

Getting from Here to There:



Navigating the Transition from Part C to Part B

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Questions & Answers

Generated from the September 2016 Talks on Tuesdays webinar, *Getting from Here to There: Navigating the Transition from Part C to Part B*

Please note: Many of these questions are also answered in the [Transition from Part C to Part B Question and Answer](#) document sent to all participants with the webinar materials and posted with the archived webinar. It is recommended that you review that more comprehensive Q&A document for further information.

1. **If we have given the family a Parental Prior Notice (PPN) that states that the Transition Conference is required at the transition PLANNING meeting do we need to give another one at the conference? I'm confused about the conference needing to meet IFSP review requirements.**

No. If, at the meeting to develop the transition plan, you gave the family a PPN for the transition conference, then you are all set. When you hold the transition conference, it must meet the requirements of an IFSP meeting.

2. **Clarify please...referral can be made before actual transitioning planning conference?**

That's correct

3. **For my division, I need parent permission to evaluate when receiving a referral to Part B. How can my timeline begin prior to consent to evaluate?**

Notification information (child name, date of birth and parent contact information) for the Part C early intervention system given to the special education director or designee of the school division is considered a referral. The date the special education director or their designee receives the information is considered the start of a referral and begins the 65 day timeline towards eligibility.

4. **So you do not have to provide the family with a PPN and Confirmation of IFSP schedule for the transition plan?**

You DO need to provide PPN and Confirmation of IFSP Schedule for the meeting to develop the transition plan.

5. **65 days is business days. Correct?**

All evaluations are completed and decisions about eligibility are made within 65 business days of the receipt of the referral by the special education administrator or designee.

6. **Who defines "referral" - receipt of referral? Is it the date of referral? Is it the date the family can provide the documentation needed to proceed with student study meeting?**

The date the referral is received by the special education director or the designated person in the local school division starts the process. If the referral is sent via US Mail or fax, it is the date the paperwork is received by the designated person, not the date the information was sent. If the referral is made verbally, it is the date the referral is made and received (which is the same) over the phone or face to face. School divisions should have a mechanism in place for an alternative person to receive the referrals when the designated person is absent.

7. What do we do when the school will not accept notification during the summer months?

We have the same concerns as someone else who asked what we do about a school system who receives a referral during the summer but does nothing with it until start of school in August. We repeatedly are told, "Our teachers/staff are off, so nothing can happen until they get back to school in August."

School divisions accept referrals at any time of the year. Summer months are considered the same as other months of the school year and the 65-day timeline is the same during the summer – business days (Monday to Friday), except for state and federal holidays.

It is recommended to develop a working relationship and identify processes and tools to aid in the communication between Part C and B and the referral process. The October Talks on Tuesdays will address this topic and outline strategies.

In the event a school will not accept notifications, please contact the Department of Education. (Dawn Hendricks, dawn.hendricks@doe.virginia.gov).

8. Does a parent have to be able to prove residency before notification/referral to Part B?

No. Requesting that a parent register a child can be part of the 65-day process, however it cannot delay the start of the evaluation process and eligibility meeting. If the school division does not have the identifying information, they can wait to enroll the child, but you cannot delay eligibility determination, IEP development and implementation if the child is found eligible for Part B services.

9. Can the LEA administrator be the second teacher on the eligibility determination or IEP team?

If the LEA Administrator is qualified by common standards or requirements (licensure, endorsement, etc.) it is permissible for him/her to serve as the second teacher, although it is not considered best practice. It is important to consider the child and the team members who are able to provide the type and level of information needed to inform goals, supports, and services.

10. ECSE teacher can serve as general education teacher at the eligibility determination or IEP meeting?

The ECSE teacher cannot serve both roles, but two ECSE teachers can participate and decide who will represent the general education side of the discussion.

11. How long is eligibility good for if the family declines to write the IEP, but changes their mind later?

There is not a set amount of time outlined in the regulations.

12. Can you provide an example of when a child is not age eligible but has gone through the IEP process?

A child who will turn 2 years old on August 15, 2016 is referred to Part B on April 1, 2016. The Part B eligibility determination process is completed in May and the IEP is developed on June 1. The child is not age eligible to start school until the first day of the next school year (when he will be two by September 30).

13. If a school system finds a child eligible for DD services but the parent only wants SLI services, what is the process? Can a parent agree to a partial IEP and give consent for just Speech only services?

At times, IEP teams disagree on certain parts of a proposed IEP and agree on others. In such instances, it is not uncommon for parents to initial or write their names next to the provisions to which they agree with the other

members of the IEP team. It is also common for parents during or after an IEP meeting, prior to consenting, to make hand-written notations on the proposed document in an attempt to consent to some, but not all, parts of the proposed IEP. Following an IEP meeting but prior to consent, parents may even, by handwritten notation, attempt to add services, or conditions to the provision of services, that were not reviewed by the other members of the IEP team.

Virginia Regulations clearly mandate school divisions to ensure that an IEP is implemented as soon as possible following parental consent to the IEP. (8 VAC 20-81-110 B.2). This regulation does not explicitly require the LEA to implement portions of the child's IEP in the instance where the parent has not consented to the entire document; however, when read in conjunction with two other regulatory provisions, the law does not prohibit the LEA from implementing those parts of the IEP that are consented to by the parent, as it is critical that the student's receipt of a free appropriate public education (FAPE) not be interrupted. (8 VAC 20-81-170 E.1.d, and 34 CFR § 300.300 (d)(2)). Thus, it is important that the denial of consent to one provision for a service not deny another which may be essential to the student's receipt of FAPE.

14. Can you please repeat/clarify the effect or ineffect of inclement weather on Part B timeline?

School closing due to inclement weather is not a reason for missing the timeline. Days the State is closed due to inclement weather, natural disaster, or a state holiday are to be documented and can extend the 65 day timeline. There is a 30 calendar day timeline for the IEP development. The 30 day calendar on the other hand is only extended if the 30 days ends on a day the state is closed (i.e., Saturday, Sunday, or State holiday).

15. We are still confused about school breaks/summer - and individual staff vacations versus snow days or unplanned school closures. For example - we had 10 snow days in January - did those count against the 65 day timeline? Another example - Part B receives a referral via fax on 12/25/16 - it is a Tuesday - does this count against the 65 day timeline?

Days the State is closed due to inclement weather, natural disaster, or a state holiday are to be documented and can extend the 65 day timeline. School closings due to snow/hurricanes/earthquakes, etc. count as part of the 65 days; as do summer break and teacher workdays. You can get permission from the parents, in such circumstances, to extend the 65 day timeline.

There is a 30 calendar day timeline for the IEP development. The 30 day calendar on the other hand is only extended if the 30 days ends on a day the state is closed (i.e., Saturday, Sunday, or State holiday).