
Kansas Early Childhood Transition from **IDEA Part C to Part B**

Frequently Asked Questions

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KANSAS EARLY CHILDHOOD TRANSITION FROM IDEA PART C TO IDEA PART B FREQUENTLY ASKED QUESTIONS

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KANSAS EARLY CHILDHOOD TRANSITION FROM IDEA PART C TO IDEA PART B FREQUENTLY ASKED QUESTIONS

Introduction

A vital part of providing quality services to children with disabilities is assuring a smooth transition from Infant and Toddler Services to Preschool Services.

Part C of IDEA is a federal program that assists states in operating a comprehensive, statewide program of **early intervention services for infants and toddlers with disabilities or developmental delays**, from birth through 2 years of age and their families. Part C Indicator 8 identifies the responsibility of Part C service programs in transition planning and engaging in timely planning in support of the child's transition to Part B preschool services or other community services by their 3rd birthday.

Part B of IDEA **defines the preschool program**, which guarantees a free appropriate public education (FAPE) to children with disabilities ages 3 through 5. Part B **Indicator 12** covers the transition from IDEA Part C to IDEA Part B, documenting the children referred by IDEA Part C prior to age 3, who are found eligible for IDEA Part B, and who have had an IEP developed and implemented by his or her third birthday.

In the state of Kansas, the **Kansas Department of Health and Environment (KDHE) oversees Part C of IDEA**, and the **Kansas State Department of Education (KSDE) oversees Part B of IDEA**. Early identification of children who have disabilities is a shared responsibility. The expectation is that KDHE and KSDE will use their current policies and procedures to facilitate public awareness, Child Find, screening, referral, evaluation and ensure the smooth and effective transition of children as they move from early intervention services under IDEA Part C into IDEA Part B early childhood special education programs and services for the benefit of children and families residing in Kansas. This document is guided by the state and federal regulations implementing Part B, Section 619 and Part C of the IDEA 2004.

KANSAS EARLY CHILDHOOD TRANSITION FROM IDEA PART C TO IDEA PART B FREQUENTLY ASKED QUESTIONS

Referral

1. **Does a Part C Program need to make a referral to a Part B Program, even if the parent chooses not to participate in transitioning to Part B services?**

Answer

Yes. A referral to a local education agency (LEA)/state education agency (SEA) is required for **every** child potentially eligible for IDEA Part B.

"Potentially eligible" is defined in the [Kansas Infant-Toddler Services Procedural Manual, XIV-2](#), as children receiving Part C services 90 days prior to their 3rd birthday or determined eligible for Part C services between 90 and 45 days prior to their 3rd birthday.

2. **For children determined eligible for Part C between 90 and 45 days prior to the 3rd birthday, Part C is required to refer to the LEA/SEA as soon as possible after eligibility is determined. If a child is referred to Part C fewer than 90 days before the child turns 3, what are Part C and Part B responsibilities?**

Answer

Responsibilities vary depending on the timeframe in which the child was **referred to Part C**.

- If the child was referred to Part C **more than 45 days before the 3rd birthday**, Part C cannot send a notification/referral to Part B before determining IDEA Part C eligibility.
- If a child has been referred to Part C **fewer than 45 days before the 3rd birthday**, then the child could be referred to Part B if the parent has provided consent to share information. The local Part C program is not required to conduct the initial evaluation, assessment, or IFSP meeting. If the Part C program suspects that the child may have a delay or disability, or if the Part C program conducts an evaluation and determines the child is eligible for Part C, then the Part C program, with parental consent, must refer the child to the SEA and appropriate LEA. The LEA must then, if it suspects the child of having a disability under Part B, obtain the parent's consent to conduct the initial evaluation and ensure it is completed in accordance with the 60-day timeline, including any exceptions, even if that timeline expires after the child's third birthday. [34 CFR § 303.209 \(b\)\(iii\)](#), and [Kansas Infant-Toddler Services Procedural Manual XIV-5](#).
- If a child has been referred to Part C **between 90 and 45 days before the 3rd birthday**, if all parties (Part C, LEA, and parents) agree, then the family can decline Part C evaluation and go directly to Part B with written consent for Part B to conduct the evaluation.

3. What is the LEA's responsibility, under Part B, if a child who has been served in Part C is referred to Part B?

Answer

When Part B receives a referral/notification for a “potentially eligible” child, as defined in Question 1, the LEA is responsible for giving the parents of the child a copy of the procedural safeguards notice within 15 school days ([34 CFR § 300.504\(a\)\(1\)](#)). Part B must attend the transition conference. The LEA must initiate the evaluation process to determine whether the child is a child with a disability ([34 CFR § 300.301\(b\)](#)). Before conducting an initial evaluation under Part B, the LEA must, after providing the parents prior written notice consistent with [34 CFR § 300.503](#), obtain informed consent, consistent with [34 CFR § 300.9](#), from the parent of the child ([34 CFR § 300.300\(a\)](#)).

