

North Dakota Early Intervention and ECSE Transition: Policies and Procedures for Part C and Part B 619



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Key Considerations

- Transition Planning Conference is also referred to as the 2 Years, 7 Months Meeting and vice versa.
- The Service Coordinator is also known as a Developmental Disability Case Manager in the State of North Dakota.
- Transition planning must begin no later than 90 days (and up to 9 months) before the child's third birthday (*34 C.F.R. § 303.209(c)*).
- Parental Rights and Procedural Safeguards: Families must be fully informed of their rights under IDEA Part C and Part B, including the right to invite additional participants to transition meetings.
- If the child is potentially eligible for Part B services, the Local Education Agency (LEA) must be notified consistent with federal regulations (*34 C.F.R. § 303.209(b)*).
- No records (e.g., evaluations, IFSP, progress reports) may be shared with the LEA without parental consent, unless federal Child Find requirements apply.
- Transition planning should reflect the family's cultural, linguistic, and individual priorities for their child's learning and development.
- Ensure all required forms (e.g., LEA Notification, Transition Plan, Consent for Release of Information, etc.) are completed, signed, and filed within required timelines.
- Maintain ongoing communication among Early Intervention (EI), Part B (LEA), and Developmental Disabilities (DD) Program staff to ensure seamless service delivery.
- Families should be supported in understanding their options, including Part B eligibility, DD Program Management, Medicaid waivers, and community resources.
- If disagreements arise that cannot be resolved at the local level, staff should follow established procedures for dispute resolution under *IDEA (34 C.F.R. §§ 303.430–303.434)*.

Legal Foundations

This guide outlines the regulatory framework established under the Individuals with Disabilities Education Act (IDEA), Part C and Part B, as codified in federal law.

IDEA Part C: Provides early intervention services for infants and toddlers from birth through age two with developmental delays or diagnosed conditions. In North Dakota, Part C is administered by the Department of Health and Human Services (DHHS) through eight regional Human Service Centers. Services may include Infant Development, Developmental Disabilities Program Management, and other family-centered supports. (*IDEA Part C, 20 U.S.C. §§ 1431–1444; federal regulations at 34 C.F.R. Part 303*)

IDEA Part B: Ensures special education and related services for children and youth ages 3–21, with specific provisions for preschool children ages 3–5 (Section 619). In North Dakota, Part B is administered by the Department of Public Instruction (NDDPI) and services are typically delivered by local school districts. (*IDEA Part B, 20 U.S.C. §§ 1411–1419; federal regulations at 34 C.F.R. Part 300.*)

Understanding both the continuity and differences between Part C and Part B is essential for effective transition planning. The comparison chart below highlights the key distinctions between these two programs in North Dakota.

Resources

[Part B ECSE](#)

[IDEA Part C Law Website](#)

[North Dakota State Part C Policy Document](#)

Comparison of the IDEA Part C and Part B Programs

| | Part C IDEA- Early Intervention (EI) Program | Part B/619 IDEA- Early Childhood Special Education (ECSE) Services |
|--------------------------------|---|---|
| State Lead Agency | ND Department of Health and Human Services, Developmental Disabilities Unit | Joint Supervision between the ND Department of Public Instruction, Office of Specially Designed Services & ND Department of Health and Human Services, Early Childhood Section |
| Local Lead Agency | Regional Human Service Centers, Infant Development Providers | Local Education Agency (LEA) i.e. Local Public School District |
| Ages of Children Served | Children aged birth through age 2 with disabilities | Children aged 3 through 21 with disabilities |
| Eligibility Criteria | <p>Infant and toddler services are available for children who have a developmental delay or are at risk of one.</p> <p>Young children who show signs of delay or have a high chance of developing one may receive support and services to help meet their needs.</p> <p>“High Risk” means a child who has a diagnosed physical or mental condition and has a high probability of becoming developmentally delayed or who, based on informed clinical opinion and documented by evaluation data, has a high probability of becoming developmentally delayed.</p> <p>“Developmentally delayed” is defined as performing 25 percent below age norms in two or more of the following areas:</p> <ul style="list-style-type: none"> • cognitive development | <p>Based on results from the initial evaluation process, eligibility for ECSE services may be determined in the following categories:</p> <ul style="list-style-type: none"> • Autism • Deaf-Blindness • Deaf or Hard of Hearing • Other Health Impairment • Orthopedic Impairment • Speech or Language Impairment • Visual Impairment (including blindness) • Traumatic Brain Injury • Intellectual Disability • Emotional Disability • Specific Learning Disability • Non-Categorical Delay <ul style="list-style-type: none"> ○ May be used when a disability is not clearly identified, but delays are evident. This option may be used for ages 3 through 9. |

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| | <ul style="list-style-type: none"> • gross motor development • fine motor development • sensory processing • communication development (receptive or expressive) • social or emotional development • adaptive development <p>Or who is performing 50 percent below age norms in one of the following areas:</p> <ul style="list-style-type: none"> • cognitive development • physical development (including vision and hearing) • communication development (including receptive and expressive) • social or emotional development • adaptive development | Additional information is located on the NDDPI website under the Special Education tab. |
| Individualized Plans | Individualized Family Service Plan (IFSP): The IFSP identifies outcomes and strategies to address family focused concerns, priorities, and resources. Services are designed to be provided in natural environments and to support the child in their daily activities. | Individualized Education Program (IEP): The IEP is based on the child’s present level of academic and functional performance. Goals are developed to meet the educational and functional needs of the child. Related services needed, adaptations, and modifications are identified and services in the least restrictive environment are determined. The IEP must reflect information from many sources such as parent input, the child’s current IFSP, the child’s interests and abilities, and a comprehensive evaluation. |
| Family Involvement | The IFSP outlines the EI services for the child and family based on the needs of both child and family. | Parents or educational guardians are partners in making decisions. The team must consider the information parents provide regarding their child when developing the IEP. |
| Primary Contact | A Developmental Disabilities Program Manager or, as referred to in this guide, a Service Coordinator | A representative from the Local Education Agency (LEA) is the IEP Case Manager. |

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| | (DDPM) from the regional Human Service Center will be assigned to coordinate services with the family. | |
| Coordination of Services | Service coordination is provided as a component of EI services and is also called Developmental Disabilities Program Management (DDPM) in North Dakota. | IEP case management is provided by the LEA to ensure the provisions of the IEP are implemented as stated in the IEP. Parents may need to be active in coordinating services between agencies and community programs. Some students may continue to receive services through Developmental Disabilities Program Management through the ND Department of Health and Human Services. |
| Where Services Are Provided | Services are provided in “natural environments” (e.g. in the home and community) to enhance the child’s natural learning opportunities within daily routines and activities of the child and family. | Special education and related services are to be provided in the “least restrictive environment” (LRE) and to the extent appropriate with children who do not have disabilities. These placement options may include Head Start, private community programs, preschool programs, childcare and/or home services. |
| Costs for Services | A child’s eligibility for DD Program Management services means some services may be provided without costs to the family. | Federal law (IDEA) mandates the right for children with disabilities to receive free and appropriate public education (FAPE) funded by the public school through a combination of federal, state, and local funding. Special education and related services are services that are determined through the IEP process by the child’s IEP team. |
| Transition | EI personnel are required to provide a transition conference as part of overall transition planning with families for children exiting from EI programs. The schedules and timelines for each activity required in transition are provided in this guide. Transition planning must address program options, child and family preparation, the transfer of records, and referrals that should be made for future services. | Local Education Agency (LEA) personnel are required to participate in the Transition Planning Conference when they have been invited by the EI program for a child who may be eligible for special education and related services. Their participation is prior to the actual transition and should support ongoing planning activities. The LEA is required to help assure the transition is a smooth process for the child and the family. |

Family Rights Part B and Part C

Part B Procedural Safeguards

Procedural safeguards are established through federal and state regulations to protect the rights of children with disabilities and their parents or guardians. These safeguards ensure that families are informed of their rights and that children receive services in accordance with the Individuals with Disabilities Education Act (IDEA).

- **Federal-** *IDEA Part C, 20 U.S.C. § 1439; 34 C.F.R. §§ 303.400–303.449* (procedural safeguards for infants and toddlers).
IDEA Part B, 20 U.S.C. § 1415; 34 C.F.R. §§ 300.500–300.536 (procedural safeguards for children ages 3–21).
- **State-** *North Dakota Century Code (NDCC) § 15.1-32* (Special Education) and *North Dakota Administrative Code (NDAC) 67-23* (EI Services).

The North Dakota Department of Public Instruction (NDDPI) has developed guidance documents to assist parents in understanding IDEA and their procedural safeguards. These rights must be reviewed with parents/guardians as part of the transition process.

- Parents should receive the *Parental Rights for Public School Students Receiving Special Education Services: Notice of Procedural Safeguards* either before or during the Transition Planning Conference.
- Families should also be informed that the Local Education Agency (LEA) will open a record for the child in the state school data system, and that all applicable privacy laws governing educational records, including the *Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g; 34 C.F.R. Part 99*, will apply.

These procedural safeguards are explained to parents:

- Once a year,
- The first time the child is referred to special education evaluation,
- At the development/revision of the Individualized Education Plan (IEP), and
- Whenever a parent requests a copy

Family safeguards include, but are not limited to:

- The right to prior written notice and informed consent
- The right to be involved in all meetings about their child's education plan
- The right to request an independent evaluation at public expense if parents disagree with the school's evaluation
- The right to file a complaint, request mediation, or request a due process hearing to resolve disagreements

- The right to confidentiality and protection of personally identifiable information under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g; 34 C.F.R. Part 99.

Additional information on procedural safeguards can be accessed through the child’s LEA or on the NDDPI website.

[Procedural Safeguards \(NDDPI\)](#)

[Spanish Version Procedural Safeguards \(NDDPI\)](#)

Part C Procedural Safeguards

Procedural safeguards under IDEA Part C ensure that infants and toddlers with disabilities and their families are guaranteed certain protections related to the provision of EI services. These safeguards ensure families are fully informed of their rights, have opportunities to participate in decision-making, and can resolve disputes if they arise.

- **Federal-** *IDEA Part C, 20 U.S.C. § 1439; 34 C.F.R. §§ 303.400–303.449.*
- **State-** *North Dakota Administrative Code (NDAC) 67-23 (EI Services);* administered by the North Dakota Department of Health and Human Services (DHHS), Developmental Disabilities Division.

Families must be provided with a written copy of their rights under IDEA Part C, known in North Dakota as the Family Rights document. These rights are explained to parents:

- At the time of referral and intake into EI services,
- At the development of the Individualized Family Service Plan (IFSP), and
- As part of the transition process to preschool or other appropriate services

Family Safeguards include:

- The right to prior written notice and informed consent.
- The right to confidentiality and protection of personally identifiable information under *Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g; 34 C.F.R. Part 99.*
- The right to file a complaint, request mediation, or request a due process hearing to resolve disagreements.

Additional information on procedural safeguards can be obtained from the child’s service coordinator (DDPM), through the regional Human Service Center, or by accessing the Family Rights document available from the North Dakota DHHS, Part C office.

Timelines for Transition

To ensure a smooth transition, the planning process involves transferring records, sharing important information, and answering any questions. Federal and state regulations set specific steps and timelines that must be met. Both the EI program and the local school district (LEA) are responsible for providing information and resources throughout the process.

By a child's third birthday, they must transition from the EI program to ECSE services or other community supports. Planning meetings are held before the child turns three, at around 2 years, 7 months and 2 years, 9 months, to create a plan. This can include options like early childhood special education, Head Start, private preschool, childcare, or other community activities. Please see the Appendix for a quick visual of the roles and responsibilities in the Birth to 3 Program Transition Process.

Transition Team Composition

The composition of the transition team is guided by the Individuals with Disabilities Education Act (IDEA) and state policy. Participation must reflect both family-centered decision-making and interagency collaboration to support the child's transition from EI (Part C) to early childhood special education services (Part B, Section 619).

- **Federal-** *IDEA Part C, 20 U.S.C. § 1437(a)(9)(A); 34 C.F.R. § 303.209(c)* (transition conference and participants).
IDEA Part B, 20 U.S.C. § 1414(d)(1)(B); 34 C.F.R. § 300.321 (IEP Team membership).
- **State-** *North Dakota Administrative Code (NDAC) 67-23* (EI Services) and *North Dakota Century Code (NDCC) § 15.1-32* (Special Education).

Core Transition Team Members

The following participants may be included in transition-related meetings, depending on the child's age, eligibility pathway, and family preferences:

- The child's parents and/or legal decision-makers (*required*)
- The child's Service Coordinator (DDPM) (*required*)
- EI staff who are directly involved in providing or coordinating services (*required*)
- Person(s) involved in conducting assessments (*as appropriate*)
- Representatives from the Local Education Agency (LEA), invited not less than 90 days prior to the child's third birthday if the child may be eligible for Part B services (*required if family has opted in and release has been signed*)
- School professionals, if the family decides to move forward with the Part B eligibility process

- Additional individuals with knowledge or special expertise regarding the child such as medical professionals, childcare providers, and family advocates (*at the discretion of the parent or LEA*)

Note: Certain roles may be filled by the same individual(s), depending on local staffing structures and procedures.

Transition Process Leadership Team

Leadership of the transition process is shared across systems and shifts as the child approaches age three, in accordance with the Individuals with Disabilities Education Act (IDEA) and North Dakota policy.

- **Federal-** *IDEA Part C, 34 C.F.R. § 303.209(c)* (responsibility for convening the transition conference); *IDEA Part B, 34 C.F.R. § 300.321(a)* (IEP Team membership and facilitation).
- **State-** North Dakota Administrative Code (*NDAC*) 67-23 (EI Services) and *North Dakota Century Code (NDCC) § 15.1-32* (Special Education).

Process Leadership

- In North Dakota, initial transition leadership is generally provided by the Infant Development program under Part C. If a family has chosen not to receive Infant Development services, the Service Coordinator (DDPM) is responsible for facilitating transition activities.
- As the child approaches age three, Local Education Agency (LEA) staff become involved if the family elects to pursue Part B eligibility. Once the LEA begins the initial evaluation process, the school district assumes responsibility for leading transition meeting.

Initiating Transition from Early Intervention at Age 2: Guidelines for Exiting EI Services

Transition is not just about determining if the family wants to pursue eligibility for Special Education services under Part B with their local school district. It also includes exploring a broad range of options such as private preschools, Head Start, and other community-based programs that may support the child's ongoing development.

Discussing transitions early, starting around age 2, allows time to understand options, connect with programs, and ensure that families are prepared with a plan that supports their child's continued growth, regardless of service eligibility.

In North Dakota, EI services are provided under Part C of the Individuals with Disabilities Education Act (IDEA) and are available for children from birth through age two who meet eligibility criteria. These services, guided by an Individualized Family Service Plan (IFSP), are delivered in natural environments and are overseen by North Dakota Health and Human Services.

As children approach their third birthday, they may be eligible for Part B, Section 619 ECSE services, which are administered through the North Dakota Department of Public Instruction (NDDPI). Unlike Part C, Part B eligibility requirements are different, and **if eligible**, services are outlined in an Individualized Education Program (IEP). It is important to recognize that not all children will qualify for Part B services or other ongoing supports like developmental disability case management.

Parent-to-Parent Support and Family Support

Families may need additional resources during and after transition that they have not had in place prior to their child turning 3. Some EI agencies (but not all) have an Experienced Parent who can assist families with transition.

- **Experienced Parents:** North Dakota EI has a network of Experienced Parents who have had children in EI. The Experienced Parent's ability to assist a family after they leave EI services decreases, so it is important to ensure that families have an alternate support network once their child turns 3.

Some of the statewide family-based, family support organizations in North Dakota are:

- **Family Voices of North Dakota** – Established by families for families providing information around supporting children with special health care needs in all areas of their lives. In addition, Family Voices provides the North Dakota Parent-to-Parent Program and assists in matching families with other families around similar issues, interests, and concerns. www.fvnd.org

- **Pathfinder Parent Center** – Funded through the federal Department of Education to provide parents with information and support around accessing special education services for their child. www.pathfinder-nd.org

Please see the QR Code below for a list of additional parent support organizations in the State of North Dakota.



