



Division of Special Education/Early Intervention Services

Transition from Part C to Part B and Other Community-Based Services

The reauthorized Individuals with Disabilities Education Act (IDEA) was signed into law on December 3, 2004, by President George W. Bush. The provisions of the Act are effective July 1, 2005 with the exception of some elements of the definition of “highly qualified teacher” that took effect upon the signing of the Act. This is one in a series of documents prepared by the Division of Special Education/Early Intervention Services, Maryland State Department of Education (MSDE), that cover a variety of high-interest topics to support local school systems, local Infants and Toddlers Programs, and other public agencies in preparing to implement the new requirements. This document only addresses the changes in the provisions regarding transition from Part C to Part B and other community-based services that take effect on July 1, 2005. It does not address any changes that may be made in the final federal regulations or potential changes to State statutes or regulations.

1. How have requirements changed for the Individualized Family Service Plan (IFSP) related to planning for transition from Part C to Part B and other community-based services?

IDEA 2004 requires that the IFSP include a description of the appropriate transition services for the infant or toddler [Sec. 636(a)(3)] and includes transition services under the implementation and coordination responsibilities of the service coordinator [Sec. 636 (d)(7)]. The statute also requires that State policies and procedures to ensure a smooth transition for toddlers receiving early intervention services establish a transition plan, including, as appropriate, steps to exit from the program. [Sec. 637(a)(9)(C)]

Under Maryland’s Statewide Policies and Procedures for Transition from Part C to Part B and Other Community-based Services the transition plan consists of the transition outcomes, strategies, and activities included in the IFSP. For each child,

the IFSP must contain transition outcomes which include the steps to be taken to assist the child to exit Part C, and the identification of the services needed to implement the strategies and activities associated with the transition outcomes. [COMAR 13A.13.08A(5)]

2. What is the new timeframe within which the Transition Planning Meeting convened by Part C must take place?

IDEA 2004 changes the timeframe for the Transition Planning Meeting from occurring as early as “up to 6 months” to occurring as early as “up to 9 months” prior to the child’s 3rd birthday. The requirement that the Transition Planning Meeting occur no later than 90 days prior to the 3rd birthday remains unchanged. [Sec. 637(a)(9)(A)(ii)(II)]. Local policies and procedures for transition from Part C to Part B must be revised to reflect this timeline change.

3. What added responsibilities does the IEP Team have for convening the initial IEP team meeting to determine Part B eligibility and develop the initial IEP?

IDEA 2004 requires that in the case of a child 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. [Sec.614(d)(1)(D)] IDEA 2004 also requires that In developing the initial IEP, the IEP Team shall consider the IFSP. In addition, IDEA 2004 indicates that the IFSP may serve as the IEP of the child if using that plan as the IEP is consistent with State policy, and is agreed to by the local school system and the child’s parents. [Sec. 614(d)(2)(B)]

COMAR 13A.05.01.08(A)(2) and Maryland’s Statewide Policies and Procedures for Transition from Part C to Part B and Other Community-based Services require that for children eligible for Part B, the IEP is in effect by the child’s third birthday and, therefore, do not permit the child’s IFSP to serve as the IEP.

For more information, call 410-767-0858

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