

# Transition Requirements for Late Referrals to Part C

IDEA Part C requirements for late referrals fall into three distinct categories, each with its own requirements for Part C and Part B. The fundamental goal for each of these categories is to successfully transition children to after three services in a timely manner. Early Intervention Services (EIS) programs and Local Education Agencies (LEAs) should work collaboratively to develop strategies to expedite transition for children referred to EIS programs close to their 3rd birthday. Agreed upon strategies should be identified in a local memorandum of understanding (MOU) or transition agreement between the EIS program and the LEA.

## Calculating Timelines

When calculating transition timelines, use year-round calendar days, not school days. The date of eligibility determination for Part C is considered day 1 of the transition timeline. The end day is the date the child turns three years old.

### Category 1:

*Children referred **and** determined eligible 135 to 90 calendar days before their 3rd birthday.*

All requirements in this category are the same as those for children referred and determined eligible prior to 135 days before their 3rd birthday.

### Indicator Chart

| Federal Indicators and Requirements   | Action Required                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| Indicator C7<br>45 Day Timeline       | <b>45-day timeline</b><br>Within 45 days of referral, conduct evaluation to determine eligibility, conduct assessments, and conduct initial IFSP with transition plan (including steps and services).                                                                                                                                                                                                                                                                                                                                                                                                        |
| Indicator C8a<br>Transition Plan (TP) | <b>Development of a TP on IFSP includes:</b> <ul style="list-style-type: none"><li>• Documentation of initial, individualized discussions about the transition out of Part C early intervention and determining if the child is potentially eligible for Part B preschool special education services.</li><li>• Reviewing the transition process with the family.</li><li>• Developing a TP as part of the IFSP that includes identified appropriate steps and services.</li><li>• Establishing timelines and identifying the person(s) responsible for transition activities as part of the plan.</li></ul> |

*This document was developed by AnLar under contract and in collaboration with the Massachusetts Departments of Elementary and Secondary Education (DESE) and Public Health (DPH). It represents AnLar's best efforts to pull together for ease of use the current state of knowledge and practice in the field, representing a variety of sources, including links to external websites maintained by other organizations. The views expressed here are multidimensional, and the state of knowledge is constantly evolving; therefore, this document does not necessarily reflect the positions or policies of DESE or DPH.*

| Federal Indicators and Requirements          | Action Required                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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| Indicator C8b<br>Notification to SEA and LEA | <p><b>Opt-Out Option of Notification:</b></p> <ul style="list-style-type: none"> <li>• For toddlers with disabilities who are identified as potentially eligible (see <a href="#">Appendix A</a>), the family must be informed of their option to opt-out of the LEA and SEA notification.</li> <li>• The date that the opt-out discussion occurs with the family is documented in the child's record.</li> <li>• The date the family chooses to opt-out is documented in the child's record.</li> <li>• If a family chooses to opt-out of notification, the family must do so in writing within 30 calendar days.</li> </ul> <p><b>Notification to Local Education Agency (LEA) and State Educational Agency (SEA) includes:</b></p> <ul style="list-style-type: none"> <li>• Notifying the LEA where the child resides, letting them know there is a child who is potentially eligible for Part B services. <ul style="list-style-type: none"> <li>» Document the date of LEA Notification on the IFSP.</li> <li>» Department of Public Health Early Intervention Division (DPH EI) notifies the SEA (DESE) of the child's date of notification.</li> </ul> </li> <li>• If the family does not opt-out within 30 calendar days, the EIS program <b>must</b> send minimally personally identifiable information (PII) to the LEA and the DPH EI Division. <ul style="list-style-type: none"> <li>» Minimally PII includes: <ul style="list-style-type: none"> <li>◇ Child's name</li> <li>◇ Child's date of birth</li> <li>◇ Parent's name, home address, email address, phone number, and primary language spoken.</li> </ul> </li> </ul> </li> </ul> |
| Indicator C8c<br>Transition Conference (TC)  | <p><b>Invitation to TC includes:</b></p> <ul style="list-style-type: none"> <li>• The EIS provider must provide written notice of the TC to the family and other participants, which includes the LEA, early enough to ensure attendance.</li> <li>• Confirmation that PII was transmitted to the LEA and SEA (DPH EI) consistent with the opt-out provision specified in the policy.</li> <li>• With parental approval, an invitation to the TC is given to the LEA. TC should be scheduled in collaboration with the parent and LEA.</li> </ul> <p><b>With parental/caregiver consent,</b> the EIS program will transmit additional information about the child to the LEA which may include the most recent evaluation, assessments, medical diagnosis reports, and IFSP to ensure continuity of services.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

