

**Key Elements of Early Transition:  
A Guide for Planning, Implementing, and Evaluating Smooth and Effective Transitions  
for Children and their Families  
from Local Early Childhood Intervention Contracted Programs  
to Local Preschool Programs for Children with Disabilities**

This document provides a framework of the key elements of early transition to assist LEAs and ECI contractors in developing a collaborative child find system (34 CFR §300.111) for children who leave Early Childhood Intervention (ECI) services and enter the public school Preschool Program for Children with Disabilities (PPCD). The elements are listed in chronological order and each is accompanied by its corresponding reference(s) in the Individuals with Disabilities Education Improvement Act (IDEA) 2004, the Code of Federal Regulations (CFR), the Texas Administrative Code (TAC), the State Performance Plan (SPP), and/or TEA/DARS Early Transition Memorandum of Understanding (ECI MOU). Websites for accessing the references are listed at the end of the document as are the acronyms that are used in the document.

Key Elements	References
<p>1. The Local Educational Agency (LEA) and the local Early Childhood Intervention (ECI) contractor have developed a coordinated child find system. Both ECI and LEA ensure it has policies and procedures in effect to identify, locate, and evaluate children who are in need of early intervention or special education services.</p> <p>In Texas, children with an auditory impairment (AI) or a vision impairment (VI) are entitled to a free appropriate public education (FAPE) from birth. Services provided with no out-of-pocket payment from the parent are services to children with an AI or a VI that are required by an individualized education program (IEP). All IDEA Part C services are subject to Family Cost Share except those specified as exempt. Exempt services include case management and service coordination. Therefore, services for a child enrolled in ECI with an AI or a VI must be coordinated between the local ECI contractor and the LEA for the area where the child resides.</p>	<p><b>34 CFR §300.111 Child Find</b> (a) <i>General.</i> (1) The State must have in effect policies and procedures to ensure that— (i) All children with disabilities residing in the State, including children with disabilities who are homeless children or are wards of the State, and children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated.</p> <p><b>34 CFR §303.302 Comprehensive Child Find System</b> (a) <i>General.</i> Each system must include a comprehensive child find system that— (1) Is consistent with part B of the Act (see 34 CFR 300.111);</p> <p><b>TEC, §§29.003, 30.002(a), and 30.081</b> a free, appropriate, public education shall be available from birth to students with visual or auditory impairments.</p> <p><b>40 TAC, §108.411(a)</b> Early Childhood Intervention Services provided with no out-of-pocket payment from the parent are: child find, evaluation and assessment, development of the IFSP, services to children with auditory or visual impairments that are required by and individualized education program pursuant to Texas Education Code, §29.003(b)(1), case management, translation and interpreter services, and administrative and coordination activities related to the implementation of procedural safeguards and other components of the statewide system of early childhood intervention services.</p> <p><b>19 TAC §89.1050(b)</b> For a student from birth through two years of age with visual/and/or auditory impairments, an individualized family service plan (IFSP) meeting must be held in place of an ARD committee meeting in accordance with 34 CFR, §§300.320-300.324, and the memorandum of understanding between the Texas Education Agency and the Department of Assistive and Rehabilitative Services. For students three years of age and older, school districts must develop an IEP.</p> <p><b>Early Transition Memorandum of Understanding, Interagency Collaboration</b> between the Texas Education Agency and the Department of Assistive and Rehabilitative Services to coordinate an effective system of transition services for children with</p>

