Memorandum

To: Children’s Integrated Services (CIS) Coordinators, Administration Teams, and Early Intervention Supervisors and Directors

From: Danielle Howes, Part C Administrator

Subject: CIS Part C Federal Reporting – APR Indicator 8A – Transition Plans

Date: May 31, 2017

Cc: CIS State Team, Reeva Murphy

Thank you for your continued work and dedication to CIS Early Intervention. This memo serves to provide guidance related to transition planning for children exiting Part C services.

The Federal Part C Annual Performance Report (APR) with respect to Indicator 8a states:


Compliance indicator: The percentage of toddlers with disabilities exiting Part C with timely transition planning for whom the Lead Agency has:

A. Developed an IFSP [One Plan] with transition steps and services at least 90 days, and at the discretion of all parties, not more than nine (9) months, prior to the toddler’s third birthday

The Vermont State Rules also defines the window for timeliness of transition plans to at least 90 days but not more than nine (9) months prior to the toddler’s third birthday: http://education.vermont.gov/sites/aoe/files/documents/edu-state-board-rules-series-2360.pdf (Page 36)

Therefore:

- Both federal regulations (§303.209(d)-(f)) and State rules (2360.5.9(b)) require that all exiting the Part C program with a disability must have a transition plan between 9 months (270 days) and 90 days of their third birthday.

This is true even for a child that still has a documented disability but is withdrawn from CIS-EI services by their family less than 9 months (270 days) prior to their third birthday. Children withdrawn by their family more than 9 months (271 days or more) prior to their third birthday are not part of this data set.
These transitions plans must be developed using both pages of the CIS Transition Plan form (Section V of the One Plan). These are the children that data is reported on within Vermont’s Annual Performance Report and these data are used for regional determinations.

- However, it is best practice that all children have a transition plan prior to exiting services. The State will be monitoring regional performance to ensure that all reasonable efforts are made to develop a transition plan for children who exit Part C prior to/at their third birthday who exit ‘age appropriate.’

Age appropriate means the child no longer has a disability as evidenced by the child’s current level of functioning. Current level of functioning is determined based on formal assessments that have been performed as part of services/reviews for the child, as well as documentation of ongoing developmental progress by qualified professionals.

These transition plans should be developed using only the first page of the CIS Transition Plan, which is intended to plan for transitioning from any CIS Service.
### Some Examples for Your Reference:

<table>
<thead>
<tr>
<th>Situation</th>
<th>Date of Birth</th>
<th>Transition Plan Date</th>
<th>Exit Date</th>
<th># days from 3rd birthday</th>
<th>Compliant with APR Indicator 8A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child exits Part C and has a disability, but is withdrawn by their parent</td>
<td>8/1/2015</td>
<td>5/25/17</td>
<td>5/25/17</td>
<td>68 days</td>
<td>No. Child exits with disability but transition Plan was not completed before 90 days from child’s 3rd birthday.</td>
</tr>
<tr>
<td>Child exits Part C and has a disability</td>
<td>8/1/2014</td>
<td>3/1/2017</td>
<td>8/1/2017</td>
<td>153 days</td>
<td>Yes. Transition Plan was completed between 9 months and 90 days of the child’s 3rd birthday.</td>
</tr>
<tr>
<td>Child exits Part C and has a disability</td>
<td>8/1/2014</td>
<td>7/1/2017</td>
<td>8/1/2017</td>
<td>31 days</td>
<td>No. Transition Plan was not completed before 90 days from child’s 3rd birthday.</td>
</tr>
<tr>
<td>Child exits Part C and has a disability</td>
<td>8/1/2014</td>
<td>11/1/2016</td>
<td>8/1/2017</td>
<td>273 days</td>
<td>No. Child exits with disability on their 3rd birthday but transition Plan was completed before 9 months from child’s 3rd birthday.</td>
</tr>
<tr>
<td>Child exits Part C and has a disability</td>
<td>8/1/2014</td>
<td>No plan written because declined by the family</td>
<td>8/1/2017</td>
<td>0 due to family choice</td>
<td>Yes. The family has a right to opt out of transition plan and conference.</td>
</tr>
<tr>
<td>Child exits Part C and has a disability, but is withdrawn by their parent</td>
<td>8/1/2014</td>
<td>10/1/2016</td>
<td>11/1/2016</td>
<td>304 days</td>
<td>Not part of Indicator 8A reporting because the child was withdrawn &gt; 9 months (270 days) from their 3rd birthday</td>
</tr>
</tbody>
</table>
Before contacting CIS EI State Staff with questions we would encourage you to review this guidance provided by the Office of Special Education Programs (OSEP): [http://ectacenter.org/~pdfs/topics/transition/timeline_flowchart APR indicators 09-12 OSEP approved.pdf](http://ectacenter.org/~pdfs/topics/transition/timeline_flowchart APR indicators 09-12 OSEP approved.pdf)

