

North Carolina Infant-Toddler Program Procedures *Addendum*

Reference: Procedure for Transition from the Infant-Toddler Program

Introduction

Preparing families for transition out of the North Carolina Infant-Toddler Program (N.C. ITP) should begin as early as the first contact with each family. The Children’s Developmental Services Agencies (CDSAs) must explain to families that the N.C. ITP serves children and families until the child’s third birthday. As children are approaching their third birthday, the Early Intervention Service Coordinator (EISC) should be helping the family plan for the changes that will take place once the child turns three (3). This planning to prepare for transition, by statute, must occur between the child’s second and third birthday.

In some instances, CDSAs may receive a referral close to a child’s 3rd birthday. Depending on when the child is referred and determined eligible, the Part C requirements for these “late referrals” vary. CDSAs should have local procedures and systems in place that comply with the applicable federal regulations and also allow for some flexibility in the CDSA’s referral, eligibility, and enrollment process, to ensure all children and families experience a smooth transition from the N.C. ITP to Part B/619 Preschool programs or other appropriate services.

The purpose of this document is to clarify federal requirements and provide guidance on how CDSAs can meet Part C Transition requirements for children referred close to their 3rd birthday.

Federation Requirements

The Individuals with Disabilities Education Act (IDEA) requires that Infant-Toddler Programs (ITPs) ensure a smooth transition for infants and toddlers with disabilities under the age of three and their families from receiving early intervention services to Part B Preschool Programs, or other appropriate services for toddlers. According to 34 CFR § 303.209, the timelines associated with: (a) notifying the LEA, (b) developing a Transition Plan, and (c) conducting a Transition Planning Conference (TPC) are as follows:

1. **LEA Notification** (Child Find):
 - a. **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, the lead agency notifies the State Education Agency (SEA) and the Local Education Agency (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.

✓ **In N.C., all children enrolled with Part C are deemed to be potentially eligible for Part B. This means, the CDSAs are required to notify all applicable LEAs of toddlers enrolled and receiving services in the N.C. ITP.**

b. If the ITP determines that a toddler is **eligible** for early intervention services **more than 45 days before the child's third birthday, but less than 90 days** before the toddler turns three (3), the ITP must, as soon as possible, notify the SEA and the LEA where the toddler resides that the toddler on his or her third birthday will reach the age of eligibility for services under Part B.

c. If a toddler is referred to the N.C. ITP **fewer than 45 days** before the toddler's third birthday and the toddler may be eligible for Preschool Services under Part B, the ITP, with parental consent, must refer the toddler to the SEA and the LEA where the toddler resides.

✓ In this situation, the CDSA should not conduct an evaluation, assessment or develop an IFSP. The CDSA *should* assist the family and connect the family with the pre-school coordinator for the LEA, so the LEA can conduct an eligibility evaluation for the Part B/619 Program. If needed, the EISC should also facilitate connecting the family to other appropriate (needed) resources.

2. Transition Plan Meeting (TPM):

a. A transition plan must be added to the toddler's IFSP not less than 90 days before the child's third (3rd) birthday. At the discretion of all parties, it *may* be added *up to 9 months before* the child turns three (3).

b. The transition plan must include steps and services to be taken to support the smooth transition of the child from Part C services to Preschool services under Part B/619, to the extent those services are appropriate, or facilitate the transition from Part C to other appropriate services. [34 CFR § 303.344(h)(1)(i)-(iii)].

c. The steps required must include:

✓ discussions with and training of parents, as appropriate, regarding future placements and other matters related to the child's transition.

○ this may include training in any area related to the developmental needs of the infant or toddler with a disability, such as the use of specialized equipment or feeding techniques.

✓ steps the CDSA will take to work with the family and the child to help them prepare for changes in service delivery, a new setting, and supporting their adjustment to these changes.

○ for example, if a child will be transitioning to a classroom setting and has never been in that type of setting, the EISC should work with the family to think through what supports and strategies they will need to make this transition as seamless as possible.

✓ confirm that child find information has been transmitted to the LEA, and with parental consent, that 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, are provided to the LEA.

- permitted child find information (meaning, consent is not required,) includes: the child’s name, date of birth, contact information, and may also include the service coordinator’s name and contact information and the language spoken by the child and family.
- ✓ identify transition services and other activities that the IFSP Team determines are necessary to support the transition of the child. [34 CFR § 303.344 (h)(2)(i)-(iv)]

3. Transition Planning Conferences (TPC):

- a. If a toddler is enrolled in the N.C. ITP and is potentially eligible for services under Part B/619 Preschool program, then the N.C. ITP, with the consent of the toddler’s family, must convene a transition planning conference. The purpose of the TPC is to develop a transition plan and discuss any services the toddler might be eligible to receive under Part B. Participants of the TPC include the family, IFSP Team members, including the EISC and service providers, and with parent consent, the LEA. The TPC must take place *at least* 90 days before the child’s third birthday, and at the discretion of all parties, as early as up to 9 months before the toddler’s third birthday.
- b. If the family declines a referral to the Part B/619 Preschool program, the CDSA must still make reasonable efforts to convene a transition planning conference to discuss the child’s transition needs and to identify early childhood services after age three, as appropriate. Participants for this type of transition planning meeting should include the IFSP team (e.g., the EISC, family, service providers, and others that the family might wish to attend).