To summarize, the LEA must:

- Provide the parents with the procedural safeguards within 15 school days
- Attend the transition conference
- Initiate the evaluation process to determine whether the child is a child with a disability

4. What is the Part C to Part B Electronic Referral System (CBER)?

Answer

KDHE and KSDE are required by the Office of Special Education Programs (OSEP) to provide statewide tracking of children who are transitioning from Part C to Part B. The CBER system allows for confirmation of the accuracy of **referral dates** reported by both C and B programs. The transition timeline for a referral begins on the date it is sent by Part C. [The KSDE TASN site](#) has additional resources, including [the Kansas C to B Guide](#) and [this timeline chart](#).

The purpose of the CBER system is to notify the SEA and **confirm receipt of referrals, therefore** Part B programs are required to accept a child in CBER to confirm that they have received the referral on a timely basis (defined as within 30 days of the referral being sent by Part C). All LEAs should have a process for accepting referrals in CBER.

5. What are the expectations for using the Part C to Part B Electronic Referral System (CBER)?

Answer

Upon receipt of the Part C referral/notification, Part B must provide families with the Parent Rights and Procedural Safeguards. How this occurs locally should be addressed in the transition MOU between Part B and C programs.

KSDE would recommend at minimum logging into CBER to accept referrals every two weeks to prepare for smooth transitions.

The only reason a Part B program would reject a referral is if the child does not live within the boundaries of your district or special education cooperative/interlocal at the time of referral. Considerations such as impending moves, the family declining participating in Part B services, and/or a child who may exit from Part C services should be addressed directly with the Part C partner.

6. How soon after a referral from Part C does Part B need to provide parents with his or her parent rights/procedural safeguards? Can the LEA wait until the transition conference to provide the notice of procedural safeguards?

Answer

The Notice of Procedural Safeguards, Parent's Rights, must be given to parents upon initial referral or parent request for evaluation. When an LEA receives a Part C referral, it has a reasonable time in which to provide parents with the notice of procedural safeguards. If the transition conference is scheduled within a reasonable time from the date of the Part C referral, an LEA may wait for the transition conference to deliver these documents to the parents. KSDE interprets a reasonable time to be within 15 school days unless there is a reasonable justification for further delay.

7. Some children are not referred from a Part C program to an LEA 90 days (or 45 days) before the child's 3rd birthday. Will an LEA still be held accountable for meeting the third birthday transition timelines for this child under Indicator 12?

Answer

It depends on when the child *was referred to Part C*, not Part B.

1. If the child was referred to Part C less than 90 days before the child's 3rd birthday, the child is not considered when determining LEA compliance on Indicator 12.
2. If the child was referred to Part C at least 90 days prior to the child's 3rd birthday, even if Part C referred the child to Part B LEA less than 90 days prior, and the LEA did not determine eligibility and develop the IEP, if appropriate, by the child's 3rd birthday, the LEA would be considered noncompliant on Indicator 12.
3. If a child was referred to Part C at least 90 days prior to the 3rd birthday but determined eligible for Part C after 90 days and before 45 days prior to the 3rd birthday, the LEA will be held accountable for meeting the third birthday transition timelines for this child under Indicator 12.
4. If a child is referred to the Part C program fewer than 45 days before the child's 3rd birthday, the Part C program, with parental consent, must refer the child to the SEA and appropriate LEA [34 CFR § 303.209 \(b\)\(iii\)](#). This child is not considered when determining LEA compliance on Indicator 12 or EIS compliance for Indicator 8.

8. If a child with a suspected disability becomes known to Part B before his or her 3rd birthday, and has not been receiving Part C services, what is Part B's responsibility?

Answer

Under [34 CFR § 303.303\(a\)\(1\)-\(2\)](#), any primary referral source, which includes LEA's, must refer a child who has been identified as a child suspected of delay or disability to Part C as soon as possible, but not more than seven days after the child has been identified.

Kansas regulations ([K.A.R. 91-40-7\(b\)](#)) require each school district to have policies and procedures in effect ensuring the early identification and assessment of disabilities in children.

Comments to the federal regulations state that the Part B Child Find requirements begin at birth and overlap with Part C Child Find requirements ([34 CFR § 303](#)). LEAs and Part C programs should work together to develop Child Find activities for children from birth through 2 years to ensure that all children have access to screening in a timely manner. Each Part C program must have a local interagency coordinating council (LICC), which is one avenue for LEAs and Part C programs to develop collaborative efforts for Child Find in his or her community.

- 9. Where should Part C programs document that the parents of a child, who was referred to Part C fewer than 45 days before the child's 3rd birthday, chose to skip Part C and go directly to Part B services?**

Answer

When a referral is made less than 45 days before the child's 3rd birthday, Part C would refer to Part B, with parent consent. In such a situation, Part C programs are not required to serve the child since it is less than 45 days. Part C programs will need to keep written documentation regarding the parent's decision in the child's file and mark the appropriate reason for not conducting an evaluation in the Part C database.

