

Transition from First Steps to Early Childhood Special Education (ECSE)
Updated August 2016

NOTE: Part C/early intervention is referred to as First Steps and Part B/Local Educational Agency is referred to as ECSE throughout the document.

Section 1: First Steps Referral to ECSE / Opt Out

- 1. Is there a required form to make a referral to ECSE?** Answer: No, there is not a required form because directory information may be provided to ECSE in a variety of ways (i.e., phone call, email or meeting notification) and may be provided to ECSE by anyone with knowledge of the child (i.e., parent, First Steps Service Coordinator, First Steps provider).
- 2. Can First Steps share directory information with ECSE using the *First Steps Referral to ECSE Documentation Model Form*?** Answer: Yes. If First Steps uses the model form as a way to share directory information only Section 1 for Directory Information is to be completed. ECSE would complete the additional information in Sections 2 and 3 on the model form.
- 3. Is ECSE required to use the *First Steps Referral to ECSE Documentation Model Form*?** Answer: No, ECSE is not required to use the document; however, ECSE is encouraged to use this model form as a tool to document the process and help ensure timelines are met.
- 4. If First Steps shares part of the directory information (e.g., child's name and address), is that a referral to ECSE?** Answer: No. Complete directory information constitutes a referral to ECSE, which includes all five of the following components: the child's name and date of birth, the parents' name, address and phone number. Directory information may be provided all at once or over several contacts; however, the date complete directory information is received is the date of referral for ECSE. Once ECSE has complete directory information for a child, they must follow the referral for special education evaluation process and ECSE does not have to wait for the parent to contact them.
- 5. What happens if parents first agree to send directory information to ECSE but then the parents change their minds?** Answer: The parents complete Section 1 of the *First Steps Opt Out Form*. The Service Coordinator cannot release any information to ECSE as of the date the parents sign the form. If parents change their minds after the transition conference and/or directory information was already provided to ECSE, then the referral to ECSE has been made. The parent may choose not to provide consent for a special education evaluation if ECSE determined that an evaluation was warranted.
- 6. When the parent reverses opt out, what date does ECSE use to determine if it was less than 90 days before the child's third birthday?** Answer: It is the date the parents change their minds, indicated by the **date of parent signature** on the reversal section of the *First Steps Opt Out Form*. The Service Coordinator must send the signed reversal form to ECSE as soon as possible. If the date of parent signature for reversal is 90 days or more before the child's third birthday, then the IEP must be developed by the child's third birthday.

7. **What documentation is required if the parent reverses opt out less than 90 days (an exception to the IEP developed by the child's third birthday)?** Answer: The school district will receive a copy of the *First Steps Opt Out Form* with reversal information from the Service Coordinator. The school district must maintain this form as documentation that the parents changed their minds less than 90 days before the child's third birthday.

Section 2: First Steps Transition Plan/Conference

8. **What happens when a transition conference needs to be scheduled during the summer when the school is closed?** Answer: Since ECSE is a required participant at the transition conference, the Service Coordinator must involve ECSE in planning the conference ahead of time. It is acceptable to hold the conference before or after the summer break in order for ECSE to participate as long as the conference is held within timelines of not more than nine months and not less than 90 days before the child's third birthday.
9. **What happens if ECSE cannot attend the transition conference in person (i.e., meeting is in the evening or during the summer)?** Answer: ECSE must participate in the transition conference when invited, according to the Part B regulations under 300.124(c). ECSE may attend in person, via conference call, via Skype or by substitute in order to be documented as participating in the conference.
10. **When a transition conference has been held in one school district and the family moves to another school district, does the receiving district have to follow the original timelines?** Answer: Yes. ECSE would consider this a transfer and continue the initial evaluation process. The receiving district should use the information from the sending district and continue the timelines for eligibility determination and IEP development so that, if eligible for Part B, the IEP is in place by the child's third birthday.
11. **Are children in First Steps assigned a MOSIS number?** Answer: The Missouri Student Information System (MOSIS) number is a unique identification number for every student receiving educational service in Missouri public schools. A MOSIS number is also assigned to children participating in First Steps. When a child transitions from First Steps to ECSE, the MOSIS number stays with the child. ECSE needs to use this MOSIS number in their district's student information system.

