



**DCY GUIDANCE LETTER 24-018
DIVISION OF POLICY**

TO: Directors and Administrators, Early Intervention Service Coordination Agencies
Directors and Administrators, Preschool Special Education Programs

FROM: Gina Speaks-Eshler, Deputy Director of Policy

DATE: June 11, 2024

SUBJECT: Requirements for Serving Children with Disabilities Who are Transitioning from Early Intervention to Preschool Special Education

Background

The Ohio Department of Children and Youth (DCY) has received questions, and has been engaged in collaborative conversations with both early intervention service coordination agencies and local educational agencies regarding the requirements of children who are transitioning from receiving early intervention services under Part C of the Individuals with Disabilities Education Act (IDEA), to a timely evaluation process for determining eligibility for receiving preschool special education services under Part B of the IDEA.

Purpose

This guidance provides the expectations for providers serving children transitioning from Part C (Early Intervention (EI)) to Part B (Preschool Special Education) services. Included topics are notification/referral, Preschool Transition Planning Conference (PSTC), timelines, interventions, and comprehensive evaluation.

Guidance and Instruction

Notification/Referral

A notification from an Early Intervention service coordination agency (Part C) to the preschool age child's school district of residence (Part B) is considered a referral for an evaluation. The same timelines and processes that apply to any other referral for an initial evaluation apply to this notice.

Notification that serves as a referral may look different based on the child's age and when they were referred to Early Intervention.



If a child is referred to EI within 45 days of their third birthday, then the EI Service Coordinator or Central Intake will send the district form EI-08 (“Consent to Refer Child to Local Educational Agency and the Ohio Department of Education and Workforce (ODEW)”) as notification and thus a referral for the child.

If a child is referred to EI or determined eligible within 46-90 days of their third birthday, then the EI program must notify the local educational agency that the child will reach the age of eligibility for services under Part B on the child's third birthday. If this situation occurs, there is not a mandated manner or form that serves as notification. However, the notification will include only the child's name, date of birth, statewide student identifier, and the parent contact information.

In all other instances, the EI-13 (“Individualized Family Service Plan (IFSP) Meeting Notice”) inviting the district to participate in the child’s transition planning conference serves as notification. The date of referral for a child who is transitioning from Part C and may be eligible for services under Part B will be the earliest of the following dates:

- If the transition planning conference or notification from Part C occurs more than 150 days prior to the child’s third birthday, then the Part C referral date will be 150 days prior to the child’s third birthday; or
- If the first notification from Part C is within 150 days prior to the child’s third birthday, then the Part C referral date will be the date the Part C representative first notifies the school district about the child; or
- If the transition planning conference occurs within 150 days prior to the child’s third birthday, then the Part C referral date will be the date of the transition planning conference.
 - This occurs when the first notification from Part C is received by the district of residence within 150 days prior to the child’s birthday, and then the child and family move from the district prior to the transition planning conference. The new district of residence then attends the transition planning conference. This is the earliest event for the new district of residence and is therefore the date of the referral.

Transition Planning Conference (TPC)/Preschool Transition Planning Conference (PSTC)

If invited by a representative of the Part C system, a school district representative shall attend a conference to discuss transition from "Early Intervention" services to preschool. The school

district cannot delay or refuse participation in that transition conference because of residency disputes or the absence of a birth certificate. If necessary, the school district may use the days following the transition conference to confirm residency and gather other enrollment documentation, or document attempts to gather such evidence.

The TPC/PSTC is not a meeting to determine eligibility. A district does not have to make the determination to suspect or not suspect a disability at the PSTC. Remember, the district has 30 days from the date of referral to determine if they suspect a disability and to obtain parental consent to evaluate.

Timelines

The school district has 30 days from the date of referral to determine if the district suspects or does not suspect a disability. If the district suspects a disability, the referral date will set federal timelines by which the district needs to complete the Evaluation Team Report (ETR). The district must obtain consent to evaluate. Once consent is acquired, the district has 60 days to conduct the evaluation and complete the ETR.

If a disability is determined, the IEP is required to be in place within 30 days of the evaluation team's determination of eligibility and must be implemented by the child's third birthday. However, if the referral from Part C is received by the district 45 days or fewer from the child's birthday, an IEP is not required to be in place and implemented by the child's third birthday. This referral would be treated as any other, and the district must complete the evaluation within 60 days of obtaining written parental consent for an evaluation.