Child's Age: 2 Years Roles

Beginning the Process of Transition

| EI Role | Service Coordinator (DDPM) Role | Family Role |
|--|---|---|
| <ul style="list-style-type: none"> • Share information about community support and services that may be available or may be developed as the child's needs are identified • Provide the family with the Parent Transition Guide • Assist the family with questions and concerns about transition • Assist the family in determining what information might be helpful to gather and share with the Transition Team • Begin to discuss what transition outcomes the family would like to add to their IFSP • Provide information on Parent-to-Parent and Family Support | <ul style="list-style-type: none"> • Discuss community support and services that may be available or developed as the child's needs are identified • Discuss Procedural Safeguards and Rights • Begin to talk about Re-Determination for Developmental Disability Case Management after age 3 • Assist family with questions and concerns about transition • Assist family in determining what information might be helpful to gather and share with the Transition Team • Provide information on Parent-to-Parent and Family Support | <ul style="list-style-type: none"> • Work with the team to gather any information that will be helpful and might prepare for transitioning • Write down any questions about leaving EI services • Review the Parent Transition Guide and ask questions • Begin to consider community options • Discuss with Service Coordinator (DDPM) if interested in Re-Determination for Developmental Disability Case Management after age 3. |

Transition Planning for Children Between 2 Years, 3 Months and 2 Years, 7 Months

Transition Plan Overview

A Transition Plan is a required component of every child's Individualized Family Service Plan (IFSP) under IDEA Part C. The Transition Plan includes updating the child's outcomes to incorporate transition outcomes that address the steps needed for the child to exit the Part C program and move toward appropriate early childhood or community-based services.

- Transition planning is family-centered and individualized, reflecting each child's needs and the family's priorities.
- Staff typically begin discussing transitions with families when the child is around 2 years of age.
- The Transition Plan may be developed as part of a Transition Planning Conference or during a scheduled IFSP meeting.

Required Transition Timelines

Federal and state regulations mandate specific timelines for transition planning to ensure that families and children are adequately prepared for the move to preschool or other community-based services:

- **Minimum age to add transition planning to the IFSP:** 2 years, 3 months. (*IDEA Part C, 34 C.F.R. § 303.209(c); 20 U.S.C. § 1437(a)(9)(A)*).
- **Deadline to include the transition outcome in the IFSP:** 2 years, 6 months (*IDEA Part C, 34 C.F.R. § 303.209(c); 20 U.S.C. § 1437(a)(9)(A)*).
- **Timing for establishing the Transition Plan:** No fewer than 90 days and no more than 9 months before the child's third birthday. (*IDEA Part C, 34 C.F.R. § 303.209(c); 20 U.S.C. § 1437(a)(9)(A)*).

These timelines are mandated by federal and state regulations and allow no flexibility, ensuring that every child receives a planned, coordinated transition from EI to subsequent services.

Important Considerations

Every child in EI must have a Transition Plan and transition outcome documented in the IFSP. Transition planning considers the child's developmental needs, family preferences, and available community or educational resources.

Parent Opt-Out of Information Sharing and Referrals for Part B Services

Families of children with an active Individualized Family Service Plan (IFSP) who are 2 years, 5 months or older have the option to opt out of having their Local Education Agency (LEA) notified that their child will be turning three and potentially eligible for Part B services.

Discussion and Timing

- This option can be discussed during a team meeting, such as an annual IFSP meeting or periodic review, typically when the child is approaching 2 years, 5 months of age.
- Families choosing to opt out must complete and sign the *Opt Out of Notification to the State Department of Public Instruction (DPI) and Local Education Agency (Public School) Form*.
- The signed form must be returned **within 10 days or no later than the child's 2 years, 5 months birthday**.

Referrals After 2 Years, 5 Months of Age

- If a child is referred to EI services after reaching 2 years, 5 months of age, the Service Coordinator will offer the North Dakota Opt-Out form at the Initial IFSP meeting. Families will have **10 days, or no later than 45 days before the child's 3rd birthday (whichever is sooner)**, to return the completed Opt-Out form.
- If the form is not returned within 10 days or no later than 45 days before the child's 3rd birthday (whichever is sooner), EI assumes that parents have not opted out, and the LEA notification will be sent to the local school district in accordance with IDEA Part C transition requirements
- Please refer to the North Dakota Part C Opt-Out Policy in the Appendices.
- No additional documents may be shared with the school district unless the family has provided a signed release of information.
- Families retain the right to decline participation in the Part B eligibility process.

Procedure for When Opt Out Forms Not Returned

- If the form is not returned, EI assumes that parents have not opted out, and the LEA notification will be sent to the local school district in accordance with IDEA Part C transition requirements by the time the child is 2 years, 6 months old (*34 C.F.R. § 303.209(c); 20 U.S.C. § 1437(a)(9)(A)*).

Changing Opt-Out Decisions

- Parents who initially opted out can later choose to engage with the LEA for potential Part B eligibility between 2 years, 6 months and 2 years, 11 months. (34 C.F.R. § 303.401(d)(1))
- EI staff can assist families in completing the *Post Opt Out LEA Contact Form*, which facilitates connection with the local school district.
- Once the form is completed and LEA contact is made, EI staff will share the LEA Packet of Information with parental consent.
- This process can occur any time prior to the child's 3rd birthday to ensure families have access to Part B options.

Notification and Referrals for Part B Eligibility

In North Dakota, children receiving Part C services on an active IFSP who are 2 years, 6 months old or older are considered **potentially** eligible for Part B ECSE.

Referral Requirements

- Part C EI programs are required to refer children potentially eligible for Part B services to their Local Education Agency (LEA) by 2 years, 6 months of age (*IDEA Part C, 34 C.F.R. § 303.209(b); 20 U.S.C. §1437(a)(9)(A); NDAC 67-23*) unless they have opted out at 2 years, 5 months.
- The referral notification sent to the State Education Agency (SEA) and the LEA must include:
 - Child's name and date of birth
 - Parent/guardian contact information (name, address, phone number)
 - Referral date for the LEA notification
 - Optionally, Service Coordinator's (DDPMs) name and contact information and the family's primary language

Purpose of Notification

- This notification, together with the Joint Prior Written Notice, serves as an invitation to the Transition Planning Conference.
- Prior to the conference, EI staff ensure families:
 - Receive information about Part B ECSE services
 - Understand what information may be needed for the Transition Planning Conference

LEA Participation

- The LEA must participate in the Transition Planning Conference for any child potentially eligible for Part B services, unless parents have opted out.
- Participation by the LEA provides families with the opportunity to learn about ECSE services and make informed decisions regarding their child's next steps.
- **Important Note:** Inviting an LEA representative does not imply that parents have consented to the initial evaluation process for Part B services; consent for evaluation must be obtained separately in accordance with IDEA Part B regulations (34 C.F.R. § 300.300; 20 U.S.C. § 1414(a)(1)(D)).

LEA Involvement in the Transition Planning Conference

EI staff are responsible for facilitating collaboration between families and the Local Education Agency (LEA) during the transition process, in accordance with IDEA Part C and Part B requirements.

Sharing Information

- EI staff must obtain a signed release of information from parents/guardians to share the child's IFSP, assessments, and other relevant reports with the LEA.
- A Joint Prior Written Notice must be sent to:
 - Parents/guardians
 - The LEA
 - Any additional individuals' parents choose to include in the Transition Planning Conference

This notice satisfies both Part C and Part B procedural safeguard requirements for the transition meeting (*IDEA Part C: 34 C.F.R. § 303.401; IDEA Part B: 34 C.F.R. § 300.503; 20 U.S.C. §§ 1439, 1415*).

Parental Rights

- Parents must receive *the Parental Rights for Public School Students Receiving Special Education Services: Notice of Procedural Safeguards* either before or during the Transition Planning Conference.
- These rights must be reviewed with parents/guardians to ensure families are fully informed of procedural safeguards throughout the transition process.
- This is the responsibility of the LEA.

Data Privacy and Records

- Families should be informed that the LEA will create a record for the child in the state school data system.
- All relevant privacy laws, including the Family Educational Rights and Privacy Act (*FERPA*, 20 U.S.C. § 1232g; 34 C.F.R. Part 99), apply to this record.

Responsibilities for Joint Prior Written Notice Preparation

- EI and LEA staff should refer to the *Decision Trees* located in this guide to determine which party is responsible for preparing and distributing the Joint Prior Written Notice.

Decisions Regarding Developmental Disabilities Program Management

Eligibility criteria for Developmental Disabilities (DD) Program Management change when a child turns three years old. Consequently, a child's relationship with their Service Coordinator (DDPM) and any services provided through the DD Home and Community-Based Services (HCBS) waiver concludes the day before the child's third birthday. Families are supported throughout this transition to understand these changes and make informed decisions regarding ongoing services.

Services Beyond Three Years of Age

- After age three, eligibility criteria for DD Program Management differ from those applied in EI.
- Families, with guidance from their Service Coordinator (DDPM), decide whether to pursue ongoing DD Program Management services.
- Existing assessments from EI or Part B ECSE may be sufficient to determine eligibility. If additional information is needed, evaluations can be arranged with the Service Coordinator (DDPM).

Relationship with Part B Services

- Eligibility for Part B services and DD Program Management are **separate** processes. A child may qualify for one service but not the other.
- Families will be kept fully informed throughout the eligibility process, may attend the eligibility meeting at their Regional Human Service Center, and will receive the final eligibility determination by mail, including information on appeal rights.

Continuation of Services

- If a child is eligible for DD Program Management and qualifies for Home and Community-Based Waiver services, these services continue without interruption.

- The Service Coordinator (DDPM) will guide families through any additional paperwork needed to secure ongoing services and ensure continuity of support for the child's needs.

Opting Out of Ongoing Developmental Disabilities (DD) Program Management

Families may choose not to pursue ongoing Developmental Disabilities (DD) Program Management services after their child turns three. In these cases, Service Coordinators (DDPMs) review the implications for the child and family to ensure informed decision-making.

Considerations for Opting Out

Loss of Medicaid Income and Asset Disregard

- Families will no longer have access to income and asset disregards that allow their child to qualify for Medicaid if their income or assets exceed standard limits.
- The Service Coordinator (DDPM) will assist families in determining when Medicaid coverage will terminate.

Alternative Medical Coverage

- The eligibility worker can support families in exploring other medical coverage options to maintain continuity of care.

End of Waiver Services

- Any support or services provided through the Home and Community-Based Waiver, including in-home support, behavioral support, environmental support, equipment, and supplies, will end when the child turns three.

Families are encouraged to work closely with their Service Coordinator (DDPM) to understand all implications of opting out and to ensure a smooth transition for the child's care and services.

Potential Waiver Options

North Dakota Autism Spectrum Disorder (ASD) Waiver

The North Dakota Autism Spectrum Disorder (ASD) Waiver is a Medicaid-funded program administered by the North Dakota Department of Health and Human Services, Medical Services Division. The waiver provides service options for children living with a primary caregiver, with the goal of supporting the caregiver to maximize the child's development and potentially prevent out-of-home placements.

Eligibility

- Children must have a medical diagnosis of Autism Spectrum Disorder.
- Eligible children are birth through age 17.
- Children must demonstrate a need for at least one of the ASD waiver services.
- Limited slots are available statewide due to capacity restrictions.

Services Provided

All eligible children receive Service Management to assist in implementing a Participant Service Plan. Additional waiver services may include:

- **Assistive Technology** – tools and devices to support communication and daily functioning
- **Community Connector** – support for accessing community resources and activities
- **Remote Monitoring** – technology-assisted supervision or support as needed
- **Respite Care** – temporary relief for primary caregivers
- **Service Management** – coordination and oversight of waiver services

Additional Information

For more detailed information about eligibility, services, and application procedures, families and professionals can visit the **North Dakota Autism Services Website**:

<https://www.hhs.nd.gov/cfs/autism-services>

Medically Fragile Waiver

The Medically Fragile Waiver is a Medicaid-funded program designed to support families in keeping children at home rather than placing them in a nursing facility or hospital to receive needed care. This waiver is family-driven, meaning parents determine what their family can manage and identify the services needed to maintain care at home.

Eligibility Criteria

Children eligible for the Medically Fragile Waiver must meet the following requirements:

- Age: 3 through 18 years old
- Medical Condition: Child has a serious illness or condition expected to last 12 months or more, with medically intensive needs and prolonged dependency on medical care or technology
- Skilled Care Requirement: Child is eligible to receive care in a skilled nursing facility
- Living Situation: Child resides in the home of a legally appointed caregiver
- Medicaid: Child qualifies for Medicaid
- Enrollment Cap: Limited to 25 children statewide

- Assessment: Must successfully complete the Level of Need determination

A medically fragile child may at times be stable but still require skilled nursing care or specialized medical equipment and supplies to enhance or sustain life at home.

Application and Enrollment Process

1. Contact the Service Coordinator (DDPM) to begin the application (State Form #394, available online: <http://www.nd.gov/eforms/>).
2. Complete the Level of Care determination to assess nursing home needs, with assistance from the Program Manager.
3. If the child qualifies, the Program Manager provides a Level of Need form for the child's Primary Care Provider to complete and return to the Department of Human Services.
4. A child receiving a qualifying score of 30 or above on the Level of Need will be assigned a limited-service slot or placed on a waiting list. The Program Manager will notify families of placement.

Services Provided

The Medically Fragile Waiver provides services in addition to North Dakota Medicaid State Plan coverage:

- Transportation: Access to essential community resources or services
- Dietary Supplements: Support for disease-specific nutrition needs or when supplements provide up to 51% of the child's nutrition
- Individual & Family Counseling: Addresses stress related to caring for a medically fragile child
- In-Home Support: Temporary relief/assistance provided by a caregiving assistant in the home
- Equipment & Supplies: Purchase of adaptive devices and supplies to support home care
- Environmental Modifications: Home or vehicle modifications to increase independence and safety
- Institutional Respite: Temporary relief provided in a facility capable of meeting the child's medical needs
- Case Management: Assistance with case planning, emergency planning, and ongoing family support

Child's Age: Between 2 Years, 3 Months and 2 Years, 7 Months Roles

| EI Role | Service Coordinator (DDPM) Role | School District (LEA) Role | Family Role |
|---|---|---|--|
| <ul style="list-style-type: none"> • Inform parents of their opt-out option and ensure they receive the opt-out form • Share information about community support and services that may be available or developed as the child's needs are identified • Provide families with Procedural Safeguards and Rights • Send the LEA notification and schedule the Transition Conference with the LEA • With parental consent send the most recent EI records promptly to LEA • Support the family in deciding whether to opt in or opt out of Re-Determination of Eligibility for Developmental Disability Case Management at age 3 • Assist families with questions and concerns related to the transition process • Help families identify information that may be useful to gather and share with the Transition Team • Provide families with information on Parent-to-Parent and Family Support resources | <ul style="list-style-type: none"> • Participate in scheduling the Transition Conference • Inform parents of their option to opt out • Ensure parents receive the opt-out form • Share information about community support and services that may be available or developed as the child's needs are identified • Provide families with Procedural Safeguards and Rights • Support families in deciding whether to opt in or opt out of Re-Determination of Eligibility for Developmental Disability Case Management at age 3 • Address families' questions and concerns about the transition process • Assist families in identifying information that may be helpful to gather and share with the Transition Team • Provide families with Parent-to-Parent and Family Support resources | <ul style="list-style-type: none"> • Participate in the scheduling of the Transition Conference • Ensure families are informed of their rights in special education whenever the LEA engages with them • Review child find information (LEA notification) and EI records information prior to the 2 years, 7 months meeting. | <ul style="list-style-type: none"> • Review the opt-out policy and form • Decide whether to request a referral to the LEA or to opt out (this decision should be made by 2 years, 5 months if the family was referred before then. If they were a late referral see above.) • Collaborate with the team to develop a transition plan for the child • Write down any questions about exiting EI services • Continue reviewing the Parent Transition Guide and bring forward any questions • Create a list of community options to be considered (see Parent Transition Guide) • Review the Rights and Procedural Safeguards • Discuss with the Service Coordinator (DDPM) if interested in pursuing Re-Determination for Developmental Disability Case Management after age 3 |

Child's Age: 2 Years, 7 Months

Transition Planning Conference (2 Year, 7 Month Meeting)

The first joint conference with EI, LEA staff, and parents must occur by the time the child is 2 years, 7 months old. This meeting is coordinated and facilitated by EI.

This meeting serves two purposes:

1. To facilitate a shared understanding of the child's needs among the family and the two agencies,
2. and to formalize the necessary steps that must be completed before determining the child's eligibility for ECSE services.

Before the local school district (LEA) can begin the initial evaluation process, the parent must provide written consent.

- ***Once consent is given, the LEA has 60 calendar days to complete the evaluation process.*** Gathering the evaluation information from EI, medical services, and observations of parents and other family members will be a foundation for determining what new information will need to be collected during this time.

After this meeting with the LEA representative, parents may choose not to proceed with an initial evaluation for determining their child's eligibility for special education.

It is important for parents to understand that if they change their mind, a referral can still be made to their local school district at a later date.

