



PROPOSED EARLY CHILDHOOD TRANSITION POLICY

September 2024

Introduction

This policy establishes state-level processes and clarifies requirements to ensure the smooth and effective transition of children with disabilities from early intervention services under Part C of the Individuals with Disabilities Education Act (IDEA) to school-based special education and related services under IDEA Part B. Part C agencies and local education agencies (LEAs) share responsibility for activities at each stage of a smooth and effective transition, including transition planning, determination of Part B eligibility, and the initial individualized education program (IEP) process.

Overview of the Early Childhood Transition Process

The Strong Start DC Early Intervention Program (Strong Start) is the District of Columbia's lead agency for providing early intervention services under IDEA Part C to eligible infants and toddlers younger than age 3 through an individualized family services plan (IFSP). Strong Start is responsible for assisting children receiving early intervention services in experiencing a smooth and effective transition. Strong Start also provides early intervention services to and supports the smooth and effective transition of children who are eligible for IDEA Part B services but whose parents have elected to receive services under an extended IFSP, from age 3 until the beginning of the school year following the child's fourth birthday.¹

The early childhood transition process is a carefully planned, proactive, outcome-oriented process initiated by Strong Start. This process facilitates collaboration between the child's family, Strong Start, LEAs, and at the parent's request, other program representatives, to develop a plan to transition toddlers with disabilities to an appropriate program that meets their unique needs by the time they turn three years old. Collaboration between Strong Start, LEAs, and families is integral in supporting children and families throughout this transition.

For children who are determined eligible for IDEA Part B early childhood special education programs, a transition is smooth and effective if:

- It begins no fewer than 90 days prior to the child's third birthday;
- The child is provided with an IEP, including services, type of placement, and service location by the child's third birthday;
- There is no disruption in services between IDEA Part C and IDEA Part B services; and
- IDEA Part B personnel are involved in the transition process.²

¹ 34 CFR §303.211; see generally, OSSE's Extended IFSP Option for Children Age 3 to Age 4 Policies and Procedures

² 34 C.F.R. §303.209; 34 C.F.R. §300.124

The LEA must ensure a smooth and effective transition for each child transitioning from early intervention services under IDEA Part C, including:

- Participating in transition conferences when invited,³ as appropriate;
- Developing an IEP by the child’s third birthday, as appropriate; and
- Implementing the IEP by the child’s third birthday, or if the third birthday occurs on a non-school day or during the summer, within a timeframe established by the Office of the State Superintendent of Education (OSSE), including ensuring the provision of all special education and related services in the child’s IEP.⁴

LEAs must ensure the smooth and effective transition of children enrolled or enrolling in the LEA⁵ and who received IDEA Part C early intervention services to IDEA Part B early childhood special education programs. The District of Columbia Public Schools (DCPS) is responsible for transition obligations for children enrolled in DCPS schools, children who are Stage 4 enrolled⁶ in DCPS schools for the upcoming school year, and children who are not otherwise enrolled in a public charter LEA. Public charter LEAs are responsible for transition obligations for children currently enrolled in the public charter LEA and children who are Stage 4 enrolled in the public charter LEA for the upcoming school year. For more information, please see “LEA Obligations for Children Enrolling in the Upcoming School Year” section below.

Preparing for the Transition Process

Under IDEA Part C, the transition of toddlers with disabilities includes the following components:

- Development of a transition plan;
- Notification to the applicable LEA for children who are potentially eligible for IDEA Part B; and
- A transition conference with the applicable LEA or other appropriate agencies that may provide other appropriate services.⁷

The transition plan must be developed and the transition conference must occur no fewer than 90 days, and at the discretion of all parties, not more than nine months before the toddler’s third birthday.⁸ To complete the required transition activities within this time frame, Strong Start begins transition planning after the child turns 2 years old.

The required IFSP meeting to discuss the transition plan and the transition conference may be combined into one meeting.⁹ Whether combined or held separately, the meeting(s) must comply with the

³ See *Letter to Nix* (OSEP 2023)

⁴ 5-A DCMR §3001.11

⁵ See *generally*, 5-A DCMR §3099 “Enrollment”.