	<p>disabilities in early childhood and the LEA provision of services to children with an AI or a VI.</p> <p><b>Part B SPP, Effective Transition</b> Indicator 12: Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.</p>
<p>2. Both ECI and TEA have policies and procedures in place to ensure that children transitioning from ECI to the LEA who will participate in preschool programs will experience a smooth and effective transition by their third birthday.</p>	<p><b>34 CFR §300.124 Transition of Children from the Part C Program to Preschool Programs.</b> The State must have in effect policies and procedures to ensure that— (a) Children participating in early intervention programs assisted under Part C of the Act, and who will participate in preschool programs assisted under Part B of the Act, experience a smooth and effective transition to those preschool programs in a manner consistent with section 637(a)(9) of the Act</p> <p><b>34 CFR §300.101 Free Appropriate Public Education (FAPE)</b> (b) <i>FAPE for children beginning at age 3.</i> (1) Each state must ensure that – (i) The obligation to make FAPE available to each eligible child residing in the State begins no later than the child’s third birthday, and (ii) An IEP or an IFSP is in effect for the child by that date, in accordance with Sec. 300.323(b)</p> <p><b>19 TAC §89.1035 Age Ranges for Student Eligibility</b> (a) Pursuant to state and federal law, services provided in accordance with this subchapter shall be available to all eligible students age 3-21. Services will be made available to eligible students on their third birthday.</p> <p><b>Early Transition Memorandum of Understanding, Interagency Collaboration</b> between the Texas Education Agency and the Department of Assistive and Rehabilitative Services to coordinate an effective system of transition services for children with disabilities in early childhood and the LEA provision of services to children with an AI or a VI.</p> <p><b>Part B SPP, Effective Transition</b> Indicator 12: Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.</p>

3. The ECI contractor must notify the appropriate LEA not fewer than 90 days before the child's third birthday that the child is potentially eligible for Part B services. The information that will be disclosed will include limited personally identifiable information such as child's name, child's date of birth, parent's name, address and telephone number. Parents may choose to opt out of the LEA notification by providing written documentation of their choice before the notification is sent.

The local ECI contractor and LEA program have a system in place for confirming that referral information about the child has been transmitted to the LEA in accordance with the required notification provisions. The LEA child find contact person has a system in place to maintain confidentiality of personally identifiable information as it is received, maintained, used and as appropriate, destroyed.

**20 USC §1437**

(a)(9)(A)(ii)(I) notify the LEA for the area in which such a child resides that the child will shortly reach the age of eligibility for preschool services under Part B, as determined in accordance with State law

**34 CFR §300.623 Safeguards**

(a) Each participating agency must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages. (b) One official at each participating agency must assume responsibility for ensuring the confidentiality of any personally identifiable information. (c) All persons collecting or using personally identifiable information must receive training or instruction regarding the State's policies and procedures under § 300.123 and 34 CFR part 99. (d) Each participating agency must maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information.

**34 CFR §300.624 Destruction of Information**

(a) the public agency must inform parents when personally identifiable information collected, maintained, or used under this part is no longer needed to provide educational services to the child. (b) The information must be destroyed at the request of the parents. However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

**34 CFR §303.209 Transition to Preschool and Other Programs**

(b) Notification to the SEA and appropriate LEA. (1) The State lead agency must ensure that—i) Subject to paragraph (b)(2) of this section, not fewer than 90 days before the third birthday of the toddler with a disability if that toddler may be eligible for preschool services under part B of the Act, the lead agency notifies the SEA and the LEA for the area in which the toddler resides that the toddler on his or her third birthday will reach the age of eligibility for services under part B of the Act, as determined in accordance with State law;

**40 TAC 108.1213 LEA Notification Opt-Out**

(a) The parent may choose not to allow the contractor to send the child's limited personally identifiable information to the LEA. The contractor must:

- (1) inform the parent of the LEA Notification of Potentially Eligible for Special Education Services requirements before the parent signs the initial IFSP; and
- (2) explain LEA Notification Opt Out to the parent and the consequences of this choice.

(b) The parent may choose to opt out of the LEA Notification of Potentially Eligible for Special Education Services. The parent must inform the contractor of their LEA Notification Opt Out choice in writing before the scheduled notification date.

**Early Transition Memorandum of Understanding, Interagency Collaboration** between the Texas Education Agency and the Department of Assistive and Rehabilitative Services to coordinate an effective system of transition services for children with disabilities in early childhood and the LEA provision of services to children with an AI or a VI.

**Part B SPP, Effective Transition**

Indicator 12: Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.