- 10. What documentation is required when families do not respond to contact attempts during the 9 months to 90-day transition period from Part C to Part B?**

Answer

In this situation, the Part C local program is required to make a referral to Part B to let them know that the family is not responding to contact attempts. Part C must also provide the latest available information about the family that is permitted by law regarding the SEA and LEA notification for toddlers with disabilities under [IDEA § 637\(a\)\(9\)\(A\)\(ii\)\(I\)](#). The Part C program should document the situation appropriately in the child's file and Part C database. This documentation includes updating the family service coordination/early interventionist log to identify, in detail, each attempt made to contact the family as well as any information that has been communicated to the LEA. If the family continues to not respond to Part C's attempts to contact, the child cannot be exited from Part C until either the IFSP expires or child's 3rd birthday. If the IFSP expires before 90 days prior to the child's 3rd birthday, Part C will not send a referral to Part B.

When the LEA receives such a referral, the LEA accepts the referral in the CBER system and is responsible for providing Procedural Safeguards to the parents within 15 school days upon receipt of the referral.

Additionally, if the LEA proposes to evaluate and the parent does not respond, the LEA must make reasonable attempts to obtain consent from the parents to conduct the initial evaluation. Reasonable attempts are defined as at least two contacts by two different methods (phone calls, letters, visits, email, etc.) and documentation of such attempts should be kept including detailed records of telephone calls made or attempted and the results, copies of written correspondence sent to the parents and their response, if any, and visits made to the parents' home or place of employment, and the results, if any, from the parents. [K.A.R. 91-40-27\(g\)](#); [K.A.R. 91-40-17\(e\)\(2\)](#); [34 CFR § 300.322\(d\)\(1\)](#). If the parent does not provide (refuses) consent or fails to respond to a request to provide consent for an initial evaluation, the school may, but is not required to, pursue the initial evaluation by utilizing mediation or by requesting a due process hearing. The school does not violate its obligation for child find or for conducting an initial evaluation if it declines to pursue the evaluation after such attempts to gain parental consent. [K.A.R. 91-40-](#)

[27\(f\)\(1\), \(3\); 34 CFR § 300.300\(a\)\(3\)](#). For more on LEA requirements when it receives a referral for an initial evaluation, please see [Chapter 3 of the Kansas Special Education Process Handbook](#).

Transition Conference

11. How far in advance of the child's 3rd birthday can a Part C program hold the transition conference?

Answer

The local Part C program must have a transition conference at least 90 days, and at the discretion of all parties, up to nine months before a child's 3rd birthday. Efforts should be made to coordinate with the LEA, the parents, and Part C to schedule a meeting time, date, and location to allow all parties to attend. Transition conferences must meet the accessibility, convenience, and participant requirements for IFSP meetings. [34 CFR § 303.342\(d\) and \(e\)](#) and [34 CFR § 303.343\(a\)](#).

12. What information must be released from Part C to Part B as part of the referral?

Answer

At the time of the referral, the following information **must** be provided to the Part B SEA and LEA:

- Child's name.
- Child's date of birth.
- Parent contact information (names, addresses, telephone numbers).

The following information may also be included:

- Part C service coordinator's name and contact information.
- Language spoken by the child and family.

The above information may be shared without a signed release of information by the family.

13. What additional information may be released from Part C to Part B during the transition process?

Parents may agree to release part or all of the additional documents in a child's file. At the time the parents have signed consent to release records, any information generated by the Part C program, or its contractors, that may be helpful in determining eligibility for Part B and/or in designing appropriate interventions may be released (e.g., a copy of the IFSP, initial Part C eligibility information, relevant home visit notes, most recent hearing and vision screening results) to Part B.

14. Are there exceptions to Part C's timeline for the transition conference?

Answer

IFSP meetings must be conducted in a setting and time convenient for the family and in the family's native language or other mode of communication used by the family, unless clearly not feasible to do so. If the parent consents to the conference, there are two allowable federal exceptions to Part C's timeline for the transition conference:

Exceptional Family Circumstance allows the parent to delay for any reason. This may include severe weather or natural disasters, where the length of delay was directly proportional to the severity and duration of the disruption. If the exception is used, the program must mark that reason in the Part C database to clearly identify it is delayed due to an "Exceptional Family Circumstance". The Part C Family Service Coordinator must also document the information supporting the reason within the child's file. The meeting must be rescheduled as soon as possible and at a mutually agreeable time by parents and other team members.

Late Referral to Part C is when a child is referred to Part C after 90 days from the child's 3rd birthday. In such a case, Part C is not held accountable to the transition conference timeline, however, with parent consent, Part C should attempt to schedule the transition conference as soon as possible.

Both exceptions would still be compliant with Part C's Indicator 8.

These allowable federal exceptions do not apply if Part C or Part B staff are unavailable for any reason.

