



Utah State  
Board of  
Education

Special  
Education  
Services

# IDEA PART C EARLY INTERVENTION TO PART B PRESCHOOL TRANSITION

A TECHNICAL ASSISTANCE DOCUMENT

August 2024

# TRANSITION FROM IDEA PART C EARLY INTERVENTION TO PART B PRESCHOOL

Utah's Early Childhood Educators follow federal and state special education rules to provide seamless transitions for young children with developmental delays or disabilities from Utah's Part C of the Individual with Disabilities Education Act (IDEA) Baby Watch Early Intervention Program (EI) to Part B of IDEA preschool services administered by the Utah State Board of Education (USBE).

To ensure smooth transitions, Baby Watch local early intervention (Baby Watch) programs and local education agencies (LEA) work closely together to help ensure success for all potentially eligible young children. The primary focus for transitions from IDEA Part C to Part B is on "improving early intervention and educational results and functional outcomes for all children with disabilities and their families" (Office of Special Education Programs (OSEP), 2023b, pp. 1-2).

To comply with federal and state requirements, LEAs must follow the USBE Special Education Rules<sup>1</sup> which state:

The USBE and LEA must have in effect policies and procedures to ensure that:

- a. Students participating in early intervention programs assisted under Part C of the Individuals with Disabilities Education Act (IDEA), and who will participate in preschool programs assisted under Part B of the IDEA, experience a smooth and effective transition to those preschool programs;
- b. By the eligible student's third birthday, an Individualized Education Program (IEP) has been developed and is being implemented for the student;
- c. If a student's third birthday occurs after the end of the school year, the student's IEP Team shall determine the date in the next school year when

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<sup>1</sup> **N.B.:** Utah State Board of Education Administrative Rules (Board Rules) fall under the Utah Admin. Code under title R277. These rules can be found in two places: the [USBE Administrative Rules webpage](#) or the [Utah Office Administrative Rules webpage](#). Therefore, Board Rules R277-609 refers to the same rule as Utah Admin. Code R277-609. Similarly, though the [Utah State Board of Education Special Education Rules \(SpEd Rules\)](#) appear as a separate set of rules distinguished from Board Rules, they are in fact incorporated into Board Rules by reference ([see Board Rules R277-750](#)).

- services under the IEP will begin, except that the IEP Team may determine that extended school year services are needed outside the school year; and
- d. Each affected LEA will participate in preschool transition planning conferences arranged by the designated [local EI program] for Part C ([SpEd Rules VII.A.2](#)).

## TRANSITION FROM IDEA PART C TO PART B GUIDANCE

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### *TIMELINE AND NOTIFICATION OF TRANSITION*

The local EI program shall ensure that a transition plan is established not fewer than 90 days, and at the discretion of all parties, not more than nine months, before a child's third birthday (OSEP, 2023b, p. 3). However, if a child is referred to IDEA Part C less than 90 days before their third birthday and is suspected of qualifying for Part B services, then the local EI program shall alert the appropriate LEA as soon as possible. LEAs shall "make every effort to complete the evaluation, determine eligibility, and develop and implement an IEP by the child's third birthday, or as soon as possible after the third birthday" (p. OSEP, 2023a, 6, OSEP, 2023b, p. 4). If the child has received Part C services for more than 90 days prior to their third birthday, and the local EI program fails to alert Part B on time, the child will still be included in Part B's data. However, LEAs can make a note in the Transition from Early Intervention Data Input System (TEDI) that they received a late notification via TEDI from the local EI program.

The local EI program notifies the LEA in advance to provide sufficient time for appropriate planning and evaluations. 90 days is the minimum time-frame that the LEA needs to ensure that a child has an evaluation, eligibility is determined, and if appropriate, an IEP is written and implemented by a child's third birthday (OSEP, 2023b, p. 4, OSEP, 2023a, p. 2). When LEAs receive a referral notification from IDEA Part C, they must provide the child's parent with a copy of the Procedural Safeguards as soon as possible.

### *TRANSITION CONFERENCE*

In addition to notifying IDEA Part B of upcoming transitions, the local EI program is responsible for organizing a transition conference with families, LEAs, and any

other appropriate participants as determined by the family. If the local EI program contacts the wrong LEA, the LEAs must work with the local EI program to ensure that the correct LEA is invited to the transition conference (OSEP, 2023b, p.9). LEAs' participation is crucial as this is the time when they provide families with information about Part B preschool services, as well as obtains parent consent to evaluate the child and determine eligibility under Part B (OSEP, 2023b, p.10).

If the LEA is provided with timely notification, and they do not attend the transition conference, the local EI program must still hold the conference and provide the family with information about IDEA Part B preschool services (OSEP, 2023a, p. 3). If the LEA does not participate in the transition conference, it makes it difficult to meet their Part B responsibilities (OSEP, 2023b, p. 9).