Section 3: ECSE Referral to Eligibility Process

12. **How does ECSE's requirement for Child Find apply to the transition from First Steps to ECSE?** Answer: The Child Find requirement for Part B is the obligation to identify, locate and evaluate all children with disabilities who are in need of special education and related services. The Missouri State Plan for Special Education (Part B) requires each school district to advertise and make the general public aware of this responsibility through a variety of media prior to November 1st of each calendar year.
13. **Are school districts able to begin formal testing when a First Steps eligible child is referred to ECSE nine months before third birthday, or should the school wait until the child is closer to age three?** Answer: The 30-60-30 day timeline for children referred to ECSE from First Steps must be strictly followed, even when the referral happens well before the child's third

birthday. The Federal Office of Special Education Programs (OSEP) has directed our state to include initial evaluations for children transitioning from First Steps in accountability data for State Performance Plan (SPP) indicator 11 – percent of children who were evaluated within 60 days of receiving parental consent for evaluation. For this reason, children transitioning from First Steps are included in accountability data for SPP 11 as well as SPP 12 – percent of children referred by First Steps prior to age three, who are found eligible for ECSE and who have an IEP developed and implemented by their third birthdays.

When following the 30-60-30 timeline, there will be instances where IEPs are developed before the child's third birthday, to be implemented on the third birthday, in order to meet the requirements for reporting SPP 11 and SPP 12.

- 14. Can ECSE provide a Notice of Action (NOA) refused for First Steps eligible child referred to ECSE greater than nine months before the child's third birthday?** Answer: ECSE cannot refuse a referral solely based on the age of the child. ECSE must process a request for initial evaluation for special education when it is received. If ECSE repeatedly receives referrals for children greater than nine months before their third birthday, it is recommended that ECSE contact the System Point of Entry (SPOE) to develop an agreement for sharing information between ECSE and First Steps.
- 15. If a First Steps eligible child is referred to ECSE greater than 120 days before the child's third birthday, is it permissible for ECSE to delay the evaluation until closer to the child's third birthday?** Answer: No. The state and federal regulations implementing the IDEA do not provide a means for delaying or denying an evaluation. Once the referral is received by ECSE, the required activities for the 30-60-30 timeline must be followed and the IEP must be developed within timelines.
- 16. ECSE has to provide Procedural Safeguards within five school days of the date of referral. Does this mean mailing the Safeguards to the parents before meeting with the parent?** Answer: Yes. If ECSE does not meet with the parents within five school days of the referral date, it must provide the parents a copy of the Procedural Safeguards Notice and maintain documentation that shows the Procedural Safeguards were provided within five school days of the referral date.
- 17. The *Initial Evaluation Process-Parent Referral Flow Chart* has a box that allows for ECSE to determine if there is a reason to suspect a disability. Is eligibility for First Steps automatically a reason to suspect a disability?** Answer: No. A child who is eligible for First Steps is potentially eligible for ECSE; however, participation in First Steps does not mean ECSE automatically suspects the child has a disability.
- 18. When is a Review of Existing Data (RED) completed?** Answer: ECSE must conduct a RED within 30 days of referral when the child is suspected of having a disability and in need of special education. If there is no reason to suspect a disability, ECSE must provide the parent with a NOA (refused) for an initial special education evaluation within 30 days of the date of the referral and ECSE will not conduct a RED.
- 19. If a Service Coordinator provides directory information to ECSE more than 30 days before the transition conference, would ECSE be required to have a RED meeting and obtain signed consent before the transition conference is even held?**

Answer: ECSE must conduct a RED and provide a NOA to the parent within 30 days of the date of referral unless there is an acceptable reason to extend the first 30 days, such as snow days or school district vacation days. However, the parent does not have to provide written consent for an evaluation within 30 days of referral. Parents decide when they will provide their written consent and there is no timeline that they have to follow.

20. How does ECSE respond to the referral if First Steps only provides directory information but nothing else? Answer: ECSE would use the directory information to contact the parents to learn more about the concerns that prompted the request for an initial special education evaluation. ECSE would also contact the SPOE to determine if the parent signed a release of information to share additional information such as the child's Individualized Family Service Plan (IFSP) or evaluation reports. These sources of information would be administratively reviewed and a determination made if the child is suspected of being a child with a disability and in need of special education.