15. Is a school district required to send staff to transition conferences?

Answer

Yes. "Each affected LEA will participate in transition planning conferences arranged by the designated lead agency." [34 CFR § 300.124\(c\)](#)

"The LEA must participate in the transition planning conference arranged by the EIS program or provider, and failure to participate would be inconsistent with [34 CFR § 300.124\(c\)](#). The LEA's failure to attend the transition conference when it was invited by the EIS program or provider makes it difficult for the LEA to meet all of its Part B responsibilities including ensuring that an IEP is developed and implemented by the child's third birthday (if the child is eligible), as required by [34 CFR § 300.124\(b\)](#).

If the wrong LEA representative was contacted, the LEAs must work with the EIS program or provider to ensure that the appropriate LEA is invited to, and participates in, the transition conference." ([U.S. Department of Education Office of Special Education and Rehabilitative Services 2023 Early Childhood Transition Questions and Answers, Answer 9](#)).

[34 CFR § 300.124\(a\)](#) requires that the state must have in effect policies and procedures to ensure that children transitioning from Part C to Part B "experience a smooth and effective transition to those preschool programs." The LEA's participation in the transition conference allows the LEA to provide the parent with information about Part B preschool services, obtaining parental consent to an evaluation, and conduct eligibility determinations under Part B.

The transition conference is considered an IFSP meeting ([Kansas Infant-Toddler Services Procedural Manual XIV-3](#)). IFSP meetings are to be scheduled in settings and times convenient to families and in the native language or other mode of communication, and must be made with, and written notice provided to, the family and other participants, which includes the LEA, early enough before the meeting to ensure that they will be able to attend. [34 CFR § 303.342\(d\)](#) and [U.S. Department of Education Office of Special Education and Rehabilitative Services 2023 Policy Letter to Nix](#).

Part C programs are required to invite representatives from the LEA where the family resides if the child is potentially eligible for Part B services ([34 CFR § 300.124\(c\)](#)). Efforts should be made to coordinate with the LEA to schedule a meeting time, date, and location to allow LEA staff to attend. The Part C transition conference must be held within [Part C's Indicator 8 compliance timeline](#).

Under circumstances that make it impossible for Part B to send a representative to the transition conference, the Part B representative may participate by phone, virtual conference, or any other method permitted under Part B. In such a case, the LEA must still provide required information (Procedural Safeguards), and should provide any other helpful information to Part C so that it can be shared with the family at the meeting. The local Part C program is still responsible for convening a timely transition conference.

"Local transition agreements should reflect specific procedures, including courses of action when the LEA does not respond to a transition conference invitation, such as elevation to LEA leaders or the SEA. The intention of the Part C notification to the SEA and LEA is to provide ample time for appropriate individualized planning to ensure a smooth and timely transition prior to the child's third birthday. The SEA and LEA should use the notification to plan for staffing and classroom needs, in addition to preparing for attendance and participation in the upcoming transition conference, as required under [34 CFR § 300.124\(c\)](#). At the transition conference, LEA personnel should explain to parents the Part B eligibility requirements and evaluation procedures, and provide information about Part B program options, as appropriate, to inform parental decision-making. EIS program or provider and LEA personnel are responsible for ensuring parents understand the difference in scope of the two programs, specifically how Part C services and supports are child and family centered while Part B services are student-specific with parent involvement." [U.S. Department of Education Office of Special Education and Rehabilitative Services 2023 Early Childhood Transition Questions and Answers, Answer 7](#).

16. What does it mean to provide information to parents at the transition conference about Part B special education and related services for preschool-aged children?

Answer

The purpose of a transition conference is to allow families to gather information about the plan they want for their child as they leave Part C services. Transition meetings provide an opportunity for both Part C and Part B to support the family and provide the family with information that will help them make informed decisions regarding their child. A transition meeting may be the child's first experience with the school system, and the appropriate Part B personnel participating in the transition conference ensures that toddlers and families exiting Part C and eligible for Part B experience a smooth and effective transition. See [U.S. Department of Education Office of Special Education and Rehabilitative Services 2023 Early Childhood Transition Questions and Answers, Answer 7 and Answer 9](#), for more information.

At the transition conference, Part B personnel should explain to the family the Part B eligibility requirements and evaluation procedures and inform the family that they can request to invite their Part C service coordinator to the initial IEP meeting. Part B personnel should also provide information about Part B program options, as appropriate, to inform parents in their decision-making. Under [34 CFR § 303.301\(c\)](#), Part C personnel must provide parents with information about preschool services under Section 619 of the IDEA.

The Part B representative should be knowledgeable about Part B eligibility and the continuum of services available (this may include Head Start, child care, community-based preschool, district-operated preschool). See the [Kansas Special Education Process Handbook](#), Chapter 6D, Early Childhood Least Restrictive Environment for additional information regarding Part B's responsibility to make available a continuum of placement options.

