

Title Slide:

Indicator 12 Compliance: Transition from Early Intervention to Preschool Special Education

Title Slide 1:

Hello, welcome to the Indicator 12 Compliance for LEA's Overview Presentation.

Slide 2 Learner Objectives:

This presentation provides a detailed overview of the requirements, roles, and responsibilities of the school district surrounding Indicator 12 compliance.

At the end of this presentation, the learner will be able to:

Define the requirements of IDEA Special Education Indicator 12, identify the district's role(s) in maintaining Indicator 12 compliance, describe the district's responsibilities surrounding Indicator 12 reporting and compliance and finally, work through scenarios to define compliance and demonstrate implementation.

Slide 3 Federal Requirements:

The Individuals with Disabilities Education Improvement Act of 2004 (IDEA) established a series of special education indicators to measure services and outcomes for students with disabilities. The Ohio Department of Education works with stakeholders to establish annual targets, or goals, for these indicators.

Indicator 12, one of the compliance indicators, measures the percentage of children referred by IDEA Part C (Early Intervention) who are found eligible for Part B (Preschool Special Education Services) and who have IEPs developed and implemented by their third birthdays. IDEA requires that 100 % of the children enrolled in Part C (Early Intervention) and found eligible for Part B (Preschool Special Education), have Part B services in place and implemented by each child's third birthday.

Every year, districts receive a Special Education Profile that details progress over time in meeting goals for students with disabilities. The design of the Special Education Profile helps districts use data about the academic growth of groups of students to keep improving their special education programs.

Slide 4 Why is this important?:

Why is this important?

We want to ensure that children receive the services they need to promote their learning and development, to ensure families gain an understanding of the different service delivery systems and their options in a compassionate and meaningful way, to make sure transition agreements are in place between Part C and Part B, and to ensure, reach and maintain 100% compliance with SPP/APR Indicator 12.

Slide 5 Role of the district:

Role of the school district during the transition

In accordance with IDEA Part C, the Early Intervention provider must identify (with parent consent), to the district in which the child resides, this is the district of residence (DOR), that there is a child receiving Early Intervention services who will reach the age of eligibility for preschool special education services AND may be eligible for those preschool special education services. This must take place at least 90 calendar days prior to the child's third birthday.

If invited by a representative of the Part C system, a school district representative is required to attend a conference to discuss the child's transition from Early Intervention services to preschool special education services. This conference is called the transition conference or the transition planning conference.

The school district cannot delay or refuse participation in that transition conference because of residency disputes or the absence of a birth certificate. If necessary, the school district may use the 30 days following the transition conference to confirm residency and gather other enrollment documentation, or document attempts to gather such evidence. The school district must document participation in the transition conference. The Preschool Transition Conference Optional Form could be used by a district to document their participation.

Slide 6 Transition Planning Conference Timeline:

Let's examine some scenarios when a child is referred to Early Intervention when there are ninety days or less before that child's third birthday and what the school district's required responsibilities entail.

Scenario 1:

A child is referred to Part C Early Intervention between 46-90 days before their third birthday. Early Intervention is responsible for conducting the initial Part C evaluation, assessment, and holding the initial Individualized Family Service Plan (IFSP) meeting.

If the child is determined eligible for Part C services, then Part C must provide the first transition notification, first notification is defined as ***the date the district receives the invitation to the Transition Planning Conference (TPC)***, as soon as possible to the district of residence.

The assessment and evaluation process for determining eligibility for preschool special education services would be a shared responsibility between Part C and Part B. Many districts have outlined this process within their interagency agreements.

It is important to note that in this scenario, an IEP is required, by the district, to be developed and implemented by the child's third birthday. This scenario would have implications for the Indicator 12 compliance timeline.

If the family does not wish to have the district attend the PSTC and does not consent to a PSTC to be held, the district is not responsible for having the IEP developed and implemented by the child's third birthday.

Slide 7 Transition Planning Conference Timeline:

Scenario 2:

In this scenario, a child is referred to Part C Early Intervention less than 45 days before their third birthday or the transition planning conference occurs 45 days or less before the child's third birthday. Central Intake and/or Part C would refer the child and their family directly to the district of residence under Child Find.

