

A. Referrals > 27 months and Opt Out

1. When do we discuss transition for a child entering at 27 months?

At the intake, tell the family you will be talking with them more about transition over the next few weeks. Giving the “At a Glance” sheet right away may be a good visual. After eligibility is established discuss the notification process and record their decision to proceed with notification or opt out. Notification must be sent before the end of the child's 28th month. Use the Transition Workbook and set aside time to go through a few pages during each visit.

2. If the date of EI eligibility is after 28th months, when do we send notification?

If the child is determined to be potentially eligible for special education, notification to the LEA is due as soon as possible, but no later than one week after the IFSP Eligibility Meeting. (Note: This is a slight change in order to move the transition process along in a timely manner)

3. If a child comes into EI during their 28th month, when do I need to send notification to the school department?

First be sure the child is eligible for EI then discuss potential eligibility and opt-out. If a parent wishes to proceed with transition to Part B, notification must be sent as soon as possible, but no later than one week after the IFSP Eligibility Meeting.

4. What would be the timeline for children found eligible at 32 months?

Notification must be sent within one week from the IFSP eligibility meeting, and the transition conference conducted no later than 90 days prior to the child's third birthday. This is a very tight timeline so providers should be ready to manage this process quickly.

5. What if a family wants more time to decide whether or not to opt out?

The family should opt out by the end of the child's 28th month. If they do not opt out, the information in the top left-hand box of T1 will be automatically sent to the

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RI Department of Education. The family can opt back in if they decide to proceed with notification.

6. What if a family opts out and then opts back in close to the child's third birthday (33 months or later)?

Send notification (T1) to the LEA as quickly as possible noting the circumstances around previously opting out. No transition conference is required. This notification will be treated as a regular referral (Child Outreach) to the district, not a transition from EI. Therefore, the district has 10 days to hold a meeting with the family to review the referral and then has 60 days from parental consent to evaluate and determine eligibility. If the child is eligible, an IEP meeting will be scheduled within 2 weeks. EI should support the family's connection to the district and will share their child's evaluation/assessment and IFSP information with the parent's permission. In this situation, the child will exit from EI before this special education process is completed. Parent consultants can assist these families where appropriate.

B. DCYF

1. How do we obtain an educational advocate for a child in DCYF?

When a child who lives in foster care is 27 months old the EI provider must contact the DCYF worker and remind the worker to complete the DCYF Form #061. The worker submits this form to the DCYF Educational Advocate Liaison to begin the process of designating an Educational Advocate. If the biological parent is the decision maker then he/she will take the lead in the transition process. If the biological family is unavailable to participate in the transition process, and the foster family is willing to take on that role, the foster family should speak with the DCYF case worker directly.

If there is any delay in the educational advocate designation process, contact the child's case worker and/or supervisor and Fran Rittner, the DCYF/EI liaison to ensure it gets heightened attention.

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2. What if the child is 27 months and I am having difficulty connecting with a parent who has signing rights?

It is important to always keep the DCYF family service unit worker well informed of any difficulties reaching a child's parents. Contact the DCYF worker to let them know you will be sending them and the bio parent a letter. The letter should inform the parents that notification to the LEA will occur by the end of the 28th month unless the parent contacts you to exercise their right to opt out of the notification. If you do not hear back from the parent, send the notification. Complete the top section of T1. No other information (e.g. IFSP, evaluations and assessments etc.) can be sent without parental consent or with consent from DCYF.

3. Can a foster parent opt-out of notification?

If a foster parent attempts to opt out of transition, the DCYF case worker must be notified immediately. It is the position of Early Intervention that a foster parent cannot opt out of notification, therefore denying a child's access to special education. RI's TA providers are in the process of formalizing this process with DCYF (as of 1/18)

C. Children/Families Who Move During the Transition Process

1. What should we do when children move?

- *To a new city/town:* If the team has already decided that the child is potentially eligible for special education, the new district needs notification (ASAP) with the new address. The release to share evaluation and IFSP information should also be done to allow information to be shared and communication to occur with receiving school district.
- *Out of State:* Complete as much of the transition summary as is possible so family can take it with them.

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2. What if the family says they are going to move but have not moved yet?

Ask the family if you can proceed with the transition process to the current district until they actually move.

3. What is the transition process for families living in a shelter?

Complete the T1 and send notification to the city/town where the child is living.

4. If a child's parents are divorced, with equal custody, living in different towns, how is the decision made re: which town to send notification?

In cases where both parents are sharing custody of the child, while maintaining residences in different communities, the parents must make a decision as to which of the two communities they wish to enroll their child in.