| Federal Indicators and Requirements | Action Required                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| Part B Conference Requirements      | <p><b>Invitation to TC:</b></p> <ul style="list-style-type: none"> <li>The LEA must work with the EIS provider to ensure that appropriate LEA personnel are invited to and participate in the transition conference and confirm attendance at the scheduled TC.</li> </ul> <p><b>Transition Conference (TC):</b></p> <ul style="list-style-type: none"> <li>The LEA is required, with the agreement of the parents, to: <ul style="list-style-type: none"> <li>» Participate in the TC to provide the parent with information about Part B preschool special education services.</li> <li>» Facilitate a timely evaluation and eligibility determination.</li> </ul> </li> <li>It is recommended that the LEA use the TC to: <ul style="list-style-type: none"> <li>» Provide Part B procedural safeguards (if not already provided),</li> <li>» Provide prior written notice,</li> <li>» Obtain parental consent to conduct an initial evaluation to determine eligibility for services under Part B.</li> </ul> </li> <li>The LEA may participate in person, by phone, or video.</li> </ul> <p><b>Meeting with the families at a later date or outside of the TC does not comply with federal regulations.</b></p> |

| Federal Indicators and Requirements        | Action Required                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| Indicator B11<br>Timely Initial Evaluation | <p><b>Part C Notification/Part B Initial Referral to the LEA</b></p> <ul style="list-style-type: none"> <li>• The notification is an initial referral to the LEA.</li> <li>• Children referred at two and half years of age who are receiving early intervention services and are considered potentially eligible for Part B Preschool Special Education must be evaluated by the LEA. The LEA is responsible for completing both the evaluation and eligibility determination prior to age 3 for all children referred from early intervention.</li> <li>• To meet these requirements, within 5 school days of receiving the referral or as soon as possible to meet the IEP implemented by the 3rd birthday requirement, the LEA must: <ul style="list-style-type: none"> <li>» Providing written notice to the child’s parent(s) in the native/primary language of the home indicating their child has been referred for an evaluation.</li> <li>» Providing the child’s parent with a copy of Part B procedural safeguards notice.</li> <li>» Obtain written parental consent to conduct the initial evaluation to determine the child’s eligibility for services under Part B Preschool Special Education.</li> </ul> </li> <li>• The LEA must determine eligibility, and if eligible, develop an IEP meeting within 45 school days of parent’s consent <b>or earlier</b> to ensure IEP is implemented by 3rd birthday.</li> <li>• The LEA is not permitted to decide that there is not enough information to justify the referral, nor may it conduct a “screening” as a way to determine a referral and evaluation is not needed.</li> </ul> <p><b>Eligibility Determination:</b></p> <ul style="list-style-type: none"> <li>• The LEA provides Prior Written Notice.</li> <li>• A team, which includes the child’s parent, determines whether the child is a child with a disability under Part B and the educational needs of the child.</li> <li>• The LEA provides a copy of the evaluation report and the documentation of determination of the child’s eligibility, at no cost to the parents.</li> <li>• If the child is not eligible, the IEP Team chairperson shall record the reason for such finding, list the meeting participants, and provide written notice to the parent of their rights in accordance with federal requirements within ten days of the Team meeting.</li> </ul> <p><b>LEAs may complete the eligibility determination and develop the IEP in the same meeting if all required participants are in attendance.</b></p> |

