



Policy Advisory The Law Governing Transition of Young Children

TRANSITION refers to the movement of a young child and the child's family among early childhood programs. Both the Individuals with Education Act (IDEA) and the Head Start Program Performance Standards contain policy related to transition. IDEA is the federal law that governs the education of children with disabilities, including developmental delays. Part C of the IDEA authorizes the federal government and state governments to act on behalf of infants and toddlers (birth to three) (20 U.S.C. Part C). Part B authorizes them to act on behalf of young children (three to six) with disabilities (20 U.S.C. Part B). There is, then, transition from Part C to Part B programs. The Head Start Program Performance Standards have been designed to provide Head Start programs with expectations, guidance, and support related to the quality of services they provide.

Considerations for compliance with transition requirements

IDEA and Head Start Performance Standards for transition can be complicated. This advisory only discusses the general requirements. But if you want an easy way to ensure compliance without having to learn all of the ins and outs of the transition mandate in federal law, simply do the following:

- (1) Individualize and develop specific transition services and practices that address the needs of the family and the child.
- (2) Consider the full range of services (e.g., child care) and supports the child and family will need across the day and week when they leave the current setting, especially if they are transitioning into a program that offers half-day or part-week services.
- (3) Link families with other families that have been through the process so they can benefit from the experiences of others during transitions.

What does IDEA require with respect to transition?

IDEA requires state and local agencies that provide services to infants and toddlers under Part C to plan for the child's transition to an early childhood education program under Part B. The Part C state agency is responsible generally for

transition for all children and families in Part C and shares some of its obligations with the local Part C agencies. The local agencies are responsible specifically for the children and families in their respective jurisdictions.

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State Agency Action

Each state must have a statewide system for early intervention services. The system must be comprehensive, coordinated, multidisciplinary, and interagency. The state agency responsible for carrying out the statewide system is known as the “lead agency.” The state’s governor designates the lead agency.

The statewide system related to transition must include:

- a process for each eligible infant and toddler to have an individualized family service plan (IFSP) that includes transition activities (20 U.S.C. Sec. 1435(a)(4))
- a comprehensive system of personnel development under which personnel are trained to coordinate the infant/toddler’s transition from a Part C program to a preschool program or another appropriate program (20 U.S.C. Sec. 1435(a)(8))
- a statement of the state’s choice whether to serve, in early intervention programs, children who are three years old until they enter elementary school. If the parents of a child who is three years old and has received early intervention wants their child to continue to receive early intervention, then the two elements of the statewide plan relevant to transition apply to that child – namely, an IFSP and trained transition personnel (20 U.S.C. Sec. 1435(c)).

There are two keys to transition. One is the services at the local level that are articulated in the IFSP (20 U.S.C. Sec. 1436). The other is the “assurances” a state must give to the federal government in order to receive financial assistance to operate Part C infant/toddler programs (20 U.S.C. Sec. 1437).

The state “assurances” must include policies and procedures that:

- ensure that each toddler has a “smooth transition” from Part C early intervention services to preschool, school, or other

appropriate services, or a similarly smooth transition if the toddler is exiting from an early intervention program (20 U.S.C. Sec. 1437(a)(9)(A))

- describe how the toddlers’ families will be included in the transition plans (20 U.S.C. Sec. 1437(a)(9)(i))
- describe how the state will “promote coordination” among Early Head Start, early education and child care programs, and early intervention services under Part C (20 U.S.C. Sec. 1437(a)(10))
- provide for the lead agency to notify the state and local educational agency where the child resides that the child will soon be eligible for preschool services under Part B (20 U.S.C. Sec. 1437(a)(9)(ii)(I))
- if a toddler is referred to Part C fewer than 45 days before their 3rd birthday, the lead agency is not required to conduct an evaluation, assessment or develop an initial IFSP.
- assure that, with respect to that child and only after the child’s family approves, the lead agency will convene a conference involving the lead agency itself, the child’s family, and the appropriate local educational agency to discuss the services the child “may receive” (20 U.S.C. Sec. 1437(a)(9)(ii)(II))
- assure that the conference must occur no fewer than 90 days and no more than 9 months before the child is eligible for preschool services (20 U.S.C. Sec. 1437(a)(9)(ii)(III))
- assure that, if the lead agency, family, and appropriate local educational agency agree, the conference may occur not earlier than nine months before the child is eligible for preschool services (20 U.S.C. Sec. 1437(a)(9)(ii)(III))
- assure that, if the child may not be eligible for preschool services, the lead agency, only after securing the family’s approval, will make “reasonable efforts” to convene a conference involving its own representatives, the family, and providers of “other appropriate services”, in order to discuss the appropriate services the child “may” receive (20 U.S.C. Sec. 1437(a)(9)(ii)(III))