It is best practice for the LEA, EI agency, service coordinator (DDPM), and family to work together in scheduling this meeting.

- ***If an LEA agency is unable to meet by the 2 years, 7 months date, it is still the EI providers responsibility to hold the meeting.*** Part C should be documenting this process in Therap.
- Part B, if necessary, should keep documentation in the state IEP system.
- ***Please see the 2.6 to 2.9 Decision Tree in the Appendix to assist in laying out the process and responsibilities.***

Participants in the 2 Years, 7 Months Meeting

Members of this team are the same as required for an IFSP team, with the addition of a representative from the local school district (if parents opted in). Parents may invite additional family members and others to attend.

Overview of the 2 Years, 7 Months Meeting

At this meeting, the following activities should take place to support a smooth and well-coordinated transition:

- **Parent Rights:** Parents will receive information about their legal rights under IDEA Part B Procedural Safeguards. A representative from the local school district will explain these rights in detail.
- **Transition Timeline:** The transition timeline will be reviewed and finalized to ensure clarity on upcoming steps and responsibilities.
- **Review of Records:** The child's current IFSP, recent assessments, and other relevant documentation will be reviewed to provide a comprehensive picture of the child's development.
- **Evaluation Planning:** An evaluation plan will be developed. This may include scheduling additional assessments, as needed, to:
 - Determine eligibility for ECSE services,
 - Reassess eligibility for Developmental Disabilities Program Management, and/or
 - Gather updated information on the child's present levels of performance and educational/functional needs.
 - *Note: The local education agency (LEA) may use existing EI assessments as part of the special education initial evaluation process.*
- **Services and Placement Options:** Potential services and placement options will be discussed. Families may also be offered opportunities to visit and observe program settings.

Special Education Evaluation Process- Role of the Local School District (LEA)

Eligibility for EI services does not automatically transfer to eligibility for special education services through the LEA at age 3, nor does any specific diagnosis qualify a child for special education and related services at age 3.

Responsibility for the Evaluation

The Local Education Agency (LEA) is responsible for conducting a comprehensive and individualized evaluation to determine a child's eligibility for special education services in accordance with *34 CFR §300.301*.

This evaluation must be completed in collaboration with EI staff, service coordinators (DDPMS), and parents. The LEA will coordinate the evaluation procedures, which may be documented within the child's Transition Plan (*34 CFR §300.321(b)*).

Use of EI Data

The LEA **may** utilize evaluation and assessment data from EI as part of the eligibility determination process (*34 CFR §300.305(a)(1)*). However, additional information may be required to ensure a full and complete evaluation.

Best practice calls for the LEA and EI agency to work collaboratively, reviewing all existing data to minimize duplication and reduce burden on families.

Involvement in the Evaluation Process

While the LEA leads the evaluation process, active involvement from parents, EI providers, and service coordinators (DDPMS) is essential (*34 CFR §300.321*).

The evaluation team will:

- Collaborate to plan and conduct the evaluation.
- Review input and assessments from parents, the current Individualized Family Service Plan (IFSP), and resources gathered during EI services (*34 CFR §300.305(a)(2)*).
- Develop a plan for obtaining and analyzing any additional information needed (*34 CFR §300.304(b)*).

Areas of development that may be assessed include:

- Physical: Hearing, vision, gross motor, and fine motor skills
- Cognitive: Cognitive development, health, and medical history
- Communication: Receptive and expressive language
- Social and Emotional: Social-emotional development
- Adaptive: Independence, assistive technology, and activities of daily living across home, community, and educational settings
- Environmental: Environmental and contextual factors impacting development

Determination of Eligibility

Based on the collected information, the evaluation team must determine whether the child meets the definition of a “child with a disability” under IDEA Part B and whether the child requires special education and related services (*34 CFR §300.306*).

Additional Resources

The North Dakota Department of Public Instruction (NDDPI), Office of Specially Designed Services, provides a comprehensive guide to evaluation requirements and recommendations. See: [Special Education Evaluation Process](#)

Collaborative Planning for the Evaluation Process

Team-Based Approach

The evaluation process is a collaborative effort involving ECSE professionals, related service providers, family members, and EI staff. Together, the team works to develop an evaluation plan that reflects the child's strengths, needs, and developmental history. This collaborative approach ensures compliance with *34 CFR §300.304(c)*, which requires that evaluations be tailored to provide a comprehensive understanding of the child.

Evaluation Models

The evaluation should be individually planned and may use one or more of the following models to ensure a complete picture of the child's development:

- **Joint Assessment** – EI and school staff both complete assessments.
- **Interdisciplinary Assessment** – Each professional uses their own tools and expertise, while collaborating to make team-based decisions.
- **Arena (Transdisciplinary) Assessment** – The entire team observes the child in various activities to understand strengths and needs from multiple perspectives.

Suggested Methods for Completing the Evaluation

The team may utilize a variety of tools and strategies, consistent with *34 CFR §300.304(b)*, to gather data:

- Observation of the child with parents, staff, or peers
- Review of developmental, medical, and educational records
- Assessment appointments with teachers or specialists
- Team-based evaluation sessions
- Parent observation checklists and input
- Medical evaluations, when relevant
- Results of developmental screenings

Next Steps in the Process

Following the development of the evaluation plan:

- **Scheduling:** Assessment appointments should be scheduled at times and locations convenient for the child, family, and staff (*34 CFR §300.301(c)(1)(i)*).

- **Family Preparation:** Parents should be encouraged to ensure their child is rested and has eaten before appointments. Families should also be invited to share information about their child's daily routines, skills, and areas of concern.
- **Family Engagement:** Parents should be encouraged to ask questions and remain actively engaged throughout the evaluation process (*34 CFR §300.322*).
- **Service Discussions:** Early discussions regarding potential services and program options may begin at this stage. Families may be offered opportunities to visit early childhood settings in preparation for considering services at age three. Both EI (Part C) and LEA (Part B) staff play a vital role in coordinating these visits.

Child's Age: 2 Years, 7 Months Roles

Family has Opted In for Special Education Process to Determine Eligibility through the LEA

| EI Role | Service Coordinator (DDPM) Role | School District (LEA) Role | Family Role |
|--|---|---|---|
| <ul style="list-style-type: none"> • Invite a representative from the local school district to attend the meeting scheduled for 2 years, 7 months • Ensure the meeting occurs by the 2 years, 7 months date • Arrange the meeting in a location agreeable to all team members, preferably in one of the child's current environments • Provide a Joint Prior Written Notice of the meeting to the family, with copies sent to the LEA and Service Coordinator (DDPM) • Send assessment results and other EI records promptly to the LEA, with parental consent • Review and update the existing Transition Plan, including services, action steps, and plans for any additional assessments • Support families in exploring programs, settings, and services as part of the IFSP Transition Plan • Continue addressing community options with the family, including arranging potential tours, | <ul style="list-style-type: none"> • Ensure families understand the Re-Determination process for eligibility after age three • Attend the 2 years, 7 months meeting to support transition planning • Assist with reviewing and updating existing Transition Plans, including services, action steps, and planning for support after age three • Continue exploring community options with the family, including arranging tours, assisting with applications, and discussing other available opportunities • Support families in learning about programs, settings, and services as part of the IFSP Transition Plan • Address community options regardless of whether the family opts in | <ul style="list-style-type: none"> • Attend the 2 years, 7 months meeting • Provide a copy of Parent Guide to Special Education • Provide a copy of and explain Procedural Safeguards to parents • Present parent with <i>Consent for Evaluation</i> form (Once that form is signed, the LEA has 60 calendar days to complete the evaluation) • Review EI records • Communicate and collaborate with EI on assessments recently conducted • Determine whether additional information is needed with the team • Determine steps and activities to obtain any needed assessment information across a variety of environments and in a timely manner • Finalize the transition timeline and evaluation process with the team • Support families with understanding the ECSE program and setting options | <ul style="list-style-type: none"> • Attend the 2 years, 7 months meeting to participate in transition planning • Document any questions or concerns regarding the school or community programs being considered • Finalize the transition timeline in collaboration with the IFSP team • Give consent for evaluation by signing the <i>Consent for Evaluation</i> form, granting permission for the local school |

| | | | |
|---|---|--|-------------------------------------|
| <p>assisting with applications, and discussing opportunities</p> <ul style="list-style-type: none"> • Discuss potential services and settings with the family and plan opportunities to visit programs as appropriate • Finalize the transition timeline in collaboration with the local school district and the family • <i>Note:</i> Parents are required members of the team and have the right to invite early intervention staff, service coordinators, or other individuals with knowledge or expertise regarding their child (34 C.F.R. § 300.321(a)(6); § 303.343(a)(1)(iv)). Not allowing parents this opportunity may infringe upon their procedural safeguards under IDEA (34 C.F.R. §§ 300.501; 303.422), which guarantee families meaningful participation. | <p>or out of the school evaluation process</p> <ul style="list-style-type: none"> • Discuss potential services and settings and plan opportunities for families to visit programs as appropriate • Finalize the transition timeline in collaboration with the IFSP team | <ul style="list-style-type: none"> • <i>Note:</i> Parents are required members of the team and have the right to invite early intervention staff, service coordinators, or other individuals with knowledge or expertise regarding their child (34 C.F.R. § 300.321(a)(6); § 303.343(a)(1)(iv)). Not allowing parents this opportunity may infringe upon their procedural safeguards under IDEA (34 C.F.R. §§ 300.501; 303.422), which guarantee families meaningful participation. | <p>district to assess the child</p> |
|---|---|--|-------------------------------------|

Child's Age: 2 Years, 7 Months Meeting Roles

Family has Opted Out of Special Education Process to Determine Eligibility through the LEA

| EI Role | Service Coordinator (DDPM) Role | Family Role |
|--|---|--|
| <ul style="list-style-type: none"> • Discussion of family rights and safeguards • Arrange for the meeting in a location agreeable to all team members (preferably in one of the child's current environments) • Provide Prior Written Notice of the meeting to the family with copies sent to the Service Coordinator (DDPM) • Review and revise existing Transition Plan, including services and action steps • Continue to assist the family in learning more about programs, settings, and services as part of the IFSP Transition Plan <ul style="list-style-type: none"> • Community options need to continue to be addressed with the family. Set up potential tours, assist with applications, etc. • Potential services and settings will be discussed and opportunities to visit programs may be planned for the family • Finalize transition timeline with the family | <ul style="list-style-type: none"> • Attend 2 years, 7 months meeting • Discussion of family rights and safeguards • Continue to assure family understands Re-Determination for Eligibility after age 3 • Assist with reviewing existing transition plan, including services and action steps and plans for after 3 years of age <ul style="list-style-type: none"> • Community options need to continue to be addressed with the family. Set up potential tours, assist with applications, etc. • Potential services and settings will be discussed and opportunities to visit programs may be planned for the family | <ul style="list-style-type: none"> • Review the child's IFSP transition goal with the team • Continue to think about options for the child after they turn 3 • Ask any questions or bring up any concerns they may have |

Child's Age: 2 Years, 9 Months

Family has Opted In for Special Education Eligibility through the LEA

Special Education Eligibility Determination Meeting

A meeting coordinated and facilitated by the Local Education Agency (LEA) will be held to determine the child's eligibility for ECSE services. At this meeting, it will also be discussed if the child qualified for continued developmental disability program management if the family opted in. This meeting is part of the LEA's responsibility to complete the initial evaluation within 60 days of receiving parental consent (*34 CFR §300.301*), typically occurring around the 2 years, 7 months transition meeting.

Parents are required members of the team and have the right to invite early intervention staff, service coordinators, or other individuals with knowledge or expertise regarding their child (*34 C.F.R. § 300.321(a)(6); § 303.343(a)(1)(iv)*). Not allowing parents this opportunity may infringe upon their procedural safeguards under IDEA (*34 C.F.R. §§ 300.501; 303.422*), which guarantee families meaningful participation.

Eligibility Determination Process

During the meeting, the team will:

- Review assessment results and other relevant information to determine eligibility for ECSE services.
- Apply eligibility criteria as defined by federal law (*34 CFR §§300.8, 300.304–300.306*).
- Ensure active participation of parents, whose input is critical to the evaluation and eligibility process.

EI staff play a key role by sharing observations and previous assessment information, supporting continuity and a comprehensive understanding of the child's strengths, needs, and learning profile.

Transition Plan Update

At this time, the Transition Plan will be reviewed and updated to include steps that prepare the child and family for the upcoming transition to preschool or other appropriate services. Contributions from EI staff are essential to ensure that relevant information and recommendations are incorporated effectively.

The Individualized Education Program (IEP)

The Individuals with Disabilities Education Improvement Act (IDEA) establishes two key planning structures for children with disabilities:

- **Individualized Family Service Plan (IFSP):** Guides planning of child and family outcomes and services for infants and toddlers (birth through age two) with disabilities.
- **Individualized Education Program (IEP):** Guides planning and implementation of special education services for children with disabilities (ages three through twenty-one).

Initial IEP Development

Once a child is found eligible for ECSE, the initial IEP must be developed within 30 calendar days of the eligibility determination (34 CFR §300.323(c)). In some cases, the Part B eligibility determination and IEP development meeting may be combined, while in other situations, separate meetings may address each process.

Family Notification and Participation

At the time the IEP meeting is scheduled, the local school district must notify the family of their rights under IDEA and explain the purpose of the meeting (34 CFR §300.322). Once the IEP team develops the initial IEP, parents will sign the *Consent for Initial Placement in Special Education* form to indicate permission for their child to receive special education services.

EI Involvement

Participation of EI staff in the IEP development process is at the request of the parent and is strongly encouraged to ensure continuity and coordination of services from EI to early childhood special education.

The Least Restrictive Environment (LRE)

Under federal law, the placement of a child receiving Part B services must occur in the least restrictive environment (LRE) in which the child's goals can be met (34 CFR §300.114).

Definition of LRE

As defined by IDEA, the LRE requires that children with disabilities be educated with children who are nondisabled to the maximum extent appropriate. A preschool-age child's disability category should not determine the location or services provided; rather, placement decisions must be individualized based on the child's present levels of performance, abilities, and needs.

LRE Continuum for Preschool-Age Children

The continuum of LRE for preschool-age children with disabilities includes early childhood settings primarily designed for children without disabilities. These environments provide opportunities for children with disabilities to participate in developmentally appropriate activities and support the achievement of age-relevant skills and abilities.

Considerations for Placement

The IEP team must consider any necessary modifications, supplementary aids, services, and supports required for the child to access and benefit from the educational program. Unless the IEP specifies alternative arrangements, ECSE services should be:

- Provided as close as possible to the child's home,
- Delivered in the same setting the child would attend if nondisabled, and
- Determined collaboratively by the IEP team.

Possible Location of Services

Each community has different options for places where ECSE services can be provided. Families may want to consider some of these possibilities if they are available in their community:

- Childcare Center/Preschool
- Family Childcare
- Child's Home
- Cooperative Play Group
- Head Start
- Preschool Classroom
- Title I Preschool

Additional Guidance

Additional NDDPI guidance regarding the least restrictive environment can be found at:

- <https://www.nd.gov/dpi/education-programs/special-education>

Information on the *Decision Tree for Coding Educational Environments Table 3- Child Count* can be found in the Appendix.

Extended School Year (ESY)

The Local Education Agency (LEA) must provide services during the summer only if the IEP team determines that Extended School Year (ESY) services are necessary for the child to receive Free Appropriate Public Education (FAPE) (34 CFR §300.106). If ESY services are not required to ensure FAPE, the initiation of services may occur at the beginning of the upcoming school year.

LEA Responsibilities

If the child's needs determine ESY is appropriate, the LEA must either:

- Plan and directly implement services to begin on the child's third birthday, or
- Contract with local providers (such as Infant Development programs or private providers) to deliver the necessary services.

Additional Guidance

For more information about Extended School Year services, refer to the NDDPI Resource, Guidelines: Extended School Year Services, available at: [NDDPI Special Education, ESY Guidelines](#)

Summer Transition Meetings

When a child's transition planning meetings occur during the summer or near the end of the school year, close collaboration among all team members is essential.

Timely Planning and Procedures

Local teams should have established procedures to ensure that transition planning meetings occur according to required timelines, including:

- The 2 years, 7 months meeting
- The 2 years, 9 months meeting
- Development of the IEP

Best Practices

It is considered best practice for teams to work collaboratively to develop a plan for any child whose 2.7 and 2.9 meetings fall during the summer months. This planning helps ensure continuity of services and a smooth transition from EI to Early Childhood Special Education.