| Federal Indicators and Requirements      | Action Required                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| Part B IEP Meeting Requirements          | <p><b>Initial IEP Meeting:</b></p> <ul style="list-style-type: none"> <li>• Upon parent request, invite Part C service coordinator, or other Part C representative, to the initial IEP Team meeting.</li> <li>• Obtain parental consent to disclose information to Part C, if required.</li> <li>• Consider the IFSP when developing the IEP.</li> <li>• Conduct an IEP meeting to develop IEP within 45 school days of referral or earlier to ensure IEP is implemented by the 3rd birthday.</li> <li>• Provide prior written notice for IEP implementation.</li> <li>• Obtain parental consent for initial special education services.</li> </ul> |
| Indicator B12 Early Childhood Transition | <p><b>Implementation of the IEP:</b></p> <ul style="list-style-type: none"> <li>• IEP is implemented by age three.</li> <li>• If a child's 3rd birthday occurs during the summer, the child's IEP Team, including the parents, must determine the date when services under the IEP will begin.</li> <li>• Ensure the dates for initiation of special education services are before the child's 3rd birthday.</li> </ul> <p>LEA must ensure that extended school year services are available as necessary to provide Free Appropriate Public Education (FAPE).</p>                                                                                   |

***Strategies to consider for expediting transition for children in this category:***

- EIS programs and LEAs coordinate to share evaluation tool information to avoid the child having to be re-evaluated with the same tool.
- Conduct a joint eligibility evaluation with Part B personnel, with parent consent.
- Hold the Transition Conference at the Initial IFSP meeting.
- Expedite the decision as to whether a child is potentially eligible for Part B. As soon as the child is determined eligible for Part C talk to the parent(s) about a referral to Part B.
- Reserve Part B evaluation timeslots to conduct a timely evaluation.

***Communication with the family:***

- As soon as the late referral is received, but no later than 90 days before the child's 3rd birthday, provide parents with information regarding Part B services and other community options.

## Category 2:

*Children referred and determined eligible 89 to 45 days before 3rd birthday.*

*Children referred 89 to 45 days before their 3rd birthday, but not determined eligible until less than 45 days before their 3rd birthday.*

*Children referred 135 to 90 days before their 3rd birthday, but not determined eligible until 89 to 45 days before their 3rd birthday.*

**Main Goal:** Expedite eligibility determination and LEA notification.

For children referred and determined eligible between 89 and 45 days before their 3rd birthday, LEA notification must be made as soon as possible after the toddler is determined eligible for Part C.

### Indicator Chart

| Federal Indicators and Requirements   | Action Required                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| Indicator C7<br>45 Day Timeline       | <b>45-day timeline</b><br>Within 45 days of referral, conduct evaluation to determine eligibility, conduct assessments, and conduct initial IFSP with transition plan (including steps and services).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Indicator C8a<br>Transition Plan (TP) | <b>Development of a TP on IFSP includes:</b> <ul style="list-style-type: none"><li>• Developing a IFSP with transition planning, including steps and services to support a smooth transition out of early intervention.</li><li>• Reviewing the transition process with the family.</li><li>• Documentation of discussions with parents about the child's transition out of Part C early intervention; potential placement options including Part B preschool special education services.</li><li>• Establishing timelines and identifying the person(s) responsible for transition activities as part of the plan.</li></ul> <b>Transition planning is required but not reported under Indicator C8a.</b> |

