

Late Referrals: Timelines and Transition Requirements

Early Supports for Infants and Toddlers (ESIT) Practice Guide

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Purpose

The purpose of this Practice Guide is to:

- Clarify timelines and requirements for services to children referred to Early Support for Infants and Toddlers (ESIT) 135 days or fewer before the child's 3rd birthday, as noted in the [Washington Late Referrals to IDEA Part C Timeline](#).
- Offer optional strategies to expedite services for children referred late to Part C.

Definitions

ESIT Service Provider: An ESIT service provider is an individual who provides Early Support Services, in accordance with the ESIT Provider Agency contract with the Division of Children, Youth, and Families (DCYF), the Individuals with Disabilities Education Act (IDEA) Part C, and Washington's Federally Approved State Plan. For the purposes of this Practice Guide, ESIT service provider includes all professionals providing Part C services, including but not limited to, therapists, Family Resources Coordinators (FRCs) and educators.

Individuals with Disabilities Education Act (IDEA): the federal law that governs how states and public agencies provide early intervention, special education, and related services to eligible infants, toddlers, children, and youth with disabilities.

- **Part C** of the act addresses services for eligible infants and toddlers, ages birth to 36 months, and their families.
- **Part B** of the act addresses special education and related services for eligible students, ages three to 21 years of age.

Local Education Agency (LEA): The LEA is the school district in which the child resides, and which is responsible for services to resident eligible children, aged 3 to 21, under IDEA.

State Education Agency (SEA): The Office of Superintendent of Public Instruction (OSPI) is the SEA in Washington State and has supervisory authority over the implementation of special education and related services under IDEA Part B.

Part C Referral Date: The referral date is the date the referral was received by the ESIT Provider Agency (PA) or by the contracted central intake/referral organization for the service area, whichever is earlier. If the PA receives the referral on 3/03 but doesn't speak to the family until 3/05, 3/03 is still the referral date.

Pre-IFSP Procedures: Pre-IFSP procedures are those Part C activities which take place prior to the signing of the child's Initial Individualized Family Service Plan (IFSP), including but not limited to: child find, referral, intake, eligibility determination, functional child assessment, and IFSP team formation and scheduling.

Late Referral:

- When a child is referred for Part C services 135 or fewer days before the child's 3rd birthday, this is considered a "late referral."

- If a child is referred greater than 135 days before their 3rd birthday, but the child's eligibility is not determined until less than 135 days or fewer before the child's 3rd birthday, it is not considered a late referral.

Transition Conference: A meeting convened by the ESIT PA, at least 90 days before the toddler's 3rd birthday, during which, the family and other providers discuss appropriate services a toddler may receive following the 3rd birthday and transition out of Part C services. A Transition Conference is required for all children determined potentially eligible for Part B. For children determined not potentially eligible for Part B, with parent consent, all reasonable efforts should be made to convene a Transition Conference.

Transition Planning: The process of planning the steps and services to be taken to support a smooth transition for a toddler from Part C services to other appropriate services after the toddler turns three years old. For all children enrolled in Part C services, the IFSP team is required to establish a transition plan in the child's IFSP not fewer than 90 days, and not more than nine months, before the toddler's third birthday.

Late Referrals Timelines and Transition Requirements

Part C requirements for late referrals fall into three distinct categories, each with its own requirements. The fundamental goal for each of these categories is to successfully transition children to after-three services in a timely manner. See [Washington State Late Referrals to IDEA Part C Timeline](#) for a detailed explanation of both Part C and Part B requirements for the three categories of late referrals.

ESIT PAs should work with local school districts to jointly develop strategies to expedite transition for children referred to ESIT close to their third birthday. Agreed upon strategies should be identified in the ESIT PA's Local Collaboration Plan. For more information on [Local Collaboration Plans](#), reach out to your Technical Assistance Specialist. For more information on transition agreements between DCYF and OSPI see the [Interagency Agreement Between DCYF and OSPI](#) on the [Policies and Procedures webpage](#) of the [ESIT service providers website](#).

Calculating timelines

When calculating transition timelines, use year-round calendar days, not business days. The date of referral to Part C is considered day 1 of the timeline. The end day is the date the child turns three years old.

Category 1:

Children referred and determined eligible 135 to 90 calendar days before 3rd birthday

Most requirements in this category are the same as those for children referred to Part C prior to 135 days before their 3rd birthday. However, some reporting requirements and recommended practices differ.

