



ANNOUNCEMENT: EI-09 #19
OFFICE OF CHILD DEVELOPMENT AND EARLY LEARNING
BUREAU OF EARLY INTERVENTION SERVICES

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EFFECTIVE DATE: October 20, 2009
SUNSET DATE: On-Going

SUBJECT:	Transition of Preschool Children to School Age Programs
TO:	Preschool Early Intervention Programs
FROM:	Harriet Dichter Deputy Secretary, Office of Child Development and Early Learning

A handwritten signature in black ink that reads "Harriet Dichter".

PURPOSE:

The purpose of this announcement is to clarify the procedures concerning the transition of children from Preschool Early Intervention programs to the kindergarten or first grade programs of their school districts of residence or local charter school.

BACKGROUND:

Act 212 of 1990, the Early Intervention Systems Act, established Early Intervention services in Pennsylvania for eligible children from age three to the "age of beginners". Age of beginners is defined as the minimum age established by each school district's board of directors for admission to the school district's first grade under 22 Pa. Code 14 §14.101. A transition, without interruption in program, and with appropriate procedural protections, is required under 20 U.S.C. §1419. All children who are not provided with the transition procedures described in this circular will remain eligible for the Early Intervention services described in their preschool Individual Education Program (IEP) when they enter kindergarten or first grade. Moreover, violations of a child's right to procedural protections or pendency may result in a child's eligibility for compensatory services.

DISCUSSION:

The Bureau of Special Education (BSE) and the Bureau of Early Intervention Services (BEIS) intend to facilitate the smooth transition of preschool children from Early Intervention programs to the school district or charter school program, while respecting parental choices. This will require Preschool Early Intervention programs and school districts or charter schools to work cooperatively and be flexible in planning in order to accommodate the implementation of these procedures. To assist in this process, BSE and BEIS have developed standardized procedures and forms to be utilized by the Preschool Early Intervention programs and school districts or charter schools throughout the transition process.

While parents have the option of having their child remain in Early Intervention when their child is eligible for kindergarten, it is incumbent on the IEP team to fully inform the parents of the advantages of transitioning to school age programming with same age peers. In the event that the child will remain in Early Intervention an additional year, the child's evaluation must reflect that the team will be providing an additional year of Early Intervention at the request of the family.

Beginning the Transition Process

22 Pa. Code Chapter 14.154(e) requires the IEPs of children in Early Intervention who are within one year of transition to a school age program, to include goals and objectives which address the transition process.

By February 1 of each year, Preschool Early Intervention programs must identify the children in their programs who are approaching the age for kindergarten or first grade in their districts of residence and must send their parents a letter explaining the transition process. The *Notice of Your Child's Transition to School Age Meeting*, (Attachment 1), should be utilized by Preschool Early Intervention programs when notifying parents of the transition to school age process. This letter includes information for parents on the transition to school age meeting; explains the parents' option to register their child in a kindergarten program or have their child remain in Preschool Early Intervention programming for another year; and informs parents that their children cease to be eligible for Early Intervention services when they reach the age for first grade, regardless of whether the parents actually enroll their children in the district program or charter school.

The Early Intervention records of children who are no longer eligible for special education services cannot be shared with school districts or charter schools without parental consent (§301(14) of Act 212 of 1990).

It is recommended that the records of children who will be transitioning to the local school district or charter school be transferred from the Preschool Early Intervention program to the local school district or charter school at the time of the transition meeting. If a transition meeting is not held, the records should be transferred upon the child being registered with the local school district or charter school or when the child is no longer receiving Preschool Early Intervention services

The Transition Meeting

The Preschool Early Intervention program must convene transition meetings by the end of February for all children approaching the age for kindergarten or first grade. This transition meeting may need to be held earlier if the child's school district of residence registers children for kindergarten between February 1 and the end of February. If the IEP team has already decided that a child approaching kindergarten age will remain in an Early Intervention program, then the parents and Preschool Early Intervention program can agree that a transition meeting is not necessary. For those children whose parents are uncertain, or who have decided that the child should move on to kindergarten or first grade, a transition meeting must be held, in which the school district of residence or charter school representative must participate. (Note that transition meetings are not necessarily IEP meetings, but they may also serve as such if the necessary participants are present.)

At the transition meeting, the Preschool Early Intervention program must provide to parents the appropriate *Intent to Register* form, (Attachment 2 for children who are kindergarten age eligible or Attachment 3 for children who are eligible for first grade). This form enables parents to indicate whether they intend to register their child with the school district of residence or charter school. The Preschool Early Intervention program should review the available options on the form with parents during the transition meeting. If the parents decide that a child approaching the age for kindergarten should move into a school age program, or if the child is approaching the age for first grade, the parents must indicate on the Intent to Register form that they intend to register the child in the school district or charter school for the next school year.