LEAs must provide the families with a copy of the Procedural Safeguards, Parent Rights. Additionally, families should be provided a description of the Part B eligibility process (i.e., timelines, informed consent, and eligibility definitions), as well as a description of the special education and related services that are available within the district. LEAs and Part C programs are encouraged to work collaboratively to determine who will share this information and specifically what information will be shared. Written descriptions may be a useful method to ensure that all families receive the same information.

The Families Service Coordinator should facilitate the meeting using the Transition Conference agenda and support the family by helping to facilitate the discussion during the meeting. During the transition conference, within the IFSP, there is an agenda that includes the expected information noted above which should help guide the team as they discuss transition items during the meeting. The Family Service Coordinator will note, within the IFSP, any discussion points, plans, or timelines discussed during the meeting, as well as who is identified as responsible for supporting each agenda item. The information shared and documented should be discussed and individualized for the child and family. In addition to information about Part B, Part C will share information about other appropriate services as required by [34 CFR § 303.209](#) and [34 CFR § 303.344 \(h\)](#).

Part B Determination and Evaluation

17. Should an LEA use assessment and IFSP information provided by Part C and the parent when determining a child's eligibility for Part B services?

Answer

Yes, an LEA should review existing data when determining a child's eligibility for Part B services, which includes Part C assessments, IFSP information, and parent input.

However, more information may be needed to complete a full evaluation. The IEP team and other qualified professionals must review existing data, including what the parent provides, and decide if more data is necessary. If so, and with the parent's consent, the LEA must collect that data within the required timelines. If no additional data is needed, the evaluation for determination of eligibility occurs (see Question 19 below).

18. Transition-aged children's needs and progress change rapidly. If a Part B LEA receives a referral from Part C at least six to nine months in advance of the child's 3rd birthday, is it advisable for the LEA to wait to initiate the initial evaluation of the child?

Answer

The LEA should carefully weigh the benefits and risks of initiating the evaluation at a later date, taking into consideration timeline requirements for completion of the initial evaluation, and if eligible, implementing the IEP by the child's 3rd birthday. Understanding that a child's development changes rapidly at this age, the LEA may have concerns about the appropriate timing of the initial evaluation and Individualized Education Program (IEP) development.

The LEA must provide the parent with the Procedural Safeguards within 15 school days of receiving the referral. Additionally, the LEA team will determine, based on the information it receives from Part C and the family, if it is appropriate to conduct an initial evaluation. If the LEA determines that an initial evaluation is needed, The LEA must obtain informed consent to conduct an evaluation. Obtaining consent may or may not occur during the transition conference. Further, a prior written notice must be provided, with supporting data, to explain the proposed action of either conducting, or not conducting, an evaluation. The LEA must adhere to the 60-school day timeline upon receiving consent to conduct an evaluation, to avoid being out of compliance with Indicator 11-Child Find.

- The LEA could respond with prior written notice agreeing with the need for an evaluation but proposing to conduct that evaluation at a later date. The LEA would present a prior written notice and request for consent to the parent accordingly for the proposed date.

- The LEA could respond with prior written notice proposing to conduct the initial evaluation and requesting parent consent but ask the parent to provide a consent effective later on a certain specific date.
- The LEA could respond with prior written notice proposing to conduct the initial evaluation and requesting parent consent, but also ask the parent to agree to extend the timeline for the evaluation. The LEA should only use this option in a manner individualized to the needs to a particular child and not as a matter of routine ([K.A.R. 91-40-8\(f\)](#)). ***Note:** Remember, none of these three methods can be used to extend the completion of the evaluation and IEP beyond the child's 3rd birthday.

At the time of the referral, Part C should inform the family that they will be receiving a copy of his or her Procedural Safeguards, Parent Rights, along with other information such as contact information from the school district, unless the transition conference is scheduled within a reasonable time (15 days) of the referral, in which case the information can be presented to the family at that time. Part C should work with the family, and the LEA, to determine the best time to conduct the transition conference.

19. What about children who are receiving Part C services who are functioning at or close to age level, but have not yet been dismissed from Part C services 90 days prior to his or her 3rd birthday? If a referral was provided to Part B prior to the 90 days and the LEA has reviewed existing data and determined that the LEA does not suspect that the child has a disability under Part B, is the LEA still obligated to evaluate the child prior to the child's 3rd birthday?

Answer

Part C programs are required to make a referral to Part B for all children who meet the definition of "potentially eligible" (See Question 1). When a Part B program receives a referral from Part C, Part B should follow the steps outlined in Question 17 above to review existing data and determine whether additional information is needed.