Main goal: Complete all transition requirements listed in the [Washington State Late Referrals](#)

[to IDEA Part C Timeline](#) prior to 90 days before the child's third birthday. If the Transition Conference is not completed prior to 90 days before the third birthday for a child found potentially eligible for Part B, the ESIT PA is considered to be out of compliance with federal transition requirements. See [Late Services: Provision and Documentation Practice Guide](#) for more information on documenting reasons for late services.

Optional ESIT PA strategies to consider for expediting transition for children in this category include:

- Use evaluation tools which the local school district accepts in order to avoid the child having to be re-evaluated by Part B.
- Conduct a joint eligibility evaluation with Part B personnel, with parent consent and prior agreement with Part B personnel.
- Hold the Transition Conference at the Initial IFSP meeting.
- Expedite the decision as to whether a child is potentially eligible for Part B. As soon as the child is determined eligible for Part C, the FRC may, with parent consent, provide official transition notification to the school district by following the potentially eligible for Part B process in the ESIT data management system. Scheduling a joint eligibility evaluation with Part B personnel is not considered official school district notification.
- Create special expedited procedures for children who are referred close to 90 days before their third birthday. Options include having pre-IFSP procedures that combine several steps. For example, the ESIT PA may combine the Intake and Evaluation appointments or the Evaluation and Initial IFSP meetings for a child in this late referral category.
- Reserve a few evaluation appointments for late referrals.

Communication with family:

- As soon as the late referral is received, but no later than 90 days before the child's third birthday, provide parents with information regarding Part B services and other community options, such as Early Childhood Education and Assistance Program (ECEAP), Head Start, community preschools and play groups, Parents as Teachers, DCYF home visiting programs and services provided by Tribal Sovereign Nations.

Service Scenario: Mary was referred to ESIT 120 days before her 3rd birthday. Part B staff, Part C staff, and the family opted to conduct a joint eligibility evaluation, to speed the transition process and decrease the appointment burden on Mary's family. She was found eligible for Part C services, 95 days before her 3rd birthday. Because she was referred *and* found eligible between 135 and 90 days before her 3rd birthday the Category 1 requirements in the [WA State Late Referrals Timeline](#) applied. The FRC followed the potentially eligible for Part B process in the ESIT data management system. Ninety-one days before Mary's 3rd birthday, the IFSP team held a combination Initial IFSP meeting/Transition Conference and wrote a transition plan with transition steps into Mary's IFSP.

Category 2:

- Children referred and determined eligible 89 to 45 days before 3rd birthday.
- Children referred 89 to 45 days before their 3rd birthday, but not determined eligible until less than 45 days before 3rd birthday.
- Children referred 135 to 90 days before their 3rd birthday, but not determined eligible until 89 to 45 days before 3rd birthday.

Main Goal: Expedite eligibility determination and school district notification.

Optional ESIT PA strategies for expediting transition for children in this category include:

- Use evaluation tools which the local school district accepts in order to avoid the child having to be re-evaluated by Part B.
- Consider conducting a joint eligibility evaluation with Part B personnel, with parent consent and prior agreement with Part B personnel.
- A Transition Conference is optional but the requirement for documentation of transition planning at the initial IFSP remains.
- Create special expedited procedures for children in this category. Options include having pre-IFSP procedures that combine several steps.
- Reserve a few evaluation appointments for late referrals.
- Implement an Interim IFSP for children who need immediate Part C services. See the [ESIT Interim Individualized Family Service Plans Practice Guide](#) for more information. An Initial IFSP would still be required within the usual 45-day timeline.

Note that [OSEP policy letter to Nix \(March 17, 2023\)](#) states that for children referred and determined eligible between 90 and 45 days before their 3rd birthday, school district notification must be made as soon as possible after the toddler is determined eligible for Part C. Scheduling a joint eligibility evaluation with Part B personnel is not considered official school district notification.

Communication with family:

- Immediately provide families with information regarding Part B services and other community options, such as ECEAP, Head Start, community preschools and play groups, Parents as Teachers, DCYF home visiting programs and services provided by Tribal Sovereign Nations.

Service Scenario 1: Anna was referred 80 days before her third birthday and determined eligible for Part C services 65 days before her third birthday. The ESIT FRC discussed transition to Part B and community options with Anna’s parents. Anna’s parents chose to enroll in Part C and to transition to the local Tribal early childhood program when she turned 3 years old. They chose not to pursue transition into Part B services at their local school district.