Additional Resources

For guidance and practical strategies, see the Appendix for:

- Summer Transition Collaborative Ideas
- Collaboration Agreement

Supporting Families After the 2 Years, 9 Months Meeting

Transition planning for children approaching age three may involve visiting new settings, meeting new staff, completing enrollment forms, and preparing the child for upcoming changes. EI staff and service coordinators (DDPMS) play a key role in supporting families during this process.

Ways to Support Families

Teams may assist families by:

- Arranging a tour of the ECSE classroom if the child has qualified for services through the local school district,
- Providing tours of private preschools or Head Start programs the child may attend, and/or
- Preparing social stories or other visual supports to help the child understand upcoming experiences, such as riding the bus or attending library story time.

Continuation of EI Services

EI services may continue at the family's discretion until the child turns three, ensuring ongoing support throughout the transition period (34 CFR §303.344).

Child's Age: 2 Years, 9 Months Roles

Family has Opted In for Special Education Eligibility through the LEA

| EI Role | Service Coordinator (DDPM) Role | School District (LEA) Role | Family Role |
|---|---|--|--|
| <ul style="list-style-type: none"> • Participate in the Part B eligibility determination meeting with the parents and LEA • If the child is found eligible for ECSE services, respond to the LEA's invitation to attend the IEP meeting at the parent's request • During the eligibility and IEP meetings, share relevant information, including: <ul style="list-style-type: none"> ○ Updated assessment results ○ The most recent IFSP ○ Insights regarding the child's strengths, needs, and learning styles • Conduct an IFSP review and update the Transition Plan to: <ul style="list-style-type: none"> ○ Incorporate ECSE eligibility information ○ Review and plan for eligibility re-determination for Developmental Disabilities Program Management | <ul style="list-style-type: none"> • Complete re-determination for potential eligibility for continued Developmental Disabilities Program services and discuss the results with the transition team • If the child is eligible for ECSE services, respond to the LEA's invitation to attend the IEP meeting at the parent's request | <ul style="list-style-type: none"> • Determine a mutually agreed upon time and place for the eligibility determination meeting • Provide Joint Notice of Meeting for the eligibility determination meeting and potential IEP meetings to the family • Review the information with the team and the family regarding assessment results, the current IFSP, and issues of concern • Develop an Integrated Written Assessment Report (IWAR) with the team • Inform the child's family that they may invite EI staff to the IEP meeting, if the child is eligible for services. | <ul style="list-style-type: none"> • The service coordinator (DDPM) will share Developmental Disabilities Program management re-determination results with the transition team, unless parents have opted out of the re-determination process • Attend the eligibility determination meeting for ECSE services • Invite the service coordinator (DDPM) and/or Early interventionist to the IEP meeting if their participation is helpful • Actively participate in the development of the child's IEP if the child is found eligible for services • Ask questions and seek clarification as needed throughout the process • Review and consider placement options, including visiting programs as appropriate, and provide recommendations based on the child's needs and family preferences <p><i>Note: Parents are required members of the team and have the right to invite early intervention staff, service coordinators, or other individuals with knowledge or expertise regarding their child (34 C.F.R. § 300.321(a)(6); § 303.343(a)(1)(iv)). Not allowing parents this opportunity may infringe upon their procedural safeguards under IDEA (34 C.F.R. §§ 300.501; 303.422), which guarantee families meaningful participation.</i></p> |

When the Child Is Not Eligible for Special Education through the LEA, or the Family Opts Out of LEA Notification

Some children receiving EI services may not be referred to ECSE at their parents' request, while others may be referred to but found ineligible for special education services. In either situation, EI programs remain responsible for guiding and supporting families throughout the transition process.

EI and Service Coordination Responsibilities

Even if a child is not pursuing special education services, or the family opts out of the eligibility process, EI providers must:

- Continue to hold the 2 years, 7 months and 2 years, 9 months transition meetings, and
- Assist families in identifying and arranging alternative options to meet the child's developmental and family needs through the Transition Plan in the IFSP (34 CFR §303.344).

Supporting Child Development

The team may develop activities to support the child's development at home, such as:

- Simple exercises or games
- Creative projects that reinforce developmental skills

Families should also be made aware of community resources that support early childhood development, including:

- Head Start programs or private preschool facilities
- Library activities for young children (story time, craft lessons)
- Summer recreation programs
- YMCA classes, such as swimming or gymnastics

Follow-Up and Continued Support

The team may schedule a follow-up meeting to monitor the child's progress and ensure development remains on track. Parents can also request placement in a scheduled screening within their local school district after the child turns 3.

See the Appendix for forms and tools to assist families in planning for additional community-based options.

Child's Age: 2 Years, 9 Months Roles

Family has Opted Out of Special Education Eligibility through the LEA

| EI Role | Service Coordinator (DDPM) Role | Family Role |
|---|--|--|
| <ul style="list-style-type: none"> • Hold the 2 years, 9 months transition meeting by the time the child is 2 years, 9 months • Conduct IFSP review and update Transition Plan • Review eligibility re-determination for Developmental Disabilities Program Management • Review and discuss the list of community options for the family • Assist family in following up with any applications to community options for services after the child turns 3 | <ul style="list-style-type: none"> • Attend and participate in the 2 years, 9 months meeting • Share DD Program Management results with family and EI staff if they have not already • Re-determination for potential eligibility for continued developmental disabilities services will have been completed by this time and discussed with the transition team • Assist family in following up with any applications to community options for services after 3 | <ul style="list-style-type: none"> • The service coordinator (DDPM) will share DD Program Management results with parents and the transition team, unless parents opted out of re-determination • Review child's IFSP and goals • Review and discuss Community Options list, located in the Parent Guide • Ask any questions |

3 Years and Beyond

Getting Started: Implementing the IEP

Once the Individualized Education Program (IEP) has been developed and placement decisions are finalized, the next step is effective implementation. Under the Individuals with Disabilities Education Act (IDEA), the IEP must be in effect by the child's third birthday for children transitioning from Part C (EI) to Part B (ECSE) (*34 C.F.R. § 300.101(b)*). A successful start requires consistent communication among all IEP team members, including the family, to ensure the program is individualized, coordinated, and supportive of the child's development. Collaboration promotes creative strategies that help the child engage with and enjoy each step of the program.

Team Collaboration and Family Engagement

All members of the IEP team should (*34 C.F.R. §§ 300.321–300.322*):

- Address the family's questions collectively and thoroughly
- Share information about the child's progress, needs, and support
- Make individualized decisions in the best interest of the child, ensuring services are coordinated, evidence-based, and developmentally appropriate

Responsibilities of EI and LEA During Transition

EI Program Responsibilities

The EI program has a critical role in preparing the child and family for the transition to early childhood special education (*34 C.F.R. § 303.209*):

- Ask questions and gather information about the child's developmental needs, routines, and family priorities
- Share relevant information with the family and the receiving LEA/programs to ensure continuity of support
- Assist the child and family in preparing for the new program and environment

Local Education Agency (LEA) Responsibilities

The LEA is responsible for ensuring the smooth implementation of the IEP and welcoming the family into the early childhood special education system (*34 C.F.R. §§ 300.101, 300.323*):

- Gather and clarify necessary information about the child's needs
- Implement the IEP as written, beginning no later than the child's third birthday
- Consider the family's needs and input when making program decisions
- Maintain consistent communication with the family and service providers
- Foster a supportive, inclusive environment that welcomes the child and family

- Provide ongoing progress reports to families and team members, as required by IDEA (34 C.F.R. § 300.320(a)(3))

Possible Topics to Review

To support a seamless transition and ensure continuity of services, the following should be reviewed with the LEA and any new transition staff or program:

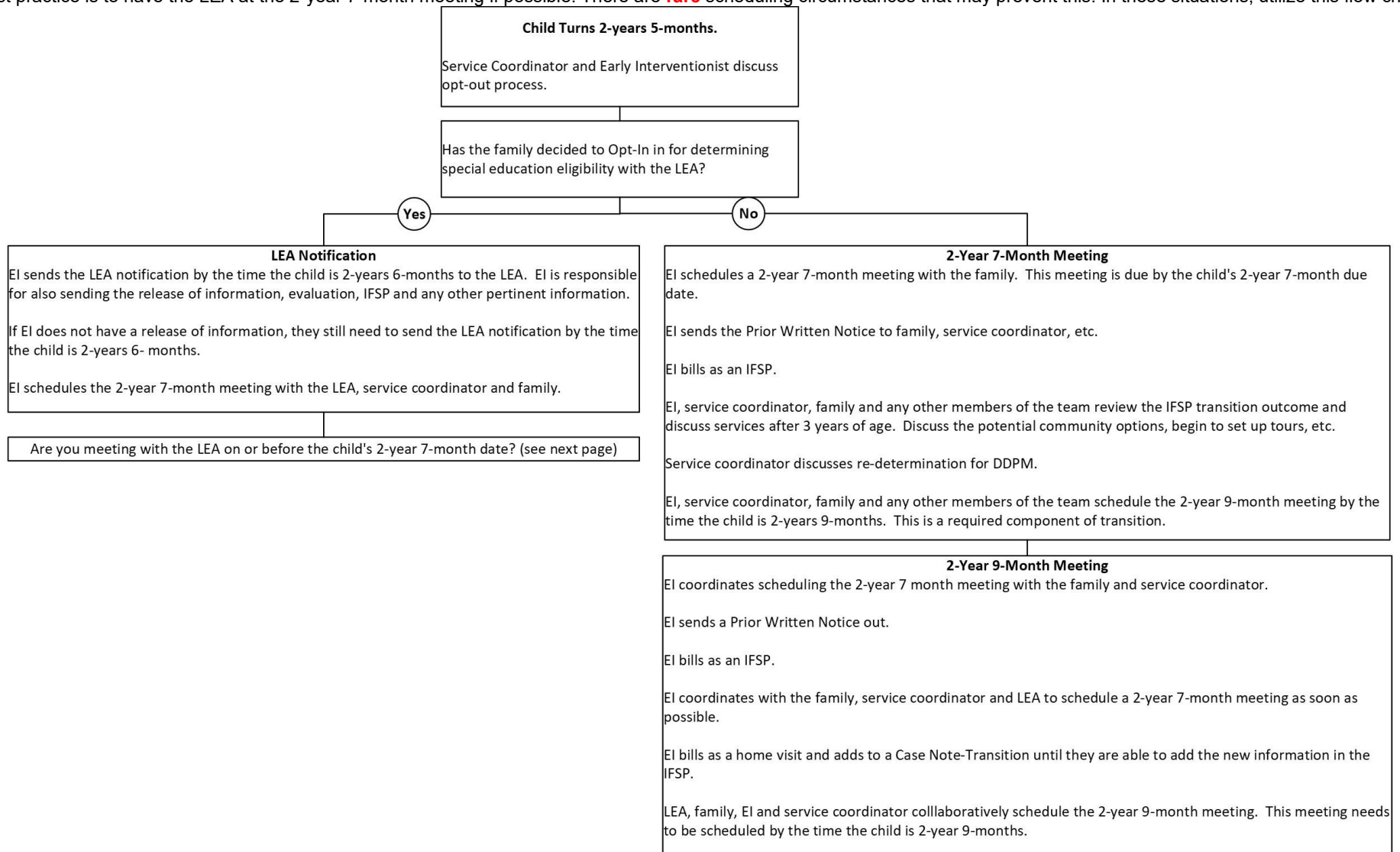
- Health records and immunization status
- Developmental and medical history
- Current IFSP/IEP goals, progress, and accommodations
- Transportation and accessibility needs
- Family concerns, priorities, and cultural considerations

APPENDIX: Transition Procedures and Resources

Part C and Part B Collaborative Decision Tree- 1 of 2

Child was referred to Early Intervention between Birth and 2 Years, 6 Months

Best practice is to have the LEA at the 2-year 7-month meeting if possible. There are **rare** scheduling circumstances that may prevent this. In these situations, utilize this flow chart.





Yes

No

2-year 7-month Meeting
 EI coordinates scheduling the 2-year 7-month meeting with the LEA. Required attendees include the service coordinator, parent/guardians and the LEA. This needs to be held by the 2-year 7- month date.
 EI sends the joint prior written notice for the 2-year 7-month.
 EI, LEA, family and service coordinator have 2-year 7-month meeting.
 EI bills as an IFSP.
 LEA works with family on scheduling any evaluations or assessments that need to be completed.
 LEA works with EI and service coordinator in collaborating on use of possibly evaluations, etc.
 2-year 9 month- meeting is scheduled by the time the child is 2-year 9-months.

2-Year, 7-Month Meeting
 EI coordinates scheduling the 2-year 7-month meeting with the family and service coordinator. The EI and service coordinator are still required to meet by the 2-year 7-month meeting date.
 EI sends a Prior Written Notice out.
 EI bills as an IFSP.
 EI coordinates with the family, service coordinator and LEA to schedule a 2-year 7-month meeting as soon as possible.

2 Year 7 Month Meeting with LEA
 LEA is responsible for sending the Joint Written Notice.
 LEA, family, EI and Service Coordination meet.
 EI bills as a HV and adds to a Case Note-Transition until they are able to add the new information in the IFSP under the Transition Section where it typically goes.
 LEA, family, EI and service coordinator collaboratively schedule the 2 year 9 month meeting.
 2 year, 9 month meeting is scheduled by the time the child is 2 years 9 months of age.

Will the meeting be held by their 2-year 9 month due date?

Yes

No

2-Year 9-Month Meeting
 EI coordinates scheduling the 2-year 9 month meeting with the family and service coordinator.
 This meeting should be held by the time the child is 2-years 9-months.
 EI, Family, Service Coordinator and LEA are all invited to meeting.
 EI bills as an IFSP.
 LEA is responsible for sending the Joint Notice of Meeting.
 Results of evaluation are discussed and IWAR is went over.
 Service Coordinator reviews with LEA at this meeting eligibility decision if family went through re-determination for continued DD Program Management services or any other waived services they may have applied for.
 If IEP is developed at this meeting, inform family that they may invite EI and Service Coordination, if the child is eligible for services. This is the LEA's responsibility.

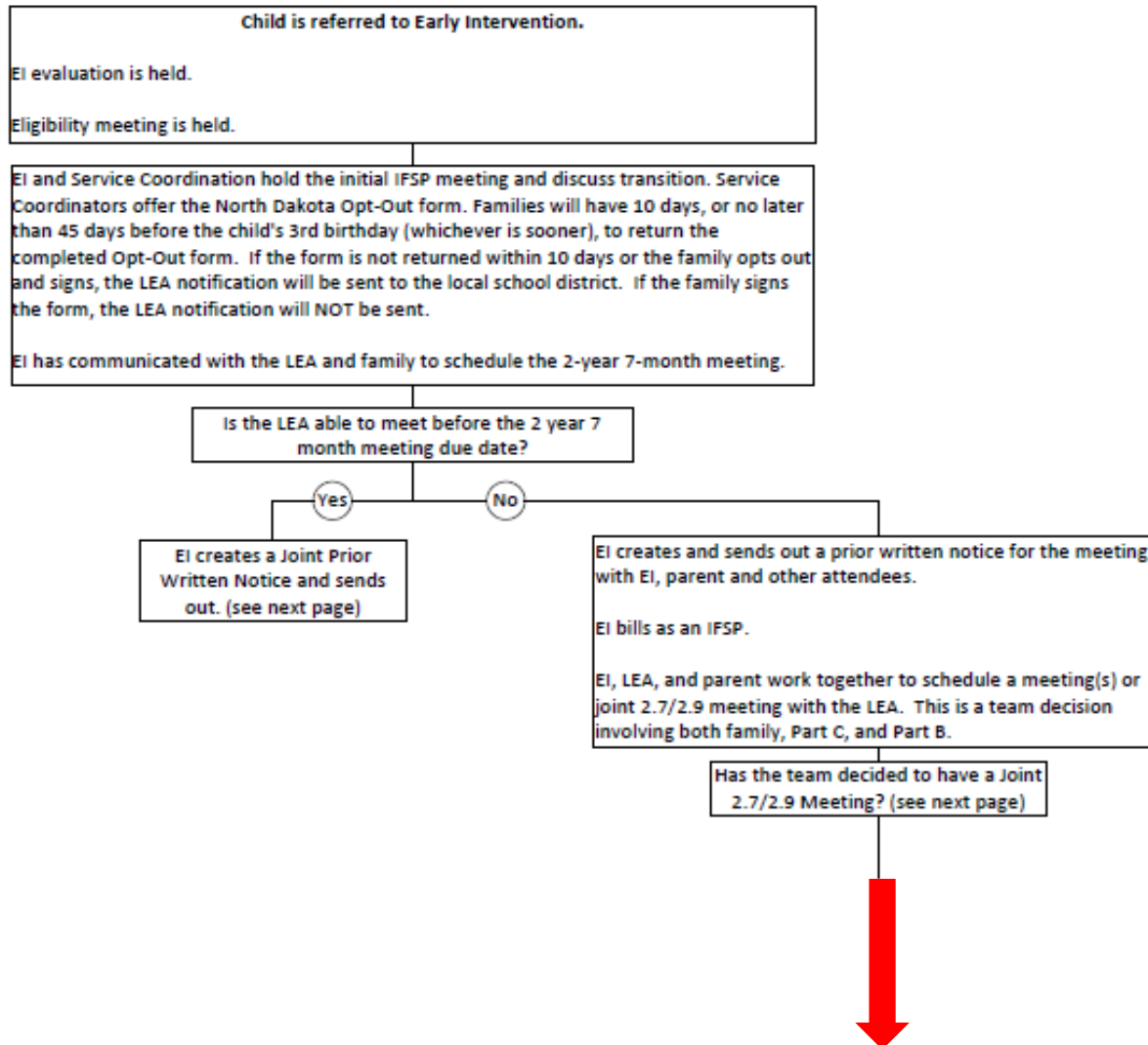
2-Year 9-Month Meeting
 EI coordinates scheduling the 2-year 9 month meeting with the family and service coordinator. The EI and service coordinator are still required to meet by the 2-year 9 month meeting date.
 At 2.9, Service Coordinator discusses eligibility decision for re-determination for potential eligibility for continued DD Program Management and discusses results.
 EI sends a Prior Written Notice out.
 EI bills as an IFSP.
 EI coordinates with the family, service coordinator and LEA to schedule a 2-year 9-month meeting as soon as possible.