School districts' or charter schools' responsibilities for the transition process for the new school year commence with receipt of the parents' Intent to Register form. School districts or charter schools may conduct a re-evaluation and develop individualized education programs (IEP) in accordance with the timelines mandated in 22 Pa. Code Chapter 14. The school district or charter schools, and the parent may agree to waive a required reevaluation that is allowed under 34 CFR Sec. 300.303(b)(2) or may agree to implement the existing evaluation or IEP.

Re-evaluations and IEPs

During the transition meeting, if the parents intend to register their child with the school district or charter school, *the Notice of Options For Your Child's Transition* (Attachment 4) must be reviewed with parents by the school district or charter school. The following options should be considered by the parents and the school district team or charter school team:

- (1) The parents and the school district or charter school can agree to adopt and implement the child's Preschool Early Intervention IEP for the new school year and, if so, the school district or charter school would then issue the Notice of Recommended Educational Placement (NOREP) indicating this recommendation.

- (2) Parents and the school district or charter school can decide to adopt the Preschool EI *IEP* with revisions. The school district or charter school and parents would discuss the proposed revisions. The school district or charter school would then issue the revised *IEP* and *NOREP* indicating this recommendation.

- (3) Parents and the school district or charter school will decide if a reevaluation is necessary. The school district or charter school may conduct a reevaluation consisting of a review of existing data and information prior to the development of an IEP. The district or charter school is not required to issue the *Permission to Reevaluate – Consent Form* to obtain parental consent prior to a reevaluation limited to a review of existing data. The school district or charter school will notify the parent in writing within a reasonable amount of time after receipt of the Intent to Register that a reevaluation, which will consist of a review of existing data and information will be conducted. The school district or charter school may notify the parent using a letter/notice developed by the school district or charter school. If the team is meeting to review existing evaluation data, the *Invitation to Participate in the IEP Team Meeting or Other Meeting* notice can be used, noting that the meeting is to review data as part of a reevaluation. This review of existing data should commence within a reasonable amount of time after receipt of the Intent to Register. The *Reevaluation Report* will summarize the data reviewed during reevaluation, the decision about whether additional evaluation data are needed, and a determination about the child's continued eligibility for special education services.

- (4) If, through the review of existing evaluation data the IEP team as described above determines that additional data are needed, the school district and charter school will issue the *Permission to Reevaluate – Consent Form* to obtain parental consent to collect the additional data. Within 60 days of the date the school district or charter school receives parental consent (not including summer days) to collect additional data; the parent will receive a copy of the *Reevaluation Report*. The *Reevaluation Report* will summarize the data reviewed during reevaluation, the decision about whether additional evaluation data are needed, and make a determination about the child's continued eligibility for special education services.

(5) Waiving the reevaluation is not part of the reevaluation process. Waiving the reevaluation is recommended by the school district or charter school, not the IEP team. The parent must be in agreement with the determination to waive the reevaluation. Parent signature is required on the Agreement to Waive Reevaluation form.

An IEP meeting will be held within 30 calendar days of the *Reevaluation Report*, and a new *IEP* and *NOREP* will be issued.

Within a reasonable period of time from the receipt of the signed *Intent to Register* form, but no later than April 15, the school district or charter school will notify the parent in writing and initiate one of the options as noted above. Regardless of which option is chosen, an IEP will be implemented no later than 10 school days after its completion. In order to ensure that the special education programs of young children with disabilities are not interrupted when they transition from Preschool Early Intervention programs to school-age programs.

All children currently eligible for special education in Preschool Early Intervention and registered with the school district or charter school remain eligible for special education in their school districts or charter schools unless the school district, charter school or Preschool Early Intervention Program complete a reevaluation that determines the child is no longer eligible for special education. If no longer eligible for special education services, school district, charter school, or Preschool Early Intervention programs must issue a NOREP. If parents disagree with the IEPs offered by their school districts or charter schools and initiate a due process hearing or both parties agree to mediation, the children who will transition into kindergarten or school age programs must continue to receive the services described in their preschool IEPs (ensuring “status quo”) pending completion of dispute resolution options of mediations or due process hearings

NEXT STEPS:

Preschool Early Intervention Programs should implement the procedures included in this announcement and disseminate this announcement to Early Intervention providers.