

## VI. Transition from Part C to Part B

### IDEA Regulations: Transition from Part C to Part B

#### Section 300.124: Transition of children from the Part C program to preschool programs.

The State must have in effect policies and procedures to ensure that—

(a) Children participating in early intervention programs assisted under Part C of the Act, and who will participate in preschool programs assisted under Part B of the Act, experience a smooth and effective transition to those preschool programs in a manner consistent with section 637(a)(9) of the Act;

(b) By the third birthday of a child described in paragraph (a) of this section, an IEP or, if consistent with §300.323(b) and section 636(d) of the Act, an IFSP, has been developed and is being implemented for the child consistent with §300.101(b); and

(c) Each affected LEA will participate in transition planning conferences arranged by the designated lead agency under section 635(a)(10) of the Act.

#### Section 300.323 When IEPs must be in effect

(b) IEP or IFSP for children aged three through five.

1. In the case of a child with a disability aged three through five (or, at the discretion of the SEA, a two-year-old child with a disability who will turn age three during the school year), the IEP Team must consider an IFSP that contains the IFSP content (including the natural environments statement) described in section 636(d) of the Act and its implementing regulations (including an educational component that promotes school readiness and

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#### 92 NAC 51-005.03

**005.03A.** The school district or approved cooperative shall have in effect policies and procedures to ensure that:

**005.03A1.** Children participating in early intervention programs assisted under Part C of the IDEA, and who will participate in preschool programs assisted under Part B of the IDEA, shall experience a smooth and effective transition to those preschool programs in a manner consistent with section 1437(a)(9) of the IDEA

**005.03A2.** By the third birthday of a child described in 92 NAC 51-005.03A1, an IEP or an IFSP, has been developed and is being implemented for the child; and

**005.03A3.** The school district or approved cooperative will participate in transition planning conferences.

#### 92 NAC 51-007 Individualized Education Program (IEP)

**007.01** An IEP shall be developed, reviewed, revised, and implemented for each child who receives special education and related services. In order to fulfill the requirements of 92 NAC 51-007.01 for infants and toddlers, school districts or approved cooperatives shall meet the requirements of 92 NAC 52. FAPE is provided to infants and toddlers with a disability in accordance with an IFSP rather than an IEP. The requirements for contents of the IFSP apply rather than the requirements for the contents of an IEP. All other substantive rights and protections established under special education laws apply to infants

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incorporates pre-literacy, language, and numeracy skills for children with IFSPs under this section who are at least three years of age), and that is developed in accordance with the IEP procedures under this part. The IFSP may serve as the IEP of the child, if using the IFSP as the IEP is—

- i. Consistent with State policy; and
    - ii. Agreed to by the agency and the child's parents.
  2. In implementing the requirements of paragraph (b)(1) of this section, the public agency must—
    - i. Provide to the child's parents a detailed explanation of the differences between an IFSP and an IEP; and
    - ii. If the parents choose an IFSP, obtain written informed consent from the parents
- (c) Initial IEPs; provision of services.** Each public agency must ensure that—
1. A meeting to develop an IEP for a child is conducted within 30 days of a determination that the child needs special education and related services; and
  2. As soon as possible following development of the IEP, special education and related services are made available to the child in accordance with the child's IEP.

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and toddlers with disabilities receiving FAPE in accordance with an IFSP.

**007.02** School districts or approved cooperatives must provide special education and related services to a child with a disability in accordance with the child's IEP.

**007.02A** At the beginning of each school year, each school district or approved cooperative shall have an IEP in effect for each child with a verified disability within its jurisdiction.

**007.02A1** From the end of the school year in which a child reaches age 3, until the child's sixth birthday, the IEP team must consider an IFSP that contains the IFSP content (including the natural environments statement) described in 92 NAC 52 (including an educational component that promotes school readiness and incorporates preliteracy, language, and numeracy skills for children with an IFSP who are at least three years of age), and that is developed in accordance with the IEP procedures. The IFSP may serve as the IEP of the child, if using the IFSP as the IEP is agreed to by the school district or approved cooperative and the child's parents.

**007.02B** Each school district or approved cooperative shall ensure that an IEP is in effect before special education and related services are provided to a child with a verified disability under this Chapter.

**007.02C** The child's IEP is accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation; and

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**007.02D** Each teacher and provider described in 92 NAC 51-007.02C must be informed of his or her specific responsibilities related to implementing the child’s IEP; and the specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.

# District Considerations for Policy and Procedure Development

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## Sample district policy statement

[Xyz school district] will create procedures to ensure staff participate in transition planning with early intervention programs to ensure participating children are appropriately evaluated, identified, and have services in place by age 3 consistent with Federal regulations (34 CFR § 1.24, 34 CFR § 300.323) and state law (92 NAC 51-005.03).

## Procedural considerations

When developing procedures, consider the following questions as you break down responsibilities:

- District-level coordination with Part C Early intervention services
  - » Who will be responsible for coordinating and communicating with early intervention programs associated with Part C to build district-level procedures?
  - » Who is the Part C contact? Where will the contact information be kept?
  - » Which staff are assigned on the school level to attend meetings and facilitate discussions?
  - » What professional development is needed for those school-level staff (onboarding and refreshers)?
- Staff you may need to plan for include
  - Preschool service providers
  - LEA designees or administrators
  - Assessment team members
  - » What parent information needs to be developed?
  - » Will meetings occur at the district or at the preschool building level?
  - » How frequently will procedures be reviewed to identify problem areas and any needed revisions, updates, or areas of training?
- School and preschool level procedures for transition meetings; consider documenting
  - » Which role is responsible for scheduling and facilitating meetings?
  - » Which role is responsible for needed documentation?
  - » What are the pre-, during, post- meeting steps?
  - » How are Part C referrals tracked?

## Guidance resources

- [ECTA Center: OSEP Resources on Transition](#)