"Upon receipt of the referral from Part C, the LEA must provide the child's parent with a copy of the procedural safeguards notice as required under 34 CFR § 300.504. Further, the LEA must take one of two actions. If the LEA suspects the child has a disability under Part B, the LEA must request the parent's consent to conduct an initial evaluation to determine the child's eligibility for services under Part B (34 CFR § 300.300) and, if the parent provides consent, conduct the evaluation. However, if the LEA does not suspect that the child has a disability under Part B, the LEA must provide the parent written notice consistent with 34 CFR § 300.503 that explains, among other things, the basis for its decision and a statement that the parents have protections under the Part B procedural safeguards." [U.S. Department of Education Office of Special Education and Rehabilitative Services 2023 Early Childhood Transition Questions and Answers, Answer 5.](#)

20. Is it allowable for an LEA to request documentation verifying residency or proof of age before agreeing to start an initial evaluation, develop an IEP, and begin special education services?

Answer

LEAs may request documentation regarding age, residency or immunizations; however, this does not change LEAs' obligation to meet required federal timelines.

Proof of Residency

Proof of Age: An LEA may require some evidence of age. This may include a birth certificate (state, hospital, or other government/nationality issued). A parent should not be required to incur costs to obtain such documentation. If no documentation is available, school districts may ask a parent/guardian/person acting as a parent to sign an affidavit to document a child's age. These forms should be readily available to families.

Part C and LEAs should work together to prepare families for this process. Part C will discuss potential program options with families during transition planning, which will include discussion of enrollment requirements for each potential program option. Part C and Part B will discuss and determine issues related to activities that need to be completed before a child moves into a new service setting, including enrollment, immunizations, transportation issues, and medical needs, during the transition conference.

Note that an LEA's Child Find responsibilities include the responsibility to identify, locate, and evaluate children with exceptionalities who are highly mobile, including migrant and homeless children (K.A.R. 91-40-7). Section VII-B of the McKinney-Vento Act, as reauthorized by ESSA, entitles homeless children and youth to a free, appropriate public education, including a preschool education. The McKinney-Vento Act requires early care and education programs administered by LEAs to enroll homeless children immediately, even if they lack documents typically required for enrollment, including birth certificates, health records, and proof of residency. Each school district is required to designate a McKinney-Vento Liaison who can be a resource for a local Part C program in identifying and serving children and families who are experiencing homelessness. See [the KSDE Educating Homeless Children and Youth webpage](#) for the list of McKinney Vento Liaison Contacts by District and other resources.

21. An LEA received a referral from a Part C program and obtained consent for an evaluation. Then the family did not respond to contact attempts to set up dates for evaluating the child before the child's 3rd birthday. Will the LEA be noncompliant on Indicator 12 in these circumstances?

Answer

No. The parent's repeated refusal to make the student available for an evaluation ([K.A.R. 91-40-8\(g\)\(1\)](#) and [34 CFR § 300.301\(d\)\(1\)](#)) is a federal exception to the evaluation timeline, as long as the LEA attempts contact up until the child's 3rd birthday.

22. **An LEA scheduled a child's IEP meeting with the parent before the child's 3rd birthday at a mutually agreed upon time. The parent cancelled that meeting or did not attend. The LEA did not develop an IEP because it could not find another mutually agreed upon time to reschedule the IEP meeting before the child's 3rd birthday. Would the LEA be noncompliant on Indicator 12 even though the IEP meeting was originally scheduled before the child's 3rd birthday?**

Answer

Yes, an LEA would be considered noncompliant in not meeting the 3rd birthday timeline for Indicator 12. This example would not fall under one of the two federal exceptions described in Question 23 below. Strategies that may support an LEA in meeting the third birthday timeline include:

- Scheduling the meeting earlier so there is time to reschedule if an unexpected event occurs.
- Offering to allow the parents to participate in the IEP meeting through alternate methods, such as through conference calls, video conferencing, etc., in accordance with [K.A.R. 91-40-17\(c\)](#).
- Developing the IEP without parent participation in accordance with [K.A.R. 91-40-17\(e\)](#) and presenting the parents with the proposed IEP and prior written notice and consent for services. *This strategy should only be used infrequently, and only when the strategies listed above are not available.*

23. **In Kansas, there is a state exception that allows LEAs to extend the state's evaluation timeline beyond 60 school days if the LEA has received written parental consent to extend the timeline ([K.A.R. 91-40-8\(f\)](#)). Can the LEA use this exception to extend the timeline for IEP development beyond a child's 3rd birthday and still be compliant?**

Answer

No, an LEA cannot use this state exception to extend the timeline beyond a child's 3rd birthday when there is a Part C to B transition. **There are only two federal exceptions allowed for Indicator 12:**

1. The parent's repeated refusal to make the child available for an evaluation; or
2. The child moved out of the district before completion of the child's evaluation to determine initial eligibility for Part B.

24. During the transition process, if the parent declines an initial Part B evaluation, what are the expectations of the LEA if the family changes their mind at the last minute?

Answer

A parent may decide that they do not want to begin the initial Part B evaluation. In this situation, the child is still “potentially eligible” for Part B services (as defined in Question 1) and so Part C must still make a referral to Part B, and the LEA must still respond to the referral by providing Procedural Safeguards and contact information to the parent within 15 school days from the referral.