If there is a reason to suspect a disability, ECSE would start the evaluation process and conduct a RED within 30 days of the date of referral. If there is no reason to suspect a disability, ECSE would provide the parent a NOA (refused) and not start the evaluation process and would not conduct a RED.

21. A referral is received for a child age 24 months and the team meets within the required timeline for the RED and determines that additional assessment is required to determine eligibility but the parents prefer to wait until a later date to evaluate. What documentation is needed to show that ECSE has complied with the timeline requirements? Answer: The date on the NOA must be within 30 days of the date of referral. The 60 day timeline for determining eligibility begins on the date the parent provides written consent for the evaluation. ECSE should be sure to document the date the parent consent was received.

22. Can ECSE provide a NOA for the initial evaluation and the parent wait to sign as a means of "delaying" the evaluation to closer to the child's third birthday? Answer: ECSE is responsible for fully informing the parents about the timelines, options and implications of conducting the initial evaluation. It is an option for the parent to choose to wait until closer to age three to sign consent for initial evaluation. The initial evaluation cannot occur until the NOA is signed by the parent.

23. What is the responsibility of ECSE if, after two attempts to acquire parent consent to evaluate, no response is received from the parents? Answer: ECSE must maintain documentation of reasonable efforts to obtain parental consent for initial evaluations, to provide special education and related services for the first time, to reevaluate, and to locate parents of children who are wards of the State for initial evaluations. The documentation must include a record of ECSE attempts in these areas, such as:

- a. Detailed records of telephone calls made or attempted and the results of those calls;
- b. Copies of correspondence sent to the parents and any responses received; and
- c. Detailed records of visits made to the parent's home or place of employment and the results of those visits.

Section 4: IEP

- 24. Can children in First Steps who are eligible for ECSE begin IEP services before age three?** Answer: No. While the school district can evaluate and develop the IEP before age three, IEP services cannot begin until a child's third birthday.
- 25. A child is referred to First Steps less than 90 days before the child's third birthday, eligible for First Steps and subsequently found eligible for ECSE. Does the IEP have to be developed by third birthday?** Answer: No. A "late referral" to First Steps occurs if a child was referred less than 90 days prior to the third birthday. ECSE treats the referral from First Steps as a parent referral to ECSE and follows the standard timeline of 30-60-30 to conduct the process. ECSE should make every effort to have the IEP developed by the third birthday for an eligible child so there is no gap in services for the child. If ECSE followed the timelines and a gap in services occurred, ECSE would still be in compliance.
- 26. A child is referred to First Steps 90 days or more before the child's third birthday, subsequently found eligible for First Steps and found eligible for ECSE. Does the IEP have to be developed by third birthday?** Answer: Yes. A child referred to First Steps 90 days or more prior to the third birthday and subsequently found eligible for First Steps, must have the evaluation completed, eligibility determined and, if eligible for ECSE, an IEP developed by the child's third birthday. ECSE may have to expedite the evaluation process since there are no acceptable reasons for missing this deadline.
- 27. For children referred to First Steps 90 days or more before the child's third birthday, does the IEP have to be developed by the third birthday if the parents first opt out of sending directory information to ECSE, but later change their minds?** Answer: It depends on when the parent signs the opt out reversal form. If the parent signed the reversal form prior to 90 days before the child's third birthday, then yes, the IEP must be developed by the child's third birthday if eligible for special education. But if the parent signed the reversal form less than 90 days before the child's third birthday, then no, the IEP does not have to be developed by the child's third birthday.
- 28. How does ECSE find the date the child was referred to First Steps?** Answer: The First Steps release of information has an item that indicates the child's referral date and whether that date is 90 days or more before the child's birthday. With parent consent, this information is completed on the release of information. See page 1 of the *Release of Information Form* at: <http://dese.mo.gov/forms/MO5003041.pdf>
- 29. A child is in First Steps and referred to ECSE 120 days or more before the child's third birthday. If eligible for ECSE, when is the Individualized Education Program (IEP) developed?** Answer: Once eligibility has been determined, an initial IEP must be developed within 30 days despite any scheduled breaks in the school year. It is acceptable for the IEP to be developed before the child's third birthday and implemented on the child's third birthday.