Late Referrals to IDEA Part C (≤135 days before child's 3rd birthday)

Introduction and Explanation of the Chart

The attached timeline chart was developed as a technical assistance (TA) document by the Office of Special Education Programs (OSEP) TA Priority Team on Early Childhood Transition in response to questions raised by states about the Individuals with Disabilities Education Act (IDEA) early childhood transition requirements and how they might best fulfill them, particularly considering the 2011 Part C regulations.

When children are referred to Part C as they are approaching age 3, there are different program and Annual Performance Report (APR) reporting requirements for the IDEA Part C and Part B Programs depending on the child's age. The Part C requirements for these "late referrals" vary for three distinct ranges of days before the child's third birthday: referred less than 45 days, referred and determined eligible between 46 and 90 days, and determined eligible between 91 and 135 days. Most of the requirements for this last time frame are similar to those for all children referred to Part C prior to 90 days before their 3rd birthday; however, some reporting requirements and recommended practices are unique for this time frame.

The attached chart illustrates the requirements, roles and responsibilities of the Parts C and B programs within a time period and, within each program, across the three time periods. The chart's information is based on the IDEA 2004 Statute, the 2011 IDEA Part C Regulations and the 2006 IDEA Part B Regulations that relate to transition and child find, and the *OSEP Early Childhood Transition FAQs on State Performance Plan/Annual Performance*

Report (SPP/APR) Indicators C-8 and B-12 released December 1, 2009.

Coordination between the IDEA Part C and Part B program is critical to ensure that both programs can reach and maintain 100% compliance with SPP/APR Indicators C8 and B12 on early childhood transition. States must have transition agreements between the Part C and Part B preschool programs to address transition. It is also critical to ensure that families gain an understanding of the different service delivery systems and their options in a compassionate and meaningful way. And finally, it is important to ensure that children receive the services they need to promote their learning and development. Collaboration between the two programs helps families and children adjust to, and prepare for, this period of transition.

The IDEA Part C and Part B programs are strongly encouraged to work together to develop collaborative State and local practices to ensure smooth transitions for children and families and that both programs meet the required timelines.

The IDEA Statute and applicable regulations can be accessed at:

- IDEA 2004 Statute (P.L. 108-446) see Parts B and C https://sites.ed.gov/idea/statute-chapter-33
- IDEA Federal Regulations at 34 CFR Parts 300 https://sites.ed.gov/idea/regs/b
- IDEA Federal Regulations at 34 CFR Parts 303 https://sites.ed.gov/idea/regs/c

