**TRANSITION: FREQUENTLY ASKED QUESTIONS**

(Regarding Transition from Part C Early Intervention to Part B Preschool Programs)

**Early Intervention Questions**

1. **When should the service coordinator first bring up the topic of transition with a family?**

Transition from Early Intervention at age 3 is one of the most important events for a child and family. Discussions about transition should be part of **ongoing discussions** with a family while they are in Early Intervention but the transition “plan” cannot be conducted until the child is 27 months old (not a day earlier).

1. **What should these discussions include?**

Early discussions should include what the **process of transition** involves, who should be contacted based on parent preference, how a parent may opt-out of any information to the LEA, eligibility criteria for children admitted to programs at age 3, the variety of placement options in communities, other community support programs that continue helping families achieve their goals and the parental rights associated with preschool programs or other systems such as Head Start. (Preschool or Part B *Special Education Rights* can be found on line at [www.ALSDE.edu](http://www.ALSDE.edu)).

1. **When does a written transition plan have to be in place?**

A written Transition Plan must be completed at 27 **months** (if child is in system) or with the IFSP when a child enters AEIS after 27 months and is determined eligible. Note: The Transition plan cannot be completed prior to 27 months.

1. **What must be included on the Transition Plan?**

The transition plan should include goals and procedures (steps) in the best interest of a child and be based on a family's preferences. In summary, the transition plan should indicate in writing appropriate and complete steps to ensure a family is informed about:

* Target dates for all activities
* Discussion about future placement options
* Discussion about the transition processand how it affects families
* Discussion about the ***Opt-Out Policy*** and parent's decision
* Assistance to parent for *Parent Referral* to LEA depending on when child entered AEIS
* Timely LEA notification and request LEA meeting by 33 months (if not opting-out)
* Discussion of opportunities that will prepare child and family for adjustments

The EI service coordinator is responsible for scheduling and ultimately convening a meeting with family and LEA prior to child turning 33 months old (regardless of summer schedule). The Alabama State Department of Education Preschool Coordinator advises all LEAs to designate an appropriate person to acknowledge EI notification and attend the Transition Planning Meeting. (Please note more specific guidelines for OPT-OUT are at the end of this FAQ).

1. **How is the LEA notified by Early Intervention personnel for a child who is potentially eligible?**

The Early Intervention service coordinator notifies a designated LEA representative by e-mailing an *Early Intervention Notification Letter to the Local Education Agency*. Parents are required to sign an Opt-Out Form if they choose not to have any information sent to an LEA. Service coordinators will automatically send the *Early Intervention Notification to Local Education Agency* letter if a parent fails to sign an Opt-out Form after 10 days.

The *Early Intervention Notification to Local Education Agency* lettermust be sent by email. This letter serves to notify the LEA and begin the process of convening a Transition Planning Meeting. The invitation cites the age of a child, length of time in early intervention services, a timeline for meeting, and a request for confirmation. The service coordinator may include more information (IFSP, evaluations, provider notes) only if a parent provides written permission.

1. **How does the LEA representative acknowledge receipt of an invitation to the Transition Planning Meeting?**

The LEA representative acknowledges receipt of an Early Intervention notification and invitation to convene a meeting by sending a ***“read receipt”*** via e-mail to theService Coordinator***.*** LEA is requested to respond within two weeks.

1. **Can EI's Transition Planning Meeting be combined with the LEA Referral Meeting?**

**Yes**, if the parents agree. More recent guidance from the Alabama State Department of Education Special Education Services to LEAs indicates this is no longer the most common practice. If the two meetings are combined, the LEA must notify the family by sendinga *Notice and Invitation to a Meeting /Consent for Agency Participation* form. Some parents mistakenly interpret this form as an invitation to a replacement meeting for the Transition Planning Meeting. Service Coordinators must make the distinction in these meetings clear to families.

1. **Who is required to attend the EI/LEA Transition Planning Meeting?**

The only individuals who must attend this meeting are the parent, a service coordinator and **ONE LEA representative** who is knowledgeable about the referral process.

1. **For Early Intervention, is a written transition plan required if the family indicates they are not interested in having their child served by the LEA?**

**Yes**, by law, a written plan must be in place for transition even if parents do not want their child enrolled in a Part B preschool program. A Transition Plan should therefore reflect family preferences and include information that they are Opting-Out or agree to Notification to an LEA. Children may also transition to other placements. Steps in supporting families should reflect parent preferences.

1. **Who is directly responsible for advising families about the transition process?**

The **EI service coordinator** is responsible for insuring that a written plan is in place when the child is 27 months or when the initial IFSP is written when the child is 27 months or older when entering AEIS.