The district must have an evaluation completed within sixty days of parental consent for evaluation for a child suspected of having a disability.

The required timelines for completing an IEP are as follows:

- From the date of referral, an LEA has 30 days to obtain parental consent for an evaluation or provide prior written notice (PR-01).
- Once parental consent is obtained (PR-05), the LEA has 60 days to complete an evaluation if a disability is suspected
- Within 30 days of completing the evaluation, the IEP team is to be convened if the child was found eligible. The IEP is completed no more than 90 days after parental consent.
- After the IEP is complete, the LEA is to provide the IEP to the family and staff.

It is important to note that in this scenario, an IEP is NOT required, by the district, to be developed and implemented by the child's third birthday. This is treated as a parent referral and would follow the appropriate mandated timelines. This scenario would not have implications for the Indicator 12 compliance timeline.

Slide 8 Knowledge Check:

Let's pause for a knowledge check. Please read through the following scenario to determine the district's responsibility for IEP development and implementation as it pertains to Indicator 12 compliance.

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.

Slide 9 Knowledge Check:

Who must conduct the initial evaluation?

If you said Part C, you are correct. Because Jason was referred to Early Intervention 60 days before his third birthday, Part C must conduct the initial evaluation, assessment and IFSP meeting.

Jason was determined eligible for Part C Early Intervention Services. When must the first transition notification be sent to the district?

If you said immediately or as soon as possible, you are correct. This will ensure the district has ample time to develop and implement the IEP.

Does the district need to develop and implement the IEP on or before Jason's third birthday?

If you answered yes, you are correct. Because the referral to Early Intervention was 46-90 days before the child's third birthday, the district, if suspects a disability, must have an IEP developed and implemented on or before May 15th, 2020 (the child's third birthday).

Slide 10 LEA Reporting Responsibilities:

Now let's discuss the district's responsibilities when it comes to reporting data that will impact Indicator 12 compliance.

The Legal District of Residence (DOR) is to report the events that occur when a child is transitioning from Part C to Part B into EMIS. The dates of these reported events are what are used to calculate compliance with Indicator 12.

The Preschool Transition Conference (PSTC) date is the first event which triggers the Indicator 12 calculation.

If the district does not suspect the child has a disability, then the family is informed and provided with a prior written notice form (PR-01). While a special education event is not reported to EMIS for these students, the District is required to report the total number of students who had a PSTC and a disability is not suspected.

Slide 11 Part C Referral Date:

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

- if the transition planning conference or notification from Part C occurs more than 150 days prior to the child's third birthday, then the Part C referral date will be 150 days prior to the child's third birthday; or
- if the first notification from Part C is within 150 days prior to the child's third birthday, then the Part C referral date will be the date the Part C representative first notifies the school district about the child; or
- if the transition planning conference occurs within 150 days prior to the child's third birthday, then the Part C referral date will be the date of the transition planning conference.

Again, first notification is defined as *the date the district receives the invitation to the Transition Planning Conference (TPC)*.

Determining the earliest of these events allows for the evaluation team to collect current assessment data closer to the child's third birthday. For a more detailed look at the process and how to decide what date will be the Part C referral, please see the Preschool Universal Support materials, ETR Part 1: Evaluation Team Report.

Slide 12 LEA Reporting Responsibilities:

If the initial Evaluation Team Report (ETR) confirms a disability, then an IEP must be developed and implemented on or before a child's third birthday for those children transitioning from Part C to Part B. The child would be included in the calculation for Indicator 12 compliance.

The initial Individualized Education Program (IEP) must be developed and implemented on or before a child's third birthday.

Slide 13 Individual Education Program Dates:

Please be aware that "implemented" means that the IEP is signed and all identified services begin before or on the child's third birthday unless an alternative start date is documented with a noncompliance reason code and PR-01.

The IEP Time Lines section on the cover page of the IEP is where dates are recorded to document events. Let's discuss what some of these dates mean and their alignment with Indicator 12.

