INDIANA DEPARTMENT of EDUCATION

SPREAD THE WORD

PART C TO PART B TRANSITION

This document is intended to aid public agencies in understanding the requirements in the Individual with Disabilities Education Act (IDEA) and Indiana Article 7 related to Part C to Part B Transition. Local education agencies (LEA) are required to ensure compliance with IDEA and Indiana Article 7. Potentially eligible children must be evaluated, have a Case Conference Committee (CCC) meeting, and have services implemented by their third birthday. This document will elaborate on federal and state education agency (SEA) policies to ensure smooth transition practices and procedures at LEAs.

Federal Regulations 34 CFR § 300.301; 34 CFR § 300.101

State Regulations 511 IAC 7-43-2, 511 IAC 7-40-5, 511 IAC 7-42-2, 511 IAC 7-42-3

Other regulations may be relevant to Part C to Part B Transition, but major regulations listed above are addressed in this document. LEAs are responsible for knowing and implementing IDEA and Indiana Article 7. Not all information related to transition is guaranteed to be in this document.

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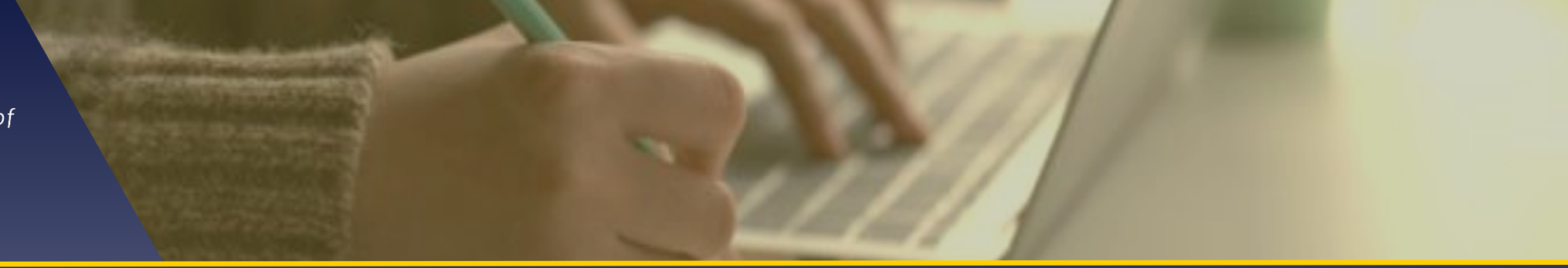

Transition (First Steps Responsibilities)

A. Article 7 and a Memorandum of Understanding (MOU) between the Indiana Family and Social Services Administration (FSSA) and the Indiana Department of Education (IDOE) require First Steps to notify the LEA (where the child receiving services resides) of children who are potentially eligible to receive Part B services at least six months prior to the child turning three. Indiana is *not* an opt-out state; this information will be transmitted to the LEA regardless of parental consent. All children in Indiana receiving First Steps services are considered potentially eligible.

B. First Steps will schedule a transition planning meeting with necessary parties to plan for the child's exit from Part C.

C. With parental consent, First Steps must host a transition conference. The conference is often held on the same date as the transition planning meeting. First Steps will invite the LEA to discuss Part B services.

D. If First Steps determines the child is eligible for services over 45 days but less than 90 days before third birthday, First Steps may provide the transition notification to IDOE and the LEA upon determining the child's eligibility to receive Part B services.

E. First Steps will provide the LEA with child and family directory information, including the child's name, birth date, and contact information. With parental consent, it will also provide:
   a. Individualized Family Service Plan (IFSP);
   b. Family service plan report; and
   c. Evaluation reports from any source.