<p>4. LEAs understand that receiving notification of a child who is potentially eligible for Part B services constitutes a referral to the Part B system and that steps must be taken to initiate the evaluation process to determine whether the child is eligible for Part B services.</p>	<p><b>Early Transition Memorandum of Understanding, Interagency Collaboration</b> between the Texas Education Agency and the Department of Assistive and Rehabilitative Services to coordinate an effective system of transition services for children with disabilities in early childhood and the LEA provision of services to children with an AI or a VI.</p> <p><b>Part B SPP, Effective Transition</b> Indicator 12: Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.</p>
<p>5. ECI contractors document inviting the LEA to the transition conference 14 days in advance of the conference date unless another timeline has been established by local agreement. LEAs have a system in place that ensures their participation in transition planning conferences arranged with family approval by local ECI programs. The transition conference must be convened not fewer than 90 days, and at the discretion of all parties, not more than nine months before the child's third birthday to discuss any services the child may receive under Part B.</p>	<p><b>20 USC §1437</b> (a)(9)(A)(ii)(II) in the case of a child who may be eligible for such preschool services, with the approval of the family of the child, convene a conference among the lead agency, the family, and the LEA not less than 90 days (and at the discretion of all such parties, not more than 9 months) before the child is eligible for the preschool services, to discuss any such services that the child may receive.</p> <p><b>34 CFR §300.124 Transition of Children from the Part C Program to Preschool Programs</b> The State must have in effect policies and procedures to ensure that- (c) Each affected LEA will participate in transition planning conferences arranged by the designated lead agency under section 635(a)(10) of the Act.</p> <p><b>34 CFR §303.209 Transition to Preschool and Other Programs</b> (c) Conference to discuss services. The State lead agency must ensure that—(1) If a toddler with a disability may be eligible for preschool services under part B of the Act, the lead agency, with the approval of the family of the toddler, convenes a conference, among the lead agency, the family, and the LEA not fewer than 90 days—and, at the discretion of all parties, not more than 9 months—before the toddler's third birthday to discuss any services the toddler may receive under part B of the Act;</p> <p><b>Early Transition Memorandum of Understanding, Interagency Collaboration</b> between the Texas Education Agency and the Department of Assistive and Rehabilitative Services to coordinate an effective system of transition services for children with disabilities in early childhood and the LEA provision of services to children with an AI or a VI.</p>
<p>6. For children who are referred to the LEA, ECI contractors will invite a teacher certified to teach children with AI or VI, as appropriate, to the transition meeting when addressing issues and evaluation related to or affected by an AI or VI.</p>	<p><b>34 CFR §303.13 Early Intervention Services</b> (c) <i>Qualified personnel.</i> The following are the types of qualified personnel who provide early intervention services under this part: 11) Special educators, including teachers of children with hearing impairments (including deafness) and teachers of children with visual impairments (including blindness).</p> <p><b>Early Transition Memorandum of Understanding, Interagency Collaboration</b> between the Texas Education Agency and the Department of Assistive and Rehabilitative Services to coordinate an effective system of transition services for children with disabilities in early childhood and the LEA provision of services to children with an AI or a VI.</p>
<p>7. ECI contractors will document the date of the transition conference, the discussion during the conference, and the contents of the transition plan in the child's record.</p> <p>LEA staff documents the date of the transition conference, participants, and the steps to determine the child's Part B eligibility.</p>	<p><b>Early Transition Memorandum of Understanding, Interagency Collaboration</b> between the Texas Education Agency and the Department of Assistive and Rehabilitative Services to coordinate an effective system of transition services for children with disabilities in early childhood and the LEA provision of services to children with an AI or a VI.</p>

