Indicator 12 Compliance:

Transition from Early Intervention to Preschool Special Education
Learner Objectives

Define
- Define the requirements of Individuals with Disabilities Education Act Special Education Indicator 12

Identify
- Identify the district’s role(s) in maintaining Indicator 12 compliance

Describe
- Describe the district’s responsibilities surrounding Indicator 12 reporting and compliance

Work through
- Work through scenarios to define compliance and demonstrate implementation
Federal Requirements

SPECIAL EDUCATION INDICATORS

INDICATOR 12-COMPLIANCE INDICATOR

REFLECTED ON YEARLY SPECIAL EDUCATION PROFILE
Why is this important?

- Promote children’s learning
- Detail service delivery options
- Create inter-agency agreements
- Maintain compliance
Role of the district

DISTRICT IS NOTIFIED AT LEAST 90 CALENDAR DAYS PRIOR TO CHILD’S THIRD BIRTHDAY

IF INVITED, DISTRICT MUST ATTEND AND PARTICIPATE IN THE TPC

The Preschool Transition from Part C to Part B Optional Form may be used to document the district’s participation in the TPC and to track important dates.
Transition Planning Conference Timeline

- Early Intervention conducts initial evaluation & holds Individual Family Service Plan meeting
- Transition notification sent to district = invitation to TPC
- Determining Preschool Special Education is shared between Part C and Part B
- Individualized Education Program MUST be developed and implemented on or before 3rd birthday

Interagency Agreements
Transition Planning Conference Timeline

Central Intake refers family to their district of residence.

District has 60 days to complete an evaluation once parent consent is received.

Treated as parent referral and follow mandated timelines.

Individualized Education Program is not required to be developed and implemented on or before 3rd birthday.

- 30 days for parental consent
- 60 days to complete evaluation
- 30 days to reconvene Individualized Education Program Team if child found eligible
- Consent to Individualized Education Program no more than 90 days
Jason’s parents have been noticing some developmental concerns and decide to contact Early Intervention for a referral. Jason is referred to Early Intervention on March 16th, 2020. Jason’s third birthday will occur on May 15th, 2020.

Hint: There are 60 days from referral to Jason’s 3rd birthday.
Knowledge Check

Who must conduct the initial evaluation? Part C

When must district be notified? As soon as possible

Individualized Education Program before third birthday? Yes
Local Education Agency Reporting Responsibilities

- District of Residence reports events to EMIS
- Preschool Transition Conference triggers Indicator 12 calculation
- No disability suspected then do NOT report a special education event.
Part C Referral Date

Part C referral date will be the earliest of the following:

1. If TPC or first notification more than 150 days before 3rd birthday.
   - Part C Referral Date is 150 days before 3rd birthday.

2. If first notification from Part C is within 150 days before 3rd birthday.
   - Part C Referral Date is the date of the first notification from Part C.

3. If TPC is within 150 days before 3rd birthday.
   - Part C Referral Date is the date of the TPC.
Local Education Agency Reporting Responsibilities

Initial Evaluation Team Report confirms disability

Initial Individualized Education Program developed and implemented on or before 3rd birthday

**Implemented** means that the Individualized Education Program has been signed AND all identified services begin on or before the child’s third birthday!

All dates reported should depict what is truly taking place and when it is taking place.
Individualized Education Program Dates
Calculation Used to Determine Compliance

**Calculation**

\# of children found eligible for Part B who have an IEP developed and implemented by their third birthdays

\[ \div \]

Total \# of children found eligible for Part B

<table>
<thead>
<tr>
<th>Step</th>
<th>Description</th>
<th>Data</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A</strong></td>
<td>Total # of Children from Part C who are eligible for Part B services</td>
<td>18</td>
</tr>
<tr>
<td><strong>B</strong></td>
<td>IIEP’s Late</td>
<td>1</td>
</tr>
<tr>
<td>( C = A - B )</td>
<td>IIEP’s On Time</td>
<td>17</td>
</tr>
<tr>
<td>( D = \frac{C}{A} )</td>
<td>Percent Compliant</td>
<td>( \frac{17}{18} = 94.44 % )</td>
</tr>
</tbody>
</table>

Compliance = 100 %
Noncompliance Reason Codes

**UNEXCUSED REASONS**

- **01** No Identified Reason
  - Includes weather related delays
- **02** Staff Not Available
  - Summer Months
- **03** Staff Not Available
  - School Year
- **04** Scheduling conflicts with family
- **** Not Applicable

**EXCUSED REASONS**

- **05** Parental Choice
- **06** Parent Refused Consent
  - (OR repeatedly didn’t show up at scheduled meeting)
- **07** Child’s Health
- **09** District in compliance with due process timelines, but incorrect/missing data reported in EMIS in a prior reporting period

**Remember**: always report true and accurate depictions of events - what is actually happening!
Possible Reasons For Late Individualized Education Program

- Parent delay
- Parent denial of consent
- Alternate start date
- Code 05 Parent Choice
Possible Reasons For Late Individualized Education Program