Indicator 12 was previously calculated using the IEP meeting date but will now be calculated using the IEP effective date (i.e., IEP outcome begin date in EMIS). Districts need to report a noncompliance code if the IEP effective date occurs after the child's third birthday, even if the IEP meeting took place before the child's third birthday.

The Meeting Date is the date in which the IEP meeting was held. Just because the meeting was held to discuss the contents of the IEP with the family, DOES NOT mean that IEP is considered Implemented. The meeting date can be the same date as the IEP Effective Start date only if identified services begin on this date.

The IEP Time Lines section includes IEP Effective Dates. The "Start" line is where the date of implementation should be recorded. Remember, this is the date that all identified services begin.

It should be noted that the Effective Start Date is the date EMIS will use to determine compliance with Indicator 12.

Although EMIS uses the term "Outcome Begin Date", it is synonymous with the programmatic term of the IEP Effective Start Date that the district is more familiar.

Essentially, the IEP Effective Start Date, the IEP implementation date and the IEP Outcome Begin Date all mean the same thing, the date services first begin.

Slide 14 Calculation Used to Determine Compliance:

This graphic shows us the calculation used by EMIS to determine a district's compliance with Indicator 12 timelines. This information can be found on the district's Special Education Profile.

The legal district of residence (DOR) is responsible for reporting the transition events into the EMIS reporting system.

Step A shows us the total number of children who transitioned from Part C services and were found eligible for Part B services.

Step B shows us the total number of late IEP's, that is, those IEP's that were developed and implemented after the child's third birthday.

Step C shows us the total number of IEP's that were on time, that is, those IEP's that were developed and implemented on or before the child's third birthday.

Step D shows us the percentage of IEP's that were compliant. The IEP's developed on time divided by the total number of children found eligible for Part B services.

Remember that IDEA requires 100 percent compliance for this Indicator.

Slide 15 Noncompliance Reason Codes:

If an IEP is not implemented on or before a child's third birthday for any child transitioning from Part C Early Intervention to Part B Preschool Special Education, then the district must enter a noncompliance reason code into the EMIS system.

The district should also complete Prior Written Notice (PR-01) documenting the reason why the IEP is late.

The use of the noncompliance code is the districts reasoning as to why the IEP was implemented late. The use of the code should be a true reflection of what is occurring. Please be aware that some of the noncompliance codes are deemed acceptable and some, although may be accurately reflecting the situation, will result in an Indicator 12 finding.

Noncompliance codes 05, 06, & 07 are acceptable noncompliance reason codes that, in accompaniment with a PR-01, are deemed as excused reasons and would not result in a finding for Indicator 12.

It is important to once again note that the noncompliance code the district enters into the EMIS system should be an accurate reflection of what is truly taking place and should depict the situation of why the IEP was developed and implemented late.

Slide 16 Possible Reasons for Late Individualized Education Program:

Let's take a closer look at the different acceptable noncompliance codes and some scenarios that would result in a late IEP (after the child's third birthday).

If a parent is choosing to delay or deny an evaluation or meeting and may have scheduling conflicts of their own despite repeated and documented attempts by the district to engage the family, then this scenario would best be represented with a noncompliance code of 05- parent choice.

If a parent wishes to begin the IEP services on an alternate start date (after the child's third birthday), then this scenario would best be represented with a noncompliance code of 05- parent choice.

Slide 17 Possible Reasons for Late Individualized Education Program:

If a parent withdraws his or her consent or the child moves during the transition process, then this scenario would best be represented with a noncompliance code of 06- parent refused consent.

If a parent repeatedly continues to make the child unavailable during the transition process or refuses to make the child available, then this scenario would best be represented with a noncompliance code of 06- parent refused consent.

If a parent refuses to provide consent which results in delays in evaluations or initial services, then this scenario would best be represented with a noncompliance code of 06- parent refused consent.

Slide 18 Possible Reasons for Late Individualized Education Program:

If a parent must delay the evaluation process or initial services due to a child's illness or health concerns (hospitalization), then this scenario would best be represented with a noncompliance code of 07- child's health.

Please be aware that although codes 05, 06 and 07 are acceptable noncompliance codes, they should always be accompanied with a PR-01 documenting the decision and reason for the late IEP.