1. **Are Early Intervention Eligibility criteria the same as for LEA preschools?**

**No.** Eligibility criteria are different.Children who received early intervention services may not be Eligible for preschool services when LEA Eligibility is determined. The focus for Early Intervention is family-centered practices and a child's "functional development". EI is about family training. Part B programs consider delays that may impact "educational performance". Although family input is valuable to the success of an IEP, a child's developmental and educational needs are central.

Part B Eligibility determination includes at least the following: “The standard score in one developmental domain must be at least two standard deviations below the mean (70 or below) (roughly equivalent to a30-32% delay) on a standardized, norm-referenced instrument; or the standard scores on two or more developmental domains must be at least one and a half standard deviations below the mean (77 or below) (roughly equivalent to a 25% delay in two areas) on a standardized, norm-referenced instrument.” (Eligibility criteria as stated in the *Alabama Administrative* *Code* (AAC) Special Education Section for Eligibility in the area of Developmental Delay. This may vary, and depends on the area of exceptionality being considered.

1. **Is Early Intervention responsible for determining Eligibility for preschool special education and related services?**

**No.** Early intervention is responsible for ongoing assessments and updating a child's current level of functioning while receiving early intervention services. EI evaluations and assessments *may* *be* used for LEA Eligibility if the IEP team agrees.

1. **Does the service coordinator send a notification letter to the LEA if a parent changes their mind after they have signed the Opt-Out form?**

**No.** Once the Opt-Out form is signed, no notification letter should be sent, even if the family changes their mind before the child is 33 months of age. However, the service coordinator should encourage the family to make a parent referral and inform them of the timeliness and procedures for a parent referral. The service coordinator can also facilitate the family meeting with the LEA and send any records to the LEA (with proper releases signed) that the family chooses. The service coordinator can attend any meetings in which the family invites them, as well.

1. **What should happen if a child moves out of the school district where the LEA notification was originally sent?**

The service coordinator is responsible for notifying the LEA who was sent the notification of the family’s move and provide current contact information. The original LEA is then responsible for transferring the child’s information to the new LEA. The EI service coordinator should not send a 2nd LEA Notification Letter. The new LEA and current service coordinator should then continue the transition process.

**Part B/Preschool Questions**

* + 1. **Must the LEA acknowledge receipt of a notification from EI?**

**Yes, acknowledgement is required.** This acknowledgement must occur via e-mail. Service coordinators must document this in the child's record. Service coordinators are responsible for following up with the LEA if they do not receive confirmation that the notification has been received within two weeks.

* + 1. **Is an Early Intervention service coordinator required to attach the *Early Intervention to Preschool Transition Planning Meeting Documentation* formto the *EI Notification to the LEA?***

**No.** This is not required of EI. However, EI service coordinators, in collaboration with some LEAs, agree to do so to speed transition planning. Service coordinators are not monitored for this document but the activity is left to the discretion of programs.

The ***Early Intervention to Preschool Transition Planning Meeting Documentation* form** is a required form for the IEP Team at Transition Planning Meetings. This form verifies that the parent has given permission to refer the child to the LEA and documents that all required persons (parents, EI representative, LEA representative) attended the meeting.

* + 1. **What is the timeline for acknowledging the EI notification?**

There are no specific timeline requirements; however, it should occur in a *reasonable length of time* **(i.e., within ten days to two weeks).** EI service coordinators are required to document LEA acknowledgement or the service coordinator's attempts to follow-up with the LEA (for federal reporting purposes).

* + 1. **What date should be recorded for the LEA as in receipt for the EI Notification letter?**

The date of receipt is the **actual date** that the EI Notification to the LEA letter is received by the LEA. This should not be confused with the dates of the LEA Transition Planning and Referral meeting dates.

* + 1. **Must EI notify the LEA regarding children who received Early Intervention services?**

**YES, unless** a parent signs an Opt-Out Form. Otherwise, a service coordinator is REQUIRED to notify an LEA regarding a child turning 3. Without written permission to release information, however, a service coordinator may not send personal identifiable information such as IFSP or evaluations. If a child enters AEIS at 33 months or later, a service coordinator may notify an LEA but there is no expectation that a meeting will be convened. These children are entered into the SDE data base as "parent referrals" and not entered on the EI to Preschool Tracking Log.

