

# Early Childhood Special Education Targeted Technical Assistance

## Part C and Part B Post Referral Requirements and Recommendations for Infants and Toddlers Under the Age of Three

# Overview

- **Recent Changes to Minnesota Statute 125A.03 clarify that children ages three through 21 receive services through an IEP that meets the requirements of Part B while infants and toddlers under the age of three receive services through an IFSP that meet the requirements of Part C.**
- **This presentation addresses the new legal requirements and also offers recommended timelines that consider and incorporate existing meeting and other due process requirements for efficiency.**

# Overview, continued

- **Children under the age of three receive services through an IFSP that meets the requirements of Part C.**
- **Children ages three through 21 receive services through an IEP that meets the requirements of Part B.**
- **A categorical disability eligibility determination for children birth to three no longer triggers Part B requirements.**
- **Children from birth to three may be made simultaneously eligible for Part C and Part B.**
- **A meeting to develop an IEP must be held within 30 days of a Part B eligibility determination however, the IEP cannot be implemented until the child turns 3.**
- **A Transition meeting must be held between the ages of 2.3 and 2.9.**
- **For children transitioning from Part C to Part B the IEP must be in place by the time the child turns three.**

# How does this change requirements when infants and toddlers may meet state categorical eligibility criteria?

- What *has not* changed is that you may continue to find infants and toddlers from birth to three eligible for special education and related services by meeting state categorical eligibility criteria.
- What *has* changed is that consideration of a categorical eligibility for infants and toddlers no longer triggers Part B requirements.

## **How does this change requirements when infants and toddlers may meet state categorical eligibility criteria? (continued)**

- **If a team believes an infant or toddler may meet categorical eligibility requirements the team will complete an evaluation that meets Part C requirements. The evaluation must be comprehensive and, in addition to the Part C evaluation requirements, the evaluation must include the required components for the suspected categorical disability. The previous requirement of a “concurrent” Part B evaluation is no longer necessary.**

# Initial Referral Requirements and Recommendations by Age (birth to 2.3)

At the time of referral, the infant/toddler is birth – two years and three months:

- **Follow Part C post referral requirements even for infants/toddlers who may be eligible under a categorical disability.**
  - Notices must meet Part C requirements.
  - The evaluation is completed within 45 days of the referral.
  - An IFSP that includes the evaluation and assessment results is developed and implemented, considering the native language of the family.
  - IFSP should also include documentation of the setting and required team membership.
- ***A categorical eligibility determination for an infant/toddler does not trigger Part B requirements.***

# Initial Referral Requirements and Recommendations by Age (2.3-2.6)

At the time of referral, the infant/toddler is two years and three months – two years and six months:

- **Follow Part C post referral requirements even for infants/toddlers who may be eligible under a categorical disability.**
  - Notices must meet Part C requirements.
  - The evaluation is completed within 45 days of the referral.
  - An IFSP that includes the evaluation and assessment results is developed and implemented.
  - *The team may choose to address transition at this time. If the child is considered potentially eligible under Part B the transition conference may be combined with the initial IFSP team meeting and transition steps and services are documented in the IFSP.*

# Initial Referral Requirements and Recommendations by Age (2.3-2.6 continued)

At the time of referral the infant/toddler is two years and three months – two years and six months:

- If the team chooses to simultaneously complete a Part B evaluation at this time as part of the transition planning process:
  - Part B timeline and notice requirements must be followed and a meeting to develop an IEP must be held within 30 calendar days of a determination of Part B eligibility.
  - *However, the IEP may not be implemented until the child turns three and the annual IEP review date is one year from the initial IEP meeting date.*
  - *The IFSP remains in effect until the child's third birthday.*

# Initial Referral Requirements and Recommendations by Age (2.6-2.9)

At the time of referral, the infant/toddler is two years and six months – two years and nine months:

- **Follow Part C post referral requirements even for infants/toddlers who may be eligible under a categorical disability.**
  - Notices must meet Part C requirements.
  - The evaluation is completed within 45 days of the referral.
  - An IFSP that includes the evaluation and assessment results is developed and implemented.
  - *The initial IFSP must include transition steps and services and a determination of whether the child is potentially eligible under Part B. If the child is considered potentially eligible under Part B the transition conference may be combined with the initial IFSP team meeting.*