511 IAC 7-43-2

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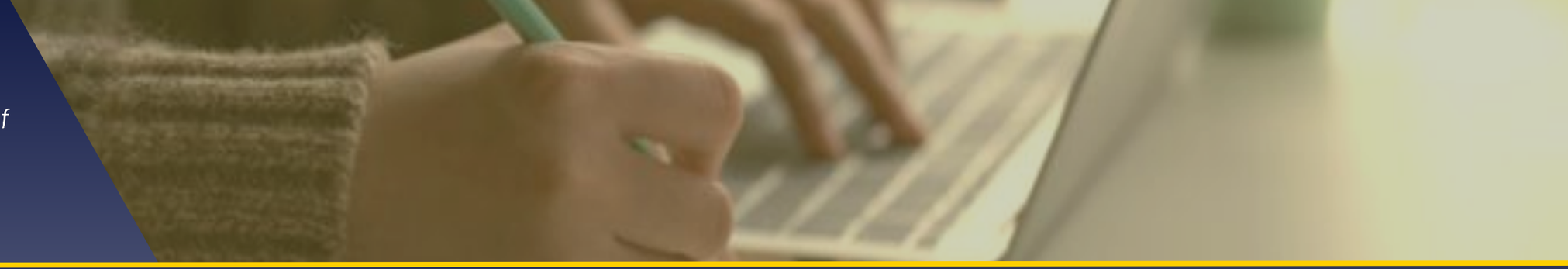


Transition (LEA Responsibilities)

A. Upon receipt of the child's directory information, the LEA will contact the family to begin the evaluation process, including sending procedural safeguards outlining the right to a free and appropriate public education (FAPE) in the family's home language. The family has the right to reject services at any time in this process. Indiana is *not* an opt-out state; this information will be transmitted to the LEA regardless of parental consent.

B. By the date of the child's third birthday, the LEA will:
   a. Complete its evaluation
   b. Convene a CCC to determine eligibility special education and related services
   c. If the student is eligible, develop an Individualized Education Program (IEP) for the student, taking into consideration the student's IFSP and the other general and special factors listed in 511 IAC 7-42-6(b) and 511 IAC 7-42-6(c).
   d. Implement the IEP
   e. LEAs will also meet the 50 instructional day timeline for initial evaluations

C. If a student's third birthday occurs during the summer and the CCC determines the student:
   a. Requires extended school year services, the student's IEP must state that services will be initiated during the summer of the student's third birthday; or
   b. Does not require extended school year services; the student's IEP shall state that services will be initiated at the beginning of the upcoming school year.

511 IAC 7-43-2, 2023 Early Childhood Transition Questions and Answers

In addition, at the request of the parent, an invitation to the initial IEP meeting must be sent to the First Steps service coordinator or other Part C service representative if the child previously received First Steps services. *511 IAC 7-42-2*

WHAT TYPE OF REFERRAL IS THIS?

Timelines should be carefully considered when deciding how to resolve a case:

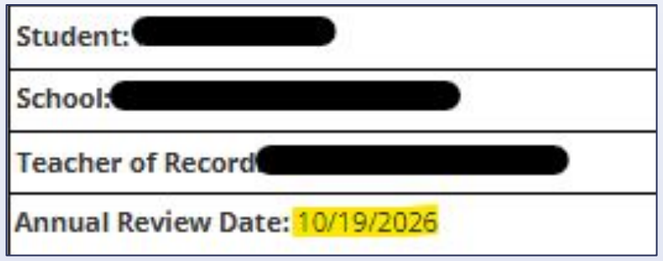
- Child found eligible for First Steps more than 90 days before third birthday - First Steps Referral
- Child referred for First Steps evaluation 45-90 days before third birthday and is found eligible for IFSP - First Steps Referral (LEA may claim as late for reporting)
- Child referred for First Steps evaluation 45-90 days before third birthday and is found ineligible for IFSP - family may ask LEA to complete a Part B evaluation as a parent referral
- Child referred for First Steps evaluation less than 45 days before third birthday - First Steps sends parent to LEA to request evaluation as a parent referral

SPECIAL PROGRAMS AND SUMMER BIRTHDAYS

In the case of a summer birthday for a child that does not require extended school year services, the evaluation must be held, eligibility determined, and the IEP developed by the third birthday. However, the LEA may choose to wait and have services begin the first day of school. In Special Programs, the services will automatically set to the IEP meeting date. These steps will allow you to manually override this to change the services for the correct date.

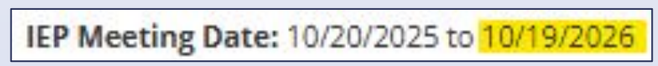
Step 1

When an Annual Case Review takes place, the end date of the IEP will be auto-populated to one year from the IEP Meeting date. However, the IEP meeting date may not be the proposed start date for the IEP or services. If this is the case, the Annual Review Date on the Cover Page can be manually overridden.