⁶ “Stage 4 enrollment” occurs upon registration of the child in the student information system (SIS) by the school upon receipt of requirement enrollment forms and letter of enrollment agreement. The LEA’s obligation to determine eligibility for special education services or to provide special education services on an existing IEP is triggered upon completion of registration. 5-A DCMR §3099 “Enrollment”

⁷ 34 C.F.R. §303.209(b)-d)

⁸ 34 C.F.R. §303.209(c)&(d)

⁹ 34 C.F.R. §303.209(e)

requirements on accessibility and convenience of meetings, parental consent, and required team member participation.¹⁰

The Transition Plan

Strong Start must convene an IFSP meeting with the parent to develop and document within the child's IFSP a transition plan that includes the services and steps to be taken to support the transition of the child.¹¹ The services and steps described in the plan must include:¹²

- Discussions with, and provide training for parents, as appropriate, regarding potential future placements and other transition matters to ensure parents understand the transition process;
- Review the procedures to prepare the child for changes in service delivery, including steps to help the child adjust to, and function in, a new setting;
- Confirmation that child find information about the child has been transmitted to the applicable LEA (subject to parental opt-out¹³) or other relevant agency;
- With parental consent, transmission of additional information needed by the LEA to ensure continuity of services from IDEA Part C to IDEA Part B, including a copy of the most recent evaluation and assessments of the child and the family and the most recent IFSP; and
- Identification of transition services and other activities that the IFSP team determines are necessary to support the transition of the child.

Additional steps that Strong Start takes as part of the IFSP transition plan include:

- Informing parents about the referral process and presumptive eligibility;
- Providing an overview of the similarities and differences between Part C and Part B special education services and inform the family of the extended IFSP option;
- Explaining the “opt-out” policy.¹⁴ (*If the parent chooses to opt-out of referral to the LEA, Strong Start must inform the parent that the child will not be eligible for the extended IFSP option.*¹⁵)
- To facilitate a smooth transition process, a statement regarding timelines for the transition activities and the responsible participating agencies who will carry out such activities.¹⁶

LEAs may participate in any IFSP meetings that address transition planning by mutual agreement of the parent and Strong Start. However, with the consent of the parent, the LEA must participate in the transition conference when invited.¹⁷

¹⁰ 34 C.F.R. §§303.209(e), 303.342(d)&(e), and 303.343

¹¹ 34 C.F.R. §303.344(h)(1)

¹² 34 C.F.R. §303.344(h)(2)

¹³ 34 C.F.R. § 303.401(e); 5-A DCMR §3109.2

¹⁴ 34 C.F.R. §303.344(h)(2); 5-A DCMR §3109.2

¹⁵ OSSE's Extended IFSP Option for Children Age 3 to Age 4 Policies and Procedures

¹⁶ The LEA will be included in this initial meeting if the parent has previously consented to sharing the child's service information with the LEA.

¹⁷ 34 C.F.R. §303.209(c); 5-A DCMR §3001.11(a). See *Letter to Nix* (OSEP 2023)

Referral for Initial Evaluation of Children Transitioning from Part C

With the consent of the parent, Strong Start notifies OSSE as the state education agency (SEA), and either DCPS (as the geographical LEA for the District) or the public charter LEA in which the child is enrolled or enrolling that a child is approaching 3 years of age and may be an eligible child with a disability under IDEA Part B and District of Columbia regulations.¹⁸ To complete this notification, Strong Start provides a list to the LEA and OSSE of all children age 2 years and 6 and a half months or older who are potentially eligible under IDEA Part B no fewer than 90 days before the child's third birthday. Because Strong Start treats all children receiving early intervention services under IDEA Part C as presumptively eligible for preschool services under IDEA Part B, this list includes all children receiving services unless the family has opted out of notifying the LEA. On a monthly basis, Strong Start provides this list to DCPS Early Stages or the LEA in which the child is enrolled or enrolling, including all children who are or will be 2 years and 6 and a half months within the month. This notification includes the child's name and birthdate, and parent's name, address, and telephone number.¹⁹

For the purposes of timely initial evaluation, the date the LEA receives the invitation to a child's transition conference from Strong Start serves as each potentially transitioning child's referral date.

Exceptions for Late Referrals to Part C

For a toddler referred to Strong Start between 45 and 90 days before the child's third birthday, Strong Start will, as soon as possible, request consent from the parent to contact the LEA and refer the child to Part B for evaluation and eligibility determination.

If a toddler is referred to Strong Start fewer than 45 days before that toddler's third birthday and that toddler may be eligible for preschool services under Part B of IDEA, Strong Start will refer the toddler to the SEA and the applicable LEA after obtaining parental consent.²⁰ However, Strong Start is not required to conduct an evaluation, assessment, or an initial IFSP meeting under these circumstances.

Transition Conference

In preparation for the transition conference and to support collaboration with the parent and the LEA, Strong Start will:

- Request parental consent to invite the LEA to the transition conference;
- Obtain parental consent prior to the release of information about the child to the LEA to inform the evaluation of the child, including but not limited to, medical documents, evaluation reports, observations, and teacher rating scales;
- Provide prior written notice of the upcoming transition conference to the parents and send meeting invitations, as appropriate; and
- Invite the LEA to participate in the transition conference.²¹

If the parent declines to provide consent to invite the LEA, Strong Start must hold a transition conference to review and update the IFSP, as appropriate, to include activities to connect the family with other appropriate programs.