<p>8. ECI contractors develop transition plans as part of a child's IFSP not fewer than 90 days, but at the discretion of all parties, up to nine months, before the child's third birthday.</p> <p>LEAs coordinate with ECI programs to fully inform families of the possible services available under Part B and support family involvement in the transition planning process.</p>	<p><b>34 CFR §303.209 Transition to Preschool and Other Programs</b>  (d) <i>Transition plan.</i> The State lead agency must ensure that for all toddlers with disabilities—(2) It establishes a transition plan in the IFSP not fewer than 90 days—and, at the discretion of all parties, not more than 9 months—before the toddler's third birthday;</p> <p><b>Early Transition Memorandum of Understanding, Interagency Collaboration</b> between the Texas Education Agency and the Department of Assistive and Rehabilitative Services to coordinate an effective system of transition services for children with disabilities in early childhood and the LEA provision of services to children with an AI or a VI.</p>
<p>9. When an ECI contractor provides notification of a potentially eligible child less than 90 days before the child's third birthday, the ECI program must provide a written explanation to the LEA stating the reason for the delay.</p> <p>For children whose eligibility for Part C services with an ECI contractor is determined fewer than 90 days and more than 45 days before the child's third birthday, the ECI contractor must provide notification to the LEA of potential eligibility for Part B services as soon as possible unless the family opts out of this process.</p> <p>If a child is referred to an ECI contractor fewer than 45 days before the child's third birthday, the ECI contractor is not required to determine eligibility for Part C services. The ECI contractor, with family consent, should facilitate the child's referral directly to the LEA for a Part B eligibility determination.</p>	<p><b>34 CFR §303.209 Transition to Preschool and Other Programs</b>  (b) Notification to the SEA and appropriate LEA. (ii) Subject to paragraph (b)(2) of this section, if the lead agency determines that the toddler is eligible for early intervention services under part C of the Act more than 45 but less than 90 days before that toddler's third birthday and if that toddler may be eligible for preschool services under part B of the Act, the lead agency, as soon as possible after determining the child's eligibility, notifies the SEA and the LEA for the area in which the toddler with a disability resides that the toddler on his or her third birthday will reach the age of eligibility for services under part B of the Act, as determined in accordance with State law; or  (iii) Subject to paragraph (b)(2) of this section, if a toddler is referred to the lead agency fewer than 45 days before that toddler's third birthday and that toddler may be eligible for preschool services under part B of the Act, the lead agency, with parental consent required under §303.414, refers the toddler to the SEA and the LEA for the area in which the toddler resides; but, the lead agency is not required to conduct an evaluation, assessment, or an initial IFSP meeting under these circumstances.</p> <p><b>40 TAC, §108.1215</b>  When the contractor provides the LEA Notification of Potentially Eligible for Special Education Services to districts or charter schools less than 90 days before the child's third birthday, the contractor's ECI program must include in the notification the reason for the delay. The contractor must send the LEA for the area in which the child resides a late LEA Notification for any child aged 33-36 months whom the IFSP team determines is potentially eligible for special education services, unless the parent has informed the contractor in writing of their decision to opt-out of LEA notification.</p> <p><b>Early Transition Memorandum of Understanding, Interagency Collaboration</b> between the Texas Education Agency and the Department of Assistive and Rehabilitative Services to coordinate an effective system of transition services for children with disabilities in early childhood and the LEA provision of services to children with an AI or a VI.</p> <p><b>Part B SPP, Effective Transition</b>  Indicator 12: Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.</p>
<p>10. The LEA will provide Part B evaluations and determinations. If the child is eligible, the LEA will develop and implement the IEP, or IFSP under 34 CFR §300.323(b), by the child's third birthday.</p>	<p><b>34 CFR §300.306 Determination of Eligibility</b>  (a) <i>General.</i> Upon completion of the administration of assessments and other evaluation measures—(1) A group of qualified professionals and the parent of the child determines whether the child is a child with a disability, as defined in §300.8, in accordance with paragraph (b) of this section and the educational needs of the child.</p>

	<p><b>34 CFR§ 300.323 When IEPs must be in effect</b>  (b) IEP or IFSP for children aged three through five. (1) In the case of a child with a disability aged three through five (or, at the discretion of the SEA, a two-year-old child with a disability who will turn age three during the school year), the IEP Team must consider an IFSP that contains the IFSP content (including the natural environments statement) described in section 636(d) of the Act and its implementing regulations (including an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills for children with IFSPs under this section who are at least three years of age), and that is developed in accordance with the IEP procedures under this part.</p> <p><b>34 CFR §303.344 Content of an IFSP</b>  (h) Transition from Part C services. (1) The IFSP must include the steps and services to be taken to support the smooth transition of the child, in accordance with §§303.209 and 303.211(b)(6), from part C services to(i) Preschool services under part B of the Act, to the extent that those services are appropriate:</p> <p><b>19 TAC §89.1040 Eligibility Criteria</b>  (a) Special education services. To be eligible to receive special education services, a student must be a "child with a disability" as defined in 34 Code of Federal Regulations 300.307.  (b) Eligibility determination. The determination of whether a student is eligible for special education and related services is made by the student's admission, review and dismissal (ARD) committee.</p> <p><b>Early Transition Memorandum of Understanding, Interagency Collaboration</b> between the Texas Education Agency and the Department of Assistive and Rehabilitative Services to coordinate an effective system of transition services for children with disabilities in early childhood and the LEA provision of services to children with an AI or a VI.</p> <p><b>Part B SPP, Effective Transition</b>  Indicator 12: Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.</p>
<p>11. The IEP team determines the start date of the IEP if the child's third birthday occurs during the summer. Services will begin by the first day of school, or earlier as determined and stated in the IEP.</p>	<p><b>34 CFR §300.101 Free Appropriate Public Education (FAPE)</b>  (b) <i>FAPE for children beginning at age 3.</i> (2) If a child's third birthday occurs during the summer, the child's IEP Team shall determine the date when services under the IEP or IFSP will begin.</p> <p><b>34 CFR §300.321 IEP Team</b>  (f) <i>Initial IEP Team meeting for child under Part C.</i> In the case of a child who was previously served under Part C of the Act, an invitation to the initial IEP Team meeting must, at the request of the parent, be sent to the Part C service coordinator or other representatives of the Part C system to assist with the smooth transition of services.</p> <p><b>19 TAC §89.1011. Full and Individual Initial Evaluation.</b>  (d) The admission, review, and dismissal (ARD) committee must make its decisions regarding a student's initial eligibility determination and, if appropriate, individualized education program (IEP) and placement within 30 calendar days from the date of the completion of the written full individual and initial evaluation report. If the 30th day falls during the summer and school is not in session, the student's ARD committee has until the first day of classes in the fall to finalize decisions concerning the student's initial eligibility determination, IEP, and placement, unless the full individual and initial evaluation indicates that the</p>

