

Transition from Early Intervention Programs to Early Childhood Special Education

Special Education

Technical Assistance Advisory SPED 2019-1:

To:

Early Intervention Directors and Staff, Elementary School Principals, Administrators of Special Education, Early Childhood Coordinators, Preschool Personnel, and Other Interested Parties

From:

Craig Andrade: LATC, RN, DrPH, Director, Bureau of Family Health & Nutrition, Department of Public Health

Russell D. Johnston, Ph.D., Senior Associate Commissioner, State Director of Special Education, Department of Elementary and Secondary Education

Date:

October 9, 2018

This Advisory has two purposes: (1) to promote best practices for helping eligible children and their families transition into Early Childhood Special Education (ECSE) and related services; and (2) to explain the roles and responsibilities of Early Intervention (EI) programs and school districts in that transition.

Under the federal Individuals with Disabilities Education Act (IDEA) and the Massachusetts Special Education Regulations, children referred by EI and found eligible for ECSE are entitled to begin receiving services pursuant to an Individualized Education Program (IEP) by their third birthday.¹ This Advisory provides guidance on how to facilitate the transition from EI programs to ECSE. Additionally, the Departments of Public Health (DPH) and Elementary and Secondary Education (DESE) have jointly developed a sample EI/ECSE Transition Planning Tool template ([attached as Appendix A](#)), to be used by EI programs and school districts to assist in planning a child's transition to ECSE.

Background

EI Programs: Birth to Age 3

In Massachusetts, EI programs² provide integrated, developmental services to families of eligible children between birth and three years of age. Children may be eligible for EI if they have developmental difficulties due to identified disabilities, or if development is at risk due to certain birth or environmental circumstances. EI programs provide comprehensive, integrated services, utilizing a family-centered approach to facilitate the developmental progress of eligible children. Services are designed to meet the

developmental needs of each child, and to assist their family in enhancing that child's development. Services are determined in collaboration with families, focusing on the needs of each child, and the concerns, priorities, and available resources of their family.

ECSE Services: Ages 3–5

ECSE services are designed for children ages 3–5 with educational disabilities, including developmental delays, who require specially-designed instruction or related services and whose disabilities interfere with participation in developmentally appropriate preschool settings and/or natural environments. Natural environments can include childcare settings, playgrounds, play groups and library settings. ECSE programs and services provide children with disabilities with access to a free appropriate public education (FAPE) designed to meet their unique needs, enabling them to acquire knowledge and skills and improve social relationships.

The following sections of this Advisory discuss best practices for transitioning eligible children from EI Programs to ECSE services in the school district.

Early Intervention Responsibilities for Early Childhood Transition

Transition Plans

For children transitioning out of EI, transition planning occurs as part of a child's Individualized Family Service Plan (IFSP). The transition plan outlines the steps and services to be taken to support the child when the child turns three and transitions out of EI.

EI program staff, with approval of the family will convene a Transition Planning Conference (TPC) that includes the family and a representative of the district, at least 90 days and — at the discretion of the parties — up to nine months before the child's third birthday.³ The purpose of the TPC is to review the child's EI services and development, discuss options and services for once the child leave EI, and establish or review transition activities.

Referrals

If EI program staff determine that a child may be eligible for ECSE, the EI program staff will, with consent from the child's parent⁴, make a referral for special education evaluation to the child's school district of residence. The referral is to be made no later than 90 days before the child's third birthday, although at the discretion of the EI program and in consultation with the parent, the EI program staff may make the referral as early as nine months before the child's third birthday.⁵

Notifications

Additionally, the IDEA requires that DPH notify the State Education Agency (SEA) as well as the child's school district that a child who is receiving EI services and who may be eligible for ECSE will be turning three.⁶ In Massachusetts, the SEA is DESE.

- If a child's eligibility for EI services is determined more than 45 days but less than 90 days before that child's third birthday, and the child may be eligible for ECSE services, DPH will notify DESE and the school district as soon as possible.[7](#)
- If a child is referred to EI less than 45 days before the third birthday, EI is not required to conduct an evaluation, assessment, or initial IFSP meeting. If that child may be eligible for ECSE, the EI program, with parental consent, must notify DESE and the child's school district.[8](#)

School District Responsibilities for Early Childhood Transition

Transition Planning

Pursuant to the IDEA, a representative from the child's school district of residence is required to participate in the TPC.[9](#) If a representative of the school district is not able to attend the TPC in-person, they can still participate through other means, including via telephone conference call. The TPC provides the school district with the opportunity to build positive relationships with the child's family and to learn more about the child's individual needs. School districts are encouraged to work with EI programs to review transition planning practices in advance of the TPC to promote a smooth and effective transition for the children.