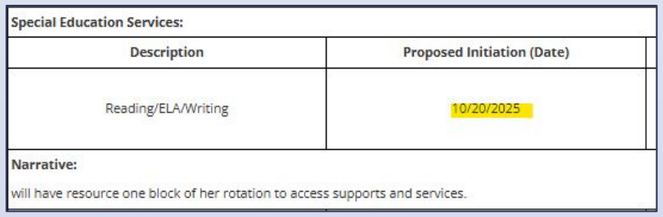
Step 2

When the override is completed, it will automatically alter the end date of the IEP to the selected date.



Step 3

The IEP Meeting date field can be altered to reflect the IEP start date, and in an upcoming update, it will indicate IEP Effective Date rather than IEP Meeting date. Before finalizing, ensure that the "*Proposed Initiation (Date)*" of services in the Provisions section accurately reflects when that service will begin.



UNDERSTANDING NO OPT-OUT

Indiana's no opt-out policy means that First Steps *will* send directory information for all potentially eligible (receiving First Steps services at 30 months of age, or upon beginning services, if a late referral) children to the Local Education Agency. By receiving First Steps services, families agree to this and may not opt out of the LEA receiving this information. It will provide the LEA with child and family directory information, including the child's name, birth date, and contact information. With parental permission, First Steps will also provide:

a. Individualized Family Service Plan (IFSP);
b. Family service plan report; and
c. Evaluation reports from any source.

511 IAC 7-43-2

What happens with the information?

Upon receiving this directory information, the Local Education Agency is obligated under its child find responsibilities to attempt to contact the family to seek parental consent to evaluate the child. The family discussing transition solely with the First Steps team does not fulfill the LEA's child find obligation. The LEA must make multiple attempts through multiple modes (i.e. phone, text, email) to contact the family and offer evaluation. The LEA must make reasonable efforts to obtain written consent. These communications should be well documented in any method aligned with the local policies. At any time, the family may decline or may ignore the LEAs attempts.

Is this new? When did it take effect?

This policy is not new. It has been formally in effect since at least 2017 in Indiana.

POTENTIAL EXCEPTIONS

Description	Allowable Exception?
Parent refusal to provide consent caused delayed evaluation or initial services	First Steps Transition Only
Referred to Part C less than 90 days before the child's third birthday	First Steps Transition Only
Family and LEA agree to extend timeline	Evaluations other than First Steps Transition
Move-in from another LEA and evaluation not yet completed	All Evaluations
Parent repeatedly failed to present child for evaluation	All Evaluations
Referred to Part B less than 90 days before the child's third birthday	No Exception
Scheduling problems/lack of staff	No Exception
School breaks, including summer break	Evaluations other than First Steps Transition
Summer break with no need for extended school year services	First Steps Transition Only; evaluation completed, IEP developed; services must begin first day of school

TRANSITION STEPS AND REPORTING

Step 1

If the child is served by First Steps or begins services within the state agreed timelines, there will be a transition planning meeting and transition conference held by First Steps.

Step 2

If the child is served by First Steps, the LEA will receive directory information from Part C and will reach out to schedule an evaluation.

If the child is not served by First Steps or does not begin services within the state agreed timeline, the family can make a written or oral request for an evaluation.

Step 3

After the evaluation, a CCC will convene to determine eligibility and, if eligible, write an IEP.

Step 4

Parent signs to approve IEP or revisions are made.

Step 5

IEP is implemented by the third birthday, unless the child has a summer birthday and does not need extended school year services.

The Indicator reporting requirements for evaluation was clarified in the 2023 Early Childhood Transition Q&A. The following table serves to clarify the Indicators under which compliance will be considered. IDOE issues findings annually for both Indicator 11 and Indicator 12. Children transitioning from First Steps must meet the third birthday requirement as well as the 50 instructional day requirement to be considered compliant.

Description	Indicator
Child has an IFSP, regardless of the date of IFSP eligibility	11, 12
Child referred to First Steps fewer than 45 days before third birthday AND First Steps chooses to not evaluate. Parent submits request to LEA	11

DATA REPORTING

Circumstances Relevant to Timeline Descriptor

For data reporting, it is essential for LEAs to accurately report. A field with common questions is “Circumstances Relevant to Timeline Descriptor," which may vary in field name depending on the LEAs student information system (SIS). The only appropriate reporting code for any child receiving First Steps services, regardless of referral to Part B date, is circumstance 3, “preparation for transfer from First Steps.”