A Prior Written Notice (PR-01) should be issued to document any decisions made by the evaluation team, which always includes the parent(s). If the district decides not to initiate the evaluation process because the district does not suspect a disability, the PR-01 sent to the parent(s) must state the reason for the decision. If the district suspects a disability, then a PR-01 is sent to the parents to notify them of that decision. A PR-05 is then used to acquire the parent(s)' consent to evaluate.

A PR-01 must also be issued to document when and how services will be initiated after the IEP is developed.

Interventions

Interventions are required to be implemented prior to a referral for evaluation for preschool children only if the child previously received services under Part C and/or Part B of IDEA or is being evaluated under the suspected disability category of specific learning disability.

Because children receive interventions through their Individualized Family Service Plan (IFSP), districts are encouraged to detail the process of obtaining intervention data (who will provide the data, what specific intervention data will be collected, and how the intervention data will be provided to the other agency) within their county's required Interagency Agreement. If the evaluation team determines further interventions are needed, they may be provided during the initial evaluation process.

The evaluation team report must include a summary of the specific interventions provided to the child, whether the data comes from the Part C program or the evaluation team during the evaluation process.

For initial evaluations, the summary of interventions provided must include:

- A description of the research-based intervention(s) used,
- How long the intervention was provided (i.e., how many weeks),
- The intensity of the intervention, how often and number of minutes,
- A description of the results compared to the baseline data, and
- The decision was made as a result of the intervention(s).

Again, a district may not use the need for interventions to unnecessarily delay an evaluation to determine a child's eligibility for special education services. If such interventions have not been implemented prior to referral for a child who previously received services under Part C and/or Part B, appropriate interventions shall be implemented by the district during the same sixty calendar day timeframe during which the district conducts a full and individual evaluation.

Preschool Special Education Comprehensive Evaluations

Once the evaluation team suspects a child has a disability, with parental consent, the team will plan for and complete a comprehensive evaluation to determine if the child qualifies as a child with a disability under IDEA. Eligibility for preschool special education and related services must be determined based on multiple sources of information. The evaluation team is required to use the following assessment methods/data source at least once:

- Information from any current community or preschool program providers,
- At least 2 structured observations in more than one setting and in multiple activities,
- Structured interview information provided by the parent or caregiver, Results of at least one criterion-referenced assessment; and
- Results of at least one norm-referenced assessment.

If a child is being served in a Part C and/or community or preschool program within the past 12 months, then the district is required to provide data from that setting as part of the comprehensive evaluation process. The evaluation team will determine how best to use the data obtained from Part C Early Intervention as one of the required data sources.

A group of qualified professionals and the parent(s) shall determine if the child has a disability and is eligible for special education and related services. School districts must ensure that sufficient resources are available to conduct evaluations during the summer months.

Resources

The following resources contain additional information and can provide support to school districts as they implement the requirements of transition for children exiting early intervention services (IDEA Part C) and entering preschool special education (IDEA Part B), if eligible under the Act.

[Transition Timeline Checklist 7.10.2020 \(ohioearlyintervention.org\)](https://www.ohioearlyintervention.org/transition-timeline-checklist-7-10-2020)

[Transition What It Does & Does Not Look Like \(Updated 9:28:2020\) \(ohioearlyintervention.org\)](https://www.ohioearlyintervention.org/transition-what-it-does-and-does-not-look-like)

[Transition What It Does & Does Not Look Like \(Updated 9:28:2020\) \(ohioearlyintervention.org\)](https://www.ohioearlyintervention.org/transition-what-it-does-and-does-not-look-like)

[Evaluation Roadmap for Families with Children Ages 3-21 \(ohio.gov\)](https://www.ohio.gov/evaluation-roadmap)

[Preschool Universal Support Materials | Ohio Department of Education and Workforce](https://www.ohio.gov/preschool-universal-support-materials)

[Indicator 12: Early Childhood Transition](https://www.ohio.gov/indicator-12)

[OCALI | C to B Training Opportunity](https://www.ohio.gov/ocali)

[2023 Early Childhood Transition Questions and Answers – Individuals with Disabilities Education Act](https://www.ohio.gov/2023-early-childhood-transition)

[MEMO: OSEP Memo 11-07 Response to Intervention \(RTI\) \(January 21, 2011\) - Individuals with Disabilities Education Act](https://www.ohio.gov/memo)

[Preschool Special Education 101: From Rule to Implementation | Suite of Resources for Early Childhood Professionals \(cycsuite.org\)](https://www.cycsuite.org/preschool-special-education-101)

Contact

If you have questions about the information in this communication, please contact Jody Vice Beall at Jody.Beall@childrenandyouth.ohio.gov.