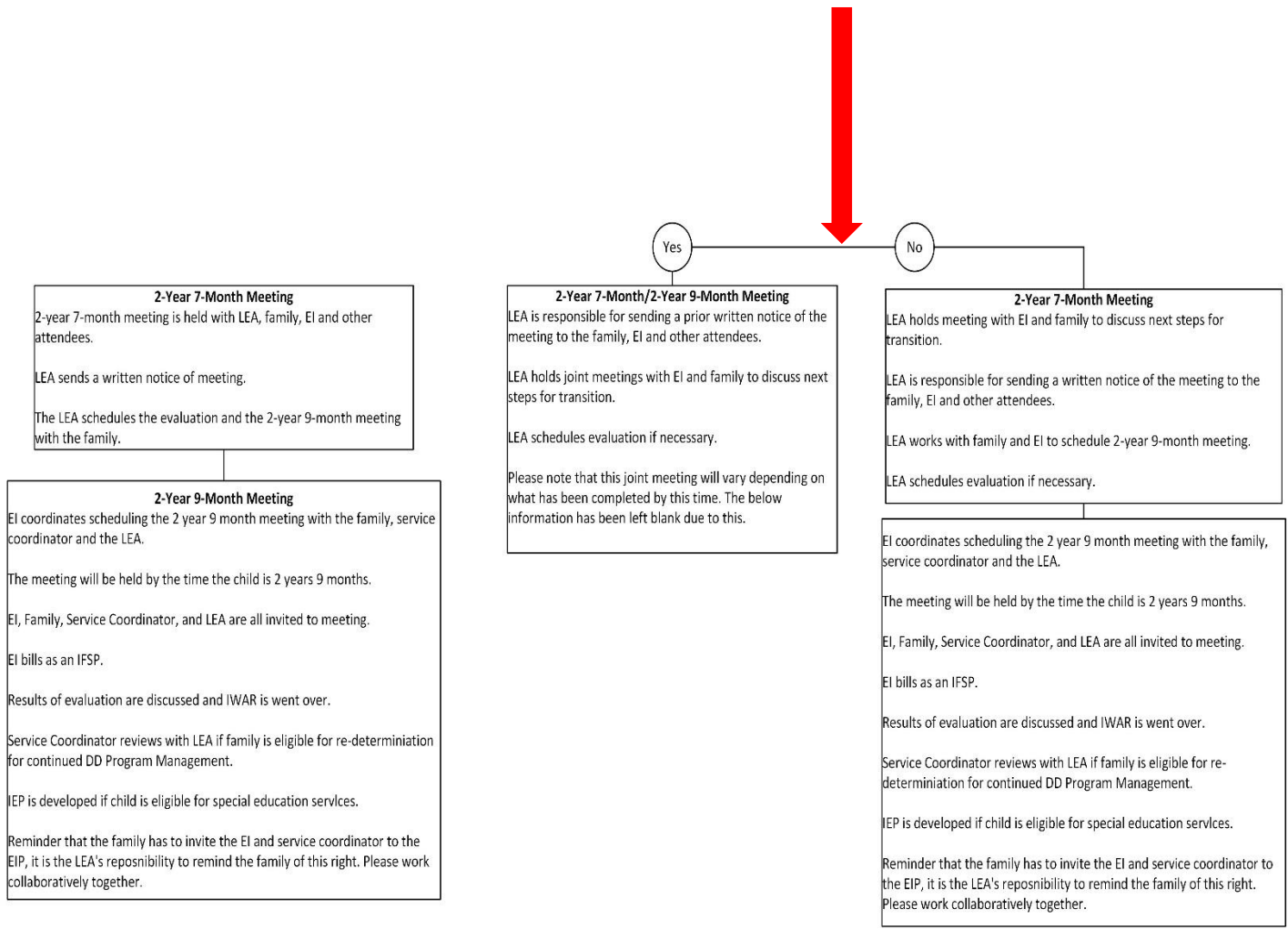
2-Year 9-Month Meeting with LEA
 This meeting should be held by the time the child is 2-years 9-months.
 EI, Family, Service Coordinator and LEA are all invited to meeting.
 EI bills as a HV. This information is then inputted into a Case Note-Transition until the next IFSP where you would add it to the 2.9 section of the IFSP.
 LEA is responsible for sending the Joint Notice of Meeting.
 Results of evaluation with the LEA are discussed. If child is eligible develop the IWAR.
 Service Coordinator reviews with LEA at this meeting eligibility decision if family went through re-determination for continued DD Program Management services or any other waived services they may have applied for.
 If IEP is developed at this meeting, inform family that they may invite EI and Service Coordination, if the child is eligible for services. This is the LEA's responsibility.

Part C and Part B Collaborative Decision Tree

Child was referred to Early Intervention between 2 Years, 6 Months and 2 Years, 9 Months

Use this form for when the LEA notification is sent between 2-years, 6 months and 2-years, 9 -months. Best practice is to have the LEA at the 2-year, 7-months meeting if possible. There are **rare** scheduling circumstances that may prevent this. In these situations, utilize this flow chart.

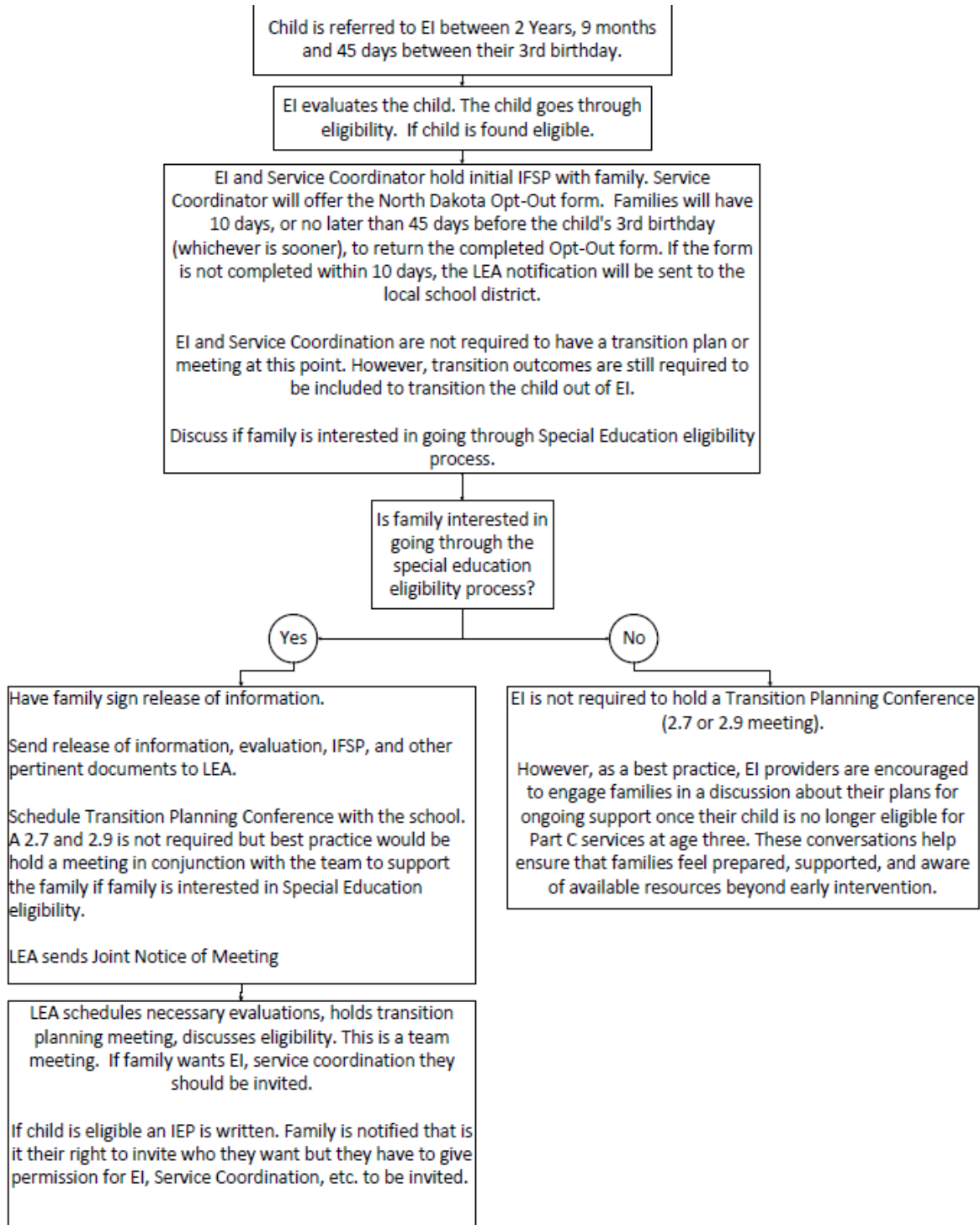




Part C and Part B Collaborative Decision Tree

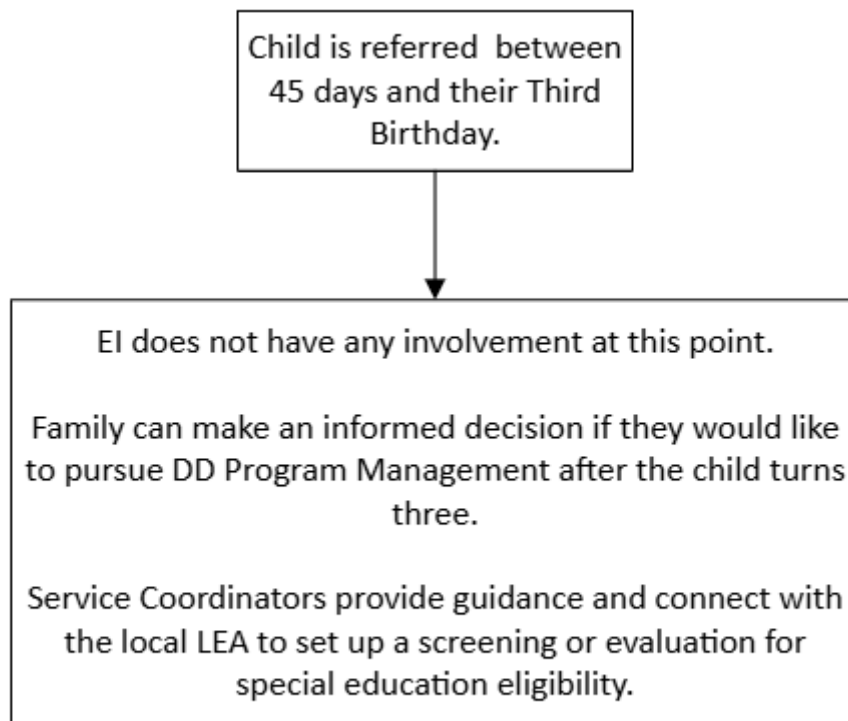
Child was referred to Early Intervention between 2 Years, 9 Months and 45 days before the Child's 3rd Birthday

In these situations, utilize this flow chart.



Part C and Part B Collaborative Decision Tree Late Referral to Part C Between 45 days and the Child's Third Birthday

In these situations, utilize this flow chart.



Late Referral to Part C Role(s) Table

| | EI | LEA | Service Coordinator (DDPM) |
|---|---|--|--|
| <p>Late referral to Part C between 45 to 90 days (2 years, 9 months) before the child's third birthday</p> | <ul style="list-style-type: none"> • Evaluation for Eligibility <ul style="list-style-type: none"> ○ Conduct an evaluation to determine the child's eligibility for Part C services. • Initial IFSP Development <ul style="list-style-type: none"> ○ If the child is eligible, conduct an initial IFSP meeting to develop the plan. ○ A Transition Plan is not required; however, transition outcomes must be included in the IFSP. (34 C.F.R. § 303.344(h)) ○ Parents must either: <ul style="list-style-type: none"> ▪ Sign a release of information to share records | <ul style="list-style-type: none"> • LEA is responsible for sending the Joint Notice of Meeting in this situation. • Transition Planning Conference for Potentially Eligible Children A meeting is held for children considered potentially eligible for ECSE services to: <ul style="list-style-type: none"> ○ Review IDEA Part B Procedural Safeguards. (34 C.F.R. § 300.504) ○ Discuss eligibility criteria and requirements for Part B. (34 C.F.R. § 300.306) ○ Discuss the continuum of services and potential visits to placement options. (34 C.F.R. § 300.115) ○ Ensure participation of the Local Education Agency (LEA), EI agency, Service Coordinator (DDPM), family, and any other individuals the family chooses to invite. (34 C.F.R. §§ 300.321, 303.343(a)) ○ Review current assessments and the child's IFSP. (34 C.F.R. § 303.344(h)) | <ul style="list-style-type: none"> • Complete Intake <ul style="list-style-type: none"> ○ Families participate in an intake process to confirm eligibility for continued services and to ensure all necessary documentation is gathered. (34 C.F.R. § 303.321(c)) • Initial IFSP Development <ul style="list-style-type: none"> ○ Service Coordinator will offer the North Dakota Opt-Out form at the Initial IFSP meeting. Families will have 10 days, or no later than 45 days before the child's 3rd birthday (whichever is sooner), to Opt In or Opt Out of the LEA Notification being sent. • If Family Proceeds with Part B Eligibility Determination <ul style="list-style-type: none"> ○ Participate in the initial meeting with the Local Education Agency (LEA) to: <ul style="list-style-type: none"> ▪ Discuss the continuum of services and explore potential placement options, including community-based programs. (34 C.F.R. § 300.115) ▪ Review current assessments and the child's IFSP to inform planning. (34 C.F.R. § 303.344(h)) ▪ Update the child's transition outcomes, if appropriate, in the IFSP. (34 C.F.R. § 303.209(d)(3)) |

| | | | |
|--|--|--|--|
| | <p>with the school, or</p> <ul style="list-style-type: none"> ▪ If not interested in pursuing Special Education eligibility, in which case EI will notify the LEA. ○ Parents, with the IFSP team, will discuss: <ul style="list-style-type: none"> ▪ The process for determining eligibility for Special Education services, and/or ▪ Continued Developmental Disabilities (DD) Program Management. | <ul style="list-style-type: none"> ○ Obtain parent consent for the initial evaluation process. (34 C.F.R. § 300.300(a)) ○ Determine the need for additional assessments or information. ○ If additional evaluations are required, jointly develop an assessment plan. (34 C.F.R. § 300.305(d)) ○ It should be noted that this is a team meeting. Parents are required members of the team and have the right to invite early intervention staff, service coordinators, or other individuals with knowledge or expertise regarding their child (34 C.F.R. § 300.321(a)(6); § 303.343(a)(1)(iv)). Not allowing parents this opportunity may infringe upon their procedural safeguards under IDEA (34 C.F.R. §§ 300.501; 303.422), which guarantee families meaningful participation. • If the Child is Found Eligible for IDEA Part B Services | <ul style="list-style-type: none"> ▪ Determine the need for additional assessments or information. (34 C.F.R. § 300.305(a)) ▪ If additional evaluations are required, jointly develop an assessment plan. (34 C.F.R. § 300.305(d)) • Eligibility Re-Determination for Developmental Disabilities (DD) Program Management <ul style="list-style-type: none"> ○ Discuss changes in eligibility criteria for DD Program Management following the child's third birthday and review family options for pursuing continued services. (42 C.F.R. § 441.301(c)(1)) (waiver services requirement) • If the Child is Found Eligible for IDEA Part B Services <ul style="list-style-type: none"> ○ An IEP meeting will be convened. (34 C.F.R. § 300.323(c)) ○ With parent approval, EI staff, Service Coordinators (DDPMS), or other providers may attend to support continuity of services. (34 C.F.R. § 300.321(a)(6)) |
|--|--|--|--|

| | | | |
|--|--|--|--|
| | <ul style="list-style-type: none"> • Transition Planning Conference <ul style="list-style-type: none"> ○ A Transition Planning Conference is not required for late referrals. (34 C.F.R. § 303.209(c)) • If Family Pursues Special Education Eligibility <ul style="list-style-type: none"> ○ Attend the eligibility meeting with parent consent. ○ Review: <ul style="list-style-type: none"> ▪ Continuum of services, including placement and community options. ▪ Current assessments and the child's IFSP. ○ Update transition outcomes if appropriate. | <ul style="list-style-type: none"> ○ An IEP meeting has been convened. (34 C.F.R. § 300.323(c)) ○ The team will: <ul style="list-style-type: none"> ▪ Review IDEA Part B Procedural Safeguards with the family. (34 C.F.R. § 300.504) ▪ Develop and document the Individualized Education Program (IEP). (34 C.F.R. § 300.320) ▪ Inform parents that EI providers, Service Coordinators (DDPMS), or others may attend only with parent approval. (34 C.F.R. § 300.321(a)(6)) ○ Parents sign consent for initial placement into Part B services if the child is eligible. (34 C.F.R. § 300.300(b)) | |
|--|--|--|--|

