

South Dakota Guidance: Transition from IDEA Part C (Birth to 3) to IDEA Part B 619 Programs

Individuals with Disabilities Education Act (IDEA)



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OVERVIEW

Purpose

The purpose of this guidance document is to provide clarifying information regarding the transition process from IDEA Part C (Birth to Three) early intervention into the Individuals with Disabilities Education Act (IDEA) Part B 619 special education preschool services.

This guidance has been developed to assist districts (also known as Local Educational Agencies or LEAs) to understand rules and regulations related to transition from Part C to Part B 619 programs, including district representative responsibilities.

Both Part C and Part B 619 programs have federal reporting requirements related to effective transition results, outlined in the State Performance Plan/Annual Performance Report (SPP/APR). The SPP/APR is submitted to the Office of Special Education Programs (OSEP) annually.

Part C – Indicator C8: Effective Transition.

Percent of toddlers with disabilities exiting Part C with timely transition planning for whom the Lead Agency has:

- Developed an IFSP with transition steps and services at least 90 days, and at the discretion of all parties, not more than nine months, prior to the toddler's third birthday;
- Notified the State educational agency (SEA) and the local educational agency (LEA) where the toddler resides at least 90 days prior to the toddler's third birthday for toddlers potentially eligible for Part B preschool services; and
- Conducted the transition conference held with the approval of the family at least 90 days, and at the discretion of all parties, not more than nine months, prior to the toddler's third birthday.

Part B – Indicator 11: Child Find

Percent of children who were evaluated within 25 school days of receiving parental consent for initial evaluation.

Part B – Indicator 12: Preschool Transition

Percent of children referred by Birth to Three prior to age 3, who are found eligible for Part B and who have an IEP developed and implemented by their third birthday

South Dakota IDEA Part C Birth to Three program infrastructure

The IDEA Part C is known as the Birth to Three program in South Dakota with the Department of Education as the lead agency. The program is housed in the Office of Early Childhood Services (ECS) within the Division of Special Education (IDEA Part B) and Early Learning. The ECS office is comprised of Part C and the Head Start Collaboration Office. The administrator of the ECS office also serves as the Part C Coordinator.

The Birth to Three program has contracts with six regional Birth to Three service coordination programs throughout the state. These regional programs provide service coordination for all 66 counties in South Dakota. South Dakota Birth to Three has a strong partnership with school districts as all eligibility and

transition evaluations for Birth to Three are conducted by school district personnel. This creates a link for family engagement and communication between families, Birth to Three and the child's resident school district. Direct services on Individualized Family Service Plans (IFSP) are provided by qualified Early Intervention Service (EIS) providers under contract with the lead agency.

South Dakota IDEA Part B 619 program background

South Dakota's IDEA Part B 619, also known as Preschool Grants, program is housed in the Office of Special Education and Early Learning at the South Dakota Department of Education. The Preschool Grants program, authorized under Section 619 of Part B of IDEA, was established in 1981 to provide grants to states to serve young children with disabilities, ages three through five years. All states and eligible jurisdictions and outlying areas have participated in the program since fiscal year 1992.

To be eligible for Preschool Grants funds, states must implement all requirements under Part B of IDEA for special education and related services and make a free appropriate public education (FAPE) available to all children with disabilities, ages three through five, residing in the state. These requirements include areas such as due process, nondiscriminatory testing and evaluation, individualized educational program (IEP), placement in the least restrictive environment, and parent participation.

Questions, discussion, and regulations

Each section in this manual is presented in Question-and-Answer format followed by discussion and federal and state regulatory references. The discussion clarifies the regulatory and rule references as needed and provides additional information about evidence-based and field-tested practices that have shown to be effective relating to the topic. Direct language from Federal Statute or Regulations and Administrative Rules of South Dakota (ARSD) and Birth to Three follow the discussions as appropriate. Additional information regarding roles and responsibilities of districts and early intervention for children residing on a reservation can be found in the ["South Dakota Birth to Age Five Lead Agency, Local Education Agency, and State Education Agency Responsibilities Guidance Document."](#)

¹ TRANSITION PLANNING

Q1: What is the role of the Birth to Three Part C service coordinator in transition planning with the family?

Part C service coordinators serve a critical role in Birth to Three. Under IDEA Part C, service coordinators serve as case managers and assist the child and family throughout their time in Part C including when they are ready to exit, or transition, out of the Part C program.

All Birth to Three regional programs, and their Part C service coordinators, follow steps to ensure a smooth transition from the Part C program that meets the needs of the family and agencies involved. Transition planning can occur at any regularly scheduled IFSP. At a minimum IFSPs must be reviewed every six months. While it is recommended that transition be discussed at each IFSP meeting, the IFSP before a child turns three is particularly important for transition planning.

For children who are approaching age three, a Transition Conference must be held at least 90 days but not more than nine months before the child's third birthday. This meeting is comprised of the IFSP team and school district representative to develop a transition plan. The team prepares the child and family for possible changes in services and service delivery, if the child is eligible for services, including steps to help the child adjust to and function in a new setting. The transition conference includes the IFSP team and, with parent permission, a school district representative. Families have the right to deny a Transition Conference. In which case, the service coordinator would not notify the LEA of a meeting. Note, a transition conference may be held in conjunction with a 6-month or annual IFSP meeting, if all parties agree. **Transition activities occurring before the IFSP meeting:**

- 1) The Part C Birth to Three service coordinator arranges for the Transition Conference, and with parent approval, includes the invitation to the district representative.
- 2) The parent(s) of the child will receive written notice five working days before the meeting. The meeting will be arranged at a time and setting that is convenient to the family.

Federal Regulations and Guidance

[34 CFR §303.34](#) Service Coordination Services (case management).

