Head Start teachers who meet the state requirements to be employed as a Head Start teacher, or a childcare teacher who meets the state requirements to be employed as a childcare teacher. The general education designee must meet the state standards required for their current job, that is, early childhood public school teacher, Head Start teacher, childcare teacher, etc.

**21. If the child is being served at home, will a general education teacher be a required member of the IEP Team?**

**Yes, a general education teacher must always be a member** of the IEP Team. The least restrictive environment (LRE) is not decided until the IEP Team meets and determines the appropriate place for the special education services to be provided.

**22. Can an Individualized Family Service Plan (IFSP) be used for a three- or four-year-old?**

**No**, the AAC (Alabama Administrative Code) does not allow the use of an IFSP for a child aged three or older.

**23. Can an eligible three-year-old receive only a related service (e.g., occupational therapy)?**

No, related services are provided to assist the child to benefit from special education services.

**24. What is the minimum number of hours of service that a preschool child must receive?**

There is **no minimum** number of hours of service. The IEP Team determines the amount of service needed to implement the goals.

**25. When parents place children in childcare centers, does the LEA have to provide services at the childcare center?**

Not necessarily. The IEP Team should consider the LRE for implementing the services delineated in the IEP. The IEP Team should consider where the child would be if he/she did not have a disability. The IEP Team should also consider the location where the EI services were provided. OSEP expects preschool children to be provided special education services with typical peers to the maximum extent appropriate.

**26. When a child attends Head Start, who is responsible for providing special education instruction, services, and support?**

The LEA is responsible for providing the special education services, related services, support, and materials delineated in the IEP.

**27. Is it appropriate to provide preschool services in kindergarten classrooms?**

Kindergarten classrooms are not appropriate for three- and four-year-olds. Also, kindergarten classrooms cannot be the placement for children not meeting the kindergarten-age requirements. Children must be five (5) by September 1. There is a wide gap in development between a typical three-year-old and a kindergartner. Developmentally appropriate practices must be implemented with all young children, and most activities occurring in kindergarten are not developmentally appropriate for three- and four-year-olds. The LRE requirements under Part B of the IDEA state that preschool children with disabilities are expected to be educated in a preschool setting with typically developing peers.

**28. Must the IEP address all five developmental domains (motor, cognition, communication, adaptive, and social)?**

No. The IEP Team should prioritize the child's needs and focus on skills that will facilitate the child's ability to function independently. The area(s) addressed in the IEP are dependent on the needs of the individual child.

**29. What is "educational performance" for preschool children?**

Educational performance for preschool children refers to developmentally appropriate academic, social-emotional, self-help, adaptive, motor, and/or communication skills. That is, can they participate or do the things that typically developing preschool children can do?

**30. Must the LEA invite the EI service coordinator and/or providers to the IEP meeting?**

No, at the parent's request, an invitation to the initial IEP Team meeting may be sent to the EI service coordinator.

**31. Can EI programs continue to serve children after they turn three years old?**

No. Part C funding does not pay for services after age 3.

**Opt-Out Policy for AEIS**

**WHY AN OPT-OUT POLICY:** Families sometimes *choose not to have their contact information sent to the LEA*. We report this information to OSEP annually. A state policy must be in place for parents to understand their rights and to continue to ensure a smooth transition. Parents can "opt-out" of sending information to the LEA by signing an "Opt-out form" within ten (10) days of discussion. Generally, 1 of 10 families chooses to opt out. AEIS is expected to provide an LEA with limited contact information (EI Notification Letter) unless a parent signs an Opt-Out form.



**The following are definitions or explanations for language found throughout this document:**

AEIS- Alabama's Early Intervention System

ALSDE- This is the Alabama State Department of Education. Responsible for public preschool special education programs.

ELIGIBILITY- The criteria to be met for consideration of services. Eligibility criteria differ in the two systems. Eligible children in AEIS *may not be eligible* for LEA preschool services.

Criteria in Early Intervention must be confirmed in at least one domain by two different procedures indicating a 25% or greater delay or a documented medical diagnosis likely to result in delays in the future. Criteria for Part B (3-5), the Eligibility requirement is two standard deviations from the norm in one domain or 1.5 standard deviations in two domains on **standardized tests**.

EI TRANSITION PLANNING MEETING- AEIS is responsible for *arranging and convening a Transition Planning Meeting* with an appropriate LEA. Only one LEA representative is required to meet with the family and AEIS. The goal of this meeting is to discuss appropriate transitioning if a child is eligible for Part B services. A target date for the Transition Planning Meeting with the LEA is prior to 33 months. **For AEIS, convening this meeting is the most important indicator of data to be reported to the Office of Special Education Programs (Indicator 8). Service coordinators will not cancel the AEIS Transition Planning Meeting if an LEA does not arrange for the entire IEP team to be present.** Only one LEA representative is required to attend.

IDEA- *Individuals with Disabilities Education Act*. The law which governs regulations for federal compliance (for AEIS and preschool)

IEP (Individualized Education Program) – A written plan for *pecially designed instruction* for a child eligible for Part B services.

IEP MEETING (Individualized Education Program Meeting) – A meeting arranged by LEA to write an IEP for a child eligible for Part B services.

LEA- Local Education Agency (agency/school system responsible for special education preschool program)

LEA ELIGIBILITY DETERMINATION MEETING - A meeting arranged by an LEA following *LEA* evaluations to determine if a child at age three (3) will be eligible for their services.

LEA REFERRAL MEETING- A meeting *arranged by* LEA to determine acceptance of a referral and begin the journey in the education system.

OSEP- Office of Special Education Programs. The federal agency tasked with regulatory compliance for IDEA.

OPT-OUT- A parent's preference for EI to not send notification/referral to the LEA. The EI service coordinator must notify the appropriate LEA unless a parent **signs** an Opt-Out Form. Families are given 10 days to consider this option when transition planning is initiated.

PART C OR EARLY INTERVENTION- This is the term for *federal/state-funded* birth to 3-year-old programs. Services through AEIS are not mandatory, and family participation is voluntary. Visit [ADRS | Alabama Department of Rehabilitation Services](#) for more.

There are private programs that do not participate in AEIS and are not subject to these regulations. These private programs may include programs operated by private organizations/boards or the military for base residents.

PART B (OR LEA) PROGRAM- This is the term for states' public 3–5-year-old preschool program under the IDEA. Part B's mission is to provide a free and appropriate education for children eligible based on Part B criteria. It is not a mandatory program, and participation is voluntary on the part of the parent. Visit [Alabama Special Education - Alabama State Department of Education \(alabamaachieves.org\)](#) for additional information.

TRANSITION PLAN- A written plan developed by families and AEIS service coordinators at 27 months (or later if a child enters AEIS late) that describes family choices and preferences to ensure a smooth transition at age three (3). Parents may choose community placement options such as home or daycare. If a child enters AEIS and is determined eligible *after* 27 months of age, the Transition Plan should be written with the initial IFSP.