

Part C Federal Requirements on Transition

Topic Area	IDEA '97 Final Part C Regulations 34 CFR Part 303	Individuals with Disabilities Education Improvement Act of 2004 20 U.S.C. § 1400 <i>et seq.</i> (2004).
Service Coordination Activities	<p>§303.23 Service Coordination</p> <p>Specific service coordination activities. Service coordination activities include—</p> <ol style="list-style-type: none"> (1) Coordinating the performance of evaluations and assessments; (2) Facilitating and participating in the development, review, and evaluation of individualized family service plan; (3) Assisting families in identifying available service providers; (4) Coordinating and monitoring the delivery of available services; (5) Informing families of the availability of advocacy services; (6) Coordinating with medical and health providers; and (7) <u>Facilitating the development of a transition plan to preschool services, if appropriate.</u> 	
Minimum Components - CSPD	<p>§303.360 Comprehensive system of personnel development</p> <p>(c) A personnel development system under this part may include—</p> <ol style="list-style-type: none"> (1) Implementing innovative strategies and activities for the recruitment and retention of early intervention services providers; (2) Promoting the preparation of early intervention providers who are fully and appropriately qualified to provide early intervention services under this part; (3) Training personnel to work in rural and inner-city areas; and 	<p>Sec. 635 Requirements for statewide system</p> <p><u>(8)</u> A comprehensive system of personnel development, including the training of paraprofessionals and the training of primary referral sources with respect to the basic components of early intervention services available in the State that--</p> <p><u>(A)</u> shall include--</p> <ol style="list-style-type: none"> <u>(i)</u> implementing innovative strategies and activities for the recruitment and retention of early education service providers; <u>(ii)</u> promoting the preparation of early intervention providers who are fully and

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	(4) <u>Training personnel to coordinate transition services for infants and toddlers with disabilities from an early intervention program under this part to a preschool program under Part B of the Act or to other preschool or other appropriate services.</u>	<p>appropriately qualified to provide early intervention services under this part; and</p> <p><u>(iii)</u> training personnel to coordinate transition services for infants and toddlers served under this part from a program providing early intervention services under this part and under part B (other than section 619), to a preschool program receiving funds under section 619, or another appropriate program; and</p> <p><u>(B)</u> may include--</p> <p><u>(i)</u> training personnel to work in rural and inner-city areas; and</p> <p><u>(ii)</u> training personnel in the emotional and social development of young children.</p>
State Application - Requirements Related to Transition	<p>Sec. 303.148 Transition to preschool programs</p> <p>Each application must include a description of the policies and procedures to be used to ensure a smooth transition for children receiving early intervention services under this part to preschool or other appropriate services, including—</p> <p>(a) A description of how the families will be included in the transitional plans;</p> <p>(b) A description of how the lead agency under this part will-</p> <p>(1) Notify the appropriate local educational agency for the area in which the child resides that the child will shortly reach the age of eligibility for preschool services under Part B of the Act, as determined in accordance with state law;</p>	<p>Sec. 637 State Application and Assurances.</p> <p><u>(a)</u> Application.--A State desiring to receive a grant under section 633 shall submit an application to the Secretary at such time and in such manner as the Secretary may reasonably require. The application shall contain—</p> <p><u>(9)</u> a description of the policies and procedures to be used--</p> <p><u>(A)</u> to ensure a smooth transition for toddlers receiving early intervention services under this part (and children receiving those services under section 635(c)) to preschool, school, other appropriate services, or exiting the program, including a description of how--</p> <p><u>(i)</u> the families of such toddlers and</p>

