

Interagency Part C to Part B Transition Agreement

Between

New Jersey Early Intervention System within the Department of Health and The Office of Special Education within the Department of Education

I. Purpose

- A. To address how the New Jersey Early Intervention System (NJEIS) and the New Jersey Department of Education, Office of Special Education (NJOSE) will meet the transition requirements under the Individuals with Disabilities Education Act (IDEA); and
- B. To identify the policies and procedures used to ensure a smooth transition for infants and toddlers with disabilities under the age of three and their families from receiving early intervention services under Part C of IDEA to:
 - 1. Preschool services under Part B of IDEA;
 - 2. Other appropriate services for preschool aged children with disabilities; or
 - 3. Exit the NJEIS.

II. NJEIS – Part C Requirements

A. Transition Notification

- 1. New Jersey considers all toddlers receiving services under the NJEIS as “potentially eligible,” for preschool special education services.
- 2. NJEIS has an “opt-out” policy that in accordance with federal regulations, for any toddler receiving services under NJEIS, a notification must be sent to the New Jersey Department of Education, Office of Special Education (NJOSE) and the local school district where the child resides that the child “may be eligible” for special education unless the parent has chosen to “opt-out” of notice.
- 3. The NJEIS opt-out of notice procedure requires that the ongoing service coordinator discuss the notification/referral policy with the parent at the IFSP meeting closest to their child’s second birthday or at the initial IFSP meeting if the child is over the age of two when referred to NJEIS. At this meeting, the parent is informed that:
 - (a) Notwithstanding (b) and (c) below, the Individuals with Disabilities Education Act (IDEA) requires the disclosure of limited personally identifiable information without parent consent to the local school district in which the child resides;
 - (b) The transmission of the written information does not obligate a parent to pursue special education services for their child; and
 - (c) NJEIS provides parents with a ten day opportunity to “opt-out” of this notification/referral disclosure by signing a NJEIS Notification Opt-Out form.

4. For each child transitioning from the NJEIS where the parent has not chosen opt-out:
 - (a) The Department of Health, NJEIS Office sends a notification to the Department of Education, Office of Special Education; and
 - (b) The NJEIS service coordinator sends a notification to the local school district.
5. The notification under Part C includes the following personally identifiable information:
 - (a) Child's name;
 - (b) Child's date of birth; and
 - (c) Parent contact information (including parent's names, address and telephone number).
 - (d) A statement which indicates in accordance with N.J.A.C. 6A:14-3.3(e), the notification is a referral to determine eligibility for special education and related services under Part B of the IDEA and a meeting shall be convened within 20 calendar days.
6. NJEIS notification constitutes a referral to preschool special education services.
7. Since New Jersey has determined that all toddlers receiving services under NJEIS may be eligible for preschool special education services, subject to II.A.2 above, NJEIS ensures that:
 - (a) Not fewer than 90 days before the third birthday of the toddler the:
 - (i) NJEIS Office notifies the NJOSE that the toddler on his or her third birthday will reach the age of eligibility for preschool special education under Part B of IDEA as determined in accordance with New Jersey law; and
 - (ii) Service coordinator notifies the local school district in which the toddler resides that the toddler on his or her third birthday will reach the age of eligibility for preschool special education under Part B of IDEA as determined in accordance with New Jersey law.
 - (b) If NJEIS determines that a toddler is eligible for early intervention services under Part C of IDEA more than 45 but less than 90 days before that toddler's third birthday the:
 - (i) NJEIS Office, as soon as possible after determining the child's eligibility, notifies the NJOSE that the toddler on his or her third birthday will reach the age of eligibility for services under Part B of IDEA, as determined in accordance with New Jersey law; and
 - (ii) Service coordinator, as soon as possible after determining the child's eligibility for early intervention services, notifies the local school district 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 IDEA, as determined in accordance with New Jersey law; or
 - (c) If a toddler is referred to NJEIS fewer than 45 days before the toddler's third birthday and the toddler may be eligible for preschool services under Part B with parental consent required for the disclosure of personally identifiable

information the NJEIS Office notifies the NJOSE and the local school district in which the toddler resides. The NJEIS is not required to conduct an evaluation, assessment, or an initial Individualized Family Service Plan (IFSP) of this toddler to determine eligibility for Part C services.