* + 1. **Must the Special Education Coordinator attend a Transition Meeting?**

**No**, but a LEA *designee* must attend. This may or may not be the coordinator of special education.

* + 1. **May a Transition Planning Meeting be combined with a LEA Referral Meeting?**

**Yes,** if it is agreeable with the parents or guardians. The LEA should notify the EI service coordinator that the IEP team's preference is to combine these meetings. The EI service coordinator may discuss this with the parent and can work out those details with the family.

* + 1. **Must the LEA notify the parents when these meetings are combined?**

**Yes.** The LEA must send a *Notice and Invitation to a Meeting/ Consent for Agency Participation* form indicating that at the Referral Meeting, a referral may be accepted and a determination made for additional evaluations if they are needed.

The LEA may phone the parent/guardian to schedule the Referral Meeting since there has not been any prior contact between the family and LEA personnel at this time. A copy of the *Notice and Invitation to a Meeting/ Consent for Agency Participation* should be mailed to the parent *even if a phone call is made* to schedule the meeting (provision of prior written notice). A Transition Planning Meeting should not be canceled by an LEA if the scheduled Referral Meeting is postponed.

* + 1. **When are Transition Planning Meetings convened?**

A Transition Planning Meeting, having been scheduled with the **parent, EI and LEA, should be convened as soon as possible after** a date is agreed upon but *prior to the child turning 33 months.* However, parents are asked to make their own Parent Referral if they enter AEIS after 33 months of age and no Transition Planning Meeting will be arranged. The LEA will arrange to begin the process at the Referral phase (not included in Part B Indicator 12 data).

* + 1. **If the two meetings are combined, who must attend from the LEA?**

If the Transition Planning Meeting and Referral Meeting are combined, the LEA **must** have the lEP Team in place for the meeting.

* + 1. **Why is notification made sometimes after the child is 27 months old?**

Some children enter the EI system after the child turns 27 months.

* + 1. **Must the LEA accept evaluations/assessments from EI for Eligibility?**

**No.** The IEP Team must consider all evaluations/assessments from EI and may accept any current evaluations/assessments that meet the requirements for Eligibility. Due to the rapid development of young children, it is suggested that data used for Part B Eligibility should be no older than six months. IEP Teams must use data that the IEP Team determines to meet the criteria outlined in the *Alabama Administrative Code*.

* + 1. **Must EI evaluate a child to determine his/her status/Eligibility for preschool special education services?**

**No,** some EI programs **may update** assessments/evaluations prior to notification or transition to the preschool program, but it is not required. The IEP Team or the Eligibility Committee determines Eligibility for preschool.

* + 1. **If a child is legally blind, will he/she automatically be eligible for services at age three?**

**No,** the child must have a significant delay as outlined in the definition of Visual Impairment **and** need specially designed instruction or meet the criteria for another area of disability as outlined in the AAC. There are a few children who have diagnoses (e.g., hearing impairment, visual impairment, spina bifida) that do not need specially designed instruction because the diagnosis does not prevent them from participating in developmentally appropriate activities.

* + 1. **Must the IEP be developed prior to the child's third birthday if the LEA has accepted the EI Notification to LEA letter?**

**Yes.** The IEP has to be ready to implement on the third birthday if the LEA has accepted the referral and the child has been determined to be eligible for special education services according to the *Alabama Administrative Code*. Under such circumstances, an IEP should be developed prior to the child’s 3rd birthday.

* + 1. **Must the IEP be developed and ready to implement on the third birthday if the process begins with a *Parent Referral,* regardless of having been served in EI?**

No, by definition a Parent Referral is not the same as an EI Notification. The Team begins the Referral process when a parent makes a **parent referral** instead of EI sending a formal notification.

* + 1. **Must the LEA wait until the child turns three to begin the process?**

**No,** the referral to placement process must begin upon acceptance of the referral.

* + 1. **Must the LEA begin services for an eligible child on his/her birthday when their birthday is during a school break (e.g., summer)?**

When the LEA accepts a referral and the child is determined to be eligible prior to the 3rd birthday the IEP must start on the third birthday *unless* the lEP Team determines that services can begin at a later date (such as first day of next school year). **The decision to delay the beginning of services must be made by the IEP Team** and cannot be a decision made by the LEA based on its current school calendar. All children moving from AEIS to LEA do not receive services during the summer. The decision must be documented in the IEP.

* + 1. **Must a general education teacher participate as a member of the IEP Team for preschool aged children?**

**Yes.** Preferably, this should be a teacher of the child.

* + 1. **Who may the LEA designate as the general education teacher since publicly funded programs for typical three- and four-year-olds are not universally available to all children?**

If the child does not attend an early childhood program, the LEA must designate someone who **meets the state requirements** for providing services to typically developing preschool children. Some examples include K-3rdgrade teachers certified in early childhood, Head Start teachers who meet the state requirements to be employed as a Head Start teacher, or a childcare teacher who meets the state requirements to be employed as a childcare teacher. The general education designee must meet the state standards required for their current job, that is, early childhood public school teacher, Head Start teacher, or childcare teacher.