Service Scenario 2: Miguel was referred 49 days before his third birthday. A joint eligibility evaluation conducted 40 days before his third birthday, by both Part C and Part B providers,

found Miguel eligible for both Part C and Part B services. Miguel's parents expressed interest in bypassing Part C and enrolling directly in Part B services. The FRC talked with Miguel's parents about how this choice might affect the timelines for Part B enrollment. Miguel's parents chose to enroll directly in Part B services.

Service Scenario 3: Ahmed was referred 110 days before his 3rd birthday. He was evaluated and found eligible for Part C services 89 days before his 3rd birthday. Because he was found eligible for Part C less than 90 days before his 3rd birthday the Category 2 requirements in the [WA State Late Referrals Timeline](#) applied. The IFSP team determined that Ahmed was potentially eligible for Part B services and the FRC indicated Ahmed's potential eligibility for Part B in the ESIT data management system. Ahmed's Initial IFSP included transition steps, but a Transition Conference was not held.

Category 3:

Children referred 44 days or fewer before their 3rd birthday.

Main goal: Connect the child and family to services as soon as possible, whether those are Part B services or other community options.

Strategies:

- Enter the referral into the ESIT data management system within 3 business days of receipt. Facilitate the family's connection to needed community resources. Then close the child's record using the exit reason, "Child exited program without a completed IFSP."
- No evaluation, family assessment, initial IFSP, Transition Conference or transition notification is required.

Communication with family:

- ESIT service providers must inform the family about Part B services and assist them in accessing school district or community programs.
- Immediately provide families with information regarding local Part B services and other community options, such as ECEAP, Head Start, community preschools and play groups, Parents as Teachers, DCYF home visiting programs and services provided by Tribal Sovereign Nations.
- With parent consent, the ESIT PA FRC or intake personnel may help connect the family with the local school district Part B program.

Service Scenario: Luis was referred to Part C services 30 days before his 3rd birthday. The Referral Coordinator entered the referral and assigned an FRC in the ESIT data management system. The FRC shared information with Luis' family about Part B, ECEAP and other local resources. The family stated they were not interested in Part B preschool but did want more information about ECEAP. The FRC connected the family to the local ECEAP coordinator and

facilitated a family visit to the ECEAP center. The FRC then closed Luis' record in the ESIT data management system.

Resources

[ESIT service providers website](#)

- [ESIT Policies and Procedures webpage](#)
 - [Interagency Early Childhood Transition Agreement Between DCYF and OSPI \(2023\)](#)
- [ESIT Practice Guidance webpage](#)
 - [ESIT Interim Individualized Family Service Plans Practice Guide](#)
 - [Late Services: Provision and Documentation Practice Guide](#)

[Early Childhood Technical Assistance Center \(2018\). Federal IDEA Part C & Part B Transition Requirements for Late Referrals.](#)

[NECTAC Part C to Part B Transition Timeline \(2012\)](#)

[Office of Special Education Programs Response to Nix, March 17, 2023.](#)

[Washington's Definition of Potentially Eligible for Part B Services. Interagency Agreement between Department of Early Learning and OSPI \(2018\) pp.12-14.](#)

Citations

[IDEA Part C Federal Regulations](#)

- [About IDEA](#)
- Transition to preschool and other programs [34 C.F.R. §303.209\(d\) and \(e\)](#)
- Content of an IFSP. Transition from Part C Services [34 C.F.R. §303.44\(h\)](#)
- Coordination with Head Start and Early Head Start, early education, and childcare programs. [34 C.F.R. §303.210](#)
- Consent prior to disclosure or use. [34 C.F.R. §303.414](#)

[ESIT Policies and Procedures](#)

- Content of an IFSP. Transition Steps and Services. 10.B.2(F-G)
- Transition Policy. 12

[Part C State Performance Plan/Annual Performance Reports](#)

[Washington Administrative Code. Chapter 110-400. Early Support for Infants and Toddlers Program](#)

LATE REFERRALS

- Use of funds. WAC 110-400-0140 (8)
- Transition of children from the Part C program to preschool programs WAC 392-172A-0208

Appendix 1: Washington State Late Referrals to IDEA Part C Timeline

Federal IDEA Part C & Part B Transition Requirements for

Late Referrals to IDEA Part C (≤135 days before child's 3rd birthday)

Introduction and Explanation of the Chart

The attached timeline chart was developed as a technical assistance (TA) document by the Office of Special Education Programs (OSEP) TA Priority Team on Early Childhood Transition in response to questions raised by states about the Individuals with Disabilities Education Act (IDEA) early childhood transition requirements and how they might best fulfill them, particularly considering the 2011 Part C regulations.

