

# Transition

## **Transition (34 CFR §§ 303.209, 303.211, 303.401 and 303.344(h))**

### **Transition to preschool and other programs (§303.209)**

(a) Application requirements. Alabama included the following in its application:

(1) A description of the policies and procedures it will use to ensure a smooth transition for infants and toddlers with disabilities under the age of three and their families from receiving early intervention services under this part to—

(i) Preschool or other appropriate services (for toddlers with disabilities); or (ii) Exiting the program for infants and toddlers with disabilities.

(2) A description of how Alabama meets each of the requirements in paragraphs (b) through (f) of this section.

(3)(i)(A) The lead agency is not the SEA, and there is an interagency agreement between the lead agency (ADRS) and the SEA.

(ii) To ensure a seamless transition between services under this part and under part B of the Act, an interagency agreement under paragraph (a)(3)(i)(A) of this section or an intra-agency agreement under paragraph (a)(3)(i)(B) of this section addresses how ADRS and the SEA meet the requirements of paragraphs (b) through (f) of this section (including any policies adopted by ADRS under § 303.401(d) and (e)), § 303.344(h), and [34 CFR 300.101](#)(b), 300.124, 300.321(f), and 300.323(b).

(4) Any policy ADRS has adopted under § 303.401(d) and (e).

(b) Notification to the SEA and appropriate LEA. (1) ADRS ensures that—

(i) Subject to paragraph (b)(2) of this section, not fewer than 90 days before the third birthday of the toddler with a disability if that toddler may be eligible for preschool services under part B of the Act, ADRS notifies the SEA and the LEA for the area in which the toddler resides that the toddler on his or her third birthday will reach the age of eligibility for services under part B of the Act, as determined in accordance with State law;

(ii) Subject to paragraph (b)(2) of this section, ADRS determines that the toddler is eligible for early intervention services under part C of the Act more than 45 but less than 90 days before that toddler's third birthday and if that toddler may be eligible for preschool services under part B of the Act, ADRS, as soon as possible after determining the child's eligibility, notifies the SEA and the LEA for the area in which the toddler with a disability resides that the toddler on his or her third birthday will reach the age of eligibility for services under part B of the Act, as determined in accordance with State law; or

(iii) Subject to paragraph (b)(2) of this section, if a toddler is referred to ADRS fewer than 45 days before that toddler's third birthday and that toddler may be eligible for preschool services under part B of the Act, ADRS, with parental consent required under § 303.414, refers the toddler to the SEA and the LEA for the area in which the toddler resides; but, ADRS is not

required to conduct an evaluation, assessment, or an initial IFSP meeting under these circumstances.

(2) Alabama ensures that the notification required under paragraphs (b)(1)(i) and (b)(1)(ii) of this section is consistent with any policy that Alabama has adopted, under § 303.401(e), permitting a parent to object to disclosure of personally identifiable information, as outlined in Alabama's Opt Out Policy.

(c) Conference to discuss services. ADRS ensures that—

(1) If a toddler with a disability is eligible for preschool services under part B of the Act, ADRS, with the approval of the family of the toddler, convenes a conference, among ADRS, the family, and the LEA not fewer than 90 days—and, at the discretion of all parties, not more than 9 months—before the toddler's third birthday to discuss any services the toddler may receive under part B of the Act; and

(2) If ADRS determines that a toddler with a disability is not potentially eligible for preschool services under part B of the Act, ADRS, with the approval of the family of that toddler, will make reasonable efforts to convene a conference among ADRS, the family, and providers of other appropriate services for the toddler to discuss appropriate services that the toddler may receive.

(d) Transition plan. ADRS ensures that for all toddlers with disabilities—

(1)(i) It reviews the program options for the toddler with a disability for the period from the toddler's third birthday through the remainder of the school year; and

(ii) Each family of a toddler with a disability who is served under this part is included in the development of the transition plan required under this section and § 303.344(h);

(2) It establishes a transition plan in the IFSP not fewer than 90 days—and, at the discretion of all parties, not more than 9 months—before the toddler's third birthday; and

(3) The transition plan in the IFSP includes, consistent with § 303.344(h), as appropriate— (i) Steps for the toddler with a disability and his or her family to exit from the part C program; and (ii) Any transition services that the IFSP Team identifies as needed by that toddler and his or her family.

(e) Transition conference and meeting to develop transition plan. Any conference conducted under paragraph (c) of this section or meeting to develop the transition plan under paragraph (d) of this section (which conference and meeting may be combined into one meeting) must meet the requirements in §§ 303.342(d) and (e) and 303.343(a).

(f) Alabama does not make early intervention services available as outlined in §303.211 which is for children three year of age and older.

### **Content of an IFSP (§303.344)**

(h) Transition from Part C services. (1) The IFSP must include the steps and services to be taken to support the smooth transition of the child, in accordance with §§ 303.209 and 303.211(b)(6), from part C services to—

(i) Preschool services under part B of the Act, to the extent that those services are appropriate;

(ii) Part C services under § 303.211; or

(iii) Other appropriate services.

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

(i) Discussions with, and training of, parents, as appropriate, 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;

(iii) Confirmation that child find information about the child has been transmitted to the LEA or other relevant agency, in accordance with § 303.209(b) (and any policy adopted by Alabama under § 303.401(e) which includes Alabama's Opt Out Policy) and, with parental consent if required under § 303.414, transmission of additional information needed by the LEA to ensure continuity of services from the part C program to the part B program, including a copy of the most recent evaluation and assessments of the child and the family and most recent IFSP developed in accordance with §§ 303.340 through 303.345; and

(iv) Identification of transition services and other activities that the IFSP Team determines are necessary to support the transition of the child.

Alabama has developed the state's Opt Out Policy and Notification form which was approved by OSEP with the submission of the FFY09 federal application. Alabama has also developed a document, "AEIS Transition Planning Policies and Procedures" which describes the transition process as agreed upon between ADRS and SDE.