

ANNOUNCEMENT: EI-13 #01
Effective Date: 1/30/2013

SUBJECT: Transition of Toddlers to Preschool or Other Community Services

TO: Early Intervention Program Leadership

FROM: Barbara G. Minzenberg, Ph.D.
Deputy Secretary, Office of Child Development and Early Learning



PURPOSE:

The purpose of this announcement is to provide guidance on transition requirements under the regulations for Part C of the Individuals with Disabilities Education Act (IDEA) Amendments of 2004 published on September 28, 2011. This Announcement replaces EI-12 #04 *Transition of Toddlers to Preschool or Other Community Services* to meet the requirements specified by the Office of Special Education Programs (OSEP) during their review of Pennsylvania's state policies and procedures for transition. As of the issuance date of this Announcement, EI-12 #04 is obsolete.

BACKGROUND:

The Pennsylvania Early Intervention (EI) program is implemented in compliance with IDEA, the Pennsylvania Early Intervention Services System Act: Pennsylvania Act 212-1990, Chapter 14. Special Education Services and Programs, and Title 55, Chapter 4226. Early Intervention Services.

DISCUSSION:

Transition planning is a collaborative, extensive, and dynamic series of conversations and activities. Transition should be viewed as a process rather than a specific event. The process should begin early to promote and ensure continuity of services and provide families with a seamless system of EI services. By including the family from the beginning and encouraging their participation as part of the team throughout their EI experience, the family's capacity to support the growth and development of their child can be enhanced.

Infant/Toddler EI program staff should provide anticipatory guidance to families as they make decisions for their child during the transition process. This guidance should ensure families understand the Individualized Education Program (IEP) process and opportunities for experiences in their local community. Transition planning should include strategies for assuring that services change to meet the changing developmental needs of the child rather than changing simply because funding streams change. Changes in services can be aligned to the transitions a

child may have as a result of participating in Pre-K Counts, Head Start, child care or other early childhood education settings.

Transition Notification

For a toddler not fewer than 90 days before their third birthday and who may be eligible for preschool EI services, the Bureau of Early Intervention Services (BEIS), in collaboration with the Infant/Toddler EI programs shall notify the Preschool EI program that the toddler will reach the age of eligibility for Preschool EI services. To assist with this notification process, prior to April 2 of each year, and on a quarterly basis thereafter, the BEIS shall identify and provide to the Preschool EI programs the following information on toddlers who will turn three during the upcoming year (July 1-June 30) and who may be eligible for the Preschool EI program per 34 CFR §303.401(d):

- Name;
- Date of birth;
- Parent contact information (including parents' names, addresses, and telephone numbers).

For a toddler who has been determined eligible for infant/toddler EI services between 45 days and 90 days before the toddler's 3rd birthday and who may be eligible for the Preschool EI program, the Infant/Toddler EI program shall notify the Preschool EI program, as soon as possible after determining the toddler's eligibility that the child will soon reach the age of eligibility for Preschool EI services as per 34 CFR §303.209(b)(ii).

If a toddler is referred to the Infant/Toddler program fewer than 45 days before the toddler's third birthday and that toddler may be eligible for Preschool EI services, with parental consent, the Infant/Toddler EI program shall refer the toddler to the Preschool EI program. The Infant/Toddler EI program is not required to conduct an evaluation, assessment or an initial Individualized Family Service Plan (IFSP) meeting for these toddlers per 34 CFR §303.209(b)(iii).

Transition Meeting

A transition meeting that includes, at a minimum, the family, a representative of the Infant/Toddler EI program, and a representative of the Preschool EI program shall be scheduled for each toddler. The transition meeting shall be scheduled in accordance with IDEA regulations at 34 CFR §303.209(c) that specifies that the transition meeting for a child who may be eligible for Preschool EI services must be held, with the approval of the family of the toddler, at least 90 days, (and at the discretion of all parties, not more than 9 months) before the child is eligible for Preschool EI services.

In the case of a toddler who may not be eligible for Preschool EI services, the Infant/Toddler EI program, with the approval of the toddler's family, shall make reasonable efforts to convene a meeting to discuss other life experiences that will enhance the child's development and/or community services/supports that may be available to the toddler. This meeting shall include the

family, representative(s) from the Infant/Toddler program and representative(s) from appropriate community services.

Letters of invitation for the transition meeting to the Preschool EI program or to other community services should include the components of the invitation letters that are attached to this announcement. Invitation letters must be sent to the family, Preschool EI program and other participants no later than 30 days before the scheduled transition meeting date, unless the parties all agree to meet within shorter timelines.

Transition Plan

All aspects of the toddler's current EI services shall be reviewed at the transition meeting so that appropriate planning for the toddler's transition can occur. The appropriate transition steps and services that will be taken to support the toddler's transition to the Preschool EI program shall be documented on the transition page of the IFSP developed with the family per 34 CFR§303.209(d) and 34 CFR§303.344(h) and shall at a minimum include:

- Discussions with, and training of, the toddler's family regarding future program options and other matters related to the toddler's transition;
- Review the program options for the toddler for the period from the toddler's third birthday through the remainder of the school year;
- Preparation of the toddler for changes in service delivery, including activities to help the toddler adjust to, and function in, a new setting;
- Transmission of information about the toddler, with parental permission, including evaluation and assessment information and copies of the toddler's IFSP, to the local Preschool EI program; and
- Confirmation that information about the toddler has been transmitted to the Preschool EI program.

