



KANSAS EARLY CHILDHOOD

# Transition from IDEA Part C to Part B





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# Basic Information

Both Part C's Indicator 8 and Part B's Indicator 12 are compliance indicators. Each have requirements and timelines that must be met and reported to the Office of Special Education Programs (OSEP) annually in the Annual Performance Report by the Kansas State Department of Education (KSDE) and the Kansas Department of Health and the Environment (KDHE). While it can be challenging, at times, to meet requirements, certain steps must take place on Part C's side before a child can be referred to Part B, and Part B must ensure appropriate response and action. Understanding the differences between Part C and Part B requirements can help alleviate much of the confusion during stressful times, such as school breaks (winter and summer), along with quickly approaching third birthdays.

## ***What is Part C Indicator 8?***

Indicator 8 is a 100% compliance indicator that reports on the timely transition of children out of Part C (nine months–90 days before a child turns 3). *34 CFR § 303.209*.

There are three parts to Indicator 8:

- 8a. Transition plan.
- 8b. State educational agency (SEA) and local educational agency (LEA) notification (called referral in Kansas).
- 8c. Transition conference.

## ***What is Part B Indicator 12?***

Indicator 12 is a 100% compliance indicator that measures the percent of children referred by Part C prior to age 3 who:

- Are found eligible for Part B.
- Have an Individualized Education Plan (IEP) developed and implemented by their third birthdays.

*20 U.S.C. § 1416(a)(3)(B)*

## **Exceptions**

### **Part C**

There is one allowable exception for Part C Indicator 8a and c:

If family circumstances warrant a delay of the conference and the delay is documented, the program will not be found out of compliance. See Infant Toddler System (ITS) Procedural Manual p. XIV-3 and XIV-8.

### **Part B Indicator 12**

What are the two allowable federal exceptions to Part B Indicator 12:

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

# Required Steps

## Part C Indicator 8

1. **Develop a transition plan**

A transition plan must be developed, with involvement of the family, no more than nine months and no less than 90 days before the toddler's third birthday.

2. **Referral to Part B**

The referral to Part B must be made and include:

- Child's name.
- Date of birth.
- Parent contact information.

If requested by the LEA the following can be given:

- The family service coordinator's name and contact information.
- The language spoken by child and family.

Part C must obtain parent consent to disclose any additional information to LEA.

3. **Conduct a transition conference** at least 90 days before and no more than nine months prior to the child's third birthday for each child determined eligible for Part C and who are potentially eligible for Part B. The transition conference occurs with parent approval and at the discretion of all parties involved.

**Note:** The transition conference must meet the accessibility, convenience and participant requirements for the Individualized Family Service Plan (IFSP) meetings in 34 C.F.R. §§ 303.342(d) and (e) and 303.343(a).

### Keep in mind ...

- Development of the IFSP must be completed within 45 calendar days from initial referral to Part C.
- Part C must invite LEA to the conference. Referral to LEA and invitation to the LEA for transition planning conference may be combined.
- The transition conference is an IFSP meeting and must meet those requirements. It may include the development of the transition plan.

## Part B Indicator 12

1. Upon Part C **referral families must be provided one** of the following documents:
  - Parent Rights.
  - Procedural Safeguards.
2. **Prior written notice (PWN)**  
PWN is provided and obtain parental consent for evaluation, including:
  - Referral information.
  - Review of existing information.
  - Determination of what, if any, data will be collected during the evaluation.
 This action begins the Part B initial evaluation timeline.
3. **Initiate the evaluation process** to determine whether the child is a child with a disability.  
**Note:** This process must be **completed within 60 days of receipt** of consent or sooner, if needed, to ensure that IEP is developed and implemented by age 3.
4. **Eligibility Report and PWN provided to parents.**  
If it is determined that a child has a disability, consent needs to be obtained and an IEP needs to be developed and implemented by the child's third birthday. If a parent requests it, invite the Part C representative to the IEP meeting.
5. **Provide PWN and obtain parental consent for initial provision of special education and related services.**

### Keep in mind ...

- LEA representative **must** participate in Part C transition conference.
- The evaluation team, including parents, needs to review existing data to determine what additional data, IF ANY, is needed to answer the evaluation questions.

## Review of Existing Data

Initially, the review of existing data is to help determine what, if any, information will need to be collected to answer the evaluation questions.

- Part C teams have obtained valuable information during the IFSP process that should be considered during the review.
- Once the review of existing data is completed, parents are informed of what, if any, new evaluation information that will need to be collected.
- The school district is not required to conduct an evaluation of a child to determine if the child is a child with a disability, unless requested to do so by the parents.
- If the LEA chooses not to evaluate, prior written notice refusing to evaluate must be provided to the parents.

In addition, if the parents request an evaluation of their child, the school district may refuse to do so, but it must provide the parents with Prior Written Notice of the refusal to conduct the evaluation and the reasons for the refusal. The parents may request mediation or due process if they want the evaluation conducted (*Kansas Special Education Process Handbook*<sup>1</sup>, Page 3-6, February 2008).

