

## Missouri Department of Education

### **Early Childhood Intra-Agency Transition Agreement between First Steps Early Intervention Program (Part C) and Early Childhood Special Education Program (Part B)**

*NOTE: Part C-Early Intervention is referred to as First Steps and Part B- Local Educational Agency (LEA) is referred to as ECSE throughout the document.*

#### **I. Purpose**

The purposes of this intra-agency agreement are to:

Address how the First Steps program and the Early Childhood Special Education (ECSE) program will meet the transition requirements under the Individuals with Disabilities Education Act (IDEA); and

Identify the policies and procedures used to ensure a smooth transition for children with disabilities receiving First Steps services to:

- ECSE services;
- Other appropriate services for children with disabilities; or
- Exit the First Steps program.

#### **II. First Steps – Part C Requirements**

In order to ensure a smooth and effective transition for children in First Steps, Missouri has policies and procedures in place to ensure:

##### **A. Transition Notification**

###### **1. State Educational Agency (SEA) Notification**

Missouri considers all eligible children in First Steps as potentially eligible for the ECSE program. SEA notification is conducted for all eligible children in First Steps. To complete the SEA notification, the First Steps program uses an electronic child record system of real-time data for all children participating in First Steps. SEA Part B staff have access to a single aspect of the data system, a SEA notification report. The report contains directory information (i.e., the child's name, date of birth, parent's name, address and telephone number) for all eligible children in First Steps who are two years six months to three years of age. A child's name will appear on this report until the child's third birthday or the child's electronic record is closed. SEA Part B staff log-in to the electronic system on or about the first business day of each month to access the SEA notification report, which ensures that, not fewer than 90 days before the child's third birthday, the SEA is notified of children approaching three years of age and may be eligible for ECSE services.

SEA notification is explained to parents when planning for transition from First Steps, which occurs when children are between two years and two years six months. Service Coordinators give First Steps parents a transition handbook explaining transition activities, including directory information and notification procedures.

## **2. Local Educational Agency (LEA) Notification**

LEA notification includes the following personally identifiable information: the child's name, the child's date of birth and parent contact information (including parent's name, address and telephone number). LEA notification constitutes a referral to the ECSE program.

### **i. Opt Out Policy**

Missouri considers all eligible children in First Steps as potentially eligible for the ECSE program. Missouri has an opt out policy in accordance with the federal regulations, that gives the parent a specified time period to object to sharing directory information to ECSE (i.e., LEA notification). The time period for opt out aligns with the transition plan timeline of no fewer than 90 days before the child's third birthday unless the child is a late referral, and in such case, the time period is on or before the transition plan meeting.

The Service Coordinator explains directory information and opt out to the parent when preparing to schedule the transition plan meeting, unless the parent requests the notification to ECSE beforehand. If the parent requests to opt out of sending directory information to the ECSE, the Service Coordinator provides the opt out form to the parent prior to the transition plan meeting. The parent has until the transition plan meeting to return the opt out form to the Service Coordinator or directory information will be sent to ECSE at the transition plan meeting. Upon receiving the parent's written objection no later than the transition plan meeting, the Service Coordinator will not send directory information to ECSE.

The parent is informed that failure to send directory information to ECSE fewer than 90 days before the child's third birthday may result in a gap in services if the child is eligible for ECSE.

The parent is also informed that, if after opting out initially, the parent later wants the Service Coordinator to send directory information to ECSE; the parent must contact the Service Coordinator immediately.

### **ii. LEA Notification Timelines**

For each child determined eligible for First Steps 90 days or more before the child's third birthday, where the parent has not chosen to opt out, First Steps ensures that, not fewer than 90 days before the child's third birthday, the Service Coordinator notifies the LEA in which the child lives that the child is approaching three years of age and may be eligible for ECSE services.

For each child found eligible for First Steps more than 45 but less than 90 days before the child's third birthday, and the parent has not chosen to opt out, First Steps ensures that, the Service Coordinator, as soon as possible after the child's eligibility for First Steps is determined, notifies the LEA in which the child lives that the child is approaching three years of age and may be eligible for ECSE services.

For each child referred to First Steps fewer than 45 days before the child's third birthday, parental consent is required before notification can occur. As soon as possible after obtaining parental consent, the Service Coordinator notifies the LEA in which the child lives that the child may be eligible for ECSE services. For each child referred to First Steps fewer than 45 days before the child's third birthday, First Steps is not required to conduct an evaluation, assessment, or an initial Individualized Family Service Plan (IFSP) meeting.