When children are referred to Part C as they are approaching age 3, there are different program and Annual Performance Report (APR) reporting requirements for the IDEA Part C and Part B Programs depending on the child's age. The Part C requirements for these "late referrals" vary for three distinct ranges of days before the child's third birthday: referred less than 45 days, referred and determined eligible between 45 and 90 days, and determined eligible between 91 and 135 days. Most of the requirements for this last time frame are similar to those for all children referred to Part C prior to 90 days before their 3rd birthday; however, some reporting requirements and recommended practices are unique for this time frame.

The attached chart illustrates the requirements, roles and responsibilities of the Parts C and B programs within a time period and, within each program, across the three time periods. The chart's information is based on the IDEA 2004 Statute, the 2011 IDEA Part C Regulations and the 2006 IDEA Part B Regulations that relate to transition and child find, and the *OSEP Early Childhood Transition FAQs on State Performance Plan/Annual Performance*

Report (SPP/APR) Indicators C-8 and B-12 released December 1, 2009.

Coordination between the IDEA Part C and Part B program is critical to ensure that both programs can reach and maintain 100% compliance with SPP/APR Indicators C8 and B12 on early childhood transition. States must have transition agreements between the Part C and Part B preschool programs to address transition. It is also critical to ensure that families gain an understanding of the different service delivery systems and their options in a compassionate and meaningful way. And finally, it is important to ensure that children receive the services they need to promote their learning and development. Collaboration between the two programs helps families and children adjust to, and prepare for, this period of transition.

The IDEA Part C and Part B programs are strongly encouraged to work together to develop collaborative State and local practices to ensure smooth transitions for children and families and that both programs meet the required timelines.

The IDEA Statute and applicable regulations can be accessed at:

- IDEA 2004 Statute (P.L. 108-446) - see Parts B and C
<https://sites.ed.gov/idea/statute-chapter-33>
- IDEA Federal Regulations at 34 CFR Parts 300
<https://sites.ed.gov/idea/regs/b>
- IDEA Federal Regulations at 34 CFR Parts 303
<https://sites.ed.gov/idea/regs/c>