1 KSDE. Kansas Special Education Process Handbook (webpage): [https://www.ksde.org/Agency/Division-of-Learning-Services/Special-Education-and-Title-Services/Special\\_Education/Legal-Special-Education-Law/Kansas-Special-Education-Process-Handbook](https://www.ksde.org/Agency/Division-of-Learning-Services/Special-Education-and-Title-Services/Special_Education/Legal-Special-Education-Law/Kansas-Special-Education-Process-Handbook)

# KANSAS EARLY CHILDHOOD TRANSITION FROM IDEA PART C TO PART B Eligibility Criteria

If a child turns 3 during the summer, and the child does not require Extended School Year (ESY) services, special education and related services may begin in the new school year.

To ensure that an IEP is developed by a child's third birthday, Kansas allows school districts to identify and serve any 2-year old child who will turn three during the school year, even if he or she has not been served in the Part C program.

## Part C

- Developmental delay.
- Established risk.
- Informed clinical opinion.

Instruments or tools that may be used are:

- Records from primary referral sources.
- Interviews with families.
- Child observations.
- Curriculum-based assessments (CBA).
- Formal or informal tests, (e.g., developmental profiles, routines-based interview). Standardized/norm referenced tests are not required.
- Instruments and processes utilized should be based on the individual child and family.

## Part B

Two Prong Test:

**Prong 1:** Determining Whether the Child is a Child with an Exceptionality. [Eligibility Indicators<sup>2</sup>](#)

**Prong 2:** Determining Whether the Child Needs Special Education [Specially Designed Instruction] and Related Services

Instruments or tools that may be used are:

- Record review.
- Interviews with families, Part C or service providers.
- Child observations.
- Curriculum-based assessments (CBA).
- Formal or informal tests, etc. The testing that needs to be done will vary depending on what information already has been collected and the needs of the individual child.

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2 KSDE (2021). Eligibility indicators (PDF): <https://www.ksde.org/Portals/0/SES/misc/iep/EligibilityIndicators.pdf>

# KANSAS EARLY CHILDHOOD TRANSITION FROM IDEA PART C TO PART B

# Common Questions

For further FAQ's, you may refer to the [Kansas Part C to Part B FAQ document](#)<sup>3</sup>:

*Can a Part C Program refer a child to an LEA before determining eligibility for IDEA Part C?*

## ANSWER

**No**, if the child has been referred to Part C more than 45 days before the third birthday, official Part B referral cannot be sent until eligibility for IDEA Part C has been determined.

**Yes**, if a child has been referred to Part C fewer than 45 days before the third birthday, then the child could be referred to Part B given consent to share information by the parent. The local Part C program is not required to conduct the initial evaluation, assessment or IFSP meeting, and the Part C program, with parental consent, must refer the toddler to the SEA and appropriate LEA. *34 CFR § 303.209 (b)(iii)*, Part C Procedural Manual XIV 5.

**Yes**, if a child has been referred to Part C between 45 days and 90 days before the third birthday, then, 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.

*Some children are not referred from a Part C program to an LEA at least 90 days before the child's third 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.

**IF** the child was referred to Part C less than 90 days before the child's third birthday, the child is not considered when determining LEA compliance on Indicator 12.

**IF** the child was referred to Part C at least 90 days prior to the child's third 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 third birthday, the LEA would be considered noncompliant on Indicator 12.

**IF** a child is referred to the Part C program fewer than 45 days before the child's third birthday, the Part C program, with parental consent, must refer the child to the SEA and appropriate LEA. *34 CFR § 303.209 (b)(iii)*<sup>4</sup>.

**Note:** It is recommended that all Part C Programs and their partner LEAs address transition practices and challenges by developing a Memorandum of Understanding (MOU). This MOU may contain a joint statement of understanding regarding transition processes, and address challenges, such as late referrals and time, location and attendance at transition conferences.

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3 KSDE. Kansas early childhood transition (SPP indicators C8/B12) part C to B FAQ (PDF): <https://www.ksde.org/Portals/0/SES/KIAS/indicators/Ind12-FAQ-KS.pdf>

4 KDHE. Transitions - Kansas. (PDF): <https://www.kdhe.ks.gov/DocumentCenter/View/5907/Transitions-PDF>

# Communication

Communication is a significant component to ensure effective collaborations take place between Part B and Part C. Written local interagency agreements, also referred to as Memorandum of Understanding (MOU), can prevent many common challenges. 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 important pieces of an MOU should include:

- Include specific 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., minimally annually)
- Accuracy of information and compliance with both Part C and Part B regulations should be addressed.
- 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)

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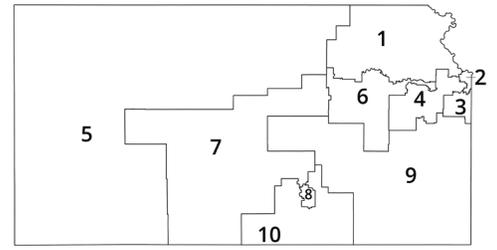
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