Code Value	Definition
1	20 instructional days due to implementation of Response to Intervention **(NO LONGER ALLOWABLE FOR REPORTING IN THE 2025 SCHOOL YEAR AND BEYOND)** NOTE: Parental consent dates prior to July 1, 2024 will accept historical reporting of this code.
2	20 instructional days expedited evaluation due to disciplinary action.
3	preparation for transfer from First Steps.
4	All other, 50 instructional day timeline.

DATA REPORTING

Timeline Compliance Descriptor

For data reporting, it is essential for LEAs to accurately report. A field with common questions is “Timeline Compliance Descriptor," which may vary depending on the LEAs chosen SIS. It is important to note that to be compliant for code 07, the CCC must still complete evaluation and convene the CCC. Further, code 09 will only be compliant if the child began receiving First Steps services fewer than 90 days before their third birthday, not if the referral to Part B was late.

Code Value	Description	Definition
00	Timeline was met.	Timeline was met.
01	Parents refused/delayed services for student transitioning from First Steps	Timeline was missed because parents refused or delayed implementation of services only to student transitioning from First Steps.
03	Student withdrew from school during the evaluation process	Student withdrew from school during the evaluation process.
05	Parent revoked consent for testing	Parent revoked consent for testing.
07	Timeline missed, third birthday occurs during school break and no ESY	Timeline missed, student transitioning from First Steps with 3rd birthday during any school break and student did not require extended school year services.
08	Timeline missed due to parent refusal/delay bringing student for evaluation	Timeline missed due to parent refusal/delay bringing student for evaluation
09	Timeline missed, First Steps referral late	Timeline missed, First Steps referral late Additional clarification of use - Timeline missed, child began First Steps services less than 90 days before third birthday.
10	Timeline missed, Move-In during Evaluation	Timeline missed, Move-In during Evaluation
99	Timeline missed for another reason	Timeline missed, other reason

Part C to Part B Transition Flowchart

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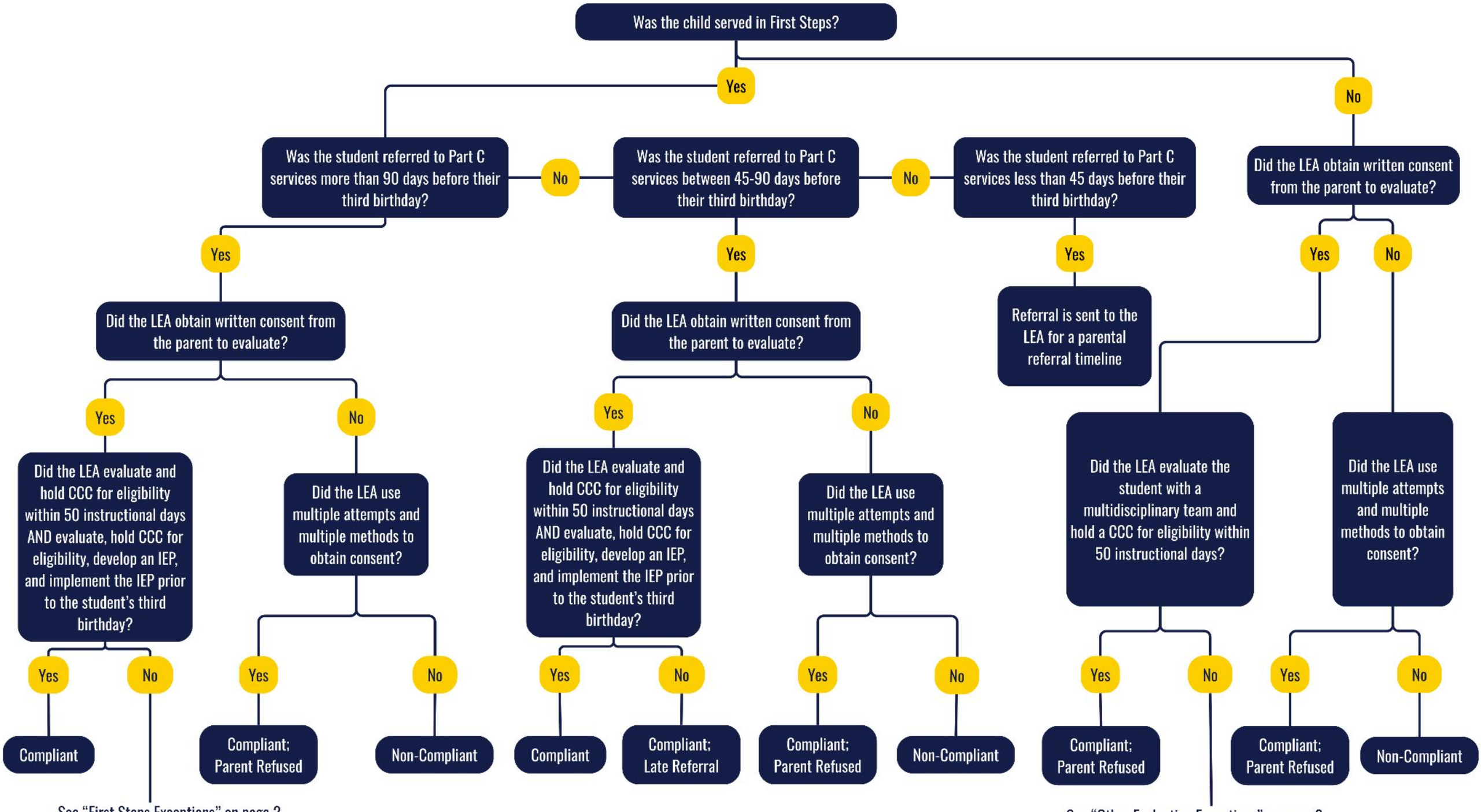
Use this flowchart to aid in determining compliance when transitioning a child from Part C (First Steps) to Part B (Special Education) services. This process aligns with IDEA and Indiana Article 7 requirements to ensure a timely evaluation, eligibility determination, and service planning all prior to the child's third birthday. All data must be properly reported and Local Education Agencies (LEAs) should carefully documents all aspects of transition.



