

**Early Childhood Intra-Agency Transition Agreement
Between
Birth to Three Connections
And
Special Education Preschool Program
Within the South Dakota Department of Education**

I. Purpose

The purposes of this intra-agency agreement are:

- To address how the Birth to Three Connections Program and the Special Education Preschool Program will meet the transition requirements under IDEA; and
- 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 preschool services under Part B of IDEA;
 - To other appropriate services for toddlers with disabilities; or
 - Exiting the Birth to Three Connections Program.

II. Birth to Three Connections – Part C Requirements

A. Transition Notification

The Birth to Three Connections Program considers all children in Part C potentially eligible for the Part B special education preschool program. Further, Birth to Three Connections has no opt-out policy.

Therefore, for each child transitioning from the Birth to Three Connections Program, the service coordinator sends a notification to both the appropriate local education agency (LEA) and the state Special Education Preschool Program. This notification under Part C includes the following personally identifiable information – the child’s name, the child’s date of birth and parent contact information (including parent’s names, address and telephone number). Notification constitutes a referral to the Part B special education preschool program.

In implementing the transition notification requirement, Birth to Three Connections ensures that:

1. 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 service coordinator notifies the state Special Education Preschool Program 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 IDEA, as determined in accordance with South Dakota law;
2. If Birth to Three Connections 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 service coordinator, as soon as possible after determining the child's eligibility, notifies the state Special Education Preschool Program 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 IDEA, as determined in accordance with South Dakota law; or
3. If a toddler is referred to Birth to Three Connections fewer than 45 days before that toddler's third birthday and that toddler may be eligible for preschool services under Part B of IDEA, the service coordinator, with parental consent required for the disclosure of personally identifiable information, refers the toddler to the state Special Education Preschool Program and the LEA for the area in which the toddler resides. The Birth to Three Connections program is not required to conduct an evaluation, assessment, or an initial IFSP of this toddler.

B. Transition Conference to Discuss Services

Birth to Three Connections ensures that:

1. Since all Part C toddlers with a disability are potentially eligible for preschool services under Part B of IDEA, Birth to Three Connections, with the approval of the family of the toddler, convenes a conference, among Birth to Three Connections, 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 IDEA; and
2. Since all children receiving Part C services in South Dakota are potentially eligible for the Part B special education preschool Program, with approval of the family of that toddler, Birth to Three Connections also makes reasonable efforts to convene a conference among Birth to Three Connections, the family, and providers of other appropriate community services for the toddler to discuss what other services that the toddler may receive.

C. Transition Plan

Birth to Three Connections ensures that for all toddlers with disabilities:

1. Birth to Three Connections reviews the program options for the toddler with a disability for the period from the toddler's third birthday through the remainder of the school year;
2. Birth to Three Connections 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;
3. Each family of the toddler with a disability is included in the development of the transition plan included in the IFSP; and
4. The transition plan in the IFSP includes, consistent with the required content of the IFSP, as appropriate:
 - a. Steps for the toddler with a disability and his or her family to exit from the Part C program; and
 - b. Any transition services that the IFSP Team identifies as needed by that toddler and his or her family.
5. 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 child find information about the child has been transmitted to the LEA 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 LEA to ensure continuity of services from the Birth to Three Connections 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

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 in accordance with Article 24:14.

E. Applicability of Transition Requirements

The requirements related to notification, the transition conference and the transition plan contained in this agreement apply to all toddlers served under Birth to Three Connections before those toddlers turn age three.

III. Special Education Preschool Program – Part B Requirements

In order to ensure a smooth and effective transition for children with disabilities who received Part C services and are eligible for Part B preschool services, the state Special Education Program has policies and procedures in place to ensure:

A. Free Appropriate Public Education (FAPE) for Children Beginning at Three

The obligation to make a FAPE available to each eligible child residing in South Dakota begins no later than the child's third birthday. An IEP must be in effect for the child by that date.

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.

B. Transition of Children from Birth to Three Connections to Special Education Preschool

Each local education agency (LEA) has policies and procedures in effect to ensure that:

1. Children participating in Birth to Three Connections under Part C of the IDEA and who will participate in special education preschool programs assisted under Part B of IDEA, experience a smooth and effective transition to those preschool programs in a manner consistent with the IDEA;
2. By the third birthday of a child described in paragraph (a) of this section, an IEP has been developed and is being implemented for the child consistent with Article 24:05; and
3. Each affected LEA will participate in transition planning conferences arranged by Birth to Three Connections under IDEA.

C. Inviting the Service Coordinator for Initial IEP Team Meeting

In the case of a child who was previously served under Birth to Three Connections, an invitation to the initial IEP Team meeting must, at the request of the parent, be sent to the Birth to Three Connections service coordinator or other representatives of the Part C system to assist with the smooth transition of services.

D. Considering the IFSP at the Initial IEP Team Meeting

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 Article 24:14, and that is developed in accordance with the IEP procedures under Article 24:05 when developing the initial IEP.

The intra-agency 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.

Melody Schopp, Secretary
SD Department of Education

Date

Deb Barnett, Division Director
Teacher Quality/Special Education/Early Learning

Date

Ann Larsen, Director
Special Education/Part B

Date

Susan Sheppick, Director
Birth to Three Connections/Part C

Date