### **B. Transition Conference with ECSE**

Missouri considers all children participating in First Steps potentially eligible for ECSE; therefore, with the approval of the family, a conference is convened among the Service Coordinator, the family, and ECSE not fewer than 90 days, and, at the discretion of all parties, not more than nine months before the child's third birthday. The purpose of the transition conference with ECSE is to explain: the differences between Part C and Part B; the process ECSE will complete to determine the child's eligibility for services under Part B; and, if eligible, any services the child may receive under Part B of the IDEA; and provide ECSE personnel contact information.

The transition conference with ECSE is an IFSP meeting and must meet the IFSP requirements for accessibility and convenience of meetings, parental consent for early intervention services and participants in IFSP meetings as described under Section XII of the Missouri State Plan for Part C.

### **C. Transition Plan**

For all children participating in First Steps, a meeting to develop the transition plan is held not fewer than 90 days and, at the discretion of all parties, not more than nine months before the child's third birthday. The purpose of the transition plan meeting is to review the program options for the child after the child turns three years of age and to discuss the transition steps and services for the remainder of the child's time in First Steps. The family must be included in the development of the transition plan in the IFSP.

The transition plan meeting is an IFSP meeting and must meet the IFSP requirements for accessibility and convenience of meetings, parental consent for early intervention services and participants in IFSP meetings as described under Section XII of the Missouri State Plan for Part C.

The transition plan in the IFSP includes the steps for the child and family to exit from the First Steps program and services that the IFSP team identifies, as appropriate, for the child and family.

The steps in the transition plan include, at a minimum, the following:

- Discussions with, and training of parents, as appropriate, regarding future placements and other matters related to the child's transition;
- Identification of transition services and other activities that the IFSP team determines are necessary to support the transition of the child;
- Procedures to prepare the child for changes in service delivery including steps to help the child adjust to and function in, a new setting;
- Confirmation that directory information has been provided to ECSE, or that the parent opted out of notification; and,
- Confirmation that additional information, with parental consent, has been provided to ECSE to ensure continuity of service from the First Steps program, including the most recent evaluation and assessments of the child and family and IFSP.

#### **D. Combining Transition Conferences with Meetings to Develop the Transition Plan**

The transition plan meeting and conference with ECSE may be combined into one meeting; however, all the requirements listed under the sections for Transition Conference with ECSE and the Transition Plan must be addressed.

#### **E. Late Referrals**

For children referred to First Steps less than 135 days before the child's third birthday, and subsequently found eligible for First Steps, the requirements for holding a transition plan meeting and transition conference with ECSE depend upon the age of the child when referred.

For children referred to First Steps less than 135 days but 90 days or more prior to the child's third birthday, the transition plan meeting and transition conference with ECSE must be held as part of the initial IFSP meeting.

For children referred to First Steps less than 90 but 45 days or more prior to the child's third birthday, the transition plan must be held as part of the initial IFSP but the transition conference with ECSE is not required.

For children referred to First Steps less than 45 days from the child's third birthday, the transition plan meeting and transition conference with ECSE are not required.

#### **F. Applicability of Transition Requirement**

The requirements related to Notification, Transition Conference with ECSE and Transition Plan contained in this agreement apply to all children served in First Steps.

### **III. Early Childhood Special Education Program – Part B Requirements**

In order to ensure a smooth and effective transition for First Steps children who are eligible for ECSE services, Missouri has policies and procedures in place to ensure:

## **A. IEP Development and Implementation**

All children found eligible for Part C and who are also found eligible for Part B, including Part C Extension children, must have an Individualized Education Program (IEP) by the child's third birthday. The only exceptions to this are (1) if the child was referred to First Steps less than 90 days before the child's third birthday; (2) if the parent does not give parental consent to evaluate the child, which delays an evaluation by the school district and subsequent development of an IEP; or (3) if the parent first opts out of notification to the LEA and subsequently requests notification to the LEA less than 90 days from the child's third birthday, which delays an evaluation by the school district and subsequent development of an IEP.

The obligation to make a Free Appropriate Public Education (FAPE) available to each First Steps child who is eligible for ECSE begins on the child's third birthday, unless the parent of a child with a summer third birthday chooses the Part C Extension instead of early childhood special education and related services at age three. For children in the Part C Extension, the IEP is implemented upon the initiation of the local district's school year following the child's third birthday.

## **B. LEA Participation in the Transition Conference**

The LEA in which the child resides will participate in the transition conference arranged by First Steps. Once invited, LEA personnel must participate in the transition conference. LEA personnel may participate in the conference by attending in person, via video/conference call or sending a substitute.

## **C. Service Coordinator Invitation to the Initial IEP Meeting**

At the request of the child's parent, an invitation to the initial IEP meeting must be sent to the First Steps Service Coordinator or other representatives of the First Steps program to assist in a smooth and effective transition for a child who previously participated in First Steps.

## **D. IFSP Consideration at the Initial IEP Meeting**

In each case of a child who participated in First Steps and is transitioning to ECSE, the IEP team must consider the IFSP content in the development of the IEP.