| Federal Indicators and Requirements          | Action Required                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| Indicator C8b<br>Notification to SEA and LEA | <p><b>Opt-Out Option of Notification:</b></p> <ul style="list-style-type: none"> <li>• For toddlers with disabilities who are identified as potentially eligible (see <a href="#">Appendix A</a>), the family must be informed of their option to opt-out of the LEA and SEA notification <b>as soon as possible once the child is determined eligible</b>.</li> <li>• The date that the opt-out discussion occurs with the family is documented in the child's record.</li> <li>• The date the family chooses to opt-out is documented in the child's record.</li> <li>• If a family chooses to opt-out of notification, the family must do so in writing within 30 calendar days.</li> </ul> <p><b>Notification to Local Education Agency (LEA) and State Educational Agency (SEA) includes:</b></p> <ul style="list-style-type: none"> <li>• Notifying the LEA where the child resides <b>as soon as possible</b>, letting them know there is a child who is potentially eligible for Part B services. <ul style="list-style-type: none"> <li>» Document the date of LEA Notification on the IFSP.</li> <li>» Department of Public Health Early Intervention Division (DPH EI) notifies the SEA (DESE) of the child's date of notification.</li> </ul> </li> <li>• If the family does not opt-out within 30 calendar days, the EIS program <b>must</b> send minimally personally identifiable information (PII) to the LEA and the DPH EI Division. <ul style="list-style-type: none"> <li>» Minimally PII includes: <ul style="list-style-type: none"> <li>◇ Child's name</li> <li>◇ Child's date of birth</li> <li>◇ Parent's name, home address, email address, phone number, and primary language spoken</li> </ul> </li> </ul> </li> </ul> <p><b>Notification to the SEA and LEA is required unless the parent opts out. These children are not reported under indicator C8b.</b></p> |

| Federal Indicators and Requirements         | Action Required                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| Indicator C8c<br>Transition Conference (TC) | <p><b>With the parent(s)' agreement, a transition conference is held no fewer than 90 days, or as soon as possible before the child's 3rd birthday</b></p> <ul style="list-style-type: none"> <li>• With the approval of the parent(s), a representative from the LEA will participate in the TC.</li> <li>• EIS staff should work with the parent and LEA to coordinate the TC at a mutually agreeable time for all parties.</li> <li>• The IES program will notify the LEA of the TC.</li> <li>• IES staff will document if a parent declines a TC on the IFSP.</li> </ul> <p><b>With parental/caregiver consent</b>, the EIS program will transmit additional information about the child to the LEA which may include the most recent evaluation, assessments, medical diagnosis reports, and IFSP to ensure continuity of services.</p> <p><b>These children are not reported in Indicator C8c.</b></p>                                                                                                                                                                                                                                                                                                              |
| Part B Conference Requirements              | <p><b>Invitation to TC:</b></p> <ul style="list-style-type: none"> <li>• The LEA must work with the EIS provider to ensure that appropriate LEA personnel are invited to and participate in the transition conference. Confirm attendance at the scheduled TC.</li> </ul> <p><b>Transition Conference (TC):</b></p> <ul style="list-style-type: none"> <li>• The LEA is required, with the agreement of the parents, to: <ul style="list-style-type: none"> <li>» Participate in the TC to provide the parent with information about Part B preschool special education services.</li> <li>» Facilitate a timely evaluation and eligibility determination.</li> </ul> </li> <li>• It is recommended that the LEA use the TC to: <ul style="list-style-type: none"> <li>» Provide Part B procedural safeguards (if not already provided),</li> <li>» Provide prior written notice,</li> <li>» Obtain parental consent to conduct an initial evaluation to determine eligibility for services under Part B.</li> </ul> </li> <li>• The LEA may participate in person, by phone, or video.</li> </ul> <p><b>Meeting with the families at a later date or outside of the TC does not comply with federal regulations.</b></p> |