# Initial Referral Requirements and Recommendations by Age (2.6-2.9 continued)

**At the time of referral the infant/toddler is two years and six months – two years and nine months:**

- **If the team chooses to simultaneously complete a Part B evaluation at this time as part of the transition planning process:**
  - **Part B timeline and notice requirements must be followed and a meeting to develop and IEP must be held within 30 calendar days of a determination of Part B eligibility.**
  - **However, the IEP may not be implemented until the child turns three and the annual IEP review date is one year from the initial IEP meeting date.**
  - ***The IFSP remains in effect until the child's third birthday.***

# Initial Referral Requirements and Recommendations by Age (2.9-2.10 and 15 days)

At the time of referral the infant/toddler is two years and nine months – two years ten months and fifteen days:

- **Follow Part C post referral requirements even for infants/toddlers who may be eligible under a categorical disability.**
  - **Notices must meet Part C requirements.**
  - **The evaluation is completed within 45 days of the referral.**
  - **An IFSP that includes the evaluation and assessment results is developed and implemented.**
  - ***The IFSP remains in effect until the child's third birthday. Although there is no requirement for a transition conference or transition plan for infants and toddlers identified at this age, the IFSP and PWN should provide sufficient notice to the parent of what will happen when services are no longer provided through the IFSP.***

# Initial Referral Requirements and Recommendations by Age (2.9-2.10 and 15 days continued)

**At the time of referral the infant/toddler is two years and nine months – two years ten months and fifteen days:**

- **In addition to addressing all Part C post referral requirements, the team may simultaneously address Part B requirements in anticipation of transitioning to Part B.**
  - **Part B timeline and notice requirements must be followed and a meeting to develop an IEP must held within 30 calendar days of a determination of Part B eligibility.**
  - ***However, the IEP may not be implemented until the child turns three and the annual IEP review date is one year from the initial IEP meeting date.***
- ***The IFSP remains in effect until the child's third birthday.***

# More on Part B Requirements for Initial Referral at 2.9-2.10 and 15 days

At the time of referral the infant/toddler is two years and nine months – two years ten months and fifteen days:

- **Part B post referral requirements.**
  - Notices must meet Part B requirements
  - The evaluation must be completed within a reasonable time but not more than 30 school days after receipt of parental consent
  - The evaluation results must be documented in an evaluation report
  - *An IEP is developed and consented to but may not be implemented until the child's third birthday.*

# Initial Referral Requirements by Age (2.10 and 15 days – 3 years)

- **At the time of referral the infant/toddler is two years ten months and fifteen days – three years old.**
- **Follow all Part B post referral requirements.**
  - **Notices must meet Part B requirements.**
  - **Because the child was under the age of three at the time of referral and entitled to Part C protections until their third birthday, the evaluation must be completed within a reasonable time not to exceed 30 school days from the date of the *referral*.**
  - **The evaluation results must be documented in an evaluation report.**
  - ***An IEP is developed and consented to and implemented by the child's third birthday or the start of the school year if the child turns three over the summer.***

# **Part C and Part B Transition Requirements for Infants and Toddlers Under the Age of Three**

**Infants and Toddlers Already Being Served  
Under Part C Who Are Transitioning to Part B  
or Appropriate Services**

## Transition Requirements by Age (2.3-2.6)

**The infant/toddler is two years and three months – two years and six months:**

- **With family approval, the team may choose at this time to address transition steps and services including the steps involved in completing a Part B evaluation and IEP.**

# Transition Requirements by Age (2.6-2.9)

**The infant/toddler is two years and six months – two years and nine months:**

- **The team must address transition steps and services in the child's IFSP.**
- **If the child is potentially eligible under Part B:**
  - **the team must hold a transition conference by the time the child is two years and nine months.**
  - **An IEP must be written and consented to by the time the child turns three.**
- **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.**

## Transition Requirements by Age (2.10 and 15 days – 3 years)

**The toddler is two years ten months and fifteen days – three years old.**

- ***The statutory changes do not impact the requirement that toddlers transitioning from Part C to Part B have an IEP in place by their third birthday.***