[34 CFR. §303.344](#) - (h) Transition from Part C services.

[OSEP 2023 Early Childhood Transition Questions and Answers.](#)

¹ Federal Regulations and Guidance

[34 CFR §303.34](#) Service Coordination Services (case management).

[34 CFR. §303.344](#) - (h) Transition from Part C services.

[OSEP 2023 Early Childhood Transition Questions and Answers.](#)

Administrative Rules of South Dakota (ARSD)

[24:05:22:04](#). Services for children less than three years of age.

[24:14:13:05](#). Transition from Part C program.

Administrative Rules of South Dakota (ARSD)

[24:05:22:04](#). Services for children less than three years of age.

[24:14:13:05](#). Transition from Part C program.

²NOTIFICATION AND REFERRAL TO THE DISTRICT (LEA)

Q2: What is the requirement for State Part C Birth to Three Program to notify the District? (IDEA Part C Indicator 8B)

Notification is required in accordance with IDEA Birth to Three Sec. 303.209 (b) (1)(I), which states “...the lead agency notifies the SEA and 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 of the Act, as determined in accordance with State law.”

The South Dakota Department of Education, as the lead agency and SEA, must notify the LEA of children who reside in the LEA’s educational jurisdiction and who are potentially eligible for Part B services at least 90 days prior to the child’s third birthday. For this purpose, South Dakota considers all children on an IFSP as potentially eligible for Part B services.

Notifications are sent out to the LEA the first working day of the month. The notification must include: the child’s name, date of birth, the district in which the child resides, and the contact information of the parent(s). Contact information includes parents’ name, home address, home and cell phone number.

In accordance with OSEP’s correspondence “Letter to Elder” dated 02/11/2004, this limited disclosure of personally identifiable information may occur without parent consent under FERPA (Family Educational Rights & Privacy Act). The district must protect this information as educational records under FERPA in a manner which will not permit personal identification of Birth to Three children and their parents to anyone other than the district.

In addition, the Part C service coordinator will contact the district representative to schedule the transition conference at least 90 days (and at the discretion of all such parties, up to nine months) before the child is potentially eligible for Part B 619 services.

Q3: What is the district’s responsibility under Part B when a child who has been served in Part C Birth to Three is referred to Part B?

When the district is notified of a potentially eligible child from Part C the district must initiate the evaluation process under Part B. Notification of a potentially eligible child is considered a referral for Part B evaluation. Upon initial referral to Part B, the district must document the referral and provide a copy of procedural

² **Federal Regulations and Guidance**

[Sect.1437\(a\)\(9\)\(A\)\(ii\)\(I\)](#) Part C of the IDEA – notification.

[Sect.303.209\(b\)\(1\)\(i\)](#) Transition to preschool and other programs.

[Policy Letter](#): February 2004, “Letter to Elder”.

ARSD

[24:05:27:21](#). Transition to preschool program.

[24:05:30:06.01](#). Procedural safeguards notice – Availability.

safeguards to the parent(s) of the child. The district is responsible for completing evaluations, eligibility, and implementing the IEP by the child's 3rd birthday.

Transition evaluations for eligibility must not be conducted more than 9 months before a child's third birthday. Districts must also ensure that progress monitoring occurs within 6 months of the child turning 3, even if eligibility was pulled forward and falls outside this 6-month window.

Q4: What is the process Birth to Three and the district follows when a child is referred between 90 days and 45 days prior to the child's third birthday?

Referrals between 90 and 45 days: If a child is referred to Birth to Three between 45 days and 90 days prior to the child's third birthday, then Birth to Three must conduct an initial evaluation, eligibility meeting, and initial IFSP meeting. Birth to Three must develop a transition plan (with the appropriate transition steps and services). Generally, in these instances, the transition plan and Transition Conference would be part of the initial IFSP.

If the child is determined eligible and is receiving services under for Part C, Birth to Three, (which includes service coordination services), the state Birth to Three office must conduct district notification for that child as the child is potentially eligible for Part B services.

Referrals Less than 45 days: If a child is referred to Birth to Three fewer than 45 days prior to the child's third birthday, Birth to Three may, but is not required to, conduct an initial evaluation eligibility meeting and initial IFSP meeting for that child. This is often referred to as a "late referral."

If Birth to Three does not evaluate and determine eligibility due to the late referral, with parent consent, the district must be notified of the referral. The district is responsible for determining if a Part B evaluation must be completed for the student.

If the child is determined to be eligible and is receiving services under Birth to Three (which includes service coordination services), the state Birth to Three office must provide a district notification for that child, which will be sent with the proceeding months communication.

Q5: What is the responsibility of a district representative during the transition planning process?

A district representative is required to attend the initial planning meeting for Part B services and transition conference for all Birth to Three children. During the initial planning meeting, or at a minimum during the transition conference, the district must provide notice of Part B procedural safeguards to the family. Should a child be identified as in need of prolonged assistance, a district representative must be present at all IFSP meetings.

Districts are encouraged to routinely communicate with Part C service coordinators about public school programs, activities, and resources. Districts should collaborate with Part C service coordinators to provide parents with information about Part B eligibility, and if eligible, services available through school districts and support parent and family involvement in the transition planning process. District representatives are encouraged to be responsive to Part C service coordinators and families for requests of information and opportunities to meet with school personnel, visit school programs, and tour facilities.

Q6: What happens if a family declines to be referred to the district?

All children eligible under Birth to Three are considered potentially eligible for services under Part B of IDEA and therefore are automatically referred to the district before the child's third birthday by the state Birth to Three office. It is the responsibility of the district to contact the parent to determine if the parent wants to pursue an evaluation to determine eligibility for Part B services for their child. Once the district contacts the parent, the parent has the right to decline a Part B evaluation. If a parent declines, the district is responsible for documenting the status of the child and tracking that information.

