

# Late Referrals to IDEA Part C (≤135 days before child's 3<sup>rd</sup> 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 3<sup>rd</sup> 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.

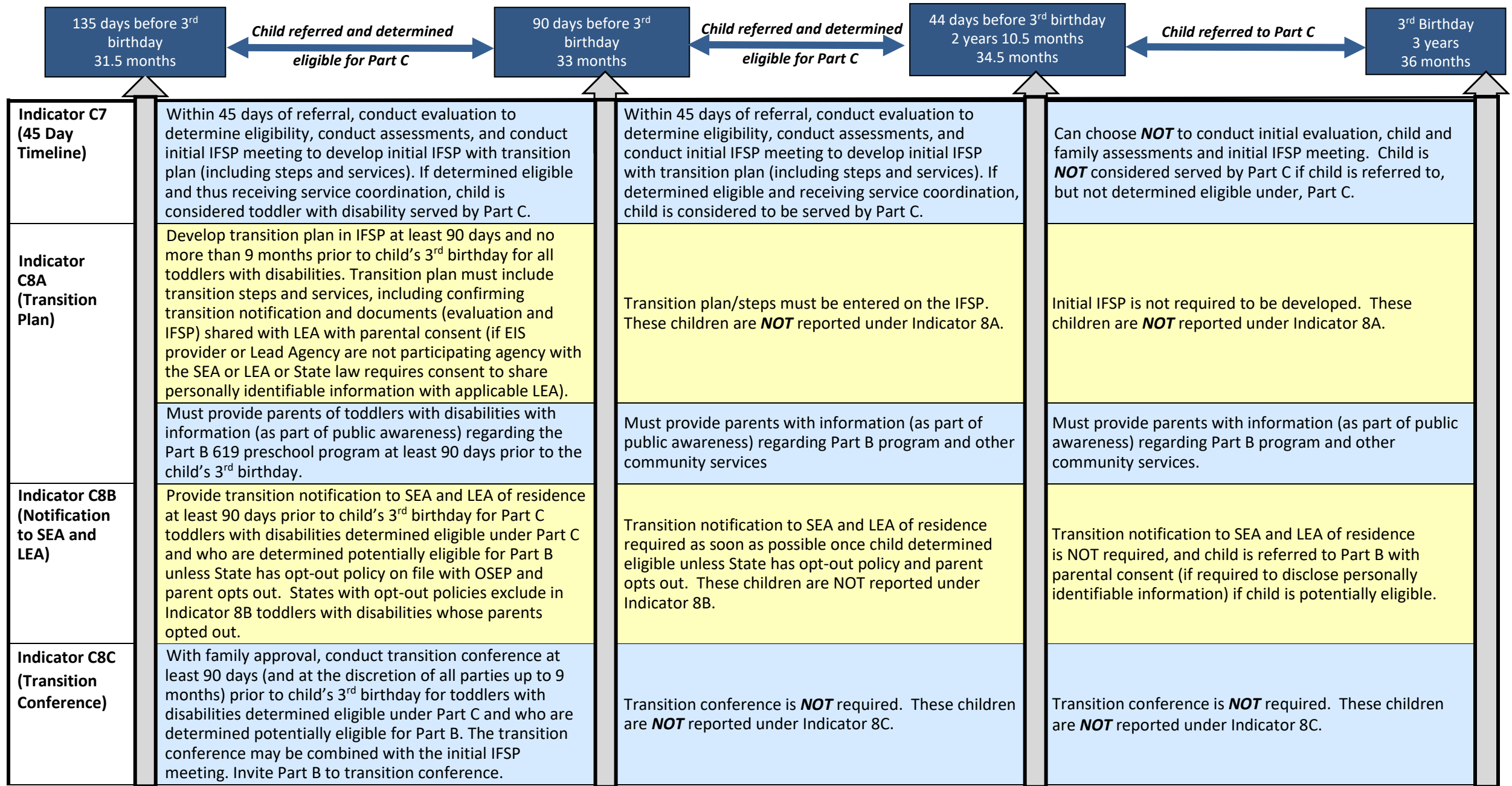
Coordination between the IDEA Part C and Part B program is critical to ensure that both programs can reach and maintain 100% compliance with SPP/APR Indicators C8 and B12 on early childhood transition. States must have transition agreements between the Part C and Part B preschool programs to address 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.