The transition steps and services outlined in the plan shall be developed not fewer than 90 days and, at the discretion of all parties, not more than 9 months before the toddler's third birthday. The transition meeting to develop the transition plan shall be held in settings and at times that are convenient for the family and in the native language of the family or other mode of communication used by the family, unless it is clearly not feasible to do so as required in 34 CFR §303.342(d) and (e) and 303.343(a).

If any changes to the IFSP are anticipated between the transition meeting and when the toddler transitions, the Infant/Toddler EI program shall invite their Preschool EI program partners to meet either in person or on the phone to discuss those changes. Any change in services or service location should be based on the needs of the toddler.

If the transition meeting occurs six or more months prior to the toddler's third birthday, the transition plan shall be updated at least quarterly from the time of the transition meeting. The updated plan shall include documentation of the progress toward implementing transition activities. The Preschool EI program shall be invited to any meeting related to updating the transition plan and shall also receive a copy of the updated plan.

Transition Procedures and Local Interagency Agreements:

The transition process between the Infant/Toddler EI program and the Preschool EI program shall be included in the Local Interagency Agreement. Local Interagency Agreements related to transition shall include the following:

- Participant attendance for the transition meetings;
- Location of the meeting and follow up correspondence;
- Transfer of information and timelines for the transfer of information;
- Transition point person from each agency; and
- Evaluation procedure agreements.

The Local Interagency Agreement shall also include procedures for collaboration between the Infant/Toddler and Preschool EI programs on transition activities for a toddler, referred for the first time to the EI program, and who is within 90 days of their third birthday. These procedures should address:

- Timely notification from the Infant/Toddler EI program;
- The person/s responsible for completing evaluations to ensure unnecessary re-evaluation of children;
- Timely development of an IFSP/IEP for the toddler; and
- The assurance of compliance with requirements of Part C and Part B of IDEA.

Infant/Toddler and Preschool EI programs are encouraged to meet regularly to discuss general transition issues, concerns and/or procedures. For additional guiding principles and quality practices related to providing support to parents on transition decisions, and the importance of the Local Interagency Agreements refer to *Early Intervention Infant, Toddler and Family Guidelines to Support the Early Intervention Transition Process*.

Pennsylvania follows the 3rd Circuit order that Infant/Toddler EI services are pendent if there is a dispute over services to be provided by the Preschool EI program. Pendency is the continuation of the services set forth in the child's IFSP when a dispute arises at the time the child is transitioning into the Preschool EI program at age three (3) and the family requests mediation or a due process hearing to resolve the dispute.

Training

Infant/Toddler and Preschool EI personnel who work directly with at-risk children and children with disabilities shall receive the necessary training on the coordination of transition services on an annual basis. Training activities shall be available and listed on the Infant/Toddler and Preschool EI program's training and technical assistance plan in order to ensure that the appropriate transition services are implemented throughout the Infant/Toddler and Preschool EI programs.

Children under 3 years of age exiting the Infant/Toddler EI program when they are no longer eligible for Early Intervention services

Local Infant/Toddler EI programs shall establish steps for children to exit the Infant/Toddler EI program when infants, toddlers and families have benefited from EI services and it has been determined that the child is no longer eligible for EI services. If the initial reason for referral to the Infant/Toddler EI program was related to the five at-risk categories outlined in Chapter 4226.25, families are eligible for tracking for children under three years of age, as appropriate.

When an infant/toddler is determined to be no longer eligible for EI services, the service coordinator should arrange a planning meeting with the team, including the family. It is recommended that this meeting be held when the eligibility determination is made but no later than fifteen calendar days after the determination has been made that the infant/toddler is no longer eligible for EI services. The planning meeting should address concerns and issues the family may have related to child development and include discussion about linking the child and family to other community supports. Discussion from the planning meeting, follow-up activities, and dates for completion of such activities must be documented by the service coordinator. The transition plan form, included in the IFSP/IEP, that identifies outcomes and activities to support transition should be utilized for this documentation. If a parent disagrees with the eligibility determination, all appropriate procedural safeguards shall be reviewed and discussed with the family and made available to the family upon request.

NEXT STEPS:

1. Infant/Toddler and Preschool EI programs shall review existing policies and procedures to ensure that they are consistent with this announcement and shall take steps to assure that they are in compliance.
2. Infant/Toddler and Preschool EI programs shall ensure that all staff and providers review the information included in this announcement and any new or revised local procedures.
3. Infant/Toddler and Preschool EI programs shall update their Local Interagency Agreement as necessary.

Comment and questions should be directed to the Office of Child Development and Early Learning, Bureau of Early Intervention Services at 717-346-9320 or ra-ocdintervention@pa.gov.