* + 1. **If the child is going to be served at home, will a general education teacher be a required member of the IEP Team?**

**Yes, a general education teacher must always be a member** of the IEP Team. The least restrictive environment (LRE) is not decided until the IEP Team meets and determines the appropriate place for the special education services to be provided.

* + 1. **Can an Individualized Family Service Plan (IFSP) be used for a three- or four-year-old?**

**No,** the AAC does not allow the use of an IFSP for a child aged three or older.

* + 1. **Can an eligible three-year-old receive only a related service (e.g., occupational** **therapy)?**

**No,** related services are provided to assist the child to benefit from special education services. An IEP must be developed for all children determined eligible for special education services. The IEP must include goals, benchmarks, and services (including related services such as occupational therapy) as determined by the IEP Team. Related services such as occupational therapy would be provided to assist a child in benefiting from the special education.

* + 1. **What is the minimum number of hours of services that a preschool child must receive?**

There is **no minimum** number of hours of services. The IEP Team determines the amount of service needed to implement the goals.

* + 1. **When parents place children in childcare centers, does the LEA have to provide services at the childcare center?**

Not necessarily. The IEP Team should **consider the LRE** (Least Restrictive Environment) for implementing the services delineated in the IEP. The IEP Team should consider where the child would be if he/she did not have a disability. The IEP Team should also consider the location where the EI services were provided. OSEP expects preschool children to be provided special education services with typical peers to the degree appropriate.

* + 1. **When a child is attending Head Start, who is responsible for providing the special education instruction, services, and supports?**

The LEA is ultimately responsible for providing the special education services, related services, support, and materials that are delineated in the IEP. However, some **Head Start programs may choose to provide services that will support a child with special needs.**

* + 1. **Must LEAs provide transportation for three- and four-year-olds, even when the LEA does not transport other typically developing three- and four-year-old children?**

**Yes,** if it is required for the child to benefit from the special education services. Transportation is a related service just as occupational therapy, physical therapy, etc., and the IEP Team must consider on an individual basis if it is required for the child to benefit from special education.

* + 1. **Is it appropriate to provide preschool services in kindergarten classrooms?**

Each decision should be made **based on the individual needs** of the child. In most situations, kindergarten classrooms are not appropriate for three- and four-year-olds. Also, kindergarten classrooms cannot be the placement for children who do not meet the kindergarten age requirements. Children must be 5 by September 1. There is a wide gap in development between a typical three-year-old and a kindergartner. Developmentally appropriate practices must be implemented with all young children and most activities occurring in kindergarten are not developmentally appropriate for three-and four-year-olds. The LRE requirements under Part B of the IDEA state that preschool children with disabilities are expected to be educated in a preschool setting with typically developing peers.

* + 1. **Must the lEP address all five developmental domains (motor, cognition, communication, adaptive, and social)?**

**No,** the lEP Team should prioritize the needs of the child and focus on skills that will facilitate the child's ability to function independently, become a member of the classroom community, engage in learning experiences, establish interpersonal relationships, communicate, and meet pre-academic expectations. Area(s) addressed in the IEP are dependent on the needs of the individual child.

* + 1. **What is "educational performance" for preschool children?**

Educational performance for preschool children refers to developmentally appropriate academic, social-emotional, seIf-heIp, adaptive, motor, and/or communication skills. That is, can they participate or do the things that typically developing preschool children can do?

* + 1. **Must the LEA invite the EI service coordinator and/or providers to the lEP meeting?**

At the request of the parent, an invitation to the initial IEP Team meeting, must be sent to the EI service coordinator.

* + 1. **Can EI programs continue to serve children after they turn three years old?**

No. Part C funding does not pay for services at age 3. Some programs that provide EI services have other sources of funding that may allow them to provide some services to certain children after they turn three. However, this is unusual and varies from program to program depending on the guidelines of that agency.

