

**Transition At Age Three – Secs. 614(d)(1)(B); 614(d)(2)(B); 636(a)(3)(e);
637(a)(9)(A)(ii)(II); and 637(a)(9)(C)**
Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004)

STATUTORY COMPARISON

IDEA 1997 P.L. 105-17	IDEA 2004 P.L. 108-446	GUIDANCE
<p>Sec 614 (d)(1)(B) INDIVIDUALIZED EDUCATION PROGRAM TEAM.—The term ‘individualized education program team’ or ‘IEP Team’ means a group of individuals composed of –</p> <ul style="list-style-type: none"> (i) the parents of a child with a disability; (ii) at least one regular education teacher of such child (if the child is, or may be, participating in the regular education environment); (iii) at least one special education teacher, or where appropriate, at least one special education provider of such child; (iv) a representative of the local educational agency who— <ul style="list-style-type: none"> (I) is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities; (II) is knowledgeable about the general curriculum; and (III) is knowledgeable about the availability of resources of the local educational agency; (v) an individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in clauses (ii) through; (vi) at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, 	<p>Sec. 614 (d)(1)(D) INDIVIDUALIZED EDUCATION PROGRAM TEAM.—</p> <p>(D) IEP Team Transition.—In the case of a child who was previously served under part C, an invitation to the initial IEP meeting shall, at the request of the parent, be sent to the part C service coordinator or other representatives of the part C system to assist with the smooth transition of services.</p>	<p>Informational Update 10 <i>“Transition from Part C to Part B and Other Community-based Services,”</i> Developed May 2005</p>

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including related services personnel as appropriate; and (vii) whenever appropriate, the child with a disability.		
<p>§1414(d)(2)(B) REQUIREMENT THAT PROGRAM BE IN EFFECT-</p> <p>(A) IN GENERAL- At the beginning of each school year, each local educational agency, State educational agency, or other State agency, as the case may be, shall have in effect, for each child with a disability in its jurisdiction, an individualized education program, as defined in paragraph (1)(A).</p> <p>(B) PROGRAM FOR CHILD AGED 3 THROUGH 5- In the case of a child with a disability aged 3 through 5 (or, at the discretion of the State educational agency, a 2 year-old child with a disability who will turn age 3 during the school year), an individualized family service plan that contains the material described in section 636, and that is developed in accordance with this section, may serve as the IEP of the child if using that plan as the IEP is—</p> <ul style="list-style-type: none"> (i) consistent with State policy; and (ii) agreed to by the agency and the child’s parents. 	<p>Sec. 614(d)(2)(B) REQUIREMENT THAT PROGRAM BE IN EFFECT-</p> <p>(A) IN GENERAL- At the beginning of each school year, each local educational agency, State educational agency, or other State agency, as the case may be, shall have in effect, for each child with a disability in its jurisdiction, an individualized education program, as defined in paragraph (1)(A).</p> <p>(B) PROGRAM FOR CHILD AGED 3 THROUGH 5 – In the case of a child with a disability aged 3 through 5 (or, at the discretion of the State educational agency, a 2-year-old child with a disability who will turn age 3 during the school year), the IEP Team shall consider the individualized family service plan that contains the material described in section 636, and that is developed in accordance with this section, and the individualized family service plan may serve as the IEP of the child if using that plan as the IEP is –</p> <ul style="list-style-type: none"> (i) consistent with State policy; and (ii) agree to by the agency and the child’s parents. 	
<p>§1436 INDIVIDUALIZED FAMILY SERVICE PLAN.</p> <p>(a) ASSESSMENT AND PROGRAM DEVELOPMENT – A statewide system described in section 633 shall provide, at a</p>	<p>Sec. 636 INDIVIDUALIZED FAMILY SERVICE PLAN.</p> <p>(b) ASSESSMENT AND PROGRAM DEVELOPMENT – A statewide system described in section 633 shall provide, at a</p>	