³TRANSITION CONFERENCE

Q7: What happens at the Part C to Part B Transition Conference?

The transition conference provides an opportunity for parents to learn about the Part B eligibility process, and for children who are eligible for services the district programs, and for the district to learn about the child and the family. Representatives from the district and other appropriate agencies and programs provide information about their services, answer questions, and provide information about parental rights.

The IFSP Team meets with the family to identify and document the steps that will support the child and family through the transition process. The IFSP team will discuss the status of the child and the child's anticipated needs after leaving the Birth to Three program. These individualized steps are documented on the transition plan within the IFSP.

³ Federal Regulations and Guidance

[34 CFR § 300.209](#) Transition to preschool and other programs.

[34 CFR § 300.124](#) Part B Regulations. (Transition of children from the Part C program to preschool programs- if using other link)

[34 CFR § 300.503](#) Prior notice by the public agency; content of notice.

[34 CFR § 300.504](#) Procedural safeguards notice.

303.209 Transition to preschool and other programs

ARSD

[24:14:13:05.1](#) Transition – Interagency agreement.

[24:05:28:10](#) Preschool programs.

[24:05:25:16](#) Parent participation.

[24:05:30:06.01](#) Procedural safeguards notice – Availability.

The IFSP Team informs the family of when their child may transition, in accordance with state statute. The IFSP Team also informs the family of the array of services and program options that may be available including Part B preschool special education, Head Start, childcare centers, private preschools or other community-based settings, etc. and assist the family in accessing these program options.

The district must provide the family with information on the eligibility and evaluation requirements under Part B of IDEA and ensure that the parents have received their Parent Rights and Procedural Safeguards. Child specific educational information from Part C, Birth to Three, may be shared with written consent from the parent or guardian.

Q8: What are the planning steps that need to occur by Part C service coordinators and Part B district representative for the transition planning meeting?

IFSPs must include the following steps to support the transition of the child:

- a. Describe how the families will be included in the transition plans.
- b. Discuss with and collaborate with parents regarding future placements, and other matters relating to the child's transition.
- c. Notify the appropriate district in which the child resides that the child will shortly reach the age of eligibility for preschool services under Part B of IDEA, as determined in accordance with state law, of the need for transition planning.
- d. With the approval of the family, convene a conference between the IFSP team, family, and district at least 90 days and at the discretion of the parties not more than nine months before the child is eligible for the preschool program under Part B of Individuals with Disabilities Education Act, in accordance with federal IDEA regulations.
 - i. Review the child's program options for the period beginning on the day the child turns three through the remainder of the school year; and
 - ii. Prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting.
- e. In the case of a child who may not be eligible for preschool services under Part B of IDEA, with the approval of the family, service coordinator will make reasonable efforts to convene a conference among the IFSP team, the family, and providers of other appropriate services for children who are not eligible for preschool services under Part B of IDEA to discuss the appropriate services that the child may receive.

Q9: Who convenes and attends the transition conference?

If the family approves of a transition conference, it is the responsibility of the Part C service coordinator to invite a Part B district representative to the transition conference.

Participants at the Transition Conference ([34 CFR 303.343](#) IFSP Team meeting and periodic review):

- The parent(s) of the child
- The Part C service coordinator working with the family
- A district representative
- Person(s) directly involved in conducting evaluation and assessments for the child
 - This may include Part B and Part C staff.
- Person(s) who are providing services to the child or family
- Other family members, as requested by the family, if feasible
- An advocate or person outside the family, as requested by the parent

It is the legal responsibility of the district representative to respond to the Part C service coordinator's invitation and participate. Minimally, attendees at the transition conference should include the family, Birth to Three Part C service coordinator, district representative, service providers and any other agency considered for future services. Examples of other agencies might include Head Start, Child Care, SD Services for the Deaf, and the SD School for the Blind and Visually Impaired.

Part C service coordinators and the district representative should schedule the conference at least 90 days before the child's third birthday, as this is a minimum timeline. The law allows up to nine months prior to the child's third birthday for the conference to be scheduled. Part C service coordinators should communicate with district representatives to coordinate the scheduling of conferences to promote district participation and attendance.

If any party is unable to attend the transition conference, the meeting may be rescheduled or conducted by other means, such as virtual or telephone, when appropriate. However, all regulatory requirements regarding timelines and physical signatures must still be adhered to. If the district cannot attend the transition conference, the Part C service coordinator will make reasonable attempts to reschedule the meeting. If those attempts are unsuccessful, the service coordinator must document the district's nonattendance in the child's record. If the Part C service coordinator has not scheduled the transition conference 90 days prior to the child's third birthday, the district should document this information and contact the Part C service coordinator and the state Birth to Three office.

Q10: What happens if the parents do not want the district to attend the transition conference?

According to OSEP guidance and regulations, the parent can refuse/not approve to have the transition conference. If a transition conference occurs, according to 34 CFR 303.209(c) and 300.124, the district must be invited and attend.

Summary of Transition Team Members & Roles:

Part C Service Coordinator Role	District's Role	Family's Role
Invite a representative from the district to attend the transition conference	Inform the family of their rights in special education	Share hopes and dreams for the child

Arrange for the meeting in a location and at a time agreeable to the family	Consider the family's questions and concerns about the transition	Review parental rights information
Provide prior notice of the meeting to the family	Obtain parental consent to evaluate	Share questions and concerns
Send records to the district if the family consents	Review existing evaluation and assessment results including the current IFSP	Participate in planning the location of future evaluations
In collaboration with the IFSP Team, develop a transition plan with action steps	Determine whether additional information will be needed	Sign necessary consent forms for evaluation
Help the family identify programs, settings and services as part of the IFSP transition plan	Plan how to obtain evaluation and assessment information in a timely manner	Learn about placement options for the child
Provide written referral to the district of a potentially eligible child	Provide information on how the district can work with the child and family in different settings	

⁴CONSENT TO EVALUATE

Q11: Can parent consent for Part B initial evaluation be obtained at the transition conference?