¹⁸ 34 C.F.R. §303.209(b)(1)(i) and (ii).

¹⁹ 34 C.F.R. §303.401(d)

²⁰ 34 C.F.R. §303.414

²¹ 34 C.F.R. §303.209(c)(1)

With parental consent, Strong Start and the LEA in which the child is enrolled or enrolling for the upcoming school year must participate in a transition conference with the family no fewer than 90 days, and at the discretion of all parties no more than nine months, before the child turns 3 years of age.²² The transition conference must include discussion of any services the toddler may receive under IDEA Part B and, as applicable, other program options and services available to or considered by the family.²³ Other areas that should be addressed during the transition conference include:

- Most recent assessment data and IFSP;
- Current services and the child’s therapeutic, medical, and social-emotional support needs;
- Programming and placement options available within the LEA;
- Information on the initial evaluation and eligibility determination process; and
- Provide the parent with the Part B Procedural Safeguards Notice.

Prior to commencement of the Part B initial evaluation process, the LEA should confirm that the toddler is appropriately enrolled in the LEA. The LEA must then complete the initial evaluation process, including providing prior written notice and obtaining parental consent for the Part B initial evaluation.²⁴

Determination of Eligibility Under IDEA Part B

The LEA must complete an initial evaluation before determining that a child is a child with a disability under IDEA Part B and District regulations. Strong Start will treat all children receiving early intervention services under IDEA Part C as presumptively eligible for preschool services under IDEA Part B to ensure that they do not experience a disruption in services. Presumptively eligible means that the information available at the time of referral is presumed to be sufficient to determine the child’s eligibility for IDEA Part B, unless the IEP team finds, after reviewing the information available, that additional data is needed to make an eligibility determination.²⁵ Additional data may include, but is not limited to, formal assessments, parent input, medical information, or other relevant child-level data or information.

IEP teams must consider and use as part of the evaluation process relevant child-level data and information including, but not limited to, Strong Start documentation, the child’s IFSPs, assessments, and evaluations when determining if a child is eligible for special education under Part B. Additional assessments should be administered only when required information is not available or available information is no longer current.

Public charter school LEAs must complete the initial evaluation process for any child who is currently enrolled in the public charter school LEA or has completed the registration process for the upcoming school year.²⁶ A child who has completed the registration process for the upcoming school year has accepted the offered slot (signified by completion of enrollment forms and parent signature on a “letter of enrollment agreement form” and has been registered in the LEA’s student information system (SIS) by the LEA or school upon receipt of required enrollment forms and letter of enrollment agreement (Stage

²² 20 U.S.C. § 1437(a)(9)(A)(ii)(II)

²³ 34 C.F.R. §303.209(c)(1) & (2)

²⁴ 34 C.F.R. §300.300

²⁵ See *DL v. District of Columbia*, 194 F.Supp.3d 30, 102 (D.D.C. 2015)

²⁶ 5-A DCMR §3001.11(b)(1)

4 enrollment).²⁷ DCPS must complete the initial evaluation process for any child who resides in the District of Columbia who is not enrolled in a public charter school LEA.²⁸

If a child is determined not to be eligible for Part B preschool services, with the approval of the family, reasonable efforts must be made to convene a meeting with Strong Start, the family, and service providers to discuss other appropriate programs available to the child. If a parent does not agree with the eligibility determination, the parent may exercise procedural safeguard rights.

IEP Development and Implementation

After the IEP team determines that a child is eligible under IDEA Part B and consistent with District of Columbia regulations, the LEA must develop an IEP for the child. Public charter school LEAs must develop an IEP by the third birthday of any child who is currently enrolled in the public charter school LEA or has completed the registration process for the upcoming school year.²⁹ DCPS must develop an IEP by the third birthday of any child who resides in the District of Columbia who is not enrolled in a public charter school LEA.³⁰ The LEA must inform the parent of the option to invite Strong Start representatives, service coordinators, or service providers to the child's IEP meeting. At the request of a parent, the LEA must invite identified Strong Start personnel to assist with the smooth transition of services.³¹

The LEA must ensure that the child does not experience a disruption in services between IDEA Part C and IDEA Part B. The LEA must make available a free appropriate public education (FAPE) to each eligible child no later than the child's third birthday.³² Services must begin by the child's third birthday (which, in the case of a child whose birthday falls during the summer and qualifies for extended school year [ESY] services, will be ESY services), and all related services must begin within 14 days of the child's third birthday (unless that period is within the summer and the child does not qualify for ESY services, in which case within 14 days of the first day of school after the summer). The LEA must document the initial provision of specialized instruction and the provision of related services in the statewide special education data system.