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<p>minimum, for each infant or toddler with a disability, and the infant's or toddler's family, to receive –</p> <ul style="list-style-type: none"> (1) a multidisciplinary assessment of the unique strengths and needs of the infant or toddler and the identification of services appropriate to meet such needs; (2) a family-directed assessment of the resources, priorities, and concerns of the family and the identification of the supports and services necessary to enhance the family's capacity to meet the developmental needs of the infant or toddler; and (3) a written individualized family service plan developed by a multidisciplinary team, including the parents, as required by subsection (e). 	<p>minimum, for each infant or toddler with a disability, and the infant's or toddler's family, to receive –</p> <ul style="list-style-type: none"> (1) a multidisciplinary assessment of the unique strengths and needs of the infant or toddler and the identification of services appropriate to meet such needs; (2) a family-directed assessment of the resources, priorities, and concerns of the family and the identification of the supports and services necessary to enhance the family's capacity to meet the developmental needs of the infant or toddler; and (3) a written individualized family service plan developed by a multidisciplinary team, including the parents, as required by subsection (e), including a description of the appropriate transition for the infant or toddler. 	
<p>§1437(a)(8) a description of the policies and procedures to be used –</p> <ul style="list-style-type: none"> (A) to ensure a smooth transition for toddlers receiving early intervention services under this part to preschool or other appropriate services, including a description of how – <ul style="list-style-type: none"> (i) the families of such toddlers will be included in the transition plans required by <u>subparagraph (C)</u>; and (ii) the lead agency designated or 	<p>Sec. 637(a)(8) a description of the policies and procedures to be used –</p> <ul style="list-style-type: none"> (A) to ensure a smooth transition for toddlers receiving early intervention services under this part to preschool or other appropriate services, including a description of how – <ul style="list-style-type: none"> (i) the families of such toddlers will be included in the transition plans required by 	

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<p>established under section <u>636(a)(10)</u> will –</p> <p>(I) notify the local educational agency for the area in which such a child resides that the child will shortly reach the age of eligibility for preschool services under <u>part B</u>, as determined in accordance with State law;</p> <p>(II) in the case of a child who may be eligible for such preschool services, with the approval of the family of the child, convene a conference among the lead agency, the family, and the local educational agency at least 90 days (and at the discretion of all such parties, up to 6 months) before the child is eligible for the preschool services, to discuss any such services that the child may receive; and</p> <p>(III) in the case of a child who may not be eligible for such preschool</p>	<p><u>subparagraph (C)</u>; and</p> <p>(iii) the lead agency designated or established under section <u>636(a)(10)</u> will –</p> <p>(I) notify the local educational agency for the area in which such a child resides that the child will shortly reach the age of eligibility for preschool services under <u>part B</u>, as determined in accordance with State law;</p> <p>(II) in the case of a child who may be eligible for such preschool services, with the approval of the family of the child, convene a conference among the lead agency, the family, and the local educational agency at least 90 days and at the discretion of all such parties, not more than 9 months) before the child is eligible for the preschool services, to discuss any such services that the child</p>	

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<p>services, with the approval of the family, make reasonable efforts to convene a conference among the lead agency, the family, and providers of other appropriate services for children who are not eligible for preschool services under <u>part B</u>, to discuss the appropriate services that the child may receive</p> <p>(B) to review the child’s program options for the period from the child’s third birthday through the remainder of the school year; and</p> <p>(C) to establish a transition plan;</p>	<p>(III) may receive; and in the case of a child who may not be eligible for such preschool services, with the approval of the family, make reasonable efforts to convene a conference among the lead agency, the family, and providers of other appropriate services for children who are not eligible for preschool services under <u>part B</u>, to discuss the appropriate services that the child may receive</p> <p>(B)to review the child’s program options for the period from the child’s third birthday through the remainder of the school year; and</p> <p>(C) to establish a transition plan including as appropriate, steps to exit from the program;</p>	