If the parent later decides to begin the Part B evaluation:

- If the parent decides to begin the Part B evaluation prior to 90 days before the child’s third birthday, Part C and Part B should work together to meet regular transition timelines.
- If the parent requests an initial evaluation **less** than 90 days before the child’s third birthday, the LEA should consider such a request a parent referral for an initial evaluation. If a child was referred less than 90 days before the child’s third birthday, the federal Office of Special Education Programs (OSEP) encourages the LEA to make every effort to complete the evaluation, determine eligibility, and develop and implement an IEP by the child’s third birthday or as soon as possible after the third birthday (U.S. Department of Education Office of Special Education and Rehabilitative Services 2023 Policy Letter to Nix). If the original referral from Part C was more than 90 days prior to the child’s third birthday, this child will appear in the Part B LEA’s Indicator 12 data. The Part B LEA may respond to this case during data verification process as “parent refusal” for consent, thus constituting a Federal Exception. The Part B LEA would not be considered out of compliance for Indicator 12, assuming they can provide documentation of this situation.

***Note:** If a child has been referred from Part C to Part B and the parent declines both consent to share information and an initial Part B evaluation, the LEA must still provide Prior Written Notice and request for consent to conduct initial evaluation. The LEA must make reasonable attempts to obtain consent from parents, per [Chapter 3 in the Kansas Special Education Process Handbook](#).

25. Clarify 90 calendar days versus 60 school days.**Answer**

Part C has a 90 calendar day requirement, as specified in the Part C regulations ([34 CFR § 303.209](#)) regarding the referral process that occurs between 9 months and 90 calendar days before a toddler turns 3. This 9 months to 90 calendar days is also the period in which a Transition Planning Conference must be convened. There is no mention of 60 school days in Part C of IDEA.

However, in Kansas, Part B has 60 school days to complete an evaluation after a parent has given informed consent ([K.A.R. 91-40-8\(f\)](#); [34 CFR § 300.301\(c\)](#)). This 60 school day timeline is an additional requirement that the child be evaluated and, if eligible, have an IEP developed and implemented by the child's third birthday. For children referred from Part C to Part B, the LEA must meet both requirements by:

1. Completing the evaluation within 60 school days of obtaining informed consent.
2. Completing the evaluation, and if the child is eligible, developing and implementing an IEP by the child's third birthday.

IEP Process

26. Is an LEA required to invite Part C staff to the initial IEP meeting?**Answer**

The LEA is responsible, if the parent requests it, for inviting the Part C service coordinator (or other Part C system representatives) to the initial IEP Team meeting ([34 CFR § 300.321\(f\)](#) and [U.S. Department of Education Office of Special Education and Rehabilitative Services 2023 Early Childhood Transition Questions and Answers, Answer 13](#)). The Kansas Part C Transition Plan includes one opportunity for families to indicate that they would like the Family Service Coordinator invited to the initial IEP meeting. Although the IDEA does not address whether written notice to the service coordinator is required, states and LEAs are required to maintain records to show compliance with IDEA. Therefore, it is a good practice for the LEA to document the invitation, through actions such as keeping a record of the Part C staff receiving the invitation, the date the invitation was sent, and a copy of the invitation or notes from a phone call extending the invitation.

- 27. Part B services on the IEP are to be implemented no later than 10 school days after written parent consent for the provision of special education services is granted, unless reasonable justification for a delay can be shown ([K.A.R. 91-40-16\(b\)\(2\)](#)). How does this apply for children transitioning from Part C?**

Answer

Obtaining parental consent, meeting with parents, and developing IEPs well before a child's 3rd birthday is encouraged by KSDE as a reasonable approach for LEAs to meet Indicator 12 timeline requirements while allowing for unexpected circumstances. Canceled or rescheduled meetings, no shows, or illnesses are not reasonable justifications for delay. Reasonable justification for IEP implementation may be a child turning 3 during the summer or when a child has not yet reached their 3rd birthday.

- 28. For children who are transitioning from Part C to Part B, can an LEA provide services prior to a child's third birthday?**

Answer

Yes. Federal regulations ([34 CFR § 300.323\(b\)](#)) provide discretion for schools to provide Part B services to a 2-year-old child with a disability who will turn age 3 at any time during that school year.

- 29. If a child's third birthday is on a Friday, Saturday, Sunday, or Monday, but the child's IEP specifies that the child will receive services on Tuesday and Thursday, may the LEA wait until the first Tuesday after the child's third birthday to begin services? If a child's third birthday occurs during a weekend or a school break period, may the LEA wait until school is back in session to begin providing special education services?**

Answer

Yes. An IEP is considered in effect when the special education and related services are available as specified in a child's IEP. Therefore, if a child's third birthday occurs on a Sunday and the special education and related services are specified in the IEP to be provided on Tuesday and Thursday and those services are available to the child on those days, the IEP is in effect on the child's third birthday to the same extent any child's IEP is in effect on a day when services are not scheduled.

