

# **Early Intervention to Early Childhood Special Education Transition**

**Citations from the Federal Register 34 CFR Parts 300 and 301 regarding children who turn three at the end of spring or over the summer and are identified by the district or referred from early intervention for special education eligibility determination and services.**

## **300.101 Free appropriate public education (FAPE)**

(b) FAPE for children beginning at age 3.

(1) Each State must ensure that –

(i) The obligation to make FAPE available to each child residing in the State begins no later than the child's third birthday; and

(ii) An IEP or an IFSP is in effect for the child by that date, in accordance with 300.323(b).

(2) If a child's third birthday occurs during the summer, the child's IEP Team shall determine the date when services under the IEP or IFSP will begin.

[Authority: 20 U.S.C. 1412(a)(1)(A)]

## **300.106 Extended school year services**

(a) *General.* (1) Each public agency shall ensure that extended school year services are available as necessary to provide FAPE, consistent with paragraph (a)(2) of this section.

(2) Extended school year services must be provided only if a child's IEP Team determines, on an individual basis, in accordance with §§300.320 through 300.324, that the services are necessary for the provision of FAPE to the child.

(3) In implementing the requirements of this section, a public agency may not—

(i) Limit extended school year services to particular categories of disability; or

(ii) Unilaterally limit the type, amount, or duration of those services.

(b) *Definition.* As used in this section, the term extended school year services means special education and related services that—

(1) Are provided to a child with a disability—

(i) Beyond the normal school year of the public agency;

(ii) In accordance with the child's IEP; and

- (iii) At no cost to the parents of the child; and
- (2) Meet the standards of the SEA.

[Authority: 20 U.S.C. 1412(a)(1)]

**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.

[Authority: 20 U.S.C. 1412(a)(9)]

**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 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.

[Authority: 20 U.S.C. 1412(d)(2)(A)-(C)]

### **300.321 IEP Team**

- (f) Initial IEP Team meeting for child under Part C. In the case of a child who was previously served under Part C of the Act, an invitation to the initial IEP Team meeting must, at the request of the parent, be sent to the Part C service coordinator or other representatives of the Part C system to assist with the smooth transition of services.

[Authority: 20 U.S.C. 1414(d)(1)(B)-(d)(1)(D)]