The district representative may secure parental consent for initial evaluation during the transition conference. Parents must fully understand what signing consent means and the resulting actions that will occur. Therefore, the district representative is responsible for providing and describing Part B Procedural Safeguards to the parents. It is the choice of the parent as to whether they sign the consent during the transition conference, as it is not a legal requirement of the transition conference. Parents may need more time to consider their options and should not be pressured to decide during the conference. Allowing time for decision-making is one reason why the conference should be held more than 90 days before a child's third birthday. Parents may decline consent if they have decided not to proceed with Part B initial evaluation and eligibility determination processes.

The district representative must provide prior written notice (PWN) in understandable language regarding consent to evaluate. The contents of the Part B prior notice must include:

1. A description of the actions proposed by the district
2. A description of the actions refused by the district
3. A description of any other factors that are relevant to the district's proposal or refusal
4. A description of each evaluation or assessment to be used
5. A statement regarding Part B Parent and Students rights and a copy of the Parent Rights and Procedural Safeguards (if the parents have not already received them)
6. Sources for parents to obtain assistance to understand the IEP process

Q12: What steps need to occur if parent(s) agrees to Part B transition evaluation?

Some families are ready to move forward with the district process, while other families may need more time before deciding. Scheduling transition conferences more than 90 days in advance of a child's third birthday allows families time to consider their options.

- Birth to Three Part C service coordinator completes IFSP transition documentation
- Part B Representatives provide an overview of the Parent Rights and Procedural Safeguards

⁴ **Federal Regulations and Guidance**

[34 CFR § 300.300](#) Parental Consent.

[34 CFR §300.9](#) Consent.

[34 CFR §300.503](#) Prior notice by the public agency; content of notice.

ARSD

[24:05:25:02.01](#) Parental Consent for Initial Evaluation.

1. Families should have already received a copy of the Parent Rights and Procedural Safeguards from the district during the transition conference, providing another copy is encouraged
- With consent of the parent, review current existing evaluations and assessments, including the child's IFSP, and determine if additional testing will be needed
- Review Prior Written Notice of Consent to Evaluate with parent
- Determine next steps
 1. When and where evaluations will take place
 2. Visits to possible settings
 3. If the family is ready to move forward or would like more time to consider options

Q13: What happens if a family who has been referred to Part B declines to provide consent for an initial evaluation?

Parents have a right to decline consent if they decide not to proceed with Part B initial evaluation and eligibility determination process.

If the parent does not consent to the Part B evaluation and eligibility determination process, they are choosing not to continue with the IDEA services. (Parents may request to start the evaluation process for Part B eligibility at any time in the future.) The district is responsible for documenting the status of the child and tracking the information.

⁵INITIAL EVALUATION & ELIGIBILITY DETERMINATION FOR PART B SERVICES

Q14: Can a child's eligibility be determined at the transition conference?

No, the transition conference is not the time to determine eligibility for IDEA Part B services.

The transition conference provides an opportunity for the family to meet a representative of the district and learn more about the steps in the process of determining possible eligibility. An initial review of a child's records may occur during the conference.

Q15: What is the district's responsibility for conducting an initial evaluation?

The district is responsible for obtaining written informed parental consent and conducting the evaluation within 25 school days from date of consent. The purpose of the initial evaluation is to determine if the child qualifies as a child with a disability, and if the child requires special education and related services to benefit from the education program.

Prior to conducting evaluations to determine eligibility, the district must review any existing data, including evaluations, assessments, teacher observations, and information provided by parents and/or the Birth to Three Program. The district must obtain the parent's written permission to release information from the Birth to Three program to access existing assessment and evaluation data.

As part of the Part B evaluation procedures, the team must utilize a variety of testing tools and strategies to gather functional and developmental information about the child, including information from the parents, information related to enabling the child to be involved, and progress in appropriate age activities.

Other factors to consider are health, vision, hearing, social emotional status, academic performance, communication, and motor skills. Specific evaluations considered necessary for determining eligibility is the responsibility of the district to complete or obtain, including hearing and vision. All tools and strategies must yield relevant information that directly assists in determining the educational needs of the child and be

⁵ Federal Regulations

[34 CFR § 300.301](#) Initial Evaluations.

[34 CFR §300.304](#) Evaluation Procedures.

[34 CFR § 300.305](#) Additional Requirements for Evaluations and Reevaluations.

[34 CFR 300.321](#) IEP Team.

[34 CFR § 300.502](#) Independent Educational Evaluation.

[34 CFR § 300.306](#) Determination of Eligibility.

[POLICY LETTER](#): August 9 2005, to Virgin Islands Educational Consultant Eleanor Hirsh

[34 CFR § 300.106](#) Extended School Year Services.

OSEP QA 24-01: [2023 Early Childhood Transition Questions and Answers](#)

ARSD

[24:05:25:05](#) Eligibility and placement procedures.

[24:05:30:03](#) Independent educational evaluation.

[24:05:27:01.06](#) Initial IEP team meetings for infants and toddlers.

[24:05:25:26](#) Extended school year authorized.

sufficiently comprehensive to determine the need for special education and related services. The district should use technically sound instruments that may test the relative contribution of cognitive and behavior factors in addition to physical or development factors. The instruments should be used in accordance with documented instructions and for the purpose for which they were designed. The district should ensure the use of non-discriminatory instruments which are in the child's native language. As part of a parent's procedural safeguards under Part B, a parent has the right to have an independent evaluation at public expense if the parent disagrees with an evaluation obtained by the district, subject to the conditions in the procedural safeguard section.

