

J. Transition from Early Intervention Services under Part C of the IDEA

J1. Definitions

“Lead Agency” refers to the agency providing services to a student under Part C of the IDEA. In the Solano County SELPA this may be the North Bay Regional Center or, for students with solely a low incidence disability, the Solano County Office of Education. Refer to the annually renewed memorandum of understanding between Solano County SELPA, Vallejo SELPA and North Bay Regional Center regarding Part C to Part B coordination.

J2. Overview

The Program for Infants and Toddlers with Disabilities (Part C of IDEA) is a federal grant program that assists states in operating a comprehensive statewide program of early intervention services for infants and toddlers with disabilities, ages birth through age 2 years, and their families. Infant services are to:

1. enhance the development of infants and toddlers with disabilities,
2. reduce educational costs by minimizing the need for special education through early intervention,
3. minimize the likelihood of institutionalization, and maximize independent living, *and*
4. enhance the capacity of families to meet their child's needs.

LEAs are responsible for providing Early Start Part C services to infants and toddlers with Solely Low Incidence (SLI) Disabilities, defined as severe disabling conditions that include hearing impairments, vision impairments, and severe orthopedic impairments, or any combination thereof. (Education Code 56425)

J3. Eligibility

An infant or toddler shall be eligible for intervention services from birth to 36 months of age if he/she meets one of the following criteria as determined by means of evaluation: (Government Code 95014(a))

1. Infants and toddlers with a developmental delay in one or more of the following five areas: cognitive development; physical and motor development, including vision and hearing; communication development; social or emotional development; or adaptive development. Developmentally delayed infants and toddlers are those who are determined to have a significant difference between the expected level of development

for their age and their current level of functioning. This determination shall be made by qualified personnel who are recognized by, or part of, a multidisciplinary team, including the parents. A significant difference is defined as a 33-percent delay in one or more developmental areas.

2. Infants and toddlers with established risk conditions, who are infants and toddlers with conditions of known etiology or conditions with established harmful developmental consequences. The conditions shall be diagnosed by qualified personnel recognized by, or part of, a multidisciplinary team, including the parents. The condition shall be certified as having a high probability of leading to developmental delay if the delay is not evident at the time of diagnosis.
3. Infants and toddlers who are at high risk of having substantial developmental disability due to a combination of biomedical risk factors, the presence of which are diagnosed by qualified personnel recognized by, or part of, a multidisciplinary team, including the parents.

J4. Evaluation and Assessment of the Child and Family

The lead agency must ensure that, subject to obtaining parental consent in accordance with 34 CFR § 303.420(a)(2), each child under the age of three who is referred for evaluation or early intervention services under this part and suspected of having a disability, receives:

1. A timely, comprehensive, multidisciplinary evaluation of the child
2. If the child is determined eligible as an infant or toddler with a disability as defined in 34 CFR § 303.21
 - a. A multidisciplinary assessment of the unique strengths and needs of that infant or toddler and the identification of services appropriate to meet those needs;
 - b. A family-directed assessment of the resources, priorities, and concerns of the family and the identification of the supports and services necessary to enhance the family's capacity to meet the developmental needs of that infant or toddler.

A child's medical and other records may be used to establish eligibility (without conducting an evaluation of the child) under this part if those records indicate that the child's level of functioning in one or more of the developmental areas identified in 34 CFR § 303.21(a)(1) constitutes a developmental delay or that the child otherwise meets the criteria for an infant or toddler with a disability under 34 CFR § 303.21. If the child's Part C eligibility is

established under this paragraph, the lead agency or early intervention service (EIS) provider must conduct assessments of the child and family.

Qualified personnel must use informed clinical opinion when conducting an evaluation and assessment of the child. In addition, the lead agency must ensure that informed clinical opinion may be used as an independent basis to establish a child's eligibility under this part even when other instruments do not establish eligibility; however, in no event may informed clinical opinion be used to negate the results of evaluation instruments used to establish eligibility.

All evaluations and assessments of the child and family must be conducted by qualified personnel, in a nondiscriminatory manner, and selected and administered so as not to be racially or culturally discriminatory.

Unless clearly not feasible to do so, all evaluations and assessments of a child must be conducted in the native language of the child, in accordance with the definition of *native language* in 34 CFR § 303.25.

Unless clearly not feasible to do so, family assessments must be conducted in the native language of the family members being assessed, in accordance with the definition of “native language” in 34 CFR § 303.25.

Procedures for evaluation of the child.

In conducting an evaluation, no single procedure may be used as the sole criterion for determining a child's eligibility under this part. Procedures must include:

1. Administering an evaluation instrument;
2. Taking the child's history (including interviewing the parent);
3. Identifying the child's level of functioning in each of the developmental areas in 34 CFR § 303.21(a)(1);
4. Gathering information from other sources such as family members, other caregivers, medical providers, social workers, and educators, if necessary, to understand the full scope of the child's unique strengths and needs; and
5. Reviewing medical, educational, or other records.

Procedures for assessment of the child and family.