B. Transition Conference to Discuss Services

1. NJEIS ensures that since all children receiving Part C services in New Jersey are potentially eligible for preschool services under Part B of IDEA, NJEIS with the approval of the family:
 - (a) Convenes a transition planning conference, among NJEIS, the family, and the local school district 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 as a preschool child with a disability under Part B of IDEA; and

C. Transition Plan

1. NJEIS ensures for Part C eligible toddlers with disabilities that:
 - (a) Program options for the toddler with a disability are reviewed for the period from the toddler's third birthday through the remainder of the school year;
 - (b) A transition plan in the IFSP is established not fewer than 90 days, and, at the discretion of all parties, not more than 9 months, before the toddler's third birthday;
 - (c) Each family of the toddler with a disability is included in the development of the transition plan included in the IFSP; and
 - (d) The transition plan in the IFSP includes, consistent with the required content of the IFSP, as appropriate:
 - (i) Steps for the toddler with a disability and his or her family to exit from the Part C program; and
 - (ii) Any transition services that the IFSP Team identifies as needed by that toddler and his or her family.
2. The steps required in this section include:
 - (a) Discussions with, and training of, parents, as appropriate, regarding future placements and other matters related to the child's transition;
 - (b) Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to, and function in, a new setting;
 - (c) Confirmation that referral information about the child has been transmitted to the local school district in accordance with the required notification provisions and, with parental consent if required under confidentiality of information provisions, transmission of additional information needed by the local school district to ensure continuity of services from the NJEIS to the Part B special education preschool program, including a copy of the most recent evaluation and assessments of the child and the family and most recent IFSP developed; and
 - (d) Identification of transition services and other activities that the IFSP Team determines are necessary to support the transition of the child.

- D. Transition Conference and Meeting to Develop Transition Plan
 - 1. Any conference or meeting to develop the transition plan conducted under this agreement may be combined into one meeting and must meet the requirements for IFSP meeting accessibility and convenience, IFSP parental consent and initial and annual IFSP team participants.
- E. Applicability of Transition Requirements
 - 1. The requirements related to notification, the transition conference and the transition plan contained in this agreement apply to all toddlers served under NJEIS before those toddlers turn age three.

III. New Jersey Office of Special Education – Part B Requirements

- A. The New Jersey Office of Special Education has policies and procedures in effect to ensure that:
 - 1. The obligation to make a FAPE available to each eligible child residing in New Jersey begins no later than the child's third birthday;
 - 2. An individualized education program (IEP) must be in effect for the child by that date in accordance with 34 CFR 300.101(b)(1);
 - 3. If a child's third birthday occurs during the summer, the child's IEP Team shall determine the date when services under the IEP will begin in accordance with 34 CFR 300.101(b)(2);
 - 4. Children eligible for special education and related services, under Part B of IDEA, who are participating in NJEIS under Part C of the IDEA, and who will participate in preschool programs, experience a smooth and effective transition to those preschool programs in a manner consistent with the IDEA in accordance with 34 CFR 300.124(a);
 - 5. By the third birthday of a child, an IEP has been developed and is being implemented for the child consistent with 34 CFR 300.124(b) and 34 CFR 300.301(d);
 - 6. Each affected local school district will participate in transition planning conferences arranged by NJEIS under IDEA in accordance with 34 CFR 300.124(c);
 - 7. In the case of a child who was previously served under NJEIS, invitations to the initial IEP Team meeting, at the request of the parent, shall be sent to the NJEIS service coordinator as the designated representative of the Part C system to assist with the smooth transition of services in accordance with 34 CFR 300.321(f); and
 - 8. In the case of a child with a disability, transitioning from Part C services to Part B preschool services, the IEP Team must consider an IFSP that contains the IFSP content, including the natural environments statement, described in 34 CFR 303.344, and that is developed in accordance with the IEP procedures under 34 CFR 300.323(b) when developing the initial IEP.

The interagency agreement shall be effective immediately upon the written signatures of the parties below. At anytime during the subsequent five years, a party to the agreement may request a meeting to review and revise its provisions as necessary.

Peggy McDonald

Peggy McDonald, Director
Office of Special Education

7/2/12

Date

Terry L. Harrison

Terry Harrison, Part C Coordinator
New Jersey Early Intervention System

7/2/12

Date