| Federal Indicators and Requirements        | Action Required                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| Indicator B11<br>Timely Initial Evaluation | <p><b>Part C Notification/Part B Initial Referral to the LEA</b></p> <ul style="list-style-type: none"> <li>• The notification is an initial referral to the LEA.</li> <li>• Children referred at two and half years of age who are receiving early intervention services and are considered potentially eligible for Part B Preschool Special Education must be evaluated by the LEA. The LEA is responsible for completing both the evaluation and eligibility determination prior to age 3 for all children referred from early intervention.</li> <li>• To meet these requirements, within 5 school days of receiving the referral or as soon as possible to meet the IEP implemented by the 3rd birthday requirement, the LEA must: <ul style="list-style-type: none"> <li>» Providing written notice to the child’s parent(s) in the native/primary language of the home indicating their child has been referred for an evaluation.</li> <li>» Providing the child’s parent with a copy of Part B procedural safeguards notice.</li> <li>» Obtain written parental consent to conduct the initial evaluation to determine the child’s eligibility for services under Part B Preschool Special Education.</li> </ul> </li> <li>• The LEA must determine eligibility, and if eligible, develop an IEP meeting within 45 school days of parent’s consent <b>or earlier</b> to ensure IEP is implemented by 3rd birthday.</li> <li>• The LEA is not permitted to decide that there is not enough information to justify the referral, nor may it conduct a “screening” as a way to determine a referral and evaluation is not needed.</li> </ul> <p><b>Eligibility Determination:</b></p> <ul style="list-style-type: none"> <li>• The LEA provides Prior Written Notice.</li> <li>• A team, which includes the child’s parent, determines whether the child is a child with a disability under Part B and the educational needs of the child.</li> <li>• The LEA provides a copy of the evaluation report and the documentation of determination of the child’s eligibility, at no cost to the parents.</li> <li>• If the child is not eligible, the IEP Team chairperson shall record the reason for such finding, list the meeting participants, and provide written notice to the parent of their rights in accordance with federal requirements within ten days of the Team meeting.</li> </ul> <p><b>LEAs may complete the eligibility determination and develop the IEP in the same meeting if all required participants are in attendance.</b></p> |

| Federal Indicators and Requirements      | Action Required                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| Part B IEP Meeting Requirements          | <p><b>Initial IEP Meeting:</b></p> <ul style="list-style-type: none"> <li>• Upon parent request, invite Part C service coordinator, or other Part C representative, to the initial IEP Team meeting.</li> <li>• Obtain parental consent to disclose information to Part C, if required.</li> <li>• Conduct an IEP meeting to develop IEP within 45 school days referral or earlier to ensure IEP is implemented by the 3rd birthday.</li> <li>• Consider the IFSP when developing the IEP.</li> <li>• Provide prior written notice for IEP implementation.</li> <li>• Obtain parental consent for initial special education services.</li> </ul> |
| Indicator B12 Early Childhood Transition | <p><b>Implementation of the IEP:</b></p> <ul style="list-style-type: none"> <li>• IEP is implemented by age three.</li> <li>• If a child's 3rd birthday occurs during the summer, the child's IEP Team, including the parents, must determine the date when services under the IEP will begin.</li> <li>• Ensure the dates for initiation of special education services are before the child's 3rd birthday.</li> </ul> <p>LEA must ensure that extended school year services are available as necessary to provide Free Appropriate Public Education (FAPE).</p>                                                                                |

***Strategies for expediting transition for children in this category:***

- EIS programs and LEAs coordinate to share evaluation tool information to avoid the child having to be re-evaluated with the same tool.
- Conduct a joint eligibility evaluation with Part B personnel, with parent consent.
- A Transition Conference is optional but the requirement for documentation of transition planning at the initial IFSP remains.
- Implement an Interim IFSP for children who need immediate Part C services. An initial IFSP would still be required within the 45-day timeline.
- Reserve Part B evaluation timeslots to conduct a timely evaluation.

**NOTE:** According to the OSEP policy letter to Nix (March 17, 2023), children referred and determined eligible between 90 and 45 days before their 3rd birthday, school district notification must be made as soon as possible after the toddler is determined eligible for Part C in accordance with the State Opt-Out policy. Scheduling a joint eligibility evaluation with Part B personnel is not considered official school district notification.

***Communication with the family:***

- Immediately provide families with information regarding Part B services and other community options.

### Category 3:

*Children referred 44 days or fewer before their 3rd birthday.*

For children referred fewer than 45 days before their 3rd birthday who are potentially eligible for Part B service, the EIS program may complete an evaluation to determine eligibility (with parent consent) and if the child is eligible, develop an IFSP, or may obtain parental consent to refer the child directly for Part B service. With parental consent, the LEA and SEA will be notified of the child's potential eligibility.