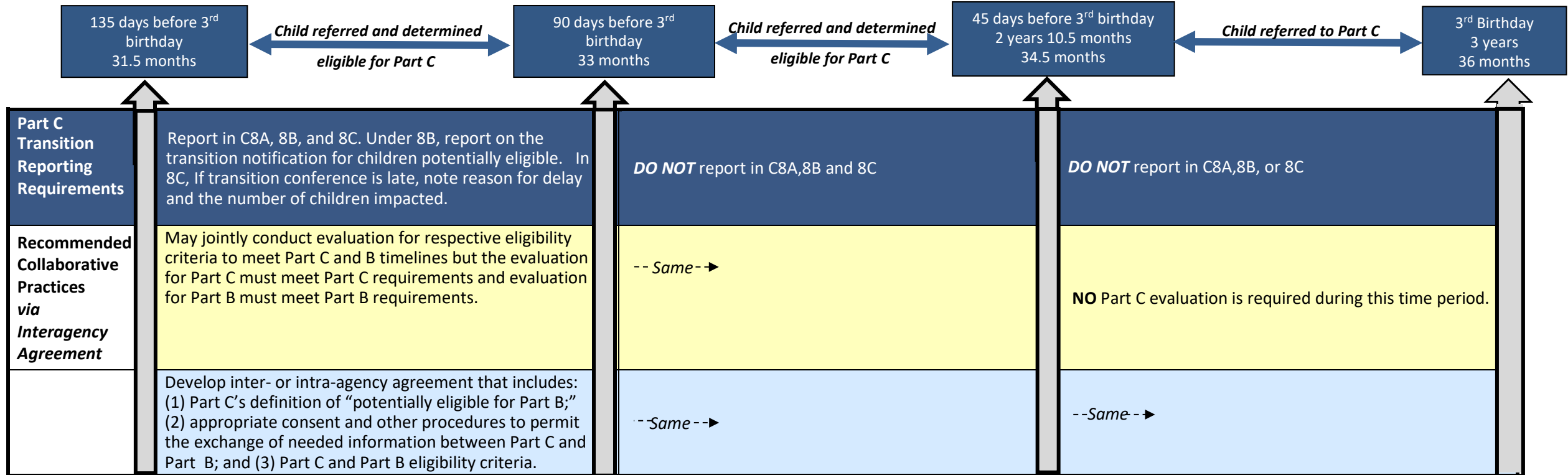
The IDEA Statute and applicable regulations can be accessed at:

- 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>

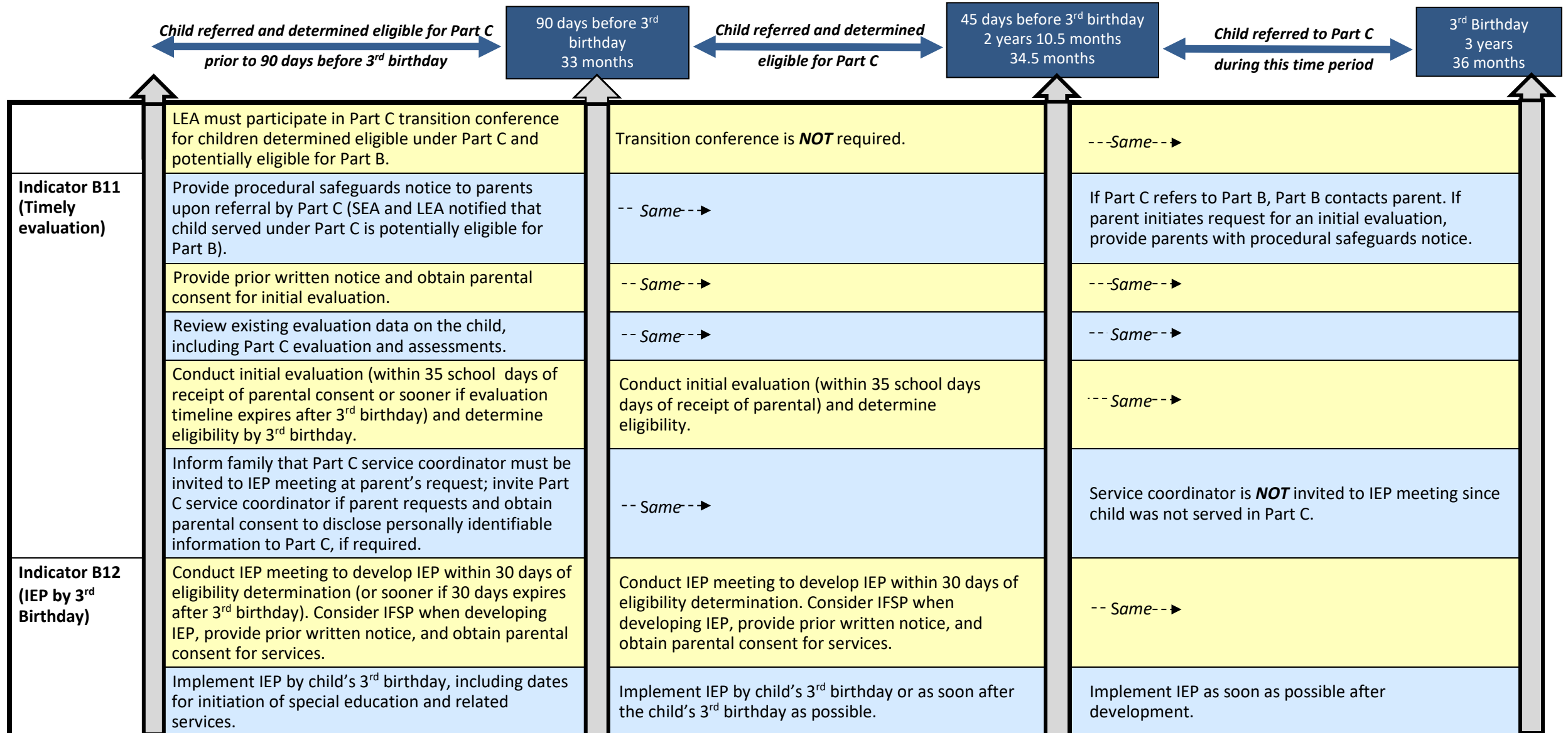
## Federal IDEA **Part C** Transition Requirements for Late Referrals to Part C



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



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



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