Strategies for Meeting Regulatory Requirements

1. The CDSA should immediately begin to prepare the family for transition from the Part C program to Part B/619 Preschool program or other appropriate services, as soon as initial contact is made with the family by explaining the transition process, timelines, and child and family rights, and procedural safeguards related to Transition.
2. Ensure that the parents are made aware of all required timelines and options for meeting them, so that the parents are able to make informed decisions about how to proceed through the enrollment and transition processes. Documentation must include all CDSA efforts to facilitate the meeting at least 90 days before the child’s third birthday, or at the discretion of the family, as early as nine months before the child’s third birthday. Documentation is to include all discussions with parents about the timing and scheduling of the TPC and parental decisions.

Example 1:

Scenario: A child is referred to the CDSA 110 days prior to the child’s 3rd birthday and **eligibility is determined on day 91**. For this child, the Transition Plan, LEA/SEA Notification, and Transition Planning Conference (TPC) will **ALL be required**, and it must all be completed at least 90 days before the child’s 3rd birthday. In other words, in this scenario, the day eligibility is determined is the critical date for determining which transition requirements must be completed. Since here, the child is found eligible under Part C at least 90 days before the child’s third birthday, all components of transition must be completed within a day (by 90 days before the child’s third birthday).

The CDSA should consider using the following strategies:

- When discussing the N.C. ITP and eligibility with the family, tell the family about eligibility for Part C (the N.C. ITP) and that the program can only serve the child and family up to the child's 3rd birthday. Discuss eligibility under Part C, how it will be determined and that parents have the right to enroll or not to enroll. Share openly with the family that they hold the right to having the child's eligibility and IFSP developed, if eligible, and if they enroll, it must be completed within 45 days of when they were referred to the N.C. ITP.
- Offer the family the option of completing the eligibility evaluation and assessment, the initial IFSP that includes a Transition Planning Conference and Transition Plan, at the same time. You may also want to inform the parent that they might consider giving permission to invite the LEA to this combined meeting (recognizing, that depending on the timing of the meeting, the LEA may not be able to attend due to not having enough time in its schedule to accommodate a meeting with relatively short notice).
- Immediately after the eligibility determination meeting, if the LEA wasn't part of the meeting, the CDSA staff who determined eligibility should notify the person(s) in the CDSA that sends the child find information to the LEAs, so that the information can be sent via email, fax, or telephone and the EISC or individual providing the information to the LEA (as appropriate,) must document in the child's record that this occurred.
- The CDSA should make every effort to expedite the eligibility evaluation and assessment for children referred this close to their third birthday.

Remember:

- If the parent gives consent to invite the LEA to the combined meeting, the CDSA must send a Meeting Invitation to the LEA.
- The N.C. ITP Meeting Invitation must be used to make meeting arrangements with and provide written notice to the family and other participants. The Meeting Invitation must be provided early enough for the attendees to arrange for attendance at the combined meeting. The CDSA must ensure that the Meeting Invitation designates all proposed actions that will take place in the combined meeting, including: discussion of results of eligibility evaluation and child and family assessments, enrollment options, development of the initial IFSP, development and addition of the Transition Plan that included steps and strategies to be utilized to ensure a smooth transition from Part C to Part B/619 Preschool programs or other appropriate services, and conducting the TPC.
- If the LEA is going to attend the combined meeting, the parent will need to sign an authorization for the LEA to be present and participate.
- If the LEA is unable to attend the combined meeting and the family decides to wait to conduct the TPC because they would prefer to have the LEA present, the IFSP team should develop the Transition Plan as part of the Initial IFSP meeting.

Example 2:

Scenario: A child is **referred 122 days** prior to his/her 3rd birthday and is **determined eligible 85 days** before s/he turns three (3).

- Within 45 days of the referral, the CDSA **must** conduct an evaluation to determine eligibility, conduct assessments, and conduct the initial IFSP meeting to develop an initial IFSP. **If determined eligible and receiving service coordination, a child is considered to be served by Part C.**
- A formal Transition Plan is NOT required; however, the IFSP must include appropriate transition content. The CDSA may want to consider developing an IFSP outcome to address the transition plan content, rather than using the Transition Plan page within the IFSP.
- Notification to the LEA for Child Find purposes is required. So, the LEA must be notified as soon as possible once the child is determined eligible.
- Transition Planning Conference is NOT required.

Example 3:

Scenario: A child is **referred 44 days** prior to their 3rd birthday:

- In this situation, the N.C. ITP is NOT required to determine eligibility or provide services to the child and family. The CDSA should not conduct an eligibility evaluation, assessments, or develop an initial IFSP. Parents/Caretakers should be informed that they need to request an evaluation from the LEA in which they reside. The CDSA should assist the family by providing the parent/guardian with a point of contact for the LEA, information on how to contact that person, and following-up with the parent to determine whether they were able to connect with the LEA and schedule an evaluation.
- Transition Plans are NOT required.
- Transition Planning Conferences are NOT required.
- With parental consent, children must be referred to their LEA of residence.

Reminders:

When newly referred and eligible children are close to age three, CDSAs should discuss all options with families related to enrolling in the Infant-Toddler program so close to the child's third (3rd) birthday so that families can make informed choices and decisions about what they want to do. Parents get to choose whether they should proceed with the N.C. ITP – (eligibility determination, enrollment, IFSP development, start of services and transition planning); or, whether they wish to wait and have the LEA conduct an eligibility evaluation and proceed through the Part B processes.

Regardless of what a parent/guardian may decide on how to proceed, it is the CDSA's responsibility to inform the parent/guardian so that they can make the choice that best fits their child's needs.