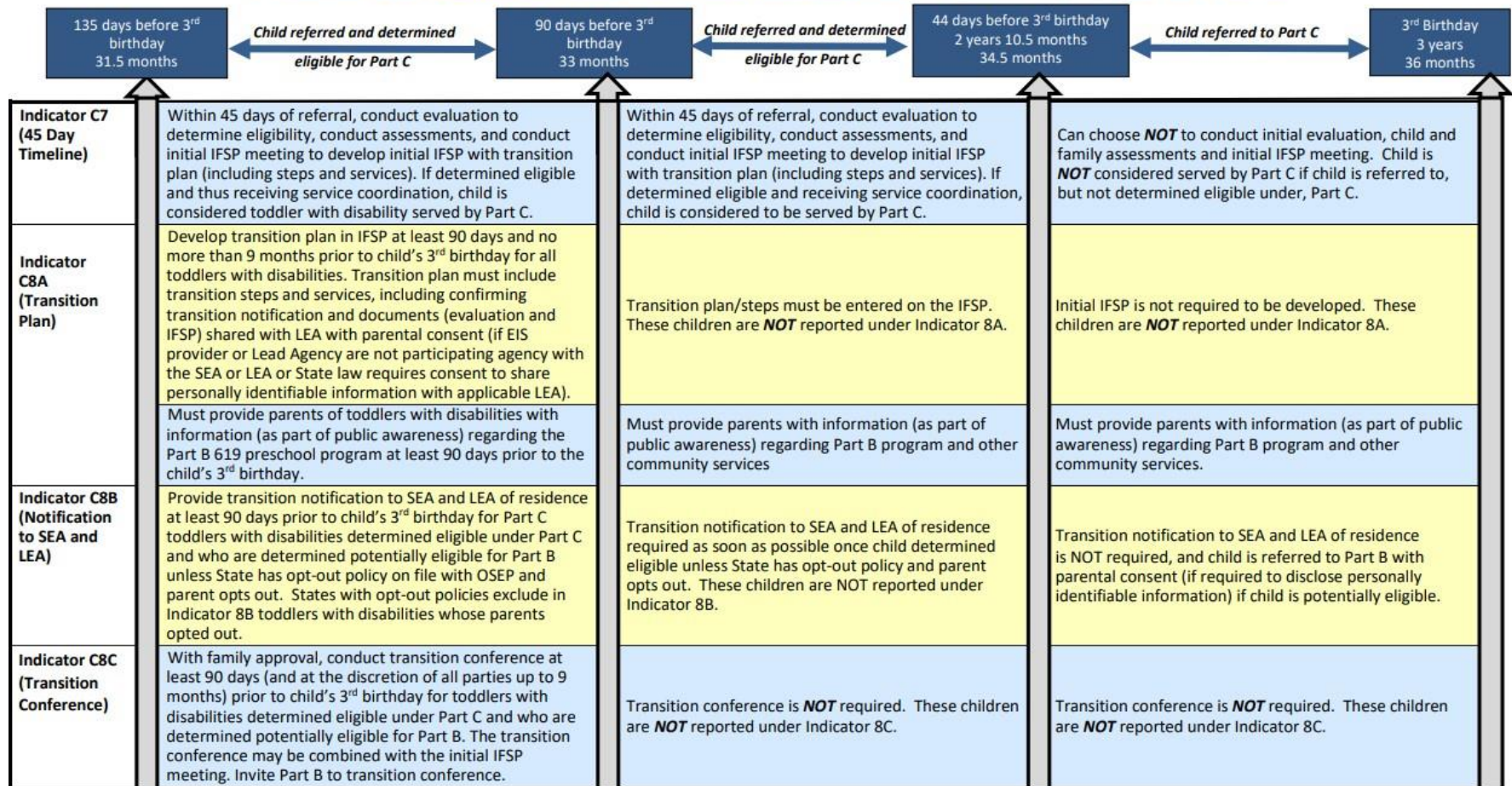
Developed by Diefendorf, M. & Lucas, A. (NECTAC & RRCP), July 2010. Revised by Lucas, A., Whaley, K., & Cate, D., September 2012. Revised by Whaley, K. of the Early Childhood Technical Assistance Center, July 2018. Adapted for Washington State, July 2019.



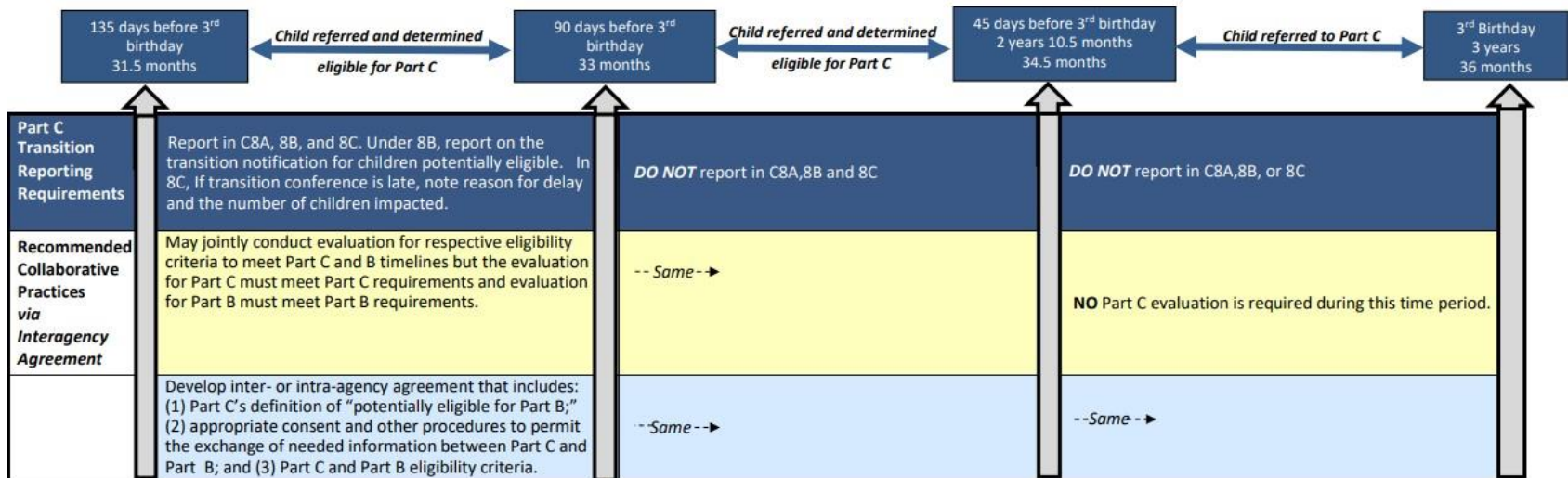
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LATE REFERRALS