Implementation strategies to promote timely access to special education and related services for children approaching transition

EI program staff can:

- Begin discussions about transition planning with families as early as possible, but no later than when the child is 30 months (two and a half years) old
- Work with families to sign and return the *Evaluation Consent Form* to the child's school district of residence
- Provide the special education referral to the school district when the child is 30 months (two and a half years) old
 - For children with complex medical and developmental needs, a referral may be made earlier to assist the school district in obtaining the resources needed for the child
 - For children with birthdays between mid-June and the end of September, make referrals by February so that the eligibility determination meeting can occur before the end of the school year (more information about eligibility determination can be found on page 5)

School district and EI program staff can:

- Throughout the transition process, consider: what is the natural environment for the child (natural environments can include childcare settings, playgrounds, play groups and library settings) and how can services help support the child in that environment?
- School districts and EI programs may develop Memoranda of Understanding (MOU) to identify roles, requirements, and responsibilities of each program
 - Develop mutually agreed-upon timelines for referral and paperwork
 - Define how the EI program and the school district program will demonstrate accountability to support timely referral and children's transitions

- Develop a practice of sharing redacted student information for potential referrals at least two times per year to help the district plan, and highlight summer birthdays or children with unique needs
 - For potential referrals and with the parent's consent, EI can share student specific, personally identifiable information with the child's school
 - Share with families the MOU agreements on the roles and responsibilities of the EI program and the school district
- EI programs and school districts should regularly schedule meetings for collaboration
 - School districts can provide space for partnering EI program staff to work between meetings, meet with families, or complete assessments
 - School districts can arrange for the EI program to participate in staff meetings to:
 - Clarify requirements
 - Discuss community resources
 - Share trends and practices
 - Share current program information

Referrals for ECSE Evaluations

When EI program staff determine that a child may be eligible for ECSE services and make a referral to the school district of residence, the school district will conduct an evaluation. In such a case, school districts shall evaluate children who are two and a half years of age and who receive services through an EI program. The school district should conduct the initial evaluation in time to ensure that if the child is found eligible, special education services begin promptly at age three, as required.[10](#)

When EI refers a child for evaluation, the school district is not permitted to decide that there is not enough information to justify the referral, nor may it conduct a "screening" prior to acting on the referral.[11](#)

Before it can conduct an evaluation to determine a child's ECSE eligibility, the school district must obtain a signed *Evaluation Consent Form* from the child's parent. To provide adequate time to conduct the evaluation and develop and implement an IEP for an eligible child by the child's third birthday, as required, we recommend that districts have procedures in place to obtain the signed *Evaluation Consent Form* no later than 60 days before the child's third birthday. Timely consent to evaluate is a key element in facilitating IEP development and implementation for eligible children.

Because skill development is rapid for young children, the district may wish to complete the evaluation closer to the child's third birthday. To mitigate delays in service for children transitioning from EI to ECSE, we recommend that school districts:

- Review the district's policies and procedures for children referred from EI programs for evaluation
 - This includes any local Memorandum of Understanding between EI and ECSE
- Timely send out the *Evaluation Consent Form*
- Work with parents and EI program staff to facilitate the timely signature and return of the *Evaluation Consent Form*

- Prepare for a timely start to the evaluation process

We also recommend that districts develop strategies to work with EI program staff to address the needs of children referred for special education evaluation at the end of the school year, when the school program is not in session, and in other special circumstances, to minimize delays in evaluation and implementation of services beyond the child's third birthday.

Eligibility Determination

Upon receiving a referral from the EI program and the *Evaluation Consent Form* from the parent, the school district will arrange for an evaluation to determine eligibility for special education services. School districts may choose to complete their own evaluations and assessments or may use evaluations and assessments completed by EI program staff if the reports are current and relevant to the eligibility determination, planning process, and IEP development. Upon completion of the evaluations and assessments, the district will convene a meeting with the child's parent and person or persons directly involved in the evaluation and assessment process¹² to determine the child's eligibility for special education. School districts are encouraged, with the consent of the parent, to invite relevant EI program staff to this meeting as they may be able to provide valuable information regarding the child's development, services received, and current needs. If the child has been found eligible for special education, the school district will convene an IEP meeting which may be held as part of the eligibility determination meeting or separately. The IEP Team, consisting of the child's parent, one regular and one special education teacher, an individual who can interpret the instructional implications of evaluation results, a representative of the school district, and at the discretion of the parent or the district, other individuals who have knowledge or special expertise regarding the child, including related services personnel, will convene to identify services to meet the child's educational needs and facilitate IEP development and implementation by the child's third birthday.¹³