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	<p>(2) (i) In the case of a child who may be eligible for preschool services under Part B of the Act, with the approval of the family of the child, convene a conference among the lead agency, the family, and the local educational agency at least 90days, and at the discretion of the parties, up to [9] months, before the child is eligible for the preschool services, to discuss any services that the child may receive; or</p> <p>(ii) In the case of a child who may not be eligible for preschool services under Part B or the Act, with the approval of the family, make reasonable efforts to convene a conference among the lead agency, the family and providers of other appropriate services for children who are not eligible for preschool services under Part B, to discuss the appropriate services that the child may receive;</p> <p>(3) Review the child's program options for the period from the child's third birthday through the remainder of the school year; and</p> <p>(4) Establish a transition plan.</p>	<p>children will be included in the transition plans required by subparagraph (C); and</p> <p><u>(ii)</u> the lead agency designated or established under section 635(a)(10) will--</p> <p><u>(i)</u> notify the local educational agency for the area in which such a child resides that the child will shortly reach the age of eligibility for preschool services under part B, as determined in accordance with State law;</p> <p><u>(II)</u> in the case of a child who may be eligible for such preschool services, with the approval of the family of the child, convene a conference among the lead agency, the family, and the local educational agency not less than 90 days (and at the discretion of all such parties, not more than 9 months) before the child is eligible for the preschool services, to discuss any such services that the child may receive; and</p> <p><u>(III)</u> in the case of a child who may not be eligible for such preschool services, with the approval of the family, make reasonable efforts to convene a conference among the lead agency, the family, and providers of other appropriate services for children who are not eligible for preschool services under part B, to discuss the appropriate services that the child may receive;</p> <p><u>(B)</u> to review the child's program options for the period from the child's third birthday through the remainder of the school year;</p>

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		<p>and</p> <p>(C) to establish a transition plan, including, as appropriate, steps to exit from the program;</p> <p>(10) a description of State efforts to promote collaboration among Early Head Start programs under section 645A of the Head Start Act, early education and child care programs, and services under part C;</p>
Part C Option		<p>Sec. 635 Requirements for Statewide System</p> <p>(C) Flexibility To Serve Children 3 Years of Age Until Entrance Into Elementary School.--</p> <p>(1) In general.--A statewide system described in section 633 may include a State policy, developed and implemented jointly by the lead agency and the State educational agency, under which parents of children with disabilities who are eligible for services under section 619 and previously received services under this part, may choose the continuation of early intervention services (which shall include an educational component that promotes school readiness and incorporates preliteracy, language, and numeracy skills) for such children under this part until such children enter, or are eligible under State law to enter, kindergarten.</p> <p>(2) Requirements.--If a statewide system includes a State policy described in paragraph (1), the statewide system shall ensure that--</p> <p>(A) parents of children with disabilities served pursuant to this subsection are provided annual notice that contains--</p>

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		<p><u>(i)</u> a description of the rights of such parents to elect to receive services pursuant to this subsection or under part B; and</p> <p><u>(ii)</u> an explanation of the differences between services provided pursuant to this subsection and services provided under part B, including--</p> <p><u>(I)</u> types of services and the locations at which the services are provided;</p> <p><u>(II)</u> applicable procedural safeguards; and</p> <p><u>(III)</u> possible costs (including any fees to be charged to families as described in section 632(4)(B)), if any, to parents of infants or toddlers with disabilities;</p> <p><u>(B)</u> services provided pursuant to this subsection include an educational component that promotes school readiness and incorporates preliteracy, language, and numeracy skills;</p> <p><u>(C)</u> the State policy will not affect the right of any child served pursuant to this subsection to instead receive a free appropriate public education under part B;</p> <p><u>(D)</u> all early intervention services outlined in the child's individualized family service plan under section 636 are continued while any eligibility determination is being made for services under this subsection;</p> <p><u>(E)</u> the parents of infants or toddlers with disabilities (as defined in section 632(5)(A)) provide informed written consent to the State, before such infants or toddlers reach 3 years of age, as to whether such parents intend to choose the continuation of early intervention services pursuant to this subsection for such infants or toddlers;</p> <p><u>(F)</u> the requirements under section 637(a)(9) shall not apply with respect to a child who is</p>