**Main Goal:** Connect the child and family to services as soon as possible, whether those are Part B services or other community options.

#### Indicator Chart

| Federal Indicators and Requirements          | Action Required                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| Indicator C7<br>45 Day Timeline              | Can choose not to conduct initial evaluation, child and family assessments, and initial IFSP meeting. Child is not considered served by Part C if child is referred to, but not determined eligible under Part C.                                                                                                                                                                                                                                     |
| Indicator C8a<br>Transition Plan (TP)        | Initial IFSP is not required. Provide parents with information, as part of public awareness, regarding Part B 619 preschool special education. These children are not reported under Indicator C8a.<br><br>If completing an evaluation to determine eligibility (with parent consent) and if the child is eligible, develop an IFSP with transition steps and services including a referral to Part B.                                                |
| Indicator C8b<br>Notification to SEA and LEA | Transition notification to SEA and LEA is not required. Refer the child with parent consent if potentially eligible. These children are not reported under indicator C8b.<br><br>If completing an evaluation to determine eligibility (with parent consent) and if the child is eligible, develop an IFSP or obtain parental consent to refer directly to Part B. With parental consent, notify the LEA and SEA of the child's potential eligibility. |
| Indicator C8c<br>Transition Conference (TC)  | Transition conference is not required.<br>These children are not reported in Indicator C8c.                                                                                                                                                                                                                                                                                                                                                           |
| Part B Conference Requirements               | Transition Conference is not required.                                                                                                                                                                                                                                                                                                                                                                                                                |

| Federal Indicators and Requirements         | Action Required                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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| Indicator B11<br>Timely Initial Evaluation  | <p><b>Timely Initial Evaluation</b></p> <ul style="list-style-type: none"> <li>• Within 5 school days of receiving the referral, the LEA must: <ul style="list-style-type: none"> <li>» Providing written notice to the child's parent(s) in the native/primary language of the home indicating their child has been referred for an evaluation.</li> <li>» Providing the child's parent with a copy of Part B procedural safeguards notice.</li> <li>» Obtain written parental consent to conduct the initial evaluation to determine the child's eligibility for services under Part B Preschool Special Education.</li> </ul> </li> <li>• The LEA must complete the evaluation, determine eligibility, and if eligible, develop an IEP within 45 school days of parent's consent.</li> </ul> <p><b>Eligibility Determination:</b></p> <ul style="list-style-type: none"> <li>• The LEA provides Prior Written Notice.</li> <li>• A team, which includes the child's parent, determines whether the child is a child with a disability under Part B and the educational needs of the child.</li> <li>• The LEA provides a copy of the evaluation report and the documentation of determination of the child's eligibility, at no cost to the parents.</li> <li>• If the child is not eligible, the IEP Team chairperson shall record the reason for such finding, list the meeting participants, and provide written notice to the parent of their rights in accordance with federal requirements within ten days of the Team meeting.</li> </ul> <p><b>LEAs may complete the eligibility determination and develop the IEP in the same meeting if all required participants are in attendance.</b></p> |
| Part B IEP Meeting Requirements             | <p><b>Initial IEP Meeting:</b></p> <ul style="list-style-type: none"> <li>• Conduct an IEP meeting to develop IEP within 15 school days of eligibility determination.</li> <li>• Provide prior written notice for IEP implementation.</li> <li>• Obtain parental consent for initial special education services.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Indicator B12<br>Early Childhood Transition | <p><b>Implementation of the IEP:</b></p> <ul style="list-style-type: none"> <li>• Ensure the dates for initiation of special education services are as soon as possible.</li> <li>• Implement IEP as soon as possible after development.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

***Strategies for children in this category:***

- Facilitate the family connection to needed community resources.
- No evaluation, child assessment, family assessment, initial IFSP, transition conference or transition notification is required.
- No requirement to develop and implement the IEP by the 3rd birthday.
- Reserve Part B evaluation timeslots to conduct a timely evaluation.