Federal IDEA Part C Transition Requirements for Late Referrals to Part C

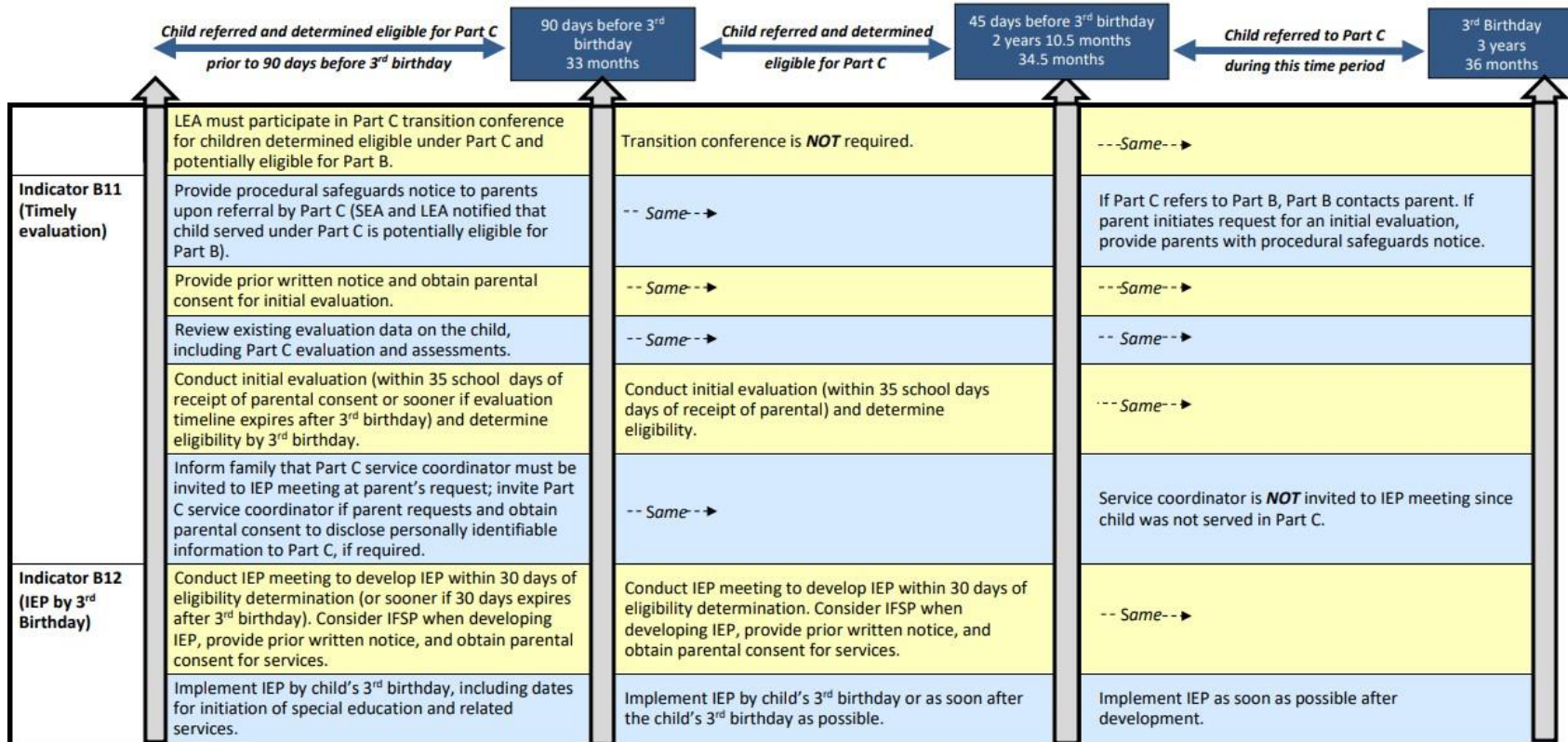


Federal IDEA Part C Transition Requirements for Late Referrals to Part C



LATE REFERRALS

Federal IDEA Part B Transition Requirements for Late Referrals to Part C



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Federal IDEA Part B Transition Requirements for Late Referrals to Part C

