

## **First Steps to Preschool Special Education Transition Guidance Document**

Indiana Family and Social Service Administration (FSSA), Division of Disability and Rehabilitative Services, and the Indiana Department of Education (IDOE) have created a Memorandum of Agreement that will ensure that children participating in early intervention programs assisted under Part C of the Individuals with Disabilities Education Act (IDEA), known as First Steps, and who will participate in preschool programs assisted under Part B of the IDEA, experience a smooth and effective transition to those preschool programs.

**Office of Special Education Programs (OSEP) Compliance Indicator #12**, Target = 100%. Percentage of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their 3rd birthday.

### **First Steps Requirements**

The First Steps office must notify the Office of Special Education (OSE) and the Local Educational Agency (LEA) where the toddler receiving Part C services resides, when a toddler who is receiving Part C services and who is potentially eligible for services under the Part B program will shortly turn three years old and exit the Part C program. If a toddler with a disability may be eligible for Part B preschool services, with the family's approval, the First Steps service coordinator convenes a transition conference with the appropriate parties to discuss any services the toddler may receive under Part B.

Federal law requires that notification to an LEA must occur not fewer than 90 days prior to the child's third birthday; Article 7 requires the notification to occur at least 6 months prior to a child's third birthday.

If the First Steps program determines that a child is eligible for services more than 45 days but less than 90 days before the child's third birthday, First Steps will provide the transition notification as soon as possible after determining the child's eligibility and notify the OSE and LEA (where the child receiving Part C services resides) that a child who is receiving Part C services is potentially eligible for Part B services.

## TRANSITION MEETING

Each LEA will participate in transition conferences arranged by First Steps for toddlers with disabilities who may be eligible for preschool services under Part B.

With parental consent obtained by the First Steps service coordinator, the LEA agrees to be contacted by the service coordinator to be included in the transition meeting to discuss services available for families under Part B.

If an LEA is unable to attend the meeting, arrangements must be made for their involvement through other means, including one of the following:

1. Participation in a telephone conference call
2. Having a knowledgeable authorized representative attend the meeting
3. Making pertinent resource information available at the meeting

*Best Practice: Obtain parent signature for consent for evaluation at the time of the transition conference either agreeing to the evaluation or declining the evaluation for Part B eligibility. Parent should be instructed to contact LEA if the decision needs to be reversed.*

## LATE REFERRAL INFORMATION

If an LEA receives a parent referral of a child receiving First Steps late due to the parent initially refusing the Part B referral at the transition conference, but later deciding to pursue Part B services, the LEA should make a good faith effort to conduct the evaluation, convene a case conference, and create and implement the IEP by the 3rd birthday.

*DOE EV Report Code may be 50 day timeline; but should be completed as close to the 3rd birthday as possible.*

When a late referral to First Steps (fewer than 45 days before the toddler's third birthday) occurs and First Steps has not completed an evaluation, assessment, or initial IFSP meeting, the LEA must make reasonable efforts to conduct the education evaluation and convene the case conference (CCC) as soon as possible but no later than 50 instructional days after receiving written parental consent for the evaluation.

*DOE EV Report Timeline Code used would be parent referral and not First Steps referral.*

**IEP Development and Implementation**

1. By the time of the student's 3rd birthday, the LEA responsible for the education of students who live in the area where the student and family claim residency must:
  - A. Complete its evaluation of the student,
  - B. Convene the CCC to determine eligibility for special education and related services,
  - C. If the student is eligible, develop an IEP taking into consideration the student's IFSP and the other general and special factors, and
  - D. Implement the IEP.

*Services must begin on or before the child's 3rd birthday.*

2. If the student's third birthday occurs during the summer and the CCC determines the student requires extended school year services (ESY), the student's IEP must state that services will be initiated during the summer of the student's third birthday. Otherwise, the IEP should state that services will start at the beginning of the school year.  
*This guidance should also be followed when an LEA has extended breaks during the school year (i.e. fall break, winter break, and spring break).*
3. At the request of the parent, an invitation to the initial IEP meeting must be sent to the First Steps service coordinator, or other Part C service representative, if the child previously received First Steps services.

**Data Codes for DOE-EV Submission for First Steps referral**

00 = Timeline was met.

01 = Timeline missed, parents refused to provide consent for initial evaluation or implementation of services for student transitioning from First Steps.

03 = Student withdrew from school during the evaluation process.

05 = Parent revoked consent for testing.

07 = Timeline missed, student transitioning from First Steps with 3rd birthday during any school break and student did not require extended school year services.

08 = Timeline missed, parent refused to bring student in for evaluation.

99 = Timeline missed, other reason.