Implementation Strategies

- EI programs and school districts can develop a process for sharing evaluation and assessment information
- School districts can complete the special education eligibility assessments and/or hold the eligibility meeting at the EI program location; this site is familiar to families and the child
- School districts may complete the eligibility determination and develop the IEP in the same meeting if all required participants are in attendance

Implementing the IEP or IFSP

The IEP Team may decide, and the child's parent may consent, to use an IFSP for the first year of the child's special education services as the child turns three.¹⁴ The IFSP must be developed in accordance with the requirements of state and federal law.¹⁵ If the school district chooses to offer an IFSP instead of an IEP for the year that the child turns three, the school district must provide the child's parent with a detailed explanation of the differences between an IFSP and an IEP.¹⁶

When a child is determined eligible for special education, identified services must begin at age three. The school district should follow up with parents for signatures, registration, or provision of required forms to minimize delays and assure the timely implementation of services. In some cases, despite the EI program's and district's best efforts, implementation of ECSE services may be delayed. We encourage school districts and EI programs to review and update strategies and practices for parent outreach, to help avoid delays in service delivery.

Implementation Strategies

- School districts can plan to complete the evaluation and eligibility determination process and hold the IEP meeting before the child reaches 35 months (two years, 11 months) in age. This gives more opportunity for parents, schools, and EI program staff to collaborate
- School districts should develop IFSPs and IEPs that allow for ECSE services to be provided in natural environments (natural environments can include childcare settings, playgrounds, play groups and library settings)
- The IEP Team may develop short-term goals for the child and identify implementation dates on the IEP Service Delivery page to account for skill development and acquisition

Conclusion

When school districts and EI programs work together, they can develop consistent routines, practices, and policies that support successful transitions to ECSE for young children. Working with families to develop well-planned, respectful practices and policies can make transition a positive and successful experience for all children and families.

Acknowledgement

This Advisory was developed in collaboration with representatives from EI programs, school districts, the Federation for Children with Special Needs, and Early Education and Care.

Selected Resources

Attachment:

[Download Word Document](#)

Appendix A: sample EI/ECSE Transition Planning Tool

Note:

¹ See [34 C.F.R. § 300.124](#) and [603 CMR 28.04\(1\)\(d\)](#).

2 EI is a program through the Massachusetts Department of Public Health for infants and toddlers (birth to 3 years old) who have developmental delays or are at risk of a developmental delay.

See [Early Intervention Division \(EI\)](#)

3 See [34 C.F.R. § 303.209\(c\)](#)

4 The term "parent" as used in this advisory includes biological or adoptive parent, foster parent, and legal guardian. See [34 C.F.R. § 303.27\(a\)](#)

5 See [34 C.F.R. § 303.209\(b\)](#)

6 See [34 C.F.R. § 303.209\(b\)](#) Pursuant to the interagency agreement between DPH and DESE under [34 C.F.R. § 303.209\(a\)\(3\)\(i\)\(A\)](#), DPH has developed policies and procedures that allow for the EI programs to notify the local school districts directly.

7 See [34 C.F.R. § 303.209\(b\)\(1\)\(ii\)](#)

8 See [34 C.F.R. § 303.209\(b\)\(1\)\(iii\)](#)

9 See [34 C.F.R. § 300.124\(c\)](#)

10 See [603 CMR 28.04\(1\)\(d\)](#): "Upon referral, school districts shall evaluate children who are two and a half years of age and who may be receiving services through an early intervention program. An initial evaluation shall be conducted in order to ensure that if such child is found eligible, special education services begin promptly at age three." See also [603 CMR 28.06\(7\)\(b\)](#): "School districts are encouraged to accept referrals from the Department of Public Health, other agencies, and individuals for young children when or before the child turns two-and-one-half years old in order to ensure continuity of services and to ensure the development and implementation of an IEP for eligible children by the date of the child's third birthday in accordance with federal requirements."

11 See [34 C.F.R. § 300.302](#)

12 See [34 C.F.R. § 300.306\(a\)\(1\)](#)

13 See [34 C.F.R. § 300.321\(a\)](#)

14 See [34 C.F.R. § 300.323\(b\)](#)

15 See [34 C.F.R. § 300.323\(b\)\(1\)\(i\)](#)

16 See [34 C.F.R. § 300.323\(b\)\(2\)\(i\)](#)