See "First Steps Exceptions" on page 2.

See "Other Evaluation Exceptions" on page 2.

Part C to Part B Transition Flowchart

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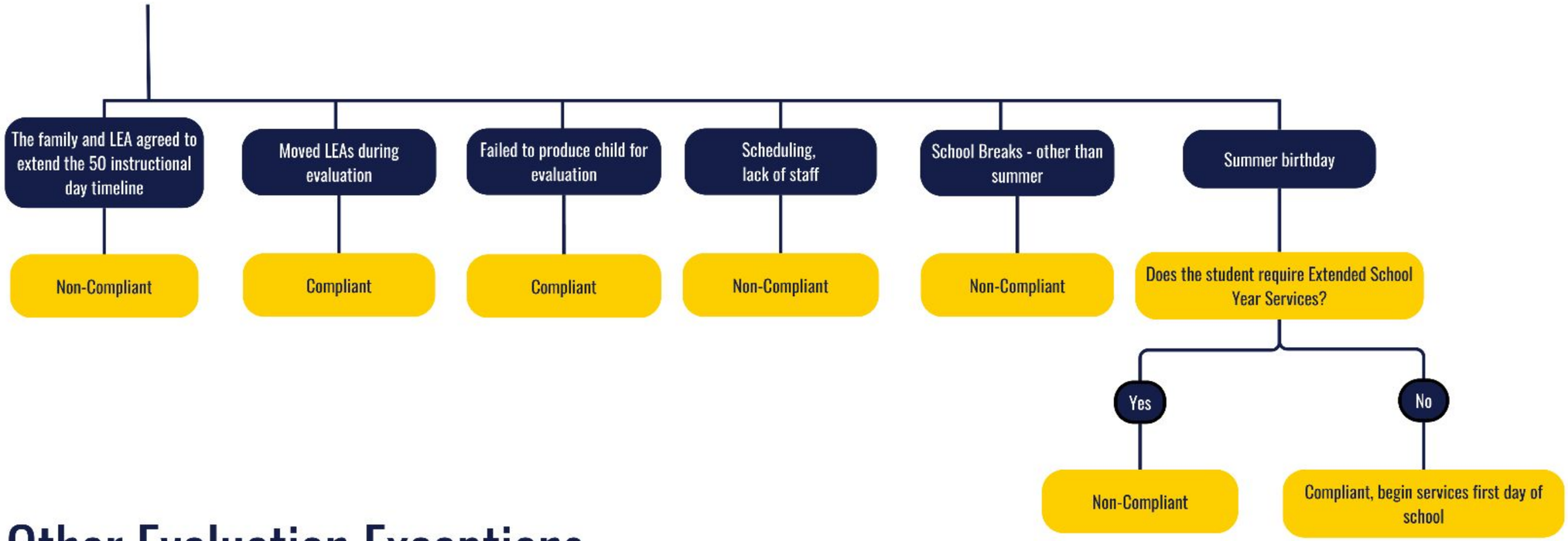
First Steps Exceptions