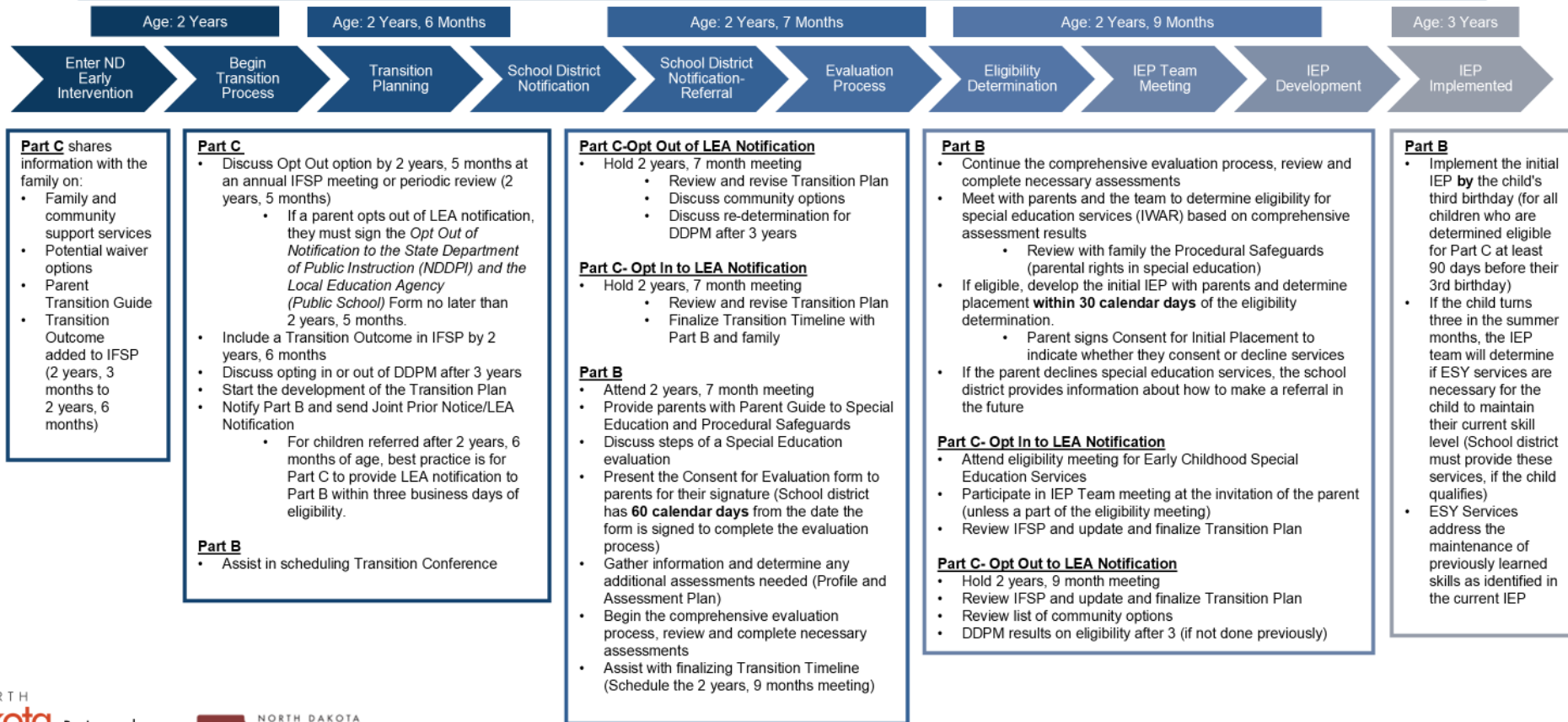
| | | | |
|---|--|--|--|
| | <ul style="list-style-type: none"> ○ If additional evaluations are needed, jointly develop an assessment plan. ● If Child is Found Eligible for Part B <ul style="list-style-type: none"> ○ An IEP meeting will be held. (34 C.F.R. § 300.321) ○ EI staff should attend the IEP meeting if invited and with parent approval. (34 C.F.R. § 303.209(d)). | | |
| <p>Late referral to Part C between 45 days and the child's third birthday.</p> | | | <ul style="list-style-type: none"> ● EI (Part C) Eligibility <ul style="list-style-type: none"> ○ No further eligibility determinations for EI services will be completed once the child approaches age three, as services under IDEA Part C conclude at that age. (34 C.F.R. § 303.211(b)(1)(ii); 34 C.F.R. § 303.209(c)(1)) ● Family Decision-Making for Ongoing Services <ul style="list-style-type: none"> ○ Families are supported in making an informed decision about whether they wish to pursue eligibility for ongoing |

| | | | |
|--|--|--|--|
| | | | <p>Developmental Disabilities (DD) Program Management after the child turns three.</p> <ul style="list-style-type: none">○ Service Coordinators (DDPMS) and DD Program Managers provide guidance regarding eligibility requirements, available services, and implications for continued support under state and federal programs. (34 C.F.R. § 303.209(d)(1)(ii); N.D. Admin. Code § 75-04-06) |
|--|--|--|--|

Birth to 3 Transition Flowchart

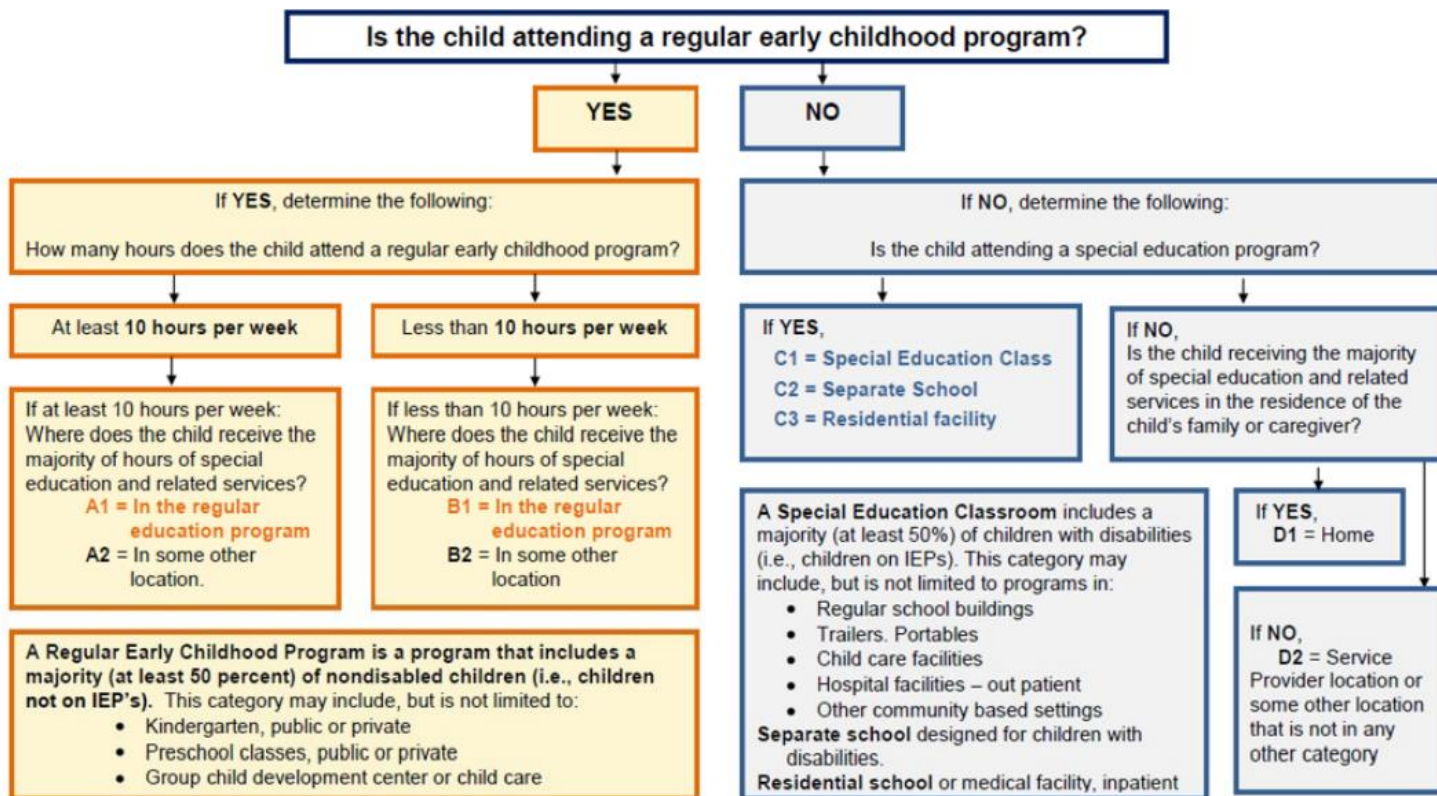
Birth to 3 Program Transition

Part C to Part B: North Dakota Process



Decision Tree for Coding Educational Environments Table 3- Child Count

Decision Tree for Coding Educational Environments
Table 3 - Child Count



Nancy Skorheim, ND Section 619 Coordinator, Martha Diefendorf & Debbie Cate, NECTAC, June 2010
Complete instructions may be found at IDEAdata.org , Data collection forms, Part B forms, Table 3 – Child Count

Strategies for Strengthening Transition Collaboration

- **Monthly Transition Forecasting**
 - Develop and share an Excel spreadsheet with the LEA each month listing Day and Date in which child turns 2,7 and 2,9. You cannot give names or give identifying information unless a release is signed. You can provide numbers on many on an excel sheet or a calendar. **Please see examples on p. 53 and 54 of this guide.**
 - Only include the month and day (not the year or other personally identifying information)
 - This provides the school district with an approximate count of children who may be approaching transition, allowing them to prepare accordingly. (See example in Appendix)
- **Quarterly Regional Collaboration Meetings**
 - Schedule quarterly meetings with regional partners to review transition practices, share successes, address challenges, and identify opportunities for improved teamwork in serving families and children.
- **Timely Notification of Late Referrals**
 - If a child is referred to EI services after reaching 2 years, 5 months of age, the Service Coordinator will offer the North Dakota Opt-Out form at the Initial IFSP meeting.
 - Families will have **10 days**, or **no later than 45 days before the child's 3rd birthday (whichever is sooner)**, to return the completed Opt-Out form. If the form is not returned within 10 days, the LEA notification will be sent to the local LEA. Refer to the Appendix for the Part C North Dakota Opt-Out Policy.
 - Do not send records such as evaluations or IFSPs unless the family has signed a release of information. (34 C.F.R. § 303.401(d)(2))
- **Conflict Resolution and Support**
 - Ensure Transition Agreements are completed and reviewed regularly to minimize disputes.
 - **If challenges persist, contact:**
 - **Part C Contact(s):**
 - **Jackie Adusumilli**, Part C Coordinator, State of ND, Health and Human Services, Developmental Disabilities, Part C Office- jadusumilli@nd.gov
 - **Jordan Anderson**, Early Intervention Specialist, State of ND, Health and Human Services, Developmental Disabilities, Part C Office – joanderson@nd.gov

- **Part B Contact:**
 - **Annie Skiba**, Part B/619 Early Childhood Special Education Coordinator, State of ND Health and Human Services, Early Childhood Office – askiba@nd.gov

October-

ND EI Program

2025

| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
|-------------|-------------|---------|-------------|-------------|--------|----------|
| | | | 1 3-2,7 | 2 2-2,9 | 3 | 4 |
| 5 | 6 | 7 | 8 1-2,9 | 9 | 10 | 11 |
| 12 | 13 5-2,7 | 14 | 15 6-2,7 | 16 | 17 | 18 |
| 19 2-2,9 | 20 | 21 | 22 | 23 2-2,9 | 24 | 25 |
| 26 | 27 | 28 | 29 1-2,7 | 30 | 31 | |
| | | | | | | |

| 1 | 2025 | January | February | March | April | May | June | July | August | September | October | November | December |
|----|------|---------|----------|-------|-------|-----|------|------|--------|-----------|---------|----------|----------|
| 2 | 1 | 1 | | | | | | | | | | | |
| 3 | 2 | | | | | | 2 | | 1 | | | | |
| 4 | 3 | | | | | | | | | | | | |
| 5 | 4 | | 2 | | | | | | | | | | 1 |
| 6 | 5 | | | | | | | | | | 2 | | |
| 7 | 6 | 2 | | | | | 3 | | | | | 2 | |
| 8 | 7 | | | | | | | | | | | | |
| 9 | 8 | | 2 | | | | | | 2 | | | | |
| 10 | 9 | 1 | | | | | 2 | | | | | | |
| 11 | 10 | | | | | | | | | | | | 2 |
| 12 | 11 | | | | 3 | | | | | 2 | | | |
| 13 | 12 | | | | | | | | | | | | |
| 14 | 13 | | 5 | | | | | | | | | 5 | |
| 15 | 14 | | | | | | | | | 3 | | | |
| 16 | 15 | | | 2 | | | 1 | | | 7 | | 2 | |
| 17 | 16 | | | | | | | | | | | | 3 |
| 18 | 17 | | | | | | | | | | | | |
| 19 | 18 | | | 1 | | | | 2 | | | | | |
| 20 | 19 | 4 | | | | 3 | | | | | | | |
| 21 | 20 | | | | | | 1 | | | | | | |
| 22 | 21 | | | | | | | | | 2 | | | 2 |
| 23 | 22 | | 2 | | | | | | | | | | |
| 24 | 23 | | | | | | | | 2 | | | | |
| 25 | 24 | 2 | | | | | | | | | | | 3 |
| 26 | 25 | | | 3 | | | 3 | | | | | 1 | |
| 27 | 26 | | | | | 4 | | | | | | | 2 |
| 28 | 27 | | | | | | | | | | | | 2 |
| 29 | 28 | | | | | | | | | | 2 | | |
| 30 | 29 | | 2 | | | | | | | | | | |
| 31 | 30 | | | | | | | | | | | | |
| 32 | 31 | | | | | | | | | | | | |

Part C to Part B Collaboration Guidance Template (Fill-in-the-Blank) Joint Agreement

This template supports consistent collaboration between Part C (EI) and Part B 619 (ECSE) programs to ensure a smooth transition for children exiting EI services at age 3.