Families need to be informed about IDEA Part B eligibility requirements and evaluation procedures. LEAs shall explain to families that they can invite their local EI program provider(s) to the initial IEP meeting, as well as provide information about specific LEA program options (OSEP, 2023b, p.10). LEA program options vary across school districts.

During the transition conference, the LEA, personnel from the local EI program, and the family should look at all evaluation and assessment information provided to identify any gaps that may support Part B eligibility determination. Further, the local EI program shall document in the child's transition plan any next steps, any roles and responsibilities that the LEA identifies. If the LEA has not yet done so, they must give the family a copy of the Procedural Safeguards and request parent or guardian consent to conduct an initial eligibility evaluation (OSEP, 2023b, p.10).

## *EVALUATIONS AND ELIGIBILITY*

OSEP (2023b) has outlined two actions that an LEA must take following the referral from IDEA Part C, whether the transition meeting occurs or not (p. 10):

1. If the LEA suspects the child has a disability under Part B, the LEA must request the parent's consent to conduct an initial evaluation to determine the child's eligibility for services under Part B (34 C.F.R. § 300.300), and if the parent provides consent, conduct the evaluation.
2. If the LEA does not suspect that the child has a disability under Part B, the LEA must provide the parent written notice...that explains, among other

things, the basis for its decision and a statement that the parents have protections under the Part B Procedural Safeguards (p.7).

A referral from IDEA Part C in the TEDI system must be treated the same way as any other referral to Part B (OSEP, 2023a, p. 4). However, due to the child's participation in early intervention services, the LEA must also review existing evaluation and assessment data, if it is available. After reviewing all available evaluation and assessment information, the IEP team, including parents, and others as appropriate, must identify any additional information necessary to complete a thorough evaluation, determine eligibility for Part B services and identify the child's educational needs.

If the team determines that no additional data are needed, the evaluation is considered complete (OSEP, 2023b, p.11). If the child is determined to be ineligible based on existing evaluation and assessment data, the LEA must provide the parent with a written notice that explains the basis of their decision. LEAs can use [Model IEP form 9](#) found on [USBE's website](#) as a reference.

Even if a transition meeting does not occur, the LEA is still responsible for completing the Eligibility and IEP before the child's third birthday.

LEAs are responsible for, at the parent's request, inviting early intervention providers to the initial IEP Team meeting. This practice helps ensure a seamless transition between services. It is best practice for the LEA to document how this invitation was provided, the date sent, and any additional information that may be relevant. During the IEP meeting, the "LEA must provide a copy of the evaluation report and the documentation of determination of the child's eligibility at no cost to the parent" (OSEP, 2023b, p. 7).

A meeting to develop the child's IEP must be conducted within 30 days of determining that a child is eligible for special education and related services. Many LEAs choose to combine the eligibility meeting and the initial IEP meeting. Special education and any related services must be made available to the child as soon as possible following the development of their IEP (OSEP, 2023b, p.7).

If a child's third birthday occurs in the summer, LEAs are still responsible for ensuring the above-mentioned timeline is met and the IEP is completed by the child's third birthday. In addition, a free and appropriate public education (FAPE) must be available to all children between the ages of 3 and 21. OSEP (2023b) states, "If a child's third birthday occurs during the summer, the child's IEP Team must

determine the date when services under the IEP...will begin. LEAs must ensure that extended school year services are available as necessary to provide FAPE” (pp. 12-13).

LEAs are responsible for collaborating with their local EI program counterparts to ensure that all children transitioning from IDEA Part C early intervention services to Part B preschool services have a seamless transition. This includes being responsive to notifications in TEDI, attending transition meetings, and including local EI program personnel in team meetings, as is appropriate. All children transitioning from Part C who are found eligible for Part B preschool services need to have an IEP in place by their third birthday. LEAs can use existing assessments from Part C in their eligibility evaluation, but they may need additional information to make an informed decision.

Once evaluations have been completed, the LEA can take one of two actions. The first is to determine the child eligible for special education or related services, and the second is to provide a written notice that states the basis of the determination and the due process that a parent can access in the case of dispute. Ensuring that children and families have smooth and effective transitions between IDEA Part C and Part B services will result in the best outcomes possible for all children.

## CITATIONS

Office of Special Education Programs (OSEP). (2023a). *OSEP Policy Letter to Jennifer Nix (March 17, 2023)*. U.S Department of Education.

<https://sites.ed.gov/idea/files/OSEP-Response-to-Nix-03-17-2023.pdf>

Office of Special Education Programs (OSEP). (2023b). *2023 Early Childhood Transition Questions and Answers*. Individuals with Disabilities Education Act.

<https://sites.ed.gov/idea/idea-files/2023-early-childhood-transition-questions-and-answers/>