

Administrative Memo

Date: February 29, 2012
To: School Administrators and Special Education Directors
From: Stephen Barr, Assistant Commissioner, Office of Special Education
Subject: SE-12-001 – Part C to Part B Transition OSEP Clarification

The Office of Special Education Programs (OSEP) has issued a clarification letter addressing the Part B referral definition http://www.nectac.org/~pdfs/idea/letters/ITCA_NASDSE_ECT_FAQresponse2_9_11.pdf. The following two paragraphs are an excerpt from the letter:

Part B statutory and regulatory authority referral definition

For the purposes of IDEA section 637(a)(9)(A)(ii)(II), the lead agency may use the invitation to the transition conferences as notification to the LEA that the child is potentially eligible for Part B services. Alternatively, when the lead agency notifies the LEA of children who will shortly reach the age of eligibility for preschool services, the lead agency could note those children that are potentially eligible for Part B services.

Because notification that a child who is served in Part C is potentially eligible for Part B services is considered an initial referral for children transitioning from Part C to Part B, the LEA must give the parents a copy of the notice of procedural safeguards in accordance with 34 CFR 300.504(a)(1).

In Missouri, all children in Part C (First Steps) are considered to be potentially eligible for Part B (ECSE) services. The date of referral will no longer be considered the date of the First Steps transition meeting but will now be the date of notification. **Referrals received before March 1, 2012, should proceed as is. Referrals received on or after March 1, 2012, must follow the new process.**

The updated Part B Standards and Indicators Manual and the Initial Evaluation Process-Parent Referral Flow Chart now define the referral date as the date of contact when the directory information is provided to the LEA. Both documents provide examples of what constitutes directory information and modes of referral that LEAs should expect when determining the date of referral.

Please note that the referral date is the trigger for beginning the evaluation process and providing parents with the Procedural Safeguards under Part B.

The updated Part B Standards and Indicators manual
<http://www.dese.mo.gov/se/compliance/StandardsManual/index.html>

The updated Initial Evaluation Process-Parent Referral Flow Chart
<http://www.dese.mo.gov/se/compliance/documents/initialreferral.pdf>

The Office of Special Education plans to provide multiple opportunities to address this new information including a webinar on March 27, 2012, at 11:00 a.m. to explain Transition C to B practices and procedures <http://dese.mo.gov/webinar/Webinar-03-27-12-SE.htm>.