All other noncompliance codes, although may be accurately reflecting the situation, are deemed non-acceptable and will result in an Indicator 12 finding.

Slide 19 Common Mistakes:

In order to remain compliant with Indicator 12 and to accurately reflect a situation, let's look at some common reporting mistakes and solutions.

If a child is determined initially ineligible and the ineligibility is determined prior to the child's third birthday, then there is no need to report. There must be a PR-01 associated with this decision. It is not necessary to report a noncompliance code, ETR completion date, or PSTC date.

If the district does not suspect the child has a disability, then the family is informed and provided with a prior written notice form (PR-01). While a special education event is not reported to EMIS for these students, the District is required to report the total number of students who had a PSTC and a disability is not suspected.

Similarly, if a family has moved, and a transition conference was held in another district, the new district DOES NOT report the transition conference date.

Another common mistake is the confusion between using noncompliance codes 04, scheduling conflicts with family, and noncompliance code 05, parent choice.

Noncompliance code 04- Scheduling Conflicts with Family- is deemed non-acceptable and will result in an Indicator 12 finding as this is on the district's end and should not fault the family if the district has problems with scheduling and or finding appropriate staff.

Noncompliance code 05- Parent choice- is an acceptable noncompliance code and should be used if the family is choosing to delay or deny an evaluation or meeting and may have scheduling conflicts of their own despite repeated and documented attempts by the district. If the family wishes to begin the IEP services on an alternate start date (after the child's third birthday) this would be reflected with a PR-01 and the excused code of 05.

A district may not have a solid internal review process for data entry into EMIS due to staff turnovers, lack of staff training, and/or inaccurate data forms which do not reflect the actual events and therefore were not flagged by the EMIS coordinators. This common mistake can be solved when district's review their policies and procedures and ensure accurate training is provided to all staff who are a part of Part C to Part B transitions.

Another common mistake can occur when a child is referred to Early Intervention within 46-90 days prior to the child's third birthday. The responsibilities between Part C Early Intervention and the district may get confused. Districts need to review and or revise their inter-agency agreements to ensure smooth and effective transitions for those children who will be leaving Part C Early Intervention and entering Part B preschool special education as a child with a disability.

Slide 20 3rd Birthdays During Breaks:

We have discussed the districts responsibilities when it comes to Federal requirements, roles during transition and reporting data. Now let's look at those children who have a third birthday that occurs during the summer months or when a district is not in session.

If a child's third birthday occurs during the summer, the IEP team must consider the date when services under the IEP will begin 34 CFR §300.101(b)(2). If a child's third birthday occurs when school is not in session, the team should consider beginning services on/before the break. The IEP team must determine if extended school year (ESY) Services are necessary for the provision of FAPE to the child 34 CFR §300.106. If the child does not need ESY Services, the date of initiation of services (effective start date) must begin on or before the child's third

birthday unless an alternative start date is agreed by the family of the child and is documented with a PR-01 and non-compliance code to indicate parental choice and reflect the situation.

Planning for instances such as weekend birthdays, leap year birthdays, and birthdays during breaks or holidays should be considered as the IEP Outcome Beginning Date (effective start date) occurring after the third birthday is considered late and requires the use of a non-compliance code and PR-01 documenting the reason for lateness.

Slide 21 Scenarios:

Let's look at some scenarios and determine what must be done in each and if any will result in a finding of noncompliance for Indicator 12.

The IEP meeting date is held on May 1st. The last day of school is May 28th. The team decided there will be no extended school year services provided. The child's third birthday is June 1st. The first day of school begins on August 1st. August 1st is also when the services begin for this child. A PR-01 was issued to the family documenting their choice to delay services until school resumes in August. A noncompliance code of 05 was entered in EMIS indicating parental choice.

This scenario would result in no finding because although the services begin after the child's third birthday, the parents made this choice to delay services until the start of school which was then documented with the acceptable and correct code of 05- parent choice and a PR-01.

Slide 21:

The IEP meeting date is held on May 1st. The last day of school is May 28th. The team decided there will be no extended school year services provided. The child's third birthday is June 1st. The first day of school begins on August 1st. August 1st is also when the services begin for this child. There were no noncompliance codes entered into EMIS and no record of a PR-01 issued.