**Part C to Part B Early Childhood Transition Timeline for SPP/APR Indicators C-8A, 8B, 8C, B-11 and B-12**

For **Part C Children Determined Eligible at least 90 Days Prior to Their 3rd Birthday**

### Development of Transition Plan
- **C-8A**
  - Required for all toddlers receiving Part C services prior to exiting Part C.
  - Must be developed, with involvement of the family no more than 9 months and no less than 80 days before the toddler’s 3rd birthday.
  - Must identify appropriate services and services in IFSP as described in content of plan.
  - §303.200(d)(3) and §303.344(h), which includes confirmation in IFSP of transition notification and transfer of records with parental consent, if required.
  - IFSP meeting to develop transition plan may be conducted with the Transition Conference.
  - Must obtain parental consent, if required, to disclose personally identifiable information.
  - Make reasonable efforts to convene conference for children not potentially eligible for Part B.

### Transition Notification for Children Potentially Eligible for Part B Services to the SEA and LEA of Residence (Referral to Part B)
- **C-8B**
  - Must occur for all children receiving Part C services as of 90 days prior to the 3rd birthday who are potentially eligible for Part B, unless parent opts out pursuant to OSEP-approved State opt-out policy.
  - Must confirm that the child is potentially eligible based on IFSP team determination.
  - Notification to LEA and invitation to the LEA for transition planning conference may be combined.
  - Part B provides notice of procedural safeguards to family after notification.

### Transition Conference for Children Potentially Eligible for Part B Services
- **C-8C**
  - Must occur with parent approval, at least 90 days, and at the discretion of all parties 9 months, prior to 3rd birthday for all toddlers determined eligible for Part C & who are potentially eligible for Part B.
  - Must invite LEA to the conference.
  - Must combine transition conference with IFSP meeting to develop the transition plan.
  - Must obtain parent consent, if required, to disclose personally identifiable information to LEA.

### Initial Evaluation for Part B
- **B-11**
  - Provide prior written notice.
  - Obtain parental consent for evaluation.
  - Must be completed within 90 days of receipt of consent or state-established timelines or sooner if needed to ensure that IEP is developed and implemented by age three.

### Eligibility Determination

### IEP Meeting - IEP Development
- **B-12**
  - Inform parents that Part C Service Coordinator or other representative may be invited to IEP meeting.
  - Invite Part C Service Coordinator or other Part C representative at parent request.
  - Conduct IEP meeting to develop IEP within 30 days of eligibility determination or sooner if needed to ensure that IEP is developed and implemented by age 3.
  - Consider most recent IFSP when developing IEP.
  - Provide prior written notice.
  - Obtain parental consent for initial provision of special education and related services.

### Implementation of the IEP
- **B-12**
  - IEP is implemented by age three.
  - If a child turns three during the summer, and the child does not require extended School Year (ESY) services, special education and related services may begin in the new school year.

**Developed by NECTAC in collaboration with the Early Childhood Transition Workgroup of the RRCP General Supervision Priority Team and the Office of Special Education Programs (OSEP), September, 2012**