Use the following breakout chart to assist with final determination of compliance if the LEA answered "No" to the question, "Did the LEA evaluate and hold eligibility within 50 instructional days and evaluate, hold eligibility, develop an IEP, and implement the IEP prior to the student's third birthday?" Begin with the question, "Why was the timeline not met?"



Other Evaluation Exceptions

Use the following breakout chart to assist with final determination of compliance if the LEA answered "No" to the questions "Was the child served in First Steps?" AND "Did the LEA evaluate the student with a multidisciplinary team and hold a CCC to determine eligibility within 50 instructional days?" Begin with the question, "Why was the timeline not met?"

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FREQUENTLY ASKED QUESTIONS

What happens if the LEA has a non-compliant record?

Within 90 days of its annual review of certified data, the SEA will notify the LEA in writing of any findings of non-compliance. The letter will contain the required actions for the LEA, including completing a Corrective Action Plan, Root Cause Analysis, and other steps. Full details of required actions can be found in the Indicator 12 Monitoring and Compliance Guide.

Will the child with _____ circumstance be considered for Indicator 11 or Indicator 12?

All children receiving First Steps services will be included in *both* Indicator 11 and Indicator 12 per the 2023 Early Childhood Transition Questions and Answers. To be in compliance for a First Steps transition, the LEA must meet both the third birthday requirement and the Indiana 50 instructional day requirement.

Is this child with circumstance considered potentially eligible under Indiana Article 7?

All children receiving First Steps services are considered potentially eligible for Part B services and must complete necessary steps for transition.

Can a family opt out of sending directory information to the LEA?

No. Per the Memorandum of Understanding between FSSA and IDOE, Indiana is not an opt-out state. Directory information to contact potentially eligible children and their families will be sent to the LEA. When the LEA makes contact, the family has the right to refuse evaluation and may revoke consent at any point during the evaluation and eligibility process, as well as once Part B services begin.

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FREQUENTLY ASKED QUESTIONS

When must services begin for a summer birthday?

LEAs are not released from their obligation for Indicator 12 due to a summer birthday. By the third birthday, the LEA must evaluate, hold the CCC meeting, and implement services. If the child has a summer birthday and does not require Extended School Year (ESY) services, services must be implemented at the beginning of the school year to maintain compliance.

When is a late First Steps referral allowable as an exception for Indicator 12?

The allowable exception for late First Steps referral is when a child is determined to be eligible for Part C services fewer than 90 days before their third birthday. In this case, First Steps will send notification to the LEA, and the LEA must make every effort to complete the evaluation on time. Receiving untimely communication from First Steps is not an allowable exception.

What if there is not enough staff to complete evaluations during school breaks?

Staffing is not an allowable exception for Indicator 12. LEAs should use the monthly First Steps report to plan ahead for all school breaks. Failure to meet the deadline will result in findings of non-compliance due to federal law.

Who can I contact for help with transition?

LEAs and families can contact the Office of Special Education for questions and resources.
LEAs: osemonitoring@doe.in.gov
Families: specialeducation@doe.in.gov

REFERENCES & RESOURCES

Resources

- Starting Strong with Compliant Early Childhood Transition – Intended for Families
- Transitioning from Part C to Part B – Intended for LEAs
- Indicator 12 Monitoring and Compliance Guide
- Indicator 12 Corrective Action Plan
- Indicator 12 Root Cause Analysis
- IDEA 2023 Early Childhood Transition Questions and Answers
- Indiana Article 7
- Individuals with Disabilities Education Act (IDEA)

Contact Information

Monitoring Team: osemonitoring@doe.in.gov
General Inbox: specialeducation@doe.in.gov