5. Which city/town should notification be sent to if parents are separated with no custody agreement and the child spends equal time at both homes?

Parent must either mutually agree on the school district or the decision will be based on where the child sleeps the majority of time.

D. T1 T2 and Other Paperwork

1. When should the Child Outcome Summary A for Transition be completed?

The COS A must be completed with the family, using multiple sources of information, prior to the referral meeting. This document must be typed and sent electronically to the LEA no later than 2 days prior to the meeting.

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2. How does the state define timelines such as “Notification at 28 months” and “Transition Conference at 30 months”?

The requirement is for each activity to be completed by the end of the calendar month (e.g., whether the child is 28 months on April 7th or April 28th, the service coordinator has until April 30th for the task.) These events must be documented on an SRF using correct terminology (i.e. notification, transition conference).

3. What date do I use for the “notification sent”?

Once T1 is completed with the parent, we expect it to be sent right away, but no later than 2 days post completion. Use the date the T1 leaves the Service Coordinators hand to be put in the mail/faxed as the “notification sent” date. Support staff must be made aware that getting this to the LEA is a priority because the date of notification starts the clock for the LEA to take action. In ALL instances, the T1 **MUST** be sent prior to 90 days before the child turns 3.

4. On the T2, there is a box asking if the LEA received the TI and other documents as part of notification. Is this important?

Yes. EI providers must follow-up to ensure the LEA has received notification. The notification date is a critical marker for Part B's timeline, therefore confirmation of receipt is required.

4. What should I do if I cannot meet with the parent in the 28th month to complete the T1 and initiate notification?

Notification **MUST** be completed and sent to the LEA by the end of the month the child turns 28 months. If a parent is not available to meet face to face, a conversation can occur via phone, email, etc. to get the parents agreement to send notification to the school district (and data will be sent to the RI Department of Education), or their decision to opt out. When the next visit with the parent occurs, he/she can complete the TI, including consent for the release of IFSP and other

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pertinent information, if applicable. The T1 is then re-sent to the LEA to accompany the other documents.

5. Will EI share any information with the school district if the parents opt out of notification? (e.g. name, birth date, etc.?)

No. Opting out means the family has chosen not to proceed with the notification process. This means no information is sent to the school district. Parents can opt back in at any time. This requires you to send to the LEA the child/family personal information on the T1, plus additional evaluation/assessment and IFSP information if the parent consents.

6. We have the parents sign the T-1 release form in order to share evaluation/assessment and IFSP information with the district. Should we also have them sign our agency release form as well?

This will be decided by each program. There are 2 options:

- a.) Yes. This release should state that EI will share information with the district *for the purposes of transition planning*.
- b.) No. If the Service Coordinator checks off the documents to be shared and under "other" specifies "communication with the school district named above for the purposes of transition planning".

7. Is the T2 required for a child who is not potentially eligible for Part B?

A T2 is required for ALL children who discharge at ≥ 30 months of age. Children who discharge younger than 30 months also require documentation of transition steps and services, however documentation on an SRF is sufficient, although a T2 does help to organize the process.

8. What is an example of steps for children leaving EI prior to 30 months?

The purpose for steps is to ensure planning takes place to prepare parents and the child for when they leave EI. It is important for parents to know how to access the resources available to them. (e.g. RIPIN resources center, Child Outreach, local parent groups). Steps that support the child might include stories about going to child care or becoming a big brother. The idea is to help the child adjust to and function in future settings or situations

E. Meetings

1. Is the Transition Conference considered an IFSP meeting?

Yes. Families must receive prior written notice for this meeting. The Transition Conference must also meet the other requirements of an IFSP meeting including: being conducted in the family's native language, at a time and location convenient for the family, include a review of procedural safeguards (see RI Early Intervention Policies and Procedures for IFSP for details)

2. What if the LEA does not attend the transition conference?

It is required that every child who is potentially eligible for special education services have a timely Transition Conference. EI should make every effort to work with the LEA and the family to set up a mutually agreed upon time to have this conference. If, for any reason, an LEA is unable to attend a Conference (refer to Conference requirements and timelines), the service coordinator must still provide prior written notice then schedule and hold a Conference with the family. The family may choose to postpone the meeting until the LEA is available. This must be well documented by the EI provider.

The purpose of this meeting is to provide information about the Transition process and decide on next steps.

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Important points to include in the Conference conversation include:

- What questions the family has about the Transition process?
- How eligibility for special education services is determined (Part B eligibility)
- What information would be important to share with the school district
- District information: the name and contact information of the Transition liaison and/or early childhood coordinator.
- Where the family can find more information, especially about Procedural Safeguards
- Information about the Local Advisory Committee for the district
- State timelines and process for consenting to an evaluation; and
- If anything should be added to the child's IFSP to prepare the child and/or family for Transition from EI.