**Opt-Out Policy for AEIS**

**WHY AN OPT-OUT POLICY:** Families sometimes *choose not to have their contact information sent to the LEA.* We report this information to OSEP annually. A state policy must be in place for parents to understand their rights and to continue to ensure a smooth transition. Parents can "opt-out" of sending information to the LEA by signing an "Opt-out form" within 10 days of discussion. Generally, 1 of 10 families chooses to opt-out. AEIS is expected to provide an LEA limited contact information unless a parent signs an Opt-Out form. **The "Opt-out" discussion must take place PRIOR to the Transition Planning Meeting with the LEA. Basics of Opting -out of notification to LEA:**

1. Parent decides within 10 days of writing the transition plan with the service coordinator
2. If a parent signs Opt-Out" Form within 10 days, NO information should be sent to LEA
3. If a parent does not return a signed Opt-Out Form within 10 days, the SC will notify the LEA but will not send any additional information to LEA. The SC will attempt to convene a Transition Planning Meeting with the LEA as usual.
4. If a parent signs an Opt-out Form but later changes their mind and wants the LEA to consider a  
   referral for their child, ask the parent to contact the LEA to make a PARENT REFERRAL. A *Parent  
   Referral* alters LEA timelines. LEAs usually develop an IEP quickly after they determine Eligibility for Part B.

**The following are definitions or explanations for language found throughout this document:**

AEIS- Alabama's Early Intervention System

IDEA- *Individuals with Disabilities Education Act.* Law which governs regulations for federal compliance (for AEIS and preschool)

OSEP- Office of Special Education Programs. Federal agency tasked with regulatory compliance for IDEA.

LEA- Local Education Agency (agency/school system responsible for pre-school program)

SDE- This is the Alabama State Department of Education. Responsible for public preschool programs.

PART C *OR* EARLY INTERVENTION- This is the term for *federal/state funded* birth to 3 year-old programs. There are private programs which do not participate in AEIS and are not subject to these regulations. These private programs may include programs operated by private organizations/boards or the military for base residents. Services through AEIS are not mandatory and family participation is voluntary. Visit [www.rehab.state.al.us/ei](http://www.rehab.state.al.us/ei) for more.

PART B (OR LEA) PROGRAM- This is the term for states' public 3-5 year old preschool program under IDEA. Part B's mission is to provide free and appropriate education for children eligible based on Part B criteria. It is not a mandatory program and participation is voluntary, on the part of the parent. Visit [*www.alsed.edu*](http://www.alsed.edu) for more.

ELIGIBILITY- criteria to be met for consideration of services. Criteria in Early Intervention must be confirmed in at least one domain by two different procedures indicating a 25% or greater delay or a documented medical diagnosis likely to result in delays in the future. For Part B (3-5), the Eligibility requirement is 2 standard deviations from the norm in one domain or 1.5 standard deviations in two domains on **standardized tests.** Eligibility criteria differ slightly in the two systems. Eligible children in AEIS *may not be eligible* for LEA.

TRANSITION PLAN and OPT-OUT- A written plan developed by families and AEIS service coordinators at 27 months (or later if child enters AEIS late) which describes family choices and preferences to ensure a smooth transition at age 3. Parents may choose community placement options such as home or day care. If a child enters AEIS and is determined eligible *after 27* months of age, the Transition Plan should be written with the initial IFSP. A parent preference may be to opt-out of LEA notification. EI service coordinator must notify the appropriate LEA unless a parent **signs** an Opt-Out Form. Families are given 10 days to consider this option when transition planning is initiated.

EI TRANSTION PLANNING MEETING- AEIS is responsible for *arranging and convening a Transition Planning Meeting* with an appropriate LEA. Only one (1) LEA representative is required to meet with family and AEIS. The goal of this meeting is to discuss appropriate transitioning if a child is eligible for Part B services. A target date for the Transition Planning Meeting with the LEA is prior to 33 months. ***For AEIS,* convening this meeting is the most important indicator of data to be reported to the Office of Special Education Programs (Indicator 8).** **Service coordinators do not cancel the AEIS Transition Planning Meeting if an LEA does not arrange for the entire IEP team to be present.** Only one LEA representative is required to attend.

LEA REFERRAL MEETING- Meeting is *arranged by LEA* to determine acceptance of a referral and begin the journey in the education system. This meeting has traditionally been combined with the AEIS meeting with the LEA. When meetings are combined, the presence of an IEP Team is required.

LEA ELIGIBILITY DETERMINATION MEETING - Meeting arranged by an LEA following *LEA* evaluations to determine if a child at age 3 will be eligible for their services. (LEA may use recent EI evaluations to help determine eligibility but there is no requirement for EI to update testing.)

IEP MEETING (Individualized Education Plan Meeting) - Meeting arranged by LEA to write an IEP for a child eligible for Part B services.

IEP (Individualized Education Plan) - Written plan for *specially designed instruction* for a child eligible for Part B services.