	<p>student will need extended school year services during that summer.</p> <p><b>Part B SPP, Effective Transition</b> Indicator 12: Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.</p>
<p>12. For children transitioning from Part C services to Part B services, the IEP team considers an IFSP that contains the IFSP content including the natural environments statement, and that is developed in accordance with the IEP procedures.</p>	<p><b>34 CFR§ 300.323 When IEPs must be in effect</b> (b) IEP or IFSP for children aged three through five. (1) In the case of a child with a disability aged three through five (or, at the discretion of the SEA, a two-year-old child with a disability who will turn age three during the school year), the IEP Team must consider an IFSP that contains the IFSP content (including the natural environments statement) described in section 636(d) of the Act and its implementing regulations (including an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills for children with IFSPs under this section who are at least three years of age), and that is developed in accordance with the IEP procedures under this part.</p> <p><b>34 CFR §303.344 Content of an IFSP</b> (d) Early intervention services. (1) The IFSP must include a statement of the specific early intervention services, based on peer-reviewed research (to the extent practicable), that are necessary to meet the unique needs of the child and the family to achieve the results or outcomes identified in paragraph (c) of this section, including— (i) The length, duration, frequency, intensity, and method of delivering the early intervention services; (ii)(A) A statement that each early intervention service is provided in the natural environment for that child or service to the maximum extent appropriate, consistent with §§303.13(a)(8), 303.26 and 303.126, or, subject to paragraph (d)(1)(ii)(B) of this section, a justification as to why an early intervention service will not be provided in the natural environment. (B) The determination of the appropriate setting for providing early intervention services to an infant or toddler with a disability, including any justification for not providing a particular early intervention service in the natural environment for that infant or toddler with a disability and service, must be— (1) Made by the IFSP Team (which includes the parent and other team members); (2) Consistent with the provisions in §§303.13(a)(8), 303.26, and 303.126; and (3) Based on the child's outcomes that are identified by the IFSP Team in paragraph (c) of this section; (iii) The location of the early intervention services; and (iv) The payment arrangements, if any.</p>
<p>13. The ARD committee should consist of any and all members who can help make appropriate decisions to help meet the needs of the child. Members of the ARD Committee will consist of the parents of the child; one regular education teacher of the child; one special education teacher or special education provider of the child; a representative of the public agency; an individual who can interpret the instructional implications of the evaluation; and as appropriate the child with a disability and a teacher of children with AI or VI.</p> <p>Upon parent request, the ECI service coordinator or other ECI representative is invited to attend the initial ARD committee meeting.</p>	<p><b>34 CFR §300.324 Development, review, and Revision of IEP</b> (a) <i>Development of IEP.</i> (3) <i>Requirement with respect to regular education teacher.</i> A regular education teacher of a child with a disability, as a member of the IEP Team, must, to the extent appropriate, participate in the development of the IEP of the child, including the determination of— (i) Appropriate positive behavioral interventions and supports and other strategies for the child; and (ii) Supplementary aids and services, program modifications, and support for school personnel consistent with Sec. 300.320 (a)(4).</p> <p><b>34 CFR §300.321 IEP team.</b> (f) Initial IEP Team meeting for child under Part C. In the case of a child who was previously served under Part C of the Act, an invitation to the initial IEP Team meeting must, at the request of the parent, be sent to the Part C service coordinator or other representatives of the Part C system to assist with the smooth transition of services.</p> <p><b>19 TAC §89.1050 The Admission, Review and Dismissal Committee</b></p>