Q16: How is eligibility determined for Part B services?

Eligibility is determined after the initial evaluation procedures are completed including careful review of existing evaluation and assessment information, observations, and input from the parents.

The IEP team, including qualified professionals and the parents, determine whether the child meets the South Dakota Part B eligibility requirements.

The district must, at no cost to the parent, provide a copy of the evaluation report and the documentation of the child's eligibility. At the request of the parent, documentation of the eligibility determination for Part B will also be sent to the referring Birth to Three-Part C service coordinator.

Q17: Can districts use assessments and evaluation information from the Birth to Three Program in determining a child's eligibility for Part B services?

A district is required to review information from a variety of sources such as parent input and teacher recommendations, as well as information about the child's physical condition, social or cultural background, and adaptive behavior. Birth to Three programs have substantial, pertinent information, both qualitative and quantitative, that is valuable to the IEP team. In some instances, the information from the Birth to Three program may be sufficient in determining eligibility but should not be considered as the sole source of data.

Districts should consider the child's evaluations if they have been completed within six months of the consent for evaluations to determine if updated evaluation data is needed. It is the responsibility of the district to conduct evaluations or assessments necessary to determine eligibility for Part B services. Refer to "Ages 3-5 Eligibility, Developmental Delay, and Progress Monitoring Q&A" for additional discussion. The district must ensure that a full and individual comprehensive evaluation has been conducted before determining the child's eligibility for special education.

The district must obtain written parental consent for release of Part C information and include the Part C evaluations, if being used to determine eligibility on the Part B PWN consent form. The initial evaluation must be conducted within 25 school days of parent consent. Evaluations and other data collected prior to written parental consent to evaluate, which will be used to determine eligibility, is to be included in the existing information to be brought forward in the PWN consent to evaluate.

Q18: If a student's third birthday occurs in the summer or early fall, how soon can an IEP be developed?

The district may evaluate a student up to nine months prior to the student turning 3 for Part B eligibility. Districts must then develop an IEP within 30 calendar days after the evaluation timeline ends. If the child is eligible, the IEP must be developed and implemented by the students' third birthday.

Progress monitoring may be necessary, refer to "Ages 3-5 Eligibility, Developmental Delay, and Progress Monitoring Q&A" for additional discussion.

Q19: Who should attend the IEP meeting?

The district must invite the parent(s), evaluators who can interpret results, the student, district representative, special education teacher, regular education teacher, and, with parent permission, Part C Birth to Three service coordinator. Outside agencies involved in the students' education may also be invited with parent permission.

IEP Team ([34 CFR 300.321](#)):

- 1. The parents of the child;**
- 2. Not less than one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);**
- 3. Not less than one special education teacher of the child, or where appropriate, not less than one special education provider of the child;**
- 4. A representative of the public agency who—**
 - i. Is qualified to provide, or supervise the provision of specially designed instruction to meet the unique needs of children with disabilities;**
 - ii. Is knowledgeable about the general education curriculum; and**
 - iii. Is knowledgeable about the availability of resources of the public agency.**
- 5. An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in paragraphs (a)(2) through (a)(6) of this section;**
- 6. At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and**
- 7. Whenever appropriate, the child with a disability.**

Q20: When should services begin for a child whose third birthday occurs during the summer?

If the child's third birthday occurs during the summer, the IEP team must consider the date when services under the IEP will begin. The IEP team must determine if extended school year (ESY) services are necessary for

the provision of FAPE to the child. If the child does not need ESY services, the date of initiation of services may be the beginning of the school year and the IEP is considered “implemented” by the child’s third birthday for the purpose of Indicator B-12.

If a district knows that a child served in Birth to Three and referred to Part B will turn age three during the summer, and that appropriate district personnel will not be available to conduct evaluations and hold IEP meetings during the summer, the district must conduct the initial evaluation under Part B, determine the child’s eligibility, and hold an IEP meeting before the end of the school year in order to ensure that, if appropriate, an IEP is developed and implemented by the child’s third birthday.

The district is responsible for conducting evaluations, eligibility, and implementing the IEP by the child’s 3rd birthday for all children referred.

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Part C to Part B Transition Flowchart of Duties

Transition Notice and Referral

The lead agency will notify the district, in writing, of a child who is potentially eligible for Part B services at least 90 days prior to the child's third birthday. Part C service coordinator will contact the district representative to schedule the transition conference. A guide for parents and providers called "Making Connections" is given to families, by the Part C service coordinator, either at a previous meeting or mailed out before the transition conference. The guide specifically addresses the process that occurs when the child and family prepare to move out of Part C and into a new setting.

Transition conference/IFSP Meeting

A Transition conference/IFSP Meeting is held with parents, providers and district representative to review the IFSP and discuss any services that the child may receive after the age of three. The meeting must be held at least 90 days (and at the discretion of all parties, not more than nine months) before the child is eligible for preschool services. Data about the child may be reviewed at this meeting, or consent to share information can be provided to the Part B representative for the district to review and use to determine if a Part B evaluation is appropriate for the child's educational needs. The district will provide a copy of the parental rights and procedural safeguards and initiate discussion regarding Part B evaluation. If appropriate, the district may provide a consent to evaluate for Part B services to the family at this meeting.

Part B Evaluation

The school district is responsible for obtaining consent for the Part B Evaluation if a disability is suspected. The school district is responsible for scheduling the evaluation with the family, completing the evaluation, and compiling the report. Evaluations must be completed with 25 school days from receipt of consent for evaluation.