LEAs can place children in programs at any point during the school year. The LEA may serve a child eligible for Part B special education and related services at age 2 during the school year the child turns 3 years of age and must develop an IEP to ensure appropriate supports and services are implemented by the child's third birthday. LEAs cannot establish cutoff dates for providing preschool services to transition-age children.³³ If a student with a disability has a seat in a public charter school LEA for the upcoming school year, but that public charter LEA does not have a seat in the current school year for the student, that student may enroll in DCPS and seek an offer of FAPE at any time. If a child's third birthday

²⁷ 5-A DCMR §3099 "Enrollment"

²⁸ 5-A DCMR §3001.11(b)(2)

²⁹ 5-A DCMR §3001.11(b)(1)

³⁰ 5-A DCMR §3001.11(b)(2)

³¹ 34 C.F.R. §300.321(f)

³² 34 C.F.R. §300.101

³³ Letter to Anonymous, 22 IDELR 980 (OSEP 1995); and Letter to Casey, 11 ECLPR 80 (OSEP 2013)

occurs during the summer, the IEP team must determine the date when services under the IEP begin, including determining whether a child qualifies for ESY services.³⁴

Preschool children are entitled to receive ESY services to the same extent as school-age students with disabilities. A child may not be determined ineligible for ESY services solely because the child is enrolling in the LEA in the late spring/summer or between school years, or because the LEA does not have three months of progress monitoring data to support ESY decision making. If the child does not qualify for ESY, the LEA must review the child's program options and provide the family information about community resources that must be available to support their child's developmental needs.

Transition For Children Receiving Extended IFSP Services³⁵

Before the age of 3, if a child with a current IFSP is determined eligible for special education and related services, the parent may elect to receive preschool special education services through an IEP or receive early intervention services until the beginning of the school year following the child's fourth birthday through an Extended IFSP. Under the Extended IFSP option, the child and family continue to receive early intervention services with an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills. A parent of a child with a disability may at any time choose to terminate his/her child's participation in the Extended IFSP Option, enroll in an LEA, and receive FAPE through an IEP.³⁶ Re-determining eligibility for a child leaving the Extended IFSP option (either due to parent choice or exceeding the age of eligibility) is not required, but an LEA may conduct additional assessments as needed to develop or revise an IEP. For students whose parents elect to terminate the Extended IFSP option prior to the child's fourth birthday, the LEA must convene an IEP team meeting within 30 days of receiving written notification from Strong Start or the parent that the parent chose to terminate the Extended IFSP. For students who will exit the Extended IFSP option due to exceeding the age of eligibility, within six months and no later than 30 days prior to the first day of school after the child's fourth birthday, the LEA must convene an IEP team meeting to develop the IEP, determine the location of services, and determine when IEP services will begin.³⁷ At the request of the parent, identified Part C personnel must be invited to attend the IEP team meeting. The child's IEP must be in effect no later than the first day of the school year following the child's fourth birthday.

LEA Obligations for Children Enrolling in the Upcoming School Year

For children who are not enrolled in the LEA in the current school year but who are registered for the upcoming school year, the LEA must enroll the student in necessary data systems and meet all transition obligations. An LEA cannot delay or deny an initial evaluation of a transition-age child enrolling in the upcoming school year because the child has not attended school, the LEA does not have classroom observations or academic data, or because the LEA is not familiar with the child.

Students Transferring Between LEAs During the Transition Process

If a child transitioning from IDEA Part C early intervention services transfers between LEAs during the initial evaluation process or prior to the finalization of an IEP, the new LEA is responsible for completing the transition process, including determining eligibility under IDEA Part B, and if eligible, developing an

³⁴ 34 C.F.R. §300.101(b)(2)

³⁵ See generally, OSSE's Extended IFSP Option for Children Age 3 to Age 4 Policies and Procedures

³⁶ 34 C.F.R. §303.211(b)(3)

³⁷ 34 C.F.R. §300.320-.324.

IEP upon the student's stage 4 enrollment in the LEA.³⁸ Children may transition into an LEA at any point in the special education process and the new LEA must complete outstanding obligations. This may include completing assessments, making an eligibility determination, developing an IEP, or providing comparable services if the student has a finalized IEP consistent with 5A DCMR §3020.5.

Additional Guidance

Please direct any questions regarding the content of this document to OSSE's Division of Systems and Supports, K-12 Office of Special Education at OSSE.DSEPolicy@dc.gov

³⁸ See 5-A DCMR 3099, "Enrollment": "The LEA's obligation to determine eligibility for special education services or to provide special education services on an existing IEP is triggered upon completion of registration."