	<p>(c) ARD committee membership.(1) ARD committees must include the following:(A) the parents of the student;(B) not less than one regular education teacher of the student (if the student is, or may be, participating in the regular education environment);(C) not less than one special education teacher of the student, or where appropriate, not less than one special education provider of the student;(D) a representative of the school district who:(i) is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of students with disabilities;(ii) is knowledgeable about the general education curriculum; and(iii) is knowledgeable about the availability of resources of the school district;(E) an individual who can interpret the instructional implications of evaluation results, who may be a member of the committee described in subparagraphs (B)-(D) and (F) of this paragraph;(F) at the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the student, including related services personnel, as appropriate;(G) whenever appropriate, the student with a disability;(H) to the extent appropriate, with the consent of the parents or a student who has reached the age of majority, a representative of any participating agency that is likely to be responsible for providing or paying for transition services;(I) a representative from career and technical education (CTE), preferably the teacher, when considering initial or continued placement of a student in CTE; and(J) a professional staff member who is on the language proficiency assessment committee who may be a member of the committee described in subparagraphs (B) and (C) of this paragraph, if the student is identified as an English language learner.(2) The special education teacher or special education provider that participates in the ARD committee meeting must be appropriately certified or licensed as required by 34 CFR, §300.18 and §300.156.(3) If the student is:(A) a student with a suspected or documented visual impairment, the ARD committee must include a teacher who is certified in the education of students with visual impairments;(B) a student with a suspected or documented auditory impairment, the ARD committee must include a teacher who is certified in the education of students with auditory impairments; or(C) a student with suspected or documented deaf-blindness, the ARD committee must include a teacher who is certified in the education of students with visual impairments and a teacher who is certified in the education of students with auditory impairments.(4) An ARD committee member is not required to attend an ARD committee meeting if the conditions of either 34 CFR, §300.321(e)(1), regarding attendance, or 34 CFR, §300.321(e)(2), regarding excusal, have been met.</p> <p><b>Early Transition Memorandum of Understanding, Interagency Collaboration</b> between the Texas Education Agency and the Department of Assistive and Rehabilitative Services to coordinate an effective system of transition services for children with disabilities in early childhood and the LEA provision of services to children with an AI or a VI.</p>
<p>14. If a child's third birthday occurs in the summer, the ARD committee decides on an individual basis if services begin immediately with ESY services or when the next school year begins.</p>	<p><b>34 CFR §300.106 Extended School Year Services</b>  (a) <i>General.</i> (2) Extended School Year services must be provided only if a child's IEP Team determines, on an individual basis, in accordance with §§300.320 through 300.324, that the services are necessary for the provision of FAPE to the child.  (3) In implementing the requirements of this section, a public agency may not—(i) Limit extended school year services to particular categories of disability; or (ii) Unilaterally limit the type, amount, or duration of those services.</p> <p><b>19 TAC §89.1055 Content of the IEP</b>  (c) If the ARD committee determines that the student is in need of Extended School Year (ESY) services, as described in §89.1065</p>