For the same reason, when a child's third birthday occurs during a weekend or during a school break, an LEA may wait until school is back in session before providing that student with the special education services specified in his or her IEP. In these cases, the IEP will document that an IEP was developed on or before the child's third birthday.

Also, an eligible Part B child may also begin services under an approved Individualized Education Plan (IEP) anytime during the school year in which the child has his or her third birthday. A decision may also be made to begin Part B services prior to the third birthday for a variety of reasons (i.e., Timing (at the beginning of a school year or before a school break period)). Upon initiation of Part B services, the child may no longer receive Part C services.

30. What are the LEA's responsibilities if an IFSP/IEP team (with parents) decides to adopt an IFSP to serve as the IEP for a child transitioning from Part C to Part B?

Answer

See the [Kansas Special Education Process Handbook, Chapter 4C, "Using an IFSP instead of an IEP."](#) Districts are required to ensure the following for ANY and ALL children transitioning from Part C to Part B:

the parents are provided with a copy of the Parent Rights Notice (procedural safeguards)

- a. eligibility is determined according to Part B requirements through an initial evaluation.
- b. if eligible, an IEP or IFSP is in effect by the child's 3rd birthday;
- c. if a child's 3rd birthday occurs during the summer, the child's IEP team determines the date when services will begin, but not later than the beginning of the school year following the 3rd birthday; and
- d. A representative of the district will participate in transition planning conferences arranged by the Part C program. ([Section 300.124\(c\)](#))

Part C must exit the child from Part C services no later than the start of Part B services or the child's third birthday, whichever comes first.

The IFSP includes a section specifying the funding sources for services. After a child turns three years old, Part B is financially responsible for delivering special education and related services, including the special education and related services specified on the IFSP.

If a team (and parents) decide to adopt an IFSP in place of an IEP, districts are ALSO required to ensure the following:

the LEA must provide the child's parents with a detailed explanation of the differences between an IFSP and an IEP.

- a. the LEA must obtain written consent from the parent for use of the IFSP as the child's IEP.
- b. If the IEP team is using an IFSP for children who are at least 3 years of age, it must contain the IFSP content, including the natural environments statement, an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills, and all Part B procedural and substantive requirements pertaining to an IEP must also be followed. If the IEP team is using an IFSP for children who are at least 3 years of age, a team is not obligated to include family service coordination in the IFSP.

*** Note:** If the child's IFSP indicates services will end by the 3rd birthday, but the team decides services will continue adopting the IFSP, then the team needs to amend the IFSP to include the services that will continue for the child beyond the 3rd birthday.

31. Is it required for local Part C and Part B programs to develop a Memorandum of Understanding (MOU) to address transitions from Part C to Part B?

As a condition of receiving Federal funds under Part C of the Individuals with Disabilities Education Act, [34 CFR § 303.209\(a\)\(3\)](#) requires the lead agency to ensure cooperation among State agencies involved in delivering Part C services to eligible children and their families by entering into interagency agreements with these State agencies.

The Kansas State Department of Education and the Kansas Department of Health and Environment have in place a Memorandum of Agreement to assure the attainment of mutual goals regarding provision of early intervention and preschool services for children ages birth to five with developmental delays or disabilities. In this agreement, both KDHE and KSDE commit to encouraging collaboration and the development of local interagency agreements to address the sharing of staff expertise and resources.

While it is not a federal requirement for local programs to develop an MOU, this type of written agreement can facilitate effective communication and collaboration between local Part C and Part B programs and prevent common challenges between agencies. Local MOU's provide guidelines and information regarding how Part C and Part B will work together to support the transition process for children and families. Some considerations to include are:

- Language around actions, roles, and responsibilities of each agency. Clear distinction of which agency's resources are supporting each of the activities.
- MOUs should be reviewed on a regular basis (e.g., annually)
- Accuracy of information and compliance with both Part C and Part B regulations
- Formal and informal lines of communication should be identified and established within and between agencies.
- All acronyms should be spelled out the first time used.
- Concise information is best.
- Timely information is important, and information needs to be sustainable over time (e.g., use positions/roles instead of names)
- Make sure information is understandable for all (including families and new staff)

Contact information

32. Who do I contact when I have questions?

For **IDEA Part C guidance**, please contact:

Tricia Waggoner
Part C Coordinator
Kansas Early Childhood Developmental Services, KDHE
(785) 296-2245
Tricia.L.Waggoner@ks.gov

For **IDEA Part B guidance**, please contact:

Angel Spann
Early Childhood Special Education (Section 619) Coordinator
Kansas State Department of Education
Angel.Spann@ksde.gov
(785) 296-6602

For questions regarding **Training** or **Technical Assistance**, contact:

Birth to three years old:

Kansas Inservice Training System (KITS)
kskits.org
(620) 448-3067

Three to 5-years-old:

Kansas Technical Assistance System Network (TASN)
ksdetasn.org