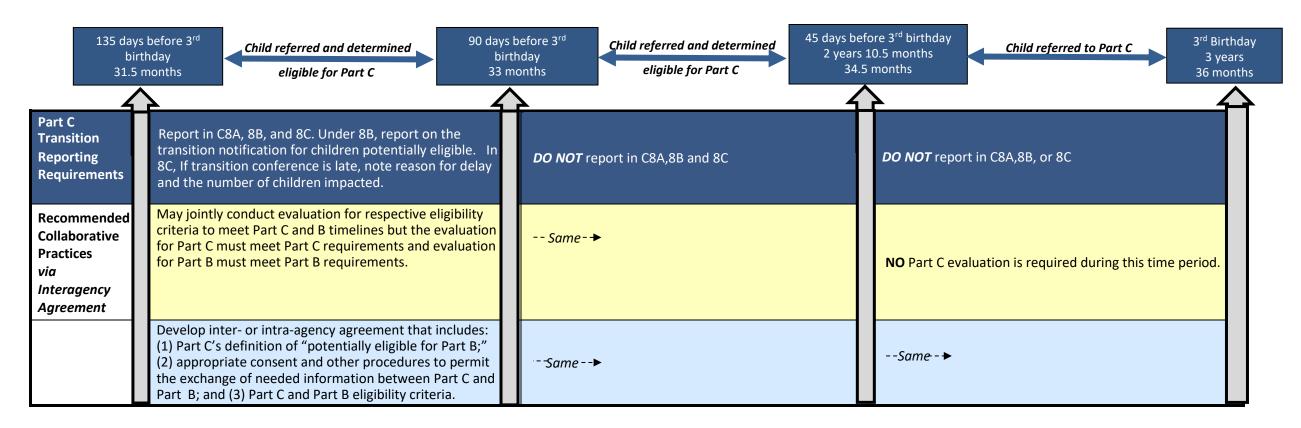




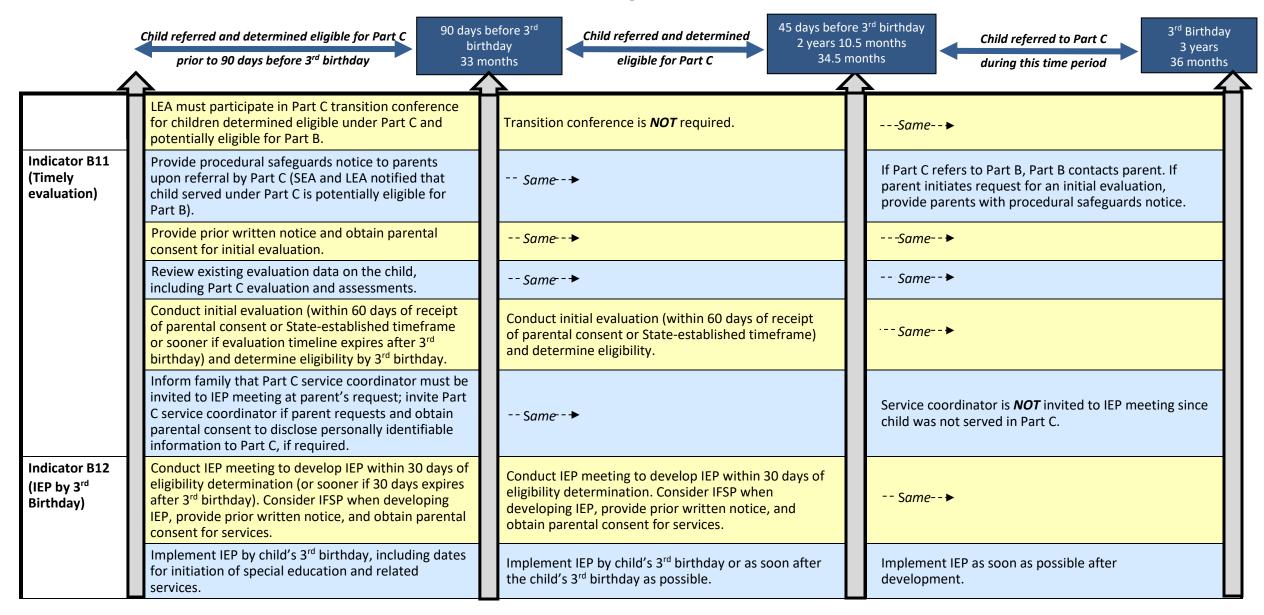
Federal IDEA Part C Transition Requirements for Late Referrals to Part C