	<p>of this title (relating to Extended School Year (ESY) Services), then the IEP must also include goals and objectives for ESY services from the student's current IEP..</p> <p><b>19 TAC §89.1065 Extended School Year Services</b>  (1) The need for ESY services must be determined on an individual student basis by the ARD committee in accordance with § 34 CFR 300.309. In determining the need for and in providing ESY services, a school district may not: (A) limit ESY services to particular categories of disability; or (B) unilaterally limit the type, amount, or duration of ESY services. (2) The need for ESY services must be documented from formal and/or informal evaluations provided by the district or the parent.</p> <p><b>Early Transition Memorandum of Understanding, Interagency Collaboration</b> between the Texas Education Agency and the Department of Assistive and Rehabilitative Services to coordinate an effective system of transition services for children with disabilities in early childhood and the LEA provision of services to children with an AI or a V..</p> <p><b>Part B SPP, Effective Transition</b>  Indicator 12: Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.</p>
<p>15. The LEA has a continuum of placement options for children from 3-5 years of age who are eligible for Part B PPCD services. This includes placements in private schools and community-based settings when appropriate. The ARD committee must consider the least restrictive environment when determining placement.</p>	<p><b>34 CFR §300.114 LRE Requirements</b>  (a) <i>General.</i> (2) Each public agency must ensure that- (i) To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and (ii) Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.</p> <p><b>34 CFR §300.115 Continuum of Alternative Placements</b>  (a) Each public agency must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.</p> <p><b>34 CFR §300.132 Provision of Services for Parentally-Placed Private School Children with Disabilities</b>  (a) <i>General.</i> To the extent consistent with the number and location of children with disabilities who are enrolled by their parents in private, including religious, elementary schools and secondary schools located in the school district served by the LEA, provision is made for the participation of those children in the program assisted or carried out under Part B of the Act by providing them with special education and related services, including direct services determined in accordance with § 300.137, unless the Secretary has arranged for services to those children under the by-pass provisions in §§ 300.190 through 300.198.</p> <p><b>19 TAC §89.1096 Provision of Services for Students Placed by their Parents in Private Schools or Facilities</b>  (c) Parents of an eligible student ages 3 or 4 shall have the right to "dual enroll" their student in both the public school and the private school beginning on the student's third birthday and continuing until the end of the school year in which the student turns five or until the student is eligible to attend a district's public school kindergarten program, whichever comes first, subject to the following.  (1) The student's ARD committee shall develop an IEP designed to provide the student with a FAPE in the LRE appropriate for the student.</p>

	<p>(2) From the IEP, the parent and the district shall determine which special education and/or related services will be provided to the student and the location where those services will be provided, based on the requirements concerning placement in the LRE set forth in 34 CFR, §§300.550-300.553, and the policies and procedures of the district.</p> <p>(3) For students served under the provisions of this subsection, the school district shall be responsible for the employment and supervision of the personnel providing the service, providing the needed instructional materials, and maintaining pupil accounting records. Materials and services provided shall be consistent with those provided for students enrolled only in the public school and shall remain the property of the school district.</p> <p><b>Part B SPP, FAPE in the LRE</b> Indicator 6: Percent of preschool children with IEPs who received special education and related services in settings with typically developing peers (e.g., early childhood settings, home, and part-time early childhood/part-time early childhood special education settings).</p>
<p>16. The LEA provides a copy of the evaluation report, the documentation of determination of eligibility, and the IEP to the parent at no cost.</p>	<p><b>34 CFR §300.306 Determination of Eligibility</b> (a) <i>General.</i> (2) The public agency provides a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent.</p> <p><b>34 CFR §300.322 Parent Participation</b> (f) <i>Parent copy of child's IEP.</i> The public agency must give the parent a copy of the child's IEP at no cost to the parent.</p>

### Acronyms

- AI            Auditory Impairment
- ARD        Admission, Review, & Dismissal
- CFR        Code of Federal Regulations (Federal Regulations for IDEA)
- DARS      Department of Assistive and Rehabilitative Services
- ECI        Early Childhood Intervention
- ESY        Extended School Year
- FAPE      Free Appropriate Public Education
- FIE        Full and Individual Evaluation
- IDEA      Individuals with Disabilities Education Act (2004)
  - Part B contains mandates for students with disabilities age 3 through 21 years
  - Part C contains mandates for infants and toddlers from birth through age 2
- IEP        Individualized Education Program
- IFSP      Individualized Family Service Plan
- LEA        Local Educational Agency
- LRE        Least Restrictive Environment
- MOU      Memorandum of Understanding
- OSEP      Office of Special Education Programs
- PPCD     Preschool Program for Children with Disabilities
- SPP        State Performance Plan
- TAC        Texas Administrative Code (Commissioner's Rules and State Board of Education Rules)
- TEA        Texas Education Agency

- TEC Texas Education Code (State Law)
- USC United States Code (Federal Law)
- VI Visual Impairment