This meeting and the next steps should be documented on T-2 and shared with the LEA. If the meeting occurred without the LEA, another meeting should be scheduled with the LEA and family if at all possible, although the federal requirement has been met. EI should also contact the LEA about participation in the upcoming evaluation team meeting to review the referral. If the family postponed the meeting in order to meet with the LEA, this should be scheduled as soon as possible..

Your parent consultant can assist in obtaining the LAC brochure and Procedural Safeguards can be printed from the RI Department of Education website at <http://www.ride.ri.gov/StudentsFamilies/SpecialEducation/SpecialEducationRegulations.aspx>.

Special Education Procedural Safeguards document is also available in Spanish at <http://www.ride.ri.gov/Portals/0/Uploads/Documents/Students-and-Families-Great-Schools/Special-Education/When-Schools-and-Families-Do-Not-Agree/Notificao-de-Direitos-Processuais-do-Ensino-Especial-de-Rhode-Island.pdf>

Occasionally a family wants to postpone the meeting until it can be conducted with the LEA present. This qualifies as a *family reason*. This family reason must be documented on an SRF. The reason the LEA could not be present for the meeting to be held by the end of the month the child is 30 months old must be documented on the T2.

3. When must a Transition Conference occur?

The Transition Conference must be completed prior to the end of the child's 30th month of age. If the child is determined eligible after 30 months, the conference must occur as soon as possible but no later than 90 days before the child turns 3. In addition to the beginning of transition steps, the SRF must note a Transition Conference was held and summarize what occurred. For children determined eligible less than 90 days prior (i.e, >33 months) to their 3rd birthday, a Transition Conference with the LEA is not required although the development of a transition plan (page T - 2 of the IFSP) with steps and services is required as soon as possible.

4. Is a Transition Conference required when a child is not potentially eligible for part B?

Yes. With parental approval, the provider should make reasonable efforts to schedule a conference which includes the family, the EI provider and providers of other appropriate services. This conference must occur during the child's 30th month. For children determined eligible >30 months, the conference can it be later than 90 days before the child turns 3.

5. What needs to be discussed in a Transition Conference for a child who is not "potentially eligible" for special education?

For children who will not be considered for special education, the transition conference must include and document steps that prepare parents and the child for when they leave EI and the time the child begins school.

6. If I have someone on my EI team who is bilingual, can she/he interpret at a referral, eligibility or IEP meeting?

Although it is the district's responsibility to provide interpreters so families can access meetings in their native language, if a bilingual EI representative will be

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present at the meeting, he/she could extend the offer to take this role during the scheduling process.

7. What can we do to support a parent when they do not agree with the eligibility decision made by the LEA and the district team?

The parent can follow the due process complaint procedure outlined in RI's Special Education Procedural Safeguards. Generally speaking, the family should be encouraged to speak with the LEA about their concerns. If the issue is not settled to the satisfaction of the family, they next speak with the Principal or Special Education Director. Then lastly, parents should contact the RIDE Call Center for guidance on filing a complaint. More information can be found at <http://www.ride.ri.gov/StudentsFamilies/SpecialEducation/WhenSchoolsandFamiliesDoNotAgree.aspx>

8. What happens if EI and the LEA do not agree on the summary statement that corresponds to the child's present level of development in each outcome area?

EI providers should work with LEA's to reach consensus, however, if the EI provider feels strongly that a different summary statement/rating more closely aligns with the child's functioning, they should:

- Use the decision tree whenever there is disagreement in choosing an overall statement of functioning
- In the meeting, the LEA's decision should prevail as this is their child outcomes entry rating.
- Following the meeting, the EI provider should return to the office and assign the statement /rating they feel best reflects the child functioning
- Complete an SRF that clearly describes the discrepancy between the rating chosen by ECSE and EI on an SRF.
- Submit the COS C completed by EI for data entry

F. Transportation

1. Are school districts obligated to provide transportation to evaluations to determine eligibility?

The district's evaluation team must do what is necessary to determine eligibility. All options should be discussed: reviewing evaluation/assessment information from EI that might preclude the need for more evaluation, changing location, family getting a ride, district providing a ride, etc.

G. Extended School Year (ESY)

1. What month do school districts determine ESY?

Extended school year should be discussed at every IEP meeting. EI providers should encourage families to talk with their IEP team about ESY and ask what data/assessment information they might be able to contribute in order to determine if the child qualifies for ESY.