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- commit that, if the child enters a preschool program under Part B, the local educational agency will develop an individualized education program (IEP) for the child before the child enters the program (20 U.S.C. Sec. 1437(a)(9)(ii)(III)).

Local Agency Action

The statewide system and state assurances are general in nature because they are statewide and apply to all infants/toddlers and their families.

The system and assurances apply directly to the infant/toddler and family when the local early intervention agency provides services to them in their respective jurisdictions.

The services – especially those related to transition – are set out in the IFSP (20 U.S.C. Sec. 1436):

- The child’s parents are members of the team that develops the IFSP (20 U.S.C. Sec. 1436(a)(3)).
- Other members assure that the team is interdisciplinary (20 U.S.C. Sec. 1436(a)(1)). Under Part C, the child must be assessed and needed services must be provided with respect to the child’s cognitive, physical, communication, social or emotional, and adaptive development (20 U.S.C. Sec. 1436(d)(1)). An interdisciplinary team, then, is one that has professionals representing disciplines that address at least two of those areas of the child’s development.
- It also must identify the service coordinator (who must be from the profession “most immediately relevant” to the infant/toddler’s or family’s needs) who is responsible for implementing the IFSP and coordinating with other agencies and persons, including transition services (20 U.S.C. Sec. 1436(d)(7)).
- Finally, the IFSP must contain a transition plan with the steps to be taken to support the toddler’s transition to preschool or other appropriate services (20 U.S.C. Sec. 1436(d)(8)).

These are IDEA’s requirements. They describe only what the law mandates but not what good practice commands.

What transition policies exist for those within the Early Head Start and Head Start programs?

Children who are served through Early Head Start and Head Start programs are assured support for transition planning efforts through the Head Start Program Performance Standards. These standards include requirements for supporting families and children, as well as support for interagency collaboration on transition planning. Transition services apply to transitions into and out of Head Start Programs thus across Early Head Start, Head Start, home or other child care setting, elementary schools, and Title I preschool programs.

Head Start program procedure requirements

Head Start agencies must have procedures in place that outline the supports to enrolled children and their families as they transition into and out of Early Head Start and Head Start programs (45 CFR 1308).

These supports include:

- transfer of records to the receiving program
- strategies for communication between programs and staff
- individual child and family focused transition meetings
- cross-agency training related to transition.

Transition Planning

Head Start agencies must support individual transitions for children enrolled in Early Head Start. Programs must support parents’ involvement in specific transition activities such as:

- a staff-parent meeting for children preparing to leave a Head Start program to discuss the child’s progress

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- the provision of education and training to parents
- teaching parents ways they can communicate with teachers and other school personnel so they can participate as collaborative decision makers.

For those children moving out of Head Start into the public school, transition planning must begin at least six months prior to the child's third birthday. With parent permission, the program

should notify the school of a child's planned enrollment.

What considerations should be taken into account during transition planning?

The child's health status, developmental levels, progress while in Head Start, the family circumstances, and the availability of programs for the child after age three should all be taken into consideration during transition planning.

For a comparison chart of IDEA Part C and Part B, see the Policy Advisory produced by the Beach Center on Disability.

http://www.beachcenter.org/Wisdom/ParentRights/Wisdom_PolicyAdvisory1Comparison_Feb08.pdf

References

Individuals with Disabilities Education Act of 2004 (IDEA), Pub. L. No. 108-446. For complete source of information, go to <http://idea.ed.gov/>

Early Intervention Program for Infants and Toddlers with Disabilities. 76 Fed. Reg. 60140 (2011). For complete source of information, go to <http://www.gpo.gov/fdsys/pkg/FR-2011-09-28/pdf/2011-22783.pdf>

Head Start Program Performance Standards and Other Regulations. 2006. English. 45 CFR 1301-1311 For complete source of information, go to <http://eclkc.ohs.acf.hhs.gov/hslc>

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