1. An assessment of each infant or toddler with a disability must be conducted by qualified personnel in order to identify the child's unique strengths and needs and the early intervention services appropriate to meet those needs. The assessment of the child must include the following:
 - a. A review of the results of the evaluation conducted under paragraph (b) of this section;

- b. Personal observations of the child; and
 - c. The identification of the child's needs in each of the developmental areas in 34 CFR § 303.21(a)(1).
2. A family-directed assessment must be conducted by qualified personnel in order to identify the family's resources, priorities, and concerns and the supports and services necessary to enhance the family's capacity to meet the developmental needs of the family's infant or toddler with a disability. The family-directed assessment must:
- a. Be voluntary on the part of each family member participating in the assessment;
 - b. Be based on information obtained through an assessment tool and also through an interview with those family members who elect to participate in the assessment; and
 - c. Include the family's description of its resources, priorities, and concerns related to enhancing the child's development.

J5. Individualized Family Service Plan (IFSP) 34 CFR §303.114

For each infant or toddler with a disability and his or her family an IFSP is developed and implemented that meets the requirements of 34 CFR §303.340 through 34 CFR § 303.345, and that includes service coordination services, as defined in 34 CFR §303.34.

J6. Early Intervention Services in Natural Environments

Each system must include policies and procedures to ensure, consistent with 34 CFR §303.13(a)(8) (early intervention services), 34 CFR §303.26 (natural environments), and 34 CFR §303.344(d)(1)(ii) (content of an IFSP), that early intervention services for infants and toddlers with disabilities are provided:

1. To the maximum extent appropriate, in natural environments; and
2. In settings other than the natural environment that are most appropriate, as determined by the parent and the IFSP Team, only when early intervention services cannot be achieved satisfactorily in a natural environment.

J7. Notification to the SEA and appropriate LEA (34 CFR 303.209 (b))

1. The lead agency must ensure that:
 - a. Not fewer than 90 days before the third birthday of the toddler with a disability if that toddler may be eligible for preschool services under Part B of the IDEA, the lead agency notifies the LEA for the area in which the toddler resides that the toddler on his or her third birthday will reach the age of eligibility for services under Part B;
 - b. If the lead agency determines that the toddler is eligible for early intervention services under Part C of the IDEA more than 45 but less than 90 days before that toddler's third birthday and if that toddler may be eligible for preschool services under part B of the IDEA, the lead agency, as soon as possible after determining the child's eligibility, notifies the LEA for the area in which the toddler with a disability resides that the toddler on his or her third birthday will reach the age of eligibility for services under part B of the IDEA; or
 - c. If a toddler is referred to the lead agency fewer than 45 days before that toddler's third birthday and that toddler may be eligible for preschool services under part B of the IDEA, the lead agency, with parental consent, refers the toddler to the LEA for the area in which the toddler resides; but, the lead agency is not required to conduct an evaluation, assessment, or an initial IFSP meeting under these circumstances.

J8. Transition Planning Meeting (34 CFR 303.209 (c))

The lead agency must ensure that:

1. If a toddler with a disability may be eligible for preschool services under Part B of the IDEA, the lead agency, with the approval of the family of the toddler, convenes a conference (i.e., Transition Planning Meeting), among the lead agency, the family, and the LEA not fewer than 90 days - and, at the discretion of all parties, not more than 9 months - before the toddler's third birthday to discuss any services the toddler may receive under Part B of the IDEA; and.
2. If the lead agency determines that a toddler with a disability is not potentially eligible for preschool services under part B of the IDEA, the lead agency, with the approval of the family of that toddler, makes reasonable efforts to convene a conference (i.e., Transition Planning Meeting) among the lead agency, the family, and providers of other appropriate services for the toddler to discuss appropriate services that the toddler may receive.

J9. Transition Plan (34 CFR 303.209(d))

The lead agency must ensure that for all toddlers with disabilities:

1. It reviews the program options for the toddler with a disability for the period from the toddler's third birthday through the remainder of the school year; and each family of a toddler with a disability who is served under this part is included in the development of the transition plan;

2. It establishes a transition plan in the IFSP not fewer than 90 days - and, at the discretion of all parties, not more than 9 months - before the toddler's third birthday; and
3. The transition plan in the IFSP includes, as appropriate
 - a. Steps for the toddler with a disability and his or her family to exit from the Part C program; and
 - b. Any transition services that the IFSP Team identifies as needed by that toddler and his or her family.

J10. Participation of LEA of Residence

A representative from the local education agency of residence shall attend an IFSP/Transition Planning Meeting held by 90 days of the child turning 3 years of age. If the child is receiving IFSP services coordinated by North Bay Regional Center (NBRC), the local education agency of residence, upon receiving a referral from the NBRC service coordinator, shall be responsible for transition to preschool assessments as necessary to determine eligibility for special education services. If IFSP services are coordinated by the Solano County Office of Education Me Too Infant Program, the assessments shall be determined and conducted by that providing LEA, with collaboration of the resident LEA.

J11. Completion of IEP and Provision of Services

An IEP shall be scheduled by the District of Special Education Accountability and services initiated upon the child's third birthday, or at the beginning of the next school term after the child's third birthday during a period when the LEA special education preschool program is not in session.