Part B Eligibility Meeting

The district schedules the eligibility determination meeting with the IEP team, including the parent, to occur within 30 days after the evaluation timeline has ended (begins on day 26) and **prior to the child's third birthday**. A Meeting Notice is completed and sent by the district. At the request of the parent, the district is to invite the Part C Service Coordinator to the meeting. The Part C Service Coordinator will attend when possible. The eligibility determination for Part B doesn't affect Part C eligibility. A meeting is held with parents, evaluators, Service Coordinator, district representative, and all other members of the IEP team. The evaluation results are shared with parents. Eligibility for Part B services is determined **prior to the child's third birthday** and planned early enough for the IEP to be implemented by the child's third birthday. If eligible, and the parent agrees to services; an IEP will be developed.

IEP Meeting

If the child qualifies for Part B services, the IEP team writes an IEP **prior to the child's third birthday, allowing parent at least five days notice prior to implementing**. Consent for initial provision of services will be obtained from the parent, and the date the IEP will be implemented is agreed upon (on or after the child's third birthday). The IEP is dated to begin on the child's third birthday, or the first day of classes if a summer birthday. If the child qualifies for ESY and child has a summer birthday, services will begin on the child's third birthday or when ESY begins. Parents are given information on programs in the community if child does not qualify. **IFSP services will continue until the child turns 3**. Prior Written Notice is provided to the parent within a reasonable amount of time after the meeting.

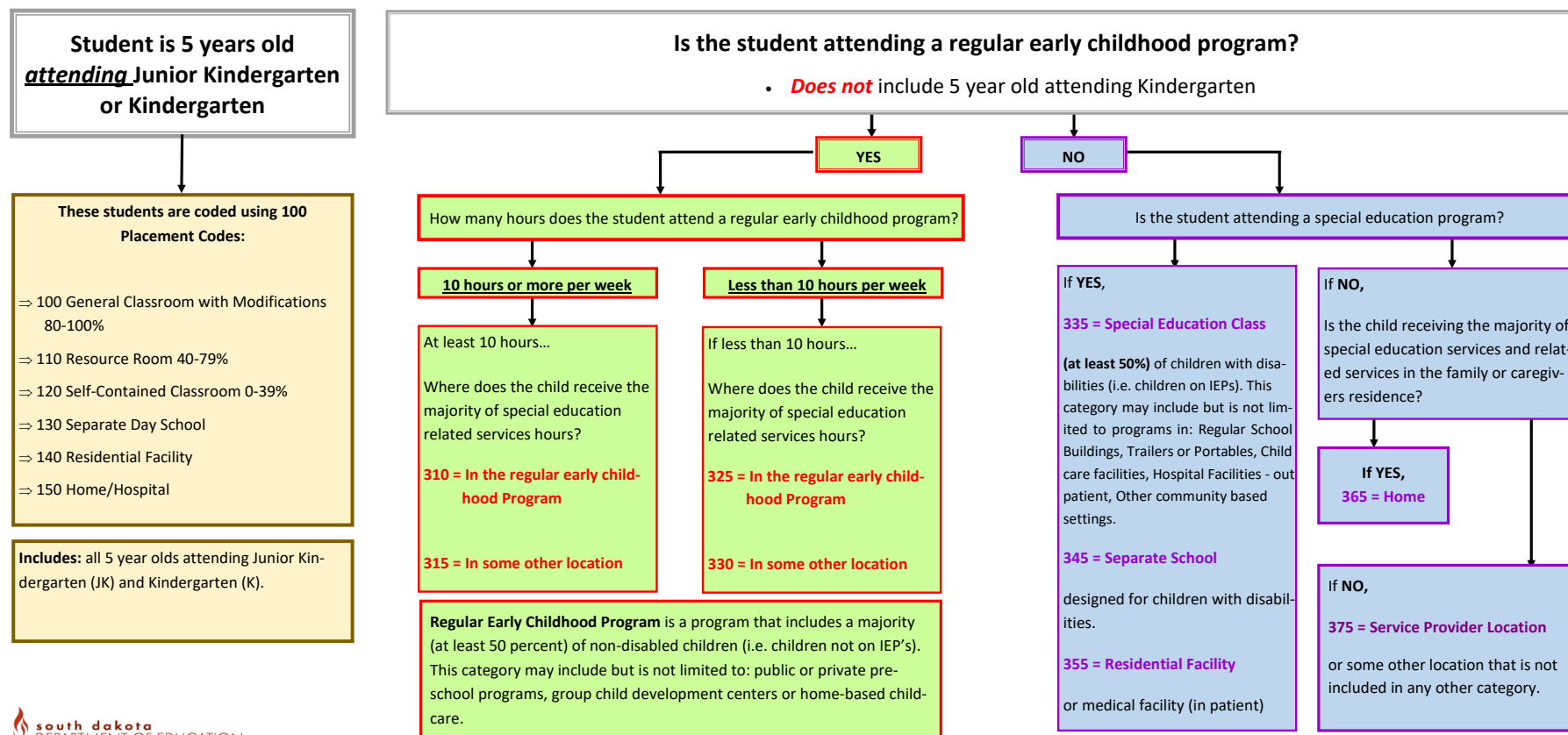
South Dakota Decision Tree for Coding Least Restrictive Environment