This scenario would result in a finding as the date services begin are after the child's third birthday and there's no recorded noncompliance code or PR-01 indicating an alternative start date.

Slide 22:

The IEP meeting date is held on May 1st. The last day of school is May 28th. It is determined by the IEP team that extended school year services will be provided starting on the child's third birthday, June 1st. The child's third birthday is June 1st. The first day of school begins on August 1st. Services for this child begin on June 1st.

This scenario is compliant because the services began on or before the child's third birthday as ESY was determined to be necessary.

Slide 23:

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The IEP meeting date is held on May 1st. The last day of school is May 28th. The district team has determined ESY services are not necessary and the family does not agree to this decision. The child's third birthday is June 1st. The first day of school begins on August 1st. The family would like these services to begin on June 1st, the child's third birthday, even though ESY was not determined to be necessary by the district team. The family did not sign the IEP or agree to the decision due to the disagreement. There was no noncompliance code entered into EMIS.

If the IEP was not signed and consent was not given, the family has the option to contact Dispute Resolution to work through the disagreement.

Slide 24:

The IEP meeting date is held on March 25th. Extended school year services were determined not to be necessary by the IEP team. The child's third birthday falls on a weekend date, March 29th. The date the services begin is March 26th.

The services begin before the child's third birthday. This is acceptable as the child's third birthday falls on a weekend (Sunday) and the district would be non-compliant if they waited until Monday to begin. (Unless a documented code and PR-01 was given that was acceptable).

Slide 25:

What do you think? Would the following scenarios be found non-compliant?

Let's try some more.

The IEP meeting date is December 21st. The child's third birthday is on December 24th which is over a holiday break for the district. The services begin when the scheduled break is over on January 2nd. There is no noncompliance code entered into EMIS and no PR-01 is documented.

Answer- Yes. The child's birthday was December 24th (over a holiday) and the services started after that date (January 2nd). There was no evidence of a non-compliance code or PR-01 to document any alternate start dates decided upon by the IEP team. This scenario would result in an Indicator 12 finding.

Slide 26:

What do you think?

The IEP meeting date for this child is held on October 14th. The child's third birthday is on October 16th. The services begin on October 20th. A noncompliance code of 03- staff not

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available school year was entered into EMIS. The PR-01 that was documented stated that the speech language pathologist was out sick until October 20th.

Answer- Yes, this would elicit an Indicator 12 finding. The IEP was implemented after the child's third birthday (The third birthday was the 16th and services began on the 20th) and the reason, although documented, was not acceptable. Just because a staff member is sick or unavailable, does not excuse late services. This scenario would result in an Indicator 12 finding.

Slide 27:

What do you think?

The IEP meeting date for this child was held on May 27th. Extended school year services were determined by the IEP team to not be necessary. The child turned three on June 8th. The first day of school begins August 17th. August 17th is also the date that the services will begin for this child. The PR-01 that was produced stated that the family elected to wait until the start of the school year to begin services and a noncompliance code of 05, parental choice, was cited on the prior written notice. However, a noncompliance code of 02- staff not available summer was entered in EMIS.

Answer- Yes, this scenario would result in an Indicator 12 finding. The IEP was implemented after the child's third birthday and a non-acceptable noncompliance code was entered in EMIS. The PR-01 documented noncompliance code 05, parental choice, but the code of 02- staff not available during summer months was entered. This is a data reporting error and this scenario would result in an Indicator 12 finding. The wrong code was used to document an acceptable situation. This scenario is one where there may be a lack of an internal review process for data entry into EMIS.

Slide 28:

Now that you have assessed some example scenarios involving Indicator 12 reporting and compliance, you should be able to Define the requirements of IDEA Special Education Indicator 12, identify the district's role(s) in maintaining Indicator 12 compliance, describe the district's responsibilities surrounding Indicator 12 reporting and compliance and finally, work through scenarios to define compliance and demonstrate implementation.

Slide 29 Contact Information:

For questions and more information please contact:

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