Transition Collaboration Agreement- (EI Agency) and (ECSE Coordinator)

Contact and Notification Information

Name of Part C Program: _____

Name of Part B School District (LEA): _____

Primary Part C Contact for Transition:

Primary Part B Contact for Transition:

Name: _____

Name: _____

Title: _____

Title: _____

Email: _____

Email: _____

Phone: _____

Phone: _____

Timelines and Responsibilities

| Task | Responsible Party | Point of Contact | Deadline/Timeline |
|------|-------------------|------------------|-------------------|
| | Part C Part B | | |
| | Part C Part B | | |
| | Part C Part B | | |
| | Part C Part B | | |

Joint Agreement

We agree to meet regularly (e.g., monthly, quarterly) to review upcoming transitions

Yes No

Frequency:

We will conduct joint professional development opportunities

Yes No

If yes, specify dates/topics:

We will use the following shared tools/forms:

Transition referral form

Joint communication scripts

Parent handouts

Other: _____

Record-Keeping

| Document | Storage Location | Maintained By | Retention Timeline |
|-----------------------------------|------------------|---------------|--------------------|
| LEA Notification | | | |
| IFSP with Transition Plan | | | |
| Transition Conference Invitation | | | |
| Parent Consent for Record Sharing | | | |
| Conference Notes | | | |
| Evaluation/Eligibility Report | | | |
| IEP (if eligible) | | | |

Signatures

We agree to follow the procedures outlined above to ensure compliance with IDEA and support positive transitions for children and families.

Part C Representative:

_____ Signature

_____ Print Name

_____ Date

Part B Representative:

_____ Signature

_____ Print Name

_____ Date

Summer Collaboration Agreement Between _____ (EI Agency) and _____ (ECSE Coordinator) Joint Agreement

Part C to Part B Collaboration Guidance Template (Fill-in-the-Blank)

Purpose: This template supports consistent collaboration between Part C (EI) and Part B 619 (ECSE) programs in the summer months to ensure a smooth transition for children exiting EI services at age 3.

Contact and Notification Information

Name of Part C Program: _____

Name of Part B School District (LEA): _____

Primary Part C Contact for Transition:

Name: _____

Title: _____

Email: _____

Phone: _____

Primary Part B Contact for Transition:

Name: _____

Title: _____

Email: _____

Phone: _____

If the child turns three in the summer months, the IEP team will determine if ESY services are necessary for the child to maintain their current skill level. The school district must provide these services if the child qualifies.

- ESY Services address the maintenance of previously learned skills as identified in the current IEP.
- The ECSE Program will have a designated point of contact for the summer months.
- The EI Agency will notify the Part B point of contact (LEA Notification) in a timely manner.
- ECSE and EI programs will meet prior to the summer vacation to discuss known 2.7/2.9 meetings occurring over the summer months.
- Part B will conduct a timely evaluation for disability determination.

Timeline and Responsibilities

| Task | Responsible Party | Point of Contact | Deadline/Timeline |
|------|-------------------|------------------|-------------------|
| | Part C Part B | | |
| | Part C Part B | | |
| | Part C Part B | | |
| | Part C Part B | | |
| | Part C Part B | | |

Signatures

We agree to follow the procedures outlined above to ensure compliance with IDEA and support positive transitions for children and families.

Part C Representative: _____
Signature
Print Name
Date

Part B Representative: _____
Signature
Print Name
Date

ECTA EI Services to Part B Special Education Checklist

TRANSITION Checklist 2 of 3



Transition from Early Intervention Services to Part B Preschool Special Education Checklist

This checklist includes practices to support the transition of toddlers from early intervention services into preschool or preschool special education services. The main focus of these practices is activities implemented in collaboration with family members and preschool program practitioners that promote positive relationships and child and family preparation and

adjustment to new settings and services. The checklist indicators can be used to develop a transition plan to ensure a child's and family's smooth transition from early intervention to preschool. The checklist rating scale can be used for a self-evaluation to determine whether the transition practices were used prior to, during, and after the transition.

Practitioner: _____ Child: _____ Date: _____

| Please indicate which practice characteristics you were able to use as part of transitions for a child and family: | Seldom or never (0 - 25%) | Some of the time (25 - 50%) | As often as I can (50 - 75%) | Most of the time (75 - 100%) | Notes |
|---|---------------------------|-----------------------------|------------------------------|------------------------------|-------|
| 1. Practitioners provide opportunities for parents/family members to discuss services and supports they think their child might need in a preschool setting or program | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 2. Parents/family members share their hopes, concerns, and ask questions about future programs and services | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 3. Parents/family members are provided the information they need to participate and make informed decisions about a preschool transition | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 4. Practitioners from the sending and receiving programs communicate with parental permission and provide on-going support to parents/family members and their child as they adjust to new programs and settings | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 5. Parents/family members and early intervention practitioners share information about the child's capabilities, preferences, interests and needs with the preschool staff with parental permission | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 6. Practitioners actively involve preschool/preschool special education staff in the transition plan for the transition from early intervention to preschool | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 7. Parents/family members are provided information about the legal requirements and process for eligibility for preschool and IEP development for preschool special education or other community-based preschool programs | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 8. Practitioners arrange for preschool program visitation by parents/family members and their child | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |

This checklist is based upon the following *DEC Recommended Practices: Transition 1, 2*
 The DEC Recommended Practices are available at <http://dec-sped.org/recommendedpractices>
 Access this checklist and other products at <http://ectacenter.org/decrp>
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Opt-Out Policy

Part C Regulation:

§ 303.401 Confidentiality and opportunity to examine records.

(e) Option to inform a parent about intended disclosure. (1) A lead agency, through its policies and procedures, may require EIS providers, prior to making the limited disclosure described in paragraph (d)(1) of this section, to inform parents of a toddler with a disability of the intended disclosure and allow the parents a specified time period to object to the disclosure in writing.

(2) If a parent (in a State that has adopted the policy described in paragraph (e)(1) of this section) objects during the time period provided by the State, the lead agency and EIS provider are not permitted to make such a disclosure under paragraph (d) of this section and § 303.209(b)(1)(i) and (b)(1)(ii).

(Authority: [20 U.S.C. 1412](#)(a)(8), 1412(a)(9), 1417(c), 1435(a)(5), 1437(a)(9), 1439(a)(2), 1439(a)(4), 1439(a)(6), 1442)

North Dakota Opt Out Policy:

Parents who have a child that has an active Individual Family Service Plan and who is two years, five months, or who entered after the age of 2 years, 5 months, have the right to “opt out” of having the school district informed that their child will be turning three years old. Prior to notification of the school district, the local Early Intervention program must inform parents whose children will be two years, five months and older of this notification to the school of limited directory information and that the parents can “opt out” of the school district notification.

Parents will be informed of the notice and this option to “opt out” at an annual IFSP meeting or periodic review between age two years three months and two years five months. Parents will be informed verbally at the meeting and will be given a standardized form that they will sign to indicate their decision to opt-out. The parents will have ten days or no later than the time their child is two years, five months old to return the form with a signature if they decide to opt-out. If no form is returned, it is to be assumed by the local Early Intervention program that the parent has decided not to opt-out and notification information can be sent.

The Part C Agency must explain to parents that the information that will be released will include the following:

- the child’s name
- date of birth
- the parents’ names
- the parents’ address

- the parents' phone number (s)
- the name of the Service Coordinator (DD Program Manager) and their contact information
- primary language of the family.

If a parent who had signed an “opt out” form changes their mind about wanting LEA involvement and possible Part B eligibility determination, the local Early Intervention program can assist the family in making the appropriate notification to the school district as well as initiating the next transition steps as appropriate. This shall occur at any time prior to a child's third birthday.

Opt Out Form located on following page. It should be noted that this form is located on Therap but the next page is a copy.

North Dakota Early Intervention Opt Out Form

Opt Out of Notification to the State Department of Public Instruction (DPI) and the Local Education Agency (public school) Form

| | |
|----------------|-----------------|
| Child's Name: | |
| Date of Birth: | Date Completed: |
| ID Program: | DDPM: |

Opting Out of Notification to the Local Education Agency (LEA)

Our program is required by federal law (the Individuals with Disabilities Education Act, "IDEA") to release the following information: your child's name, date of birth, your name, your address, your contact phone number, the name of your child's DD Program Manager, and the primary language of you and your child. This information is provided in order to notify your local school system and the State Department of Public Instruction that your child is potential eligibility for special education services. This notification serves as a referral for special education services.

Following discussion with your Early Intervention Team about transition options for when your child turns three years of age, as a parent, you may "opt out" of this notification and a referral to special education. By signing this document, you indicate your preference that we not send any information (your child's name and date of birth, your name and address, etc.) to your local public school system.

If you do not wish to opt out, you may disregard this form.

You can change your mind about this decision at any point prior to your child turning 3 and have your child's contact information sent to the Department of Public Instruction and your local school district. If you change your mind, your early intervention team will work closely with you to attempt to make sure the transition process occurs. It is important to note that any delay can mean that your child may not have all of the needed services and supports in place by the time he/she turns 3.

If this "Opting Out of Notification to the Local Education Agency" form is not signed and received by our Part C agency within the next ten (10) days or no later than _____ (date child turns two year, five months), the above noted information will be sent to your local school district and state Department of Public Instruction.

My signature indicates that I have decided to opt-out of notification to my local school district and the State Department of Public Instruction.

Parent Signature: _____ Date: _____

Member of EI Team Signature: _____ Date: _____

Opt-Out Conversation Guide (Ages 2.0 – 2.5 Years)

Initial Transition Conversation (around age 2)

- The Early Interventionist begins informal conversations with the family regarding transition once the child turns 2.
- Open-ended questions should be used to explore family priorities, hopes, and concerns, including:
 - What do you see your child doing at age 3?
 - What are your hopes for your child after early intervention services?
 - What setting do you imagine your child being in, and what support might help them succeed?
 - Are there any safety concerns?
 - Is your child currently in a peer or educational setting (EHS, Montessori, daycare)? Do you plan to continue or change settings?
- **Legal alignment:** Per IDEA §303.344(g), transition planning must begin at age 2, ensuring families are informed of options and timelines.

Family Preparation and Support

- Provide families with *Navigating Transition after Early Intervention Services: A Parent and Family Guide to Next Steps* and review worksheets/timelines.
- Offer information about community support, such as:
 - Early Childhood Special Education (Part B) programs
 - Head Start / Home-Based Head Start
 - Private preschools, childcare, or playgroups
 - Parks & Recreation or community organizations
 - Outpatient therapy or health services
 - Family support organizations
- Address family questions or concerns and begin planning a transition outcome in the IFSP by 2 years, 6 months (OSEP Compliance Indicator 8a).
- Transition outcomes must:
 - Be individualized to the child and family,
 - Include specific programs, people, or timelines,
 - Support the child, family, and receiving agency, and
 - Reflect family goals and priorities.

Transition Plan (Ages 2.3 Years – 2.6 Years)

- Between 2 years, 3 months and 2 years, 6 months, the Early Interventionist and/or DDPM convenes an IFSP meeting to add a Transition Plan to the child's IFSP.
- This meeting includes development of transition outcomes and strategies aligned with IDEA §303.344(g) and North Dakota Part C policy.
- Best practice: include the family, DDPM, and EI in the discussion.

Opt-Out Policy Conversation (Ages 2.3 Years – 2.5 Years)

- Between 2 years, 3 months and 10 days before the child's 2.5-year birthday, review the Opt-Out Policy with the family.
- This conversation can occur during an IFSP review, home visit, or separate meeting.

- Best practice: Involve the family, DDPM, and EI to ensure informed decision-making.
- Legal alignment: Families must be informed of the right to opt-out of LEA notification per 34 CFR §303.209(b)(1) & §303.344(g)(2).

Family Decision Process

1. Families have 10 days (or until the child's 2.5-year birthday) to return the Opt-Out form.
2. If no form is returned, the family is considered Opt-In and LEA notification will be sent.

If Family Chooses to Opt Out

1. Parent signs the *Opt-Out of Notification to DPI and LEA Form*, uploaded in Therap.
2. EI documents the decision in the IFSP and transition outcome (OSEP Compliance Indicator 8a).
3. LEA is not notified; EI continues scheduling the 2.7 Transition Meeting with the family, DDPM, and any invited participants.
4. If family later changes their mind (2.6 – 2.11 years):
 - EI assists the family in completing the *Post Opt-Out LEA Contact Form*.
 - Form is sent to LEA and uploaded in Therap.
 - EI assists families with next transition steps and connects them with the local school district.
 - A release of information is required before sharing evaluation/IFSP details.

If Family Chooses to Opt In

1. EI completes and sends the *LEA Notification Form* and LEA Packet of Information to the local school district.
2. Documents are uploaded in Therap.
3. EI reviews the Release of Information with the family to determine what evaluation/IFSP information can be shared:
 - A release is not required for the LEA Notification Form itself.
 - A release is required before attaching or sharing additional documents from the LEA Packet.

If Child is Referred After 2 Years 5 Months and 2 Years 6 Months (When Opt Out Form and LEA Notification are Due)

- If a child is referred to EI services after reaching 2 years, 5 months of age, the Service Coordinator will offer the North Dakota Opt-Out form at the Initial IFSP meeting.
- Families will have 10 days, or no later than 45 days before the child's 3rd birthday (whichever is sooner), to return the completed Opt-Out form.
- If the form is not returned within 10 days, or no later than 45 days before the child's 3rd birthday (whichever is sooner), the LEA notification will be sent to the local LEA.

References / Compliance Alignment:

- **IDEA Part C:** 34 CFR §303.148, §303.209, §303.344, §303.344(g)
- **North Dakota Part C Policies**

- **OSEP Compliance Indicators:** 8a (transition outcome included in IFSP by 2 years 6 months), 8b (LEA notified between 2.5 and 2.7)

2.7 Transition Conference Meeting Guide (Ages 2.6–2.8 Years)

This guide aligns with IDEA Part C (34 CFR §303.148, §303.209, §303.344(g)), North Dakota Part C policies, and OSEP Compliance Indicators 8a, 8b, and 8c.

Prior to the Meeting

1. Scheduling:

- EI schedules the first transition conference with:
 - Family
 - DDPM
 - LEA (if applicable)
 - Early Head Start / Head Start (if applicable)
 - County representatives (if applicable)
 - Childcare providers
 - School for the Blind or Deaf (if applicable)
 - Any other individuals the family wishes to invite

Compliance Reference:

- **OSEP Indicator 8c:** Meeting is compliant if held by the child's 2.9-year birthday.

2. Written Notice Preparation:

- Joint Prior Written Notice if LEA is involved.
- Early Intervention Prior Written Notice if family opts out.
- If LEA Packet documents haven't been sent, attach them with the Joint Prior Written Notice if a release is signed.

Compliance Reference:

- **OSEP Indicator 8b:** LEA notification must be sent and attached in Therap prior to the first transition meeting.

The Meeting

1. EI Coordination:

- PEIP facilitates the 2.7 transition meeting.
- **Purpose:**
 - Share information among family and agencies.
 - Discuss child needs and develop/update activities necessary before eligibility determination for early childhood special education.

2. Family Opt-Out:

- Meeting occurs between IFSP team and identified community partners to review additional support available for the child and family.

3. LEA Involvement:

- Families must sign *Consent for Evaluation*.
- Review the child's current functioning and supporting documentation from early intervention and community partners.
- Determine if additional evaluation is needed or if previous evaluation results can be used.

- Complete Profile and Assessment Plan.
- Schedule a time for the LEA to complete assessments with the child.

Compliance Reference:

- Aligns with **IDEA §303.344(g)** and **ND Part C transition policies**.

Agenda

- 1. Welcome and Introductions**
 - EI introduces all team members.
- 2. Review of Parental Rights**
 - EI/DDPM reviews EI parental rights.
- 3. School Procedural Safeguards**
 - School staff provide and explain procedural safeguards to the family.
- 4. Family Vision and Goals**
 - EI asks open-ended questions:
 - What do you see your child doing at age 3?
 - What are your hopes after early intervention?
 - What setting do you envision, and what supports are needed?
 - Any safety concerns?
 - Current peer/education setting (EHS, daycare)? Plans to continue or change?
- 5. Options Available**
 - Discuss school district services (speech, preschool, etc.) and community options (private preschool, Head Start, outpatient therapy, parks & rec, family support organizations, playgroups, childcare).
- 6. Review Child's Current Functioning**
 - LEA completes the *Student Profile: Evaluation* using IFSP, assessments, and other records with assistance from EI staff and parents.
 - Clarify parents' thoughts and transition goals.
- 7. Develop Assessment Plan (LEA responsible)**
 - Identify additional evaluations needed for eligibility determination.
 - Review existing EI assessments to see if testing can be used.
 - Screening alone does **not** meet evaluation requirements.
 - LEA is responsible for a comprehensive evaluation; EI staff may supplement.
 - Joint assessments may be conducted by EI and LEA staff.
- 8. Redetermination Options**
 - DDPM discusses continuing eligibility options for DD Program Management if parents choose to pursue.
- 9. Schedule Assessment Sessions**
 - LEA schedules times with the family to assess the child
 - EI may attend per family request.
- 10. Schedule 2.9 Transition Meeting**
 - LEA completes *Joint Notice of Meeting* for the 2.9 meeting.
- 11. Provide Family Contact Information**
 - Include school and program contacts, if applicable.
- 12. Signatures**
 - EI obtains signatures on IFSP signature page from all team members.

