

PART C AND PART B REQUIREMENTS UPON INITIAL REFERRAL OF INFANTS AND TODDLERS UNDER THE AGE OF THREE

Recent changes to Minnesota Statutes, section 125A.03 clarify whether a child initially referred for a special education evaluation while still under the age of three should receive an evaluation and services under Part C or Part B. With the current statutory language, children ages three through 21 receive services through an Individual Education Program (IEP) that meets the requirements of Part B while infants and toddlers under the age of three receive services through an Individualized Family Service Plan (IFSP) that meets the requirements of Part C. *Below is one example of how to meet requirements:*

Age at Referral	B – 2/3	2/3 – 2/6	2/6 – 2/9	2/9 – 2/10/15	2/10/15 - 3
Initial Referral	Evaluations and services must meet Part C timeline and due process requirements. This includes children who may meet categorical eligibility criteria.	Evaluations and services must meet Part C timeline and due process requirements. This includes children eligible under a categorical disability. The team may also choose to address transition at this time. If the child is considered potentially eligible for Part B the transition conference may be combined with the initial IFSP meeting and the transition steps and services would be documented in the IFSP.	Evaluations and services must meet Part C timeline and due process requirements. This includes children eligible under a categorical disability. The initial IFSP will also include transition planning and a determination of whether the child is potentially eligible under Part B. If the child is considered potentially eligible for Part B the transition conference may be combined with the initial IFSP meeting.	Evaluations and services must meet Part C timeline and due process requirements. This includes children eligible under a categorical disability. The IFSP remains in effect until the child's third birthday and must include the steps and services necessary for transition to Part B or other appropriate services. The team may simultaneously address Part B requirements. Making this simultaneous eligibility determination requires meeting the requirements of both Part C and Part B. Therefore, the Part C evaluation will require a prior written notice (PWN) meeting Part C requirements and the results of the evaluation must be summarized in the child's IFSP. The Part B evaluation will require a PWN meeting Part B requirements and must be documented in an evaluation report meeting Part B requirements. A meeting to develop the IEP must be held within 30 days of the Part B eligibility determination. However, the resulting IEP will not be implemented until the child turns three.	If the child is referred less than 45 days before their third birthday, the team should proceed with only a Part B evaluation and eligibility determination compliant with Part B timelines and due process requirements. Although a district would not be found out of compliance if a Part C evaluation was not completed in less than the 45 days the child continues to fall within Part C protections, those protections still apply until the child turns three. One of those protections is that the referral date starts the timeline for the completion of an evaluation. Because the child is afforded Part C protections at the time of referral, the referral date continues to be the start date for evaluation timelines. Therefore, the Part B evaluation must be completed within a reasonable time not to exceed 30 school days after the date of the initial referral unless there is a documented exception to the timeline requirements.

PART C AND PART B TRANSITION REQUIRMENTS FOR INFANTS AND TODDLERS UNDER THE AGE OF THREE

Age at Referral	B – 2/3	2/3 – 2/6	2/6 – 2/9	2/9 – 2/10/15	2/10/15 - 3
<p>For children already being served under Part C who are transitioning to Part B or appropriate services</p>		<p>With family approval, the team may choose to address transition steps and services including steps involved in completing a Part B evaluation and IEP.</p>	<p>The team must address transition steps and services in the child’s IFSP.</p> <p>If the child is potentially eligible under Part B the team must hold a transition conference by the time the child reaches the age of two years, nine months and the IEP must be in place by the time the child turns three.</p> <p>If the child is not potentially eligible under Part B, the team must address the transition steps necessary to support the child’s transition to other appropriate services.</p>		<p>The statutory changes do not impact the requirement that children transitioning from Part C to Part B must have an IEP in place by their third birthday.</p>