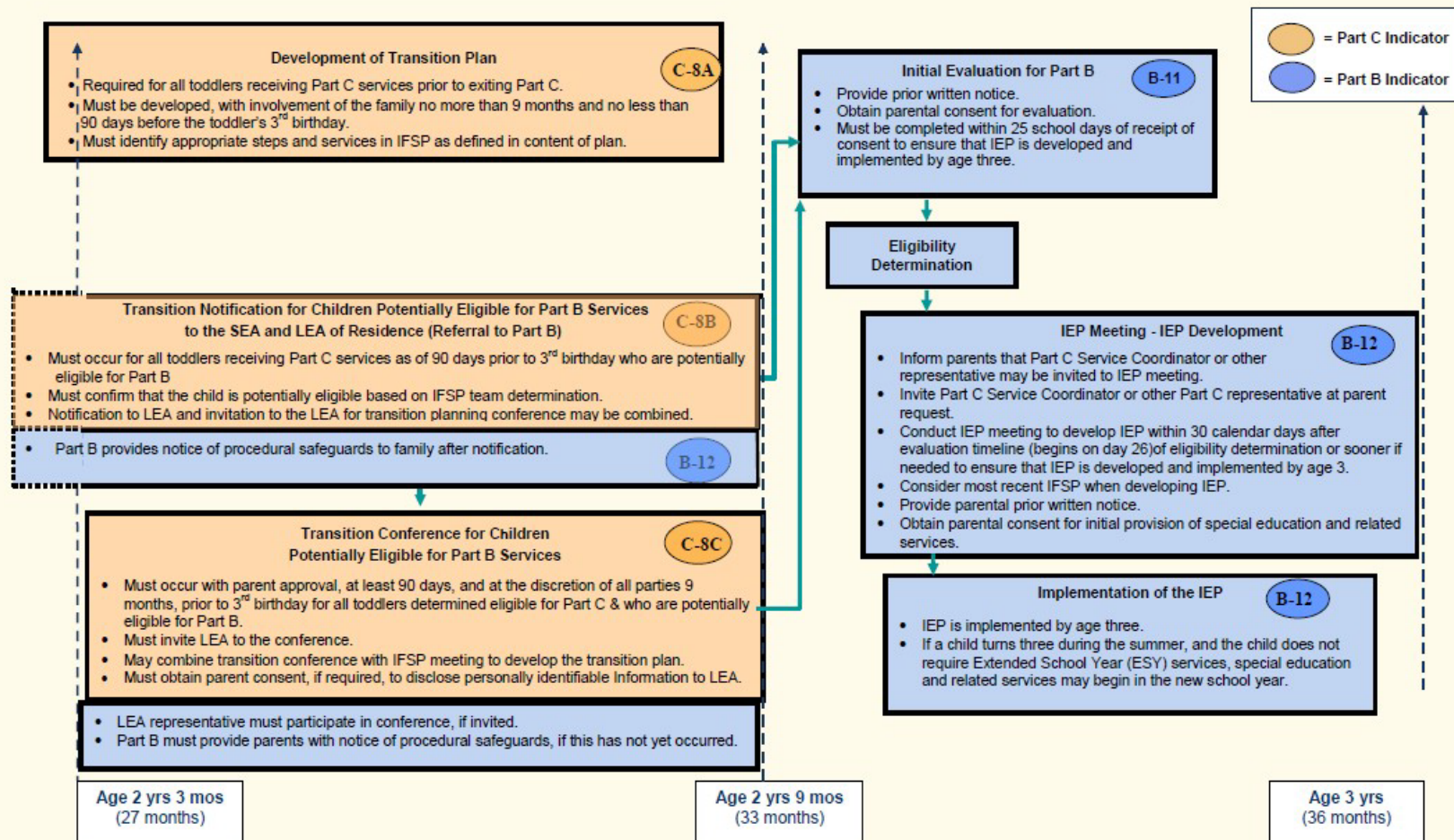
South Dakota Decision Tree for Coding Least Restrictive Environment

Continuum of Alternative Placements (Ages 3-5)

DDN Campus Reporting/Child Count



South Dakota Early Childhood Transition from Part C to Part B Timeline Requirements



Developed by NECTAC in collaboration with the RRCP General Supervision Priority Team and the Office of Special Education Programs (OSEP) - September 18, 2012

Transition Timelines Checklist

(Use this checklist to help you keep track of what steps have taken place)

Planning ahead:

- ☐ With the approval of the family, the Part C staff will schedule a conference between the IFSP team, family, and local educational agency at least 90 days, and not more than nine months, before the child's third birthday, under Part B of Individuals with Disabilities Education Act, in accordance with state law. If invited, the district representative will attend the transition conference.
- ☐ Educational information about the child may be obtained with written consent of the parent or guardian.
- ☐ Individual child data, including current evaluations and assessments, may be reviewed to help the district decide on suggested evaluations for Part B services or if no evaluation is necessary.

At the Transition Conference the District:

- ☐ Provides information about eligibility and evaluation requirements.
- ☐ Provides Parental Rights and Procedural Safeguards.
- ☐ Reviews current evaluation and assessments data with IFSP team and discuss if additional assessments will be needed to determine Part B eligibility.
- ☐ May review Prior Notice of Consent to Evaluate
 - A description of the actions proposed by the district and each evaluation or assessment to be used
 - A copy of the Part B Procedural Safeguards is provided to the family
 - This may or may not be agreed upon at the transition conference, follow up may be required later.
- ☐ Reviews options for early childhood special education and other appropriate services.
- ☐ Assists in determining next steps (including visits to the possible settings)
 - Transition plan is written into the IFSP by the Part C Coordinator.

Part B Eligibility Determination Meeting:

- ☐ Evaluations are completed within 25 school days of receipt of Prior Notice of Consent to Evaluate
- ☐ Meeting is scheduled within 30 days of the end of the evaluation timeline, must be completed **prior to the child's third birthday.**
 - Meeting notice is developed and sent to the parent and required team members.
 - Parent may request Part C staff attend.
- ☐ Eligibility for Part B Services is determined
 - If eligible
 - Obtain parental consent for initial provision of services.
 - IEP will be developed and implemented **prior to the child's third birthday.**
 - If the child's third birthday is in the summer, and the child does not require Extended School Year services, services may begin in the new school year.
 - If not eligible: additional resources for student's needs are provided.
- ☐ Prior Written Notice provided to parent within a reasonable amount of time.