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		<p>receiving services in accordance with this subsection until not less than 90 days (and at the discretion of the parties to the conference, not more than 9 months) before the time the child will no longer receive those services; and</p> <p><u>(G)</u> there will be a referral for evaluation for early intervention services of a child who experiences a substantiated case of trauma due to exposure to family violence (as defined in section 320 of the Family Violence Prevention and Services Act).</p> <p><u>(3)</u> Reporting requirement.--If a statewide system includes a State policy described in paragraph (1), the State shall submit to the Secretary, in the State's report under section 637(b)(4)(A), a report on the number and percentage of children with disabilities who are eligible for services under section 619 but whose parents choose for such children to continue to receive early intervention services under this part.</p> <p><u>(4)</u> Available funds.--If a statewide system includes a State policy described in paragraph (1), the policy shall describe the funds (including an identification as Federal, State, or local funds) that will be used to ensure that the option described in paragraph (1) is available to eligible children and families who provide the consent described in paragraph (2)(E), including fees (if any) to be charged to families as described in section 632(4)(B).</p> <p><u>(5)</u> Rules of construction.--</p> <p><u>(A)</u> Services under part b.--If a statewide system includes a State policy described in paragraph (1), a State that provides services in accordance with this subsection to a child with a disability who is eligible for services under section 619 shall not be</p>

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		<p>required to provide the child with a free appropriate public education under part B for the period of time in which the child is receiving services under this part.</p> <p><u>(B)</u> Services under this part.--Nothing in this subsection shall be construed to require a provider of services under this part to provide a child served under this part with a free appropriate public education.</p>
Individualized Family Service Plan	<p>Sec. 303.344 Content of an IFSP</p> <p>(h) Transition from Part C services.</p> <p>(1) The IFSP must include the steps to be taken to support the transition of the child, in accordance with Sec. 303.148, to—</p> <p>(i) Preschool services under Part B of the Act, to the extent that those service are appropriate; or</p> <p>(ii) Other services that may be available, if appropriate.</p> <p>(2) The steps required in paragraph (h)(1) of this section include—</p> <p>(i) Discussions with, and training of, parents regarding future placements and other matters related to the child's transition;</p> <p>(ii) Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to, and function in, a new setting; and</p> <p>(iii) With parental consent, the</p>	<p>Sec. 636 Individualized Family Service Plan.</p> <p><u>(d)</u> Content of Plan.--The individualized family service plan shall be in writing and contain--</p> <p>(1) a statement of the infant's or toddler's present levels of physical development, cognitive development, communication development, social or emotional development, and adaptive development, based on objective criteria;</p> <p>(2) a statement of the family's resources, priorities, and concerns relating to enhancing the development of the family's infant or toddler with a disability;</p> <p>(3) a statement of the measurable results or outcomes expected to be achieved for the infant or toddler and the family, including pre-literacy and language skills, as developmentally appropriate for the child, and the criteria, procedures, and timelines used to determine the degree to which progress toward achieving the results or outcomes is being made and whether modifications or revisions of the results or outcomes or services are necessary;</p> <p>(4) a statement of specific early intervention services based on peer-reviewed research, to the extent practicable, necessary to meet the</p>

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	<p>transmission of information about the child to the local educational agency, to ensure continuity of services, including evaluation and assessment information required in Sec. 303.322, and copies of IFSPs that have been developed and implemented in accordance with Secs. 303.340 through 303.346.</p>	<p>unique needs of the infant or toddler and the family, including the frequency, intensity, and method of delivering services;</p> <p>(5) a statement of the natural environments in which early intervention services will appropriately be provided, including a justification of the extent, if any, to which the services will not be provided in a natural environment;</p> <p>(6) the projected dates for initiation of services and the anticipated length, duration, and frequency of the services;</p> <p>(7) the identification of the service coordinator from the profession most immediately relevant to the infant's or toddler's or family's needs (or who is otherwise qualified to carry out all applicable responsibilities under this part) who will be responsible for the implementation of the plan and coordination with other agencies and persons, including transition services; and</p> <p>(8) the steps to be taken to support the transition of the toddler with a disability to preschool or other appropriate services.</p>