

## State Performance Plan (SPP) Indicator 12: Early Childhood Transition Frequently Asked Questions (FAQ)

### 1. Who do we include in the SPP 12 data collection and where are these children entered in the online data collection application?

The following children should be reported in SPP 12:

- Children for whom the local education agency (LEA) has been notified that a child served by Part C/Early Childhood Intervention (ECI) is potentially eligible for LEA special education services for students age 3-21 before their 3<sup>rd</sup> birthday/Part B;<sup>1</sup> and/or
- Children for whom the LEA has received an invitation from ECI to the transition conference:
  - Enter in **row a.**
- Children served by ECI and for whom the parent refused to provide consent and caused a delay in the evaluation or initial services or to whom exceptions under 34 CFR §300.300(b) or §300.301(d) applies:
  - Enter both in **row a.** and in **row d.**  
**Note:** *The online data collection application automatically subtracts these children from the calculation.*
- Children referred and served by ECI less than 90 days before their 3<sup>rd</sup> birthday and the LEA was notified by ECI that the child is potentially eligible for LEA special education services:
  - Enter both in **row a.** and in **row e.**  
**Note:** *The online data collection application automatically subtracts these children from the calculation.*

**\*For additional information regarding which children are included in the SPP 12 data collection, please see the ECI Transition Flowchart.**

### 2. Which children are not included in the SPP 12 data collection?

- A child who has not been evaluated and determined eligible for ECI and, therefore, has not received ECI services should be excluded.
- A child referred to ECI 45 days or less before his/her 3<sup>rd</sup> birthday should be excluded. ECI is not required to conduct an initial evaluation ([Question #19, OSEP Early Childhood Transition FAQ](#)), and should assist parents in contacting the LEA to facilitate the eligibility determination process for LEA special education services ([Federal IDEA Part C and Part B Transition Requirements for Late Referral to Part C](#)).
- A child who has been served by ECI and referred to the LEA for special education services but then enrolls in another LEA before the child is evaluated and determined eligible for LEA special education services should be excluded ([Question #25, OSEP Early Childhood Transition FAQ](#)).

**\*For additional information regarding which children are included in the SPP 12 data collection, please see the ECI Transition Flowchart.**

---

<sup>1</sup> LEA = district and charter school

**3. Why is the SPP 12 data collection counting the number of “referrals” received by the LEA rather than the number of parental consents to evaluate received by the LEA?**

The SPP 12 data collection calculates the percent of children referred by ECI before age three, who are also found eligible for district special education services, and who have IEPs developed and implemented by their 3<sup>rd</sup> birthday.

For SPP 12 data reporting, the referral occurs when the LEA has been notified that a child who is served by ECI is potentially eligible for LEA special education services.

In Texas, ECI notifies the LEA that a child is potentially eligible for LEA special education service. This notification is called the *LEA Notification of Potentially Eligible for Special Education Services*, which contains the child’s limited personally identifiable information. The LEA is considered notified by ECI after receiving the *LEA Notification*. The notification may also occur at the transition conference ([TAC §108.1211 LEA Notification of Potentially Eligible for Special Education Services](#)).

**4. Can the LEA consider the *LEA Notification of Potentially Eligible for Special Education Services* as a “possible” referral?**

No. Once the LEA receives the notification that a child served in ECI is potentially eligible for LEA special education services, the LEA must consider this notification as an initial referral and provide notice of procedural safeguards to the child’s parent (34 CFR §300.504(a)(1)).

If the LEA suspects the child has a disability, then it must initiate the evaluation process to determine whether the child has a disability and qualifies for special education (34 CFR §300.301(b)). Before conducting an initial evaluation, the LEA must, after providing the parents prior written notice (34 CFR §300.503), obtain signed parental consent (34 CFR §300.9 and 34 CFR §300.300(a); ([Question #33, OSEP Early Childhood Transition FAQ](#))).

Initial evaluation and eligibility determinations: ECI (assessments and parent information) may be used to determine child eligibility for LEA special education services. The IEP committee and other qualified individuals must review existing evaluation data (REED), including evaluations and information provided by the parents. If the REED is used to determine eligibility, parent consent would be needed to allow ECI to share existing evaluation data. Based on the review of that data and parent input, the team determines what additional data are needed to determine if the child qualifies for LEA special education ([Synthesis of Key Points From the OSEP Early Childhood Transition FAQ](#)). Per 34 CFR §300.503, a parent has a right to prior written notice when the school refuses to initiate or to change the identification, evaluation, or educational placement of their child.

**5. Do we count the *LEA Notification of Potentially Eligible for Special Education Services* from ECI and/or invitations to the transition conference even though the LEA deems the referral to be inappropriate? If so, how are these children entered in the online State Performance Plan Indicators application?**

Yes. Once the LEA has received notice that a child who is served by ECI is potentially eligible for LEA special education service, the LEA must consider this notice as an initial referral. This child would be counted in **row a**.

**6. If a parent provided written consent to the evaluation, but the LEA is unable to contact or locate the parent, where would the child be counted for the SPP 12 data collection?**

This child would be counted in both **row a**. and in **row d**. if the LEA retained detailed records of their attempts to contact the parent per 34 CFR §300.300(b) and (34 CFR §300.301(d)). **\*For additional information regarding which children are included in the SPP 12 data collection, please see the ECI Transition Flowchart.**

7. **Since children referred to ECI 45 days or less before their 3<sup>rd</sup> birthday are not included in the SPP 12 data collection, are these children counted in the SPP 11 data collection if the parent signs consent for evaluation and the LEA completes the eligibility determination process?**

Yes.

8. **A child was referred, evaluated, and turns three during the summer. The IEP committee meeting is held before school starting (after they turned three). How is this reported for SPP 12?**

The IEP meeting must be held before a child's 3<sup>rd</sup> birthday, even if his/her birthday occurs during the summer. If the IEP meeting is held after the child's 3<sup>rd</sup> birthday, the LEA is out of compliance and must report them in **row a.** and **row f.** or **row g.**

9. **If a child is referred to the LEA by a parent a week after their 3<sup>rd</sup> birthday, is the child included in SPP 11 or SPP 12?**

SPP 11.

10. **A child was receiving ECI, but the parent denies a referral to the LEA before age three. After the student turned three, the parent decides they want their child to be considered for LEA special education services. Is this student reported in SPP 11 or SPP 12?**

The child would be reported in SPP 11 data collection if the parent signed consent and the LEA completed the evaluation process.

The child would **not be** included in the SPP 12 data collection because s/he experienced a break in ECI services because of the parent's choice to decline the referral to the LEA.