13. IFSP Review

- EI updates/revises Transition Plan, including services, action steps, and plans for additional assessments.

References for Families:

- *Navigating Transition after Early Intervention Services: A Parent and Family Guide to Next Steps*

Compliance & Legal Alignment

- **IDEA Part C:** 34 CFR §303.148, §303.209, §303.344, §303.344(g)
- **ND Part C Policies**
- **OSEP Compliance Indicators:**
 - **8a:** Transition outcome in IFSP by 2 years 6 months
 - **8b:** LEA notification between 2.5 and 2.7 years
 - **8c:** Transition meeting held by child's 2.9-year birthday

2.9 Transition Meeting Guide Agenda

Prior to the Meeting

1. Family Opted In (to LEA involvement):

- LEA will schedule the 2.9 Transition Meeting with the IFSP team if it was not previously scheduled during the 2.7 Transition Conference.
- LEA sends out the *Joint Notice of Meeting*.

OR

2. Family Opted Out (to LEA involvement):

- EI schedules the meeting with the IFSP team, the family's chosen service provider(s) (e.g., Outpatient Therapy, Head Start), and any additional individuals the family wishes to invite.
- EI creates and distributes the Early Intervention Written Notice.

The Meeting

1. Opt In (Family has opted in to LEA involvement):

- The LEA coordinates and facilitates the meeting, which must be held **by the time the child is 2 years, 9 months** (per ND Part C policy and IDEA §303.344(g)).
- **Purpose of the meeting:**
 - Review and discuss LEA assessment results using North Dakota Special Education Guidelines to determine eligibility for early childhood special education services (IWAR).
 - Review results of continuing Developmental Disabilities Program Management (if selected by the family).
 - Finalize the Transition Plan for the child.
- **Additional details:**
 - Fulfills LEA responsibility to complete the initial assessment within 60 days of parent consent (*IDEA §303.322, ND Policy*).
 - Transition Plan updated to prepare child and family for the upcoming transition.
 - If eligible, IEP meeting must occur within 30 calendar days of eligibility determination.
 - Eligibility determination meeting (2.9) and IEP meeting may be combined or separate.
 - Early intervention staff may participate in IEP development at the parent's invitation.

2. Opt Out (Family has opted out of LEA involvement):

- The EI coordinates and facilitates the 2 year, 9 month meeting. This needs to be held **by the time the child is 2 years, 9 months**.

- The IFSP team conducts an IFSP review to:
 - Update the Transition Plan.
 - Assist the family in identifying and arranging other options to meet the child's and family's needs.
 - Develop activities that support the child's ongoing development at home.

Agenda

1. **Welcome and Introductions**
 - Introduce all team members present.
2. **Review of Parental Rights**
 - EI/DDPM reviews parental rights and *Transition Parent Guide to Special Education* with the family.
3. **Child Progress Update**
 - Share updates on the child's development and progress since the 2.7 transition meeting.
4. **Review of Assessment Results**
 - Team reviews the *Integrated Written Assessment Report (IWAR)* and eligibility assessment results.
 - Per Special Education Unit discretion, team members in attendance sign IWAR signature page after the review.
5. **Eligibility Determination**
 - LEA determines eligibility and, if eligible, identifies the most appropriate disability category.
6. **IEP Development / Next Steps**
 - If eligible, the child's team develops an IEP with goals, adaptations, and services, **or** schedules an IEP meeting within 30 days of eligibility.
 - *Consent for Initial Placement in Special Education* form is signed by parents after IEP is developed.
 - If not eligible, other support options are discussed with the family.
7. **Early Childhood Outcomes**
 - LEA and parents may determine baseline outcomes for the *ND Child Outcomes Summary Form*, completed within **60 days of service start** (OSEP Compliance Indicator 8a).
8. **Transition Supports**
 - Discuss necessary accommodations and strategies (e.g., social stories, classroom visits, gradual introductions) for a smooth transition for the child and family.
9. **Redetermination Options**
 - DDPM provides information/paperwork if parents choose to pursue redetermination.
10. **Signatures**
 - EI obtains signatures on the IFSP signature page from all team members.
11. **IFSP Review**

- EI completes an IFSP review to update and revise the existing Transition Plan, including services, action steps, and any plans for additional assessments.

After the Meeting

1. Continuation of Services

- Early intervention services continue until the child's third birthday (*IDEA §303.344*).

2. Family Transition Support

- The EI works with the family to prepare the child for transition. This may include:
 - Scheduling visits to new settings.
 - Introducing the child and family to new teachers, therapists, or caregivers.
 - Supporting families with enrollment paperwork.
 - The LEA is responsible for setting up the start date for school-based services in accordance with the child's IEP.
 - Helping families talk with their child about what to expect in the new setting.

3. Exit Assessment

- The EI completes the Exit AEPS (Assessment, Evaluation, and Programming System) within 30 days prior to the child's discharge date.

References / Compliance Alignment:

- **IDEA Part C:** 34 CFR §303.148, §303.209, §303.322, §303.344(g)
- **ND Part C Policies**
- **OSEP Compliance Indicators:** 8a (Transition outcome in IFSP by 2 years 6 months), 8b (LEA notification between 2.5 and 2.7 years)

Important Terms

Many terms have different meanings across states and programs. The following, to the maximum degree possible, follow federal definitions.

2 years, 7 months meeting- A meeting that takes place when the child reaches 2 years, 7 months of age. Participants include parents/guardians, the school program (LEA) representative(s), EI, and the service coordinator (DDPM). The purpose of this meeting is to begin to share information about the needs of the child and to formalize the next steps that will be necessary to complete prior to determining eligibility for ECSE services. If parents have opted out, this meeting will still take place with the early interventionist and service coordinator (DDPM).

2 years, 9 months meeting- A meeting will be held when the child reaches this age to discuss the child's eligibility for ECSE services and re-determination for developmental disabilities program management. This meeting is held to meet the LEA responsibility for completing the initial evaluation within 60 calendar days after parents provide consent for evaluation. If parents decide to Opt Out, you will still have this meeting but discuss the child's final transition plan out of EI services and DD Case Management.

Case Manager (Special Education Services): Local school policies and procedures identify the case manager who arranges and convenes IEP meetings, maintains contact with parents, gathers information from team members, and prepares and distributes the finalized document. Typically, a special education provider is assigned case management responsibility. However, other people may fulfill that role including building administrators, counselors, general education personnel, or related services.

Child Find: A component of IDEA that requires the State to have policies and procedures to ensure that all children with disabilities residing in the State who need special education and related services are identified, located, and evaluated.

Civil Rights: The legal protections that ensure all individuals, including parents, have equal access to opportunities, services, and protections without discrimination.

Developmental Disability (DD): A substantially limiting physical or mental impairment that affects basic life activities such as hearing, seeing, speaking, walking, caring for oneself, learning, or working.

Due Process: The legal principle that guarantees fair procedures and protections before the government can deprive an individual of life, liberty, or property.

ECSE: Individualized services to eligible 3–5-year-old children with an identified disability according to North Dakota guidelines. Children receiving services through the program have been identified as meeting criteria in one or more areas of disability. You can learn about the disability categories on the NDDPI website under the Special Education section.

Early Intervention: A collection of services provided by public and private agencies and designed by law to support eligible children and families in enhancing a child's potential for growth and development from birth to age 3. In North Dakota, EI includes Developmental Disabilities Program Management and Infant Development.

Extended School Year (ESY): The delivery of special education and related services provided during the summer vacation or other periods when school is not in session. The purpose of ESY services is to assist a child with a disability in maintaining skills that allow continued placement in the least restrictive environment. The IEP team must consider the need for the Extended School Year annually and must describe those services specifically with goals and objectives. Not all children who qualify for an IEP require an extended school year. Extended school year services must be individually determined by the IEP team.

Free and Appropriate Public Education (FAPE): An Individualized Education Program that is designed to meet the child's unique needs and from which the child receives educational benefit. The special education services must be at no cost to the family.

Head Start: A federal program started in 1965 aimed at providing a comprehensive preschool program for children ages three to five from low-income families. Planned activities are designed to address individual needs and to help children attain their potential in growth and mental and physical development before starting school. Ten percent of enrollment is required for children with disabilities. <http://www.acf.hhs.gov/programs/ohs/>

Health Insurance Portability Accountability Act (HIPAA): Federal law that outlines the confidentiality and protection of medical records.
<http://www.hhs.gov/ocr/privacy/hipaa/understanding/index.html>

High Risk: Means a child who has a diagnosed physical or mental condition and has a high probability of becoming developmentally delayed or who, based on informed clinical opinion and documented by evaluation data, has a high probability of becoming developmentally delayed.

Individuals with Disabilities Education Improvement Act (IDEA, 2004): The federal law that provides the legal authority for EI and special education services for children birth to age 21.

Part B outlines services for children aged 3 to 21. Part C outlines services for children aged birth to age 3. <http://idea.ed.gov/>

Individualized Education Program (IEP): The IEP is the result of a process that is essential to ensure that individuals with disabilities have appropriate educational planning to accommodate a child's unique instructional needs, and that these needs are met in an appropriate learning environment. It is required by the Individuals with Disabilities Education Improvement Act (IDEA) for all children eligible for special education and related services.

Infant Development: The service in North Dakota that employs Primary EI Professionals (PEIP) who are often referred to as home visitors.

IEP Team: The IEP team is made up of the child's parents/legal guardian, special education teacher, a general education teacher, and a representative of the LEA. Other team members may include related service providers, professionals who evaluated the child and others with knowledge or special expertise regarding the child. The members of the team develop the initial IEP and meet annually or as requested by parents to review progress and make necessary changes to the plan.

Individual Family Service Plan (IFSP): The written document that defines the EI services provided to the child (age birth to 3) and family. The program is designed to meet the needs of the child and the family and is based on family-identified priorities.

Joint Prior Notice: An invitation and notice of your child's scheduled transition planning meeting.

Least Restrictive Environment (LRE): The educational setting that allows children with disabilities to learn alongside their peers without disabilities to the greatest extent possible while meeting their individual needs. In North Dakota, placement decisions can look different depending on the availability of community program options for children ages 3-5.

Local Education Agency (LEA): A public school district operating in accordance with statutes, regulations, and policies of the State of North Dakota.

Local Education Agency (LEA) Notification: A document that is sent to the local education agency/local school district by the time the child is 2 years 6 months, unless parents choose to opt out.

Mediation: A voluntary and confidential process in which a neutral third party helps disputing parties reach a mutually agreeable resolution.

Natural Environment: The natural or everyday settings for the child (i.e. home, childcare, parks, etc.).

Non-Categorical Delay (NCD): An eligibility option that may be used when a disability is not clearly identified, but delays are evident when going through the transition process with your LEA. This option may be used for ages three through nine.

North Dakota Department of Health and Human Services (NDDHHS): This agency manages a variety of programs and is responsible for Developmental Disability Services which include Autism Waiver services, Developmental Disabilities provider licensing, Developmental Disability Waiver services, Family Support, and Infant Development services. <https://www.hhs.nd.gov/>

North Dakota Department of Public Instruction (NDDPI): This state agency enforces state statutes and federal regulations related to the establishment and maintenance of public schools and related programs. <https://www.nd.gov/dpi/>

Office of Special Education Programs (OSEP): OSEP is an office in the US Department of Education responsible for the implementation of EI and special services as defined by the Individual's with Disabilities Education Act (IDEA). This office focuses on improving results for infants, toddlers, children and youth with disabilities ages birth through 21 by providing leadership and financial support to assist states and local districts.

Opt Out (Not moving forward with ECSE): Parent right to opt out of having the LEA informed that the child would turn 3 years of age.

Part B/619: A federal grant program that provides supplementary grants to states for preschool programs for children with disabilities ages 3–5. The program's goal is to ensure that all preschool-aged children with disabilities receive free appropriate special education and related services in their least restrictive environment.

Part C of IDEA: The Program for Infants and Toddlers with Disabilities is a federal grant program that IDEA assists states in operating a comprehensive statewide program of EI services for infants and toddlers ages birth–2 with disabilities and their families.

Prior Written Notice of Special Education Act: Prior Written Notice requires the school to send written explanations of any proposed changes in the child's educational plan. Prior Written Notice also requires the school to send a written notice if the school denies a parental request.

Procedural Safeguards: Legal protections under IDEA that ensure the rights of children with disabilities and their families are upheld in the special education process.

Related Services: Transportation and such developmental, corrective, and other supportive services determined by an IEP team as required to assist a student with a disability to benefit from special education. Such services could include speech-language pathology; audiology services; interpreting services; psychological services; physical and occupational therapy; recreation, including therapeutic recreation; early identification and assessment of disabilities in children; counseling services, including rehabilitation counseling; orientation and mobility services; and medical services for diagnostic or evaluation purposes. The term also includes school health services and school nurse services; social work services in schools; and parent counseling and training.

Screening: The process of looking at a child's development to find out if there are any areas of concern. It is used to recommend children for more in-depth evaluation.

Section 504 of the Rehabilitation Act: A federal law that protects the civil rights of individuals with disabilities. This law is closely intertwined with IDEA. Children with disabilities who are not eligible for special education may qualify for accommodation under Section 504.
<https://www.hhs.gov/civil-rights/for-individuals/disability/section-504-rehabilitation-act-of-1973/index.html>

Service Coordination (Developmental Disabilities Program Management): This document refers to Developmental Disabilities Program Managers as Service Coordinators (DDPMS). The purpose of Service Coordination is to provide information, referrals, and support to eligible individuals so they can access needed services and achieve agreed upon, identified outcomes. DD Program Management provides a connection between individuals with disabilities and the system of public-funded and generic services and supports as well as promotes services that meet reasonable standards of quality that lead to outcomes for individuals. The service coordinator (DDPM) has primary responsibility to facilitate the integrated delivery of all services and support the individual receives.

Special Education: Specially designed instruction, at no cost to the parents, to meet the unique needs of a student with a disability.

Special Education Unit: In North Dakota, each public school district is connected to a Special Education Unit that provides oversight of special education services. Each unit has a designated Special Education Director. A current list of each director can be found on the NDDPI website under Special Education.

State Education Agency (SEA): The ND Department of Public Instruction or other agency responsible for the State supervision of public elementary and secondary schools.
<https://www.nd.gov/dpi/>

Transition: The movement from one service, location, or program to another. Young children with disabilities may transition at age 3 from EI to Early Childhood Special Education services. Children may transition at age 5 from ECSE services to a public school or kindergarten program.

State Contacts

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Revision History

| Date of Revision | Page | Revision |
|------------------|----------|--|
| 11/21/2025 | P. 14 | <ul style="list-style-type: none"> • “If a child is referred to EI services after reaching 2 years, 5 months of age, the Service Coordinator will offer the North Dakota Opt-Out form at the Initial IFSP meeting. Families will have 10 days, or no later than 45 days before the child’s 3rd birthday (whichever is sooner), to return the completed Opt-Out form. • If the form is not returned within 10 days or no later than 45 days before the child’s 3rd birthday (whichever is sooner), EI assumes that parents have not opted out, and the LEA notification will be sent to the local school district in accordance with IDEA Part C transition requirements” |
| 11/21/2025 | P. 47 | <ul style="list-style-type: none"> • “Initial IFSP Development <ul style="list-style-type: none"> ○ Service Coordinator will offer the North Dakota Opt-Out form at the Initial IFSP meeting. Families will have 10 days, or no later than 45 days before the child’s 3rd birthday (whichever is sooner), to Opt In or Opt Out of the LEA Notification being sent. “ |
| 11/21/2025 | P. 63-64 | <ul style="list-style-type: none"> • North Dakota Part C Opt Out Policy and Opt Out Form |
| 11/21/2025 | P. 67 | <p>If Child is Referred After 2 Years 5 Months and 2 Years 6 Months (When Opt Out Form and LEA Notification are Due)</p> <ul style="list-style-type: none"> • If a child is referred to EI services after reaching 2 years, 5 months of age, the Service Coordinator will offer the North Dakota Opt-Out form at the Initial IFSP meeting. • Families will have 10 days, or no later than 45 days before the child’s 3rd birthday (whichever is sooner), to return the completed Opt-Out form. • If the form is not returned within 10 days, or no later than 45 days before the child’s 3rd birthday (whichever is sooner), the LEA notification will be sent to the local LEA. |