- Withdraw consent
- Refusal to make child available
- Refuse consent

Code 06 Parent Refused Consent
Possible Reasons For Late Individualized Education Program

- Illness or hospitalization

Code 07 Child’s Health
Common Mistakes

Child found ineligible = no need to report

Family moves after PSTC = New district does not report

Noncompliance code 04 = District faulty for late Individualized Education Program

Noncompliance code 05 = Family responsible for late Individualized Education Program

Data reporting errors = Review/Revise policies and procedures & train staff

Confusion between Part C and Part B responsibilities = Review/Revision of inter-agency agreements
3rd Birthdays During Breaks

- **SUMMER**
- **LEAP YEAR**
- **WEEKENDS**
- **SCHEDULED BREAKS**

Must Consider

Extended School Year Services

Planning ahead to ensure compliance - if Individualized Education Program is late a noncompliance code and PR-01 must be documented
### Scenarios

<table>
<thead>
<tr>
<th>IEP Meeting Date</th>
<th>Last day of school in this year</th>
<th>Extended School Year Provided</th>
<th>Third Birthday</th>
<th>First day of school</th>
<th>Date services begin</th>
<th>Non-compliance code entered</th>
<th>Indicator 12 finding?</th>
</tr>
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<tbody>
<tr>
<td>May 1&lt;sup&gt;st&lt;/sup&gt;</td>
<td>May 28th</td>
<td>No</td>
<td>June 1&lt;sup&gt;st&lt;/sup&gt;</td>
<td>August 1&lt;sup&gt;st&lt;/sup&gt;</td>
<td>August 1&lt;sup&gt;st&lt;/sup&gt;</td>
<td>Yes, 05- Parental Choice- the family, as part of the team, decided to wait and start services when school began and a PR-01 was issued detailing the decision</td>
<td>NoThis scenario would be compliant</td>
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IEP= Individualized Education Program
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<td>August 1&lt;sup&gt;st&lt;/sup&gt;</td>
<td>August 1&lt;sup&gt;st&lt;/sup&gt;</td>
<td>None</td>
<td>Yes</td>
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<tbody>
<tr>
<td>May 1(^{st})</td>
<td>May 28(^{th})</td>
<td>Yes</td>
<td>June 1(^{st})</td>
<td>August 1(^{st})</td>
<td>June 1(^{st})</td>
<td>N/A</td>
<td>No This scenario would be compliant</td>
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<tr>
<td>May 1&lt;sup&gt;st&lt;/sup&gt;</td>
<td>May 28&lt;sup&gt;th&lt;/sup&gt;</td>
<td>Disputed</td>
<td>June 1&lt;sup&gt;st&lt;/sup&gt;</td>
<td>August 1&lt;sup&gt;st&lt;/sup&gt;</td>
<td>The family would like services to begin on June 1&lt;sup&gt;st&lt;/sup&gt; (<em>child’s third birthday</em>) and did not sign the IEP due to the disagreement</td>
<td>No</td>
<td>This situation would involve Dispute Resolution, a case where the family and the district disagree</td>
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<tr>
<td>March 25(^{th})</td>
<td>No</td>
<td>March 29(^{th}) (Sunday)</td>
<td>N/A</td>
<td>March 26(^{th})</td>
<td>N/A</td>
<td>No</td>
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<td>December 21&lt;sup&gt;st&lt;/sup&gt;</td>
<td>N/A</td>
<td>December 24&lt;sup&gt;th&lt;/sup&gt; (Over a holiday break)</td>
<td>N/A</td>
<td>January 2&lt;sup&gt;nd&lt;/sup&gt;</td>
<td>None and no PR-01 documented</td>
<td>✗</td>
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<td>October 14&lt;sup&gt;th&lt;/sup&gt;</td>
<td>N/A</td>
<td>October 16&lt;sup&gt;th&lt;/sup&gt;</td>
<td>N/A</td>
<td>October 20&lt;sup&gt;th&lt;/sup&gt;</td>
<td>Yes, 03 Staff not available - school year PR-01 documented to state the SLP was out sick until the 20&lt;sup&gt;th&lt;/sup&gt;</td>
<td>X</td>
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<td>No</td>
<td>June 8&lt;sup&gt;th&lt;/sup&gt;</td>
<td>August 17&lt;sup&gt;th&lt;/sup&gt;</td>
<td>August 17&lt;sup&gt;th&lt;/sup&gt;</td>
<td>Yes, 02 Staff not available during the summer months, but the PR-01 documented that the family wanted to wait until school began to start services</td>
<td>X</td>
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IEP= Individualized Education Program
Now you should be able to:

- **Define**: Define the requirements of Individuals with Disabilities Education Act Special Education Indicator 12
- **Identify**: Identify the district’s role(s) in maintaining Indicator 12 compliance
- **Describe**: Describe the district’s responsibilities surrounding Indicator 12 reporting and compliance
- **Work through**: Work through scenarios to define compliance and demonstrate implementation
Questions?

For questions and more information please contact:
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Sarah.Coxson@education.ohio.gov
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