Terms and Definitions

*Many terms have different meanings across States and programs.
The following, to the maximum degree possible, follow federal definitions.*

Americans with Disabilities Act (ADA): A law that took effect in 1992 that defines “disability” and prohibits discrimination by employers, by any facility open to the general public and by State and local public agencies that provide such services as transportation (public Law 101-336).

Caregivers: The people who spend significant amounts of time with the child, such as parents, childcare providers, and teachers.

Child Find: A component of IDEA that requires local school districts to actively locate children, birth to age 21, suspected to have disabilities and be eligible for special education and who reside in their jurisdiction.

Developmental Disability: A substantially limiting physical or mental impairment that affects basic life activities such as hearing, seeing, speaking, walking, caring for oneself, learning or working.

Due Process: In special education, due process refers to a process for resolving a dispute between the family and the public-school district related to the identification, evaluation, educational placement, or Free Appropriate Public Education of a child with disabilities.

Family Education Rights and Privacy Act (FERPA): A federal law that protects the privacy and transfer of student education records.

Free and Appropriate Public Education (FAPE): An individualized education program that is designed to meet the child’s unique needs and from which the child receives educational benefit. The educational services must be at no cost to the family.

Head Start: A federal program started in 1965 aimed at providing a comprehensive preschool program for children ages three to five from low-income families. Planned activities are designed to address individual needs and to help children attain their potential in growth and mental and physical development before starting school. Ten percent of enrollment is required to be for children with disabilities.

Inclusion: Inclusion, as a value, supports the right of all children, regardless of abilities, to participate actively in natural settings and classroom programs within their communities and schools. Inclusion means full and successful access to health, social, educational and other support services that promote full participation in family and community life and in education.

Individuals with Disabilities Education Improvement Act (IDEA): The federal law that provides the legal authority for early intervention and special education services for children birth to age 21. Part B outlines services for children ages three to 21. Birth to Three outlines services for children birth to age three.

Individualized Education Program (IEP): Written statements of a child’s current level of educational performance and an individualized plan including: the goals; specific services to be received; the standards and timelines for evaluation of progress; and the amount and degree to which the child will participate

with typically developing peers. It is required by the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004) for all children eligible for special education and related services.

IEP Team: The IEP team is made up of the child's parents, special education teacher, a general education teacher and a representative of the district. Other team members may include related service providers, professionals who evaluated the child and others with knowledge or special expertise regarding the child. The members of the team develop the initial IEP and meet subsequently to review progress and make changes in the written plan. Parents must be included as members of this team.

Individual Family Service Plan (IFSP): The written document that defines the early intervention services provided to the child (age birth to three) and family. The program is designed to meet the needs of the child and the family and is based on family-identified priorities.

IFSP Team: The IFSP Team is made up of parent or parents of the child; other family members, as requested by the parent, if feasible; an advocate or person outside the family, if the parent requests that the person participate; Part C service coordinator; evaluator(s); service provider(s); district representative at the initial eligibility determination, at the transition conference, and if the child is in need of prolonged assistance. The members of the team develop the initial IFSP and meet subsequently to review progress and make changes in the written plan. Parents must be included as members of this team.

Least Restrictive Environment (LRE): To the maximum extent appropriate, students with disabilities, including students in public or private institutions or other care facilities, are educated with students who are not disabled. Special classes, separate schooling, or other removal of students with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Local Education Agency (LEA): A public school district operating in accordance with statutes, regulations, and policies of the State of South Dakota.

Natural Environment: The natural or everyday settings for the child. These are places where the child would be if they did not have a special developmental concern. It is where all children would be (for example, home, childcare, parks, etc.)

Parent: Includes biological or adoptive parents, foster parents and surrogate parents; guardians authorized to make educational decisions for the child, but not the state if child is a ward of the state; an individual acting in the place of a biological or adoptive parent, including grandparent, stepparent, or other relative with whom the child lives or individual who is legally responsible for the child welfare.

Part B Case Manager: Local school policies and procedures identify the case manager who arranges and convenes IEP meetings, maintains contact with parents, gathers information from team members, and prepares and distributes the finalized document. Typically, a special education provider is assigned case management responsibility. However, other persons may fulfill that role, including building administrators, counselors, general education personnel, or related service providers.

Part C service coordinator: Each eligible child must be provided with a Part C service coordinator who is responsible for coordinating all services across agency lines and serving as the single point of contact in

helping parents to obtain the services and assistance they need. Part C service coordinators must be persons who have demonstrated knowledge and understanding about the following: (1) infants and toddlers who are eligible under this article; (2) applicable state and federal laws; (3) the nature and scope of services available under South Dakota's early intervention program; and (4) the payment system for services in the state.

Potentially Eligible: Children who are potentially eligible for Part B are those children who are eligible under Birth to Three.

Preschool Special Education: An educational program that is designed to meet the unique developmental needs of an individual child with a disability who is three, four, or five years of age. It is a child-focused educational effort. At the State level it is referred to as Section 619 of the IDEA.

Special Education: Specially designed instruction, at no cost to the parents, to meet the unique needs of a student with a disability, including instruction conducted in the classroom, in the home, in hospitals and institutions and in other settings; and instruction in physical education. The term includes speech-language pathology services and may include other related services, travel, training, and vocational education, if they meet the definition of special education. These services may be provided in a variety of educational settings but are required by IDEA to be delivered in the least restrictive environment.

State Education Agency (SEA): The SD Department of Education or other agency responsible for the State supervision of public elementary and secondary schools.

Supplementary Aides and Services: The term means aids, services, and other supports that are provided in regular education classes, or other education-related settings, to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate.

Transition: The movement from one service, location, or program to another. Young children with disabilities may transition at age three from early intervention to preschool special education services.