## **E. Part C Extension for Children with Summer Third Birthdays**

The Department has developed policies and procedures to alleviate any gaps in services for children who may transition from First Steps to ECSE. Depending on where the child's birth date falls in a calendar year, the following provisions apply to children in First Steps:

### Birthdays on April 1 through August 15

In Missouri, parents of a child determined eligible for both First Steps and ECSE, and who has a third birthday on April 1 through August 15, may choose to: (1) continue Part C services until the initiation of the local district's school year following the child's third birthday, or (2) transition to ECSE upon the child's third birthday. If the child's ECSE eligibility determination is in process, First Steps services as identified in the child's IFSP

must continue beyond age three until the child’s eligibility for ECSE is determined. This provision does not apply if ECSE has requested parental consent for the initial evaluation and the parent has not provided that consent. If the child is found ineligible for ECSE, First Steps services will end upon the child’s third birthday or upon ECSE’s determination of ineligibility if the child is over age three.

All requirements for the Transition Plan Meeting and Transition Conference with ECSE described above are applicable to children with summer third birthdays. If the parent opts out of sending directory information to ECSE, Part C Extension is not available and the Service Coordinator informs the parent that First Steps services end upon the child’s third birthday.

The Service Coordinator notifies the parents of their options for services over age three through written and verbal information at the Transition Plan Meeting or Transition Conference with ECSE. Written information provided to the parents includes a description of the parent’s right to choose to: (1) continue First Steps services until the initiation of the local district’s school year following the child’s third birthday, or (2) choose to transition to ECSE upon the child’s third birthday. Written information provided to the parents also includes an explanation of the differences between Part C and Part B procedural safeguards and services, in accordance with 303.211(b)(1)(ii)(A through C), as follows:

| <b>Services</b>       | <b>Extended Part C at age three</b>   | <b>Part B at age three</b>  |
|-----------------------|---|---|
| Types                 | Early intervention services are identified by the IFSP team, which includes the parent, and designed to meet the developmental needs of a child with a disability. Services are available throughout the calendar year. | Special education services are identified by the Individualized Education Program (IEP) team, which includes the parent. Services are available throughout the school-year, however, the IEP must include a statement indicating the child’s eligibility or ineligibility for Extended School Year services.  |
| Location              | Early intervention services are delivered in the child’s natural environment, including home and community settings, to the maximum extent appropriate.   | Special education and related services are provided in the least restrictive environment, to the maximum extent appropriate. Removal of children with disabilities from the regular educational environment only occurs when the nature or severity of the disability is such that education in regular classrooms with use of supplementary aids and services cannot be achieved satisfactorily. |
| Procedural Safeguards | State regulations under Part C detail the rights of children and parents who participate in First Steps.  | State regulations under Part B detail the rights for all parties involved in the education of students with disabilities.   |
| Cost                  | Families pay a monthly fee for early intervention services delivered through an IFSP, except services provided at no-cost.  | Special education and related services are at no cost to the parent and designed to provide a Free Appropriate Public Education (FAPE) through an IEP.  |

Parents who choose the option to continue First Steps services must provide consent, which may be obtained as early as the Transition Plan Meeting or Transition Conference with ECSE but no later than the child's third birthday. Once parent consent is obtained, the Service Coordinator must hold a Summer Third Birthday IFSP meeting by the child's third birthday.

Parents are informed the Summer Third Birthday IFSP must include an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills. Parents of children who continue First Steps services have the right, at any time, to receive ECSE services instead of First Steps services. However, ECSE is not required to provide a FAPE under Part B for the period of time a child is receiving services through the Part C Extension.

Parents who choose the option to transition to ECSE have the right for their child with a summer third birthday to receive a FAPE through an IEP upon the child's third birthday. Parents who choose ECSE services cannot later choose to return to First Steps services once consent for ECSE services is obtained and the child has turned three.

Extended Part C services are paid for with state general revenue, federal Part C, federal Medicaid, private insurance and family cost participation.

Birthdays on August 16 through March 31

The Service Coordinator informs parents of children with birthdates on August 16 through March 31 that First Steps services end upon the child's third birthday. If eligible for ECSE, the child will transition to ECSE upon the child's third birthday.

**F. Signatures**

The intra-agency agreement shall be effective immediately for five years and upon the written signatures of the parties below. At any time during the subsequent five years, a party to the agreement may request a meeting to review and revise its provisions as necessary.



Pam Williams, Coordinator, ECSE/Part B  
MO Department of Education

11-17-14  
Date



Pam Thomas, Coordinator, First Steps/Part C  
MO Department of Education

11-14-14  
Date



Stephen Barr, Assistant Commissioner, Special Education  
MO Department of Education

11-17-14  
Date