***Communication with the family:***

- EIS program must inform the family about Part B service and assist them in accessing school district or community programs.
- Immediately provide families with information regarding Part B services and other community options.
- With parent consent, EIS program may help connect the family with the LEA Part B program.

# Appendix A

According to the Massachusetts Department of Public Health Early Intervention Operational Standards updated in December 2022. Section IX. Transition and Discharge; D. Transition Planning for Children Potentially Eligible for Part B Services at Age 3.

A child is considered 'potentially eligible' for Part B services if the child *meets the criteria for one or more of the following disabilities or impairments*.

- 1. Autism.** A developmental disability significantly affecting verbal and nonverbal communication and social interaction. The term shall have the meaning given in federal law at 34 CFR §300.8(c) (1).
- 2. Developmental Delay.** The learning capacity of a young child (3–9 years old) is significantly limited, impaired, or delayed as exhibited by difficulties in one or more of the following areas: receptive and/or expressive language; cognitive abilities; physical functioning; social, emotional, or adaptive functioning; and/or self-help skills.
- 3. Sensory Impairment.** The term shall include the following:
  - Hearing Impairment or Deaf.** The capacity to hear, with amplification, is limited, impaired, or absent and this results in one or more of the following: reduced performance in hearing-acuity tasks; difficulty with oral communication; and/or difficulty in understanding auditorally presented information in the education environment. The term includes students who are deaf and students who are hard of hearing.
  - Vision Impairment or Blind.** The capacity to see, after correction, is limited, impaired, or absent and this results in one or more of the following: reduced performance in visual-acuity tasks; difficulty with written communication; and/or difficulty with understanding information presented visually in the education environment. The term includes students who are blind and students with limited vision.
  - Deafblind.** Concomitant hearing and visual impairments, the combination of which causes severe communication and other developmental and educational needs.
- 4. Neurological Impairment.** The capacity of the nervous system is limited or impaired with difficulties exhibited in one or more of the following areas: the use of memory, the control and use of cognitive functioning, sensory and motor skills, speech, language, organizational skills, information processing, affect, social skills, or basic life functions. The term includes students who have received a traumatic brain injury.

- 5. Emotional Impairment.** As defined under federal law at 34 CFR §300.8(c)(4), the student exhibits one or more of the following characteristics over a long period of time and to a marked degree that adversely affects educational performance: an inability to learn that cannot be explained by intellectual, sensory, or health factors; an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; inappropriate types of behavior or feelings under normal circumstances; a general pervasive mood of unhappiness or depression; or a tendency to develop physical symptoms or fears associated with personal or school problems. The determination of disability shall not be made solely because the student's behavior violates the school's discipline code, because the student is involved with a state court or social service agency, or because the student is socially maladjusted, unless the IEP Team determines that the student has a serious emotional disturbance.
- 6. Communication Impairment.** The capacity to use expressive and/or receptive language is significantly limited, impaired, or delayed and this is exhibited by difficulties in one or more of the following areas: speech, such as articulation and/or voice; and conveying, understanding, or using spoken, written, or symbolic language. The term may include a student with impaired articulation, stuttering, language impairment, or voice impairment if such impairment adversely affects the student's educational performance.
- 7. Physical Impairment.** The physical capacity to move, coordinate actions, or perform physical activities is significantly limited, impaired, or delayed and this is exhibited by difficulties in one or more of the following areas: physical and motor tasks; independent movement; performing basic life functions. The term shall include severe orthopedic impairments or impairments caused by congenital anomaly, cerebral palsy, amputations, and fractures, if such impairment adversely affects a student's educational performance.
- 8. Health Impairment.** A chronic or acute health problem such that the physiological capacity to function is significantly limited or impaired and results in one or more of the following: limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli resulting in limited alertness with respect to the educational environment. The term shall include health impairments due to asthma, attention deficit disorder or attention deficit with hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, and sickle cell anemia, if such health impairment adversely affects a student's educational performance.