135 days before 3 rd birthday 31.5 months Child referred and determined birthday 33 months Child referred and determined birthday 33 months Child referred and determined birthday 34.5 months Child referred and determined 2 years 10.5 months Child referred to Part C 3 rd Birthday 2 years 10.5 months 34.5 months 36 months		
Indicator C7 (45 Day Timeline)	Within 45 days of referral, conduct evaluation to determine eligibility, conduct assessments, and conduct initial IFSP meeting to develop initial IFSP with transition plan (including steps and services). If determined eligible and thus receiving service coordination, child is considered toddler with disability served by Part C.	Within 45 days of referral, conduct evaluation to determine eligibility, conduct assessments, and conduct initial IFSP meeting to develop initial IFSP with transition plan (including steps and services). If determined eligible and receiving service coordination, child is considered to be served by Part C. Can choose NOT to conduct initial evaluation, child and family assessments and initial IFSP meeting. Child is NOT considered served by Part C if child is referred to, but not determined eligible under, Part C.
Indicator C8A (Transition Plan)	Develop transition plan in IFSP at least 90 days and no more than 9 months prior to child's 3 rd birthday for all toddlers with disabilities. Transition plan must include transition steps and services, including confirming transition notification and documents (evaluation and IFSP) shared with LEA with parental consent (if EIS provider or Lead Agency are not participating agency with the SEA or LEA or State law requires consent to share personally identifiable information with applicable LEA).	Transition plan is NOT required, but initial IFSP must include appropriate transition content. These children are NOT reported under Indicator 8A. Initial IFSP is not required to be developed. These children are NOT reported under Indicator 8A.
	Must provide parents of toddlers with disabilities with information (as part of public awareness) regarding the Part B 619 preschool program at least 90 days prior to the child's 3 rd birthday.	May provide parents with information (as part of public awareness) regarding Part B 619 preschool program. May provide parents with information (as part of public awareness) regarding Part B 619 preschool program.
Indicator C8B (Notification to SEA and LEA)	Provide transition notification to SEA and LEA of residence at least 90 days prior to child's 3 rd birthday for Part C toddlers with disabilities determined eligible under Part C and who are determined potentially eligible for Part B unless State has opt-out policy on file with OSEP and parent opts out. States with opt-out policies exclude in Indicator 8B toddlers with disabilities whose parents opted out.	Transition notification to SEA and LEA of residence required as soon as possible once child determined eligible unless State has opt-out policy and parent opts out. These children are NOT reported under Indicator 8B. Transition notification to SEA and LEA of residence is NOT required, and child is referred to Part B with parental consent (if required to disclose personally identifiable information) if child is potentially eligible.
Indicator C8C (Transition Conference)	With family approval, conduct transition conference at least 90 days (and at the discretion of all parties up to 9 months) prior to child's 3 rd birthday for toddlers with disabilities determined eligible under Part C and who are determined potentially eligible for Part B. The transition conference may be combined with the initial IFSP meeting. Invite Part B to transition conference.	Transition conference is NOT required. These children are NOT reported under Indicator 8C. Transition conference is NOT required. These children are NOT reported under Indicator 8C.

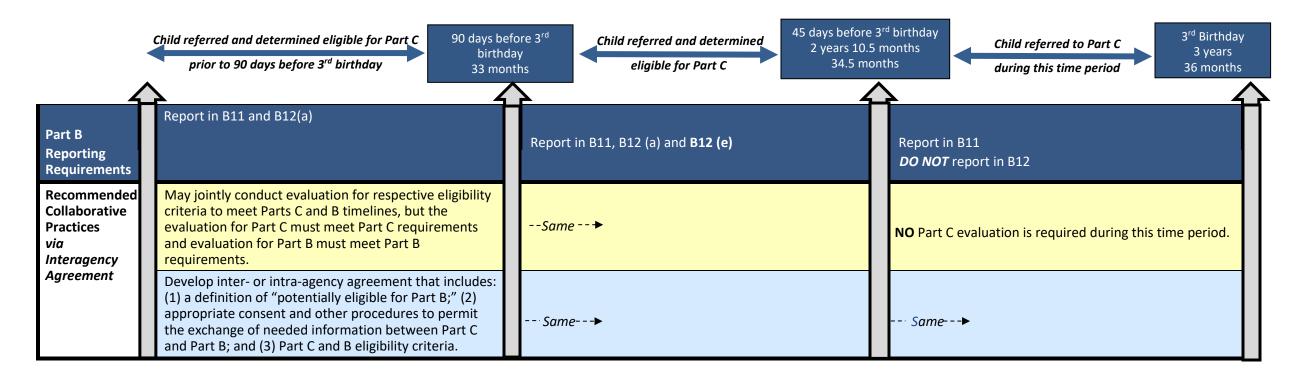
Federal IDEA Part C Transition Requirements for Late Referrals to Part C



Federal IDEA Part B Transition Requirements for Late Referrals to Part C



Federal IDEA Part B Transition Requirements for Late Referrals to Part C



Developed by Diefendorf, M. & Lucas, A. (National Early Childhood Technical Assistance Center & Regional Resource Center Program), July 2010. Revised by Lucas, A., Whaley, K., & Cate, D., September 2012. Revised by Whaley, K. of the Early Childhood Technical Assistance Center, July 2018.

Please cite as:

Early Childhood Technical Assistance Center. (2018). Federal IDEA Part C & Part B transition requirements for late referrals. Retrieved from http://ectacenter.org/topics/transition/osep.asp

Disclaimer:

The ECTA Center is a program of the FPG Child Development Institute of the University of North Carolina at Chapel Hill, funded through cooperative agreement number H326P170001 from the Office of Special Education Programs, U.S. Department of Education. Opinions expressed herein do not necessarily represent the Department of Education's position or policy. Project Officer: Julia Martin Eile.