

EXTENDED EARLY INTERVENTION OPTION POLICY

Early Intervention for ME



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I. PURPOSE AND STATE ELECTION UNDER 34 CFR § 303.211

1.1 Pursuant to 34 CFR § 303.211, the State of Maine elects to include in its Part C application a policy, jointly developed and implemented by Early Intervention for ME and Part B 619, and overseen by the Maine Department of Education, the state's Lead Agency and State Educational Agency (SEA), that allows a parent of a child with a disability, who is eligible for special education under Part B of the Individuals with Disabilities Education Act (IDEA) and who previously received early intervention services under Part C, to choose to continue receiving early intervention services under Part C after the child turns three years of age.

1.2 The State has selected the option described in 34 CFR §303.211(a)(2)(ii): from age three until the beginning of the school year following the child's fourth birthday, provided the child has not entered and is not eligible to enter kindergarten.

1.3 In no case shall services under the Extended Early Intervention Option be provided beyond the age at which the child enters, or is eligible under State law to enter, kindergarten or elementary school.

1.4 The Extended Early Intervention Option:

- a. Is voluntary and requires informed written parental consent;
- b. Is available only after eligibility under Part B has been determined;
- c. Allows continuation of services under Part C; and
- d. Does not delay or deny the child's right to receive a free appropriate public education (FAPE) under Part B if the parent declines or revokes Extended Early Intervention.

1.5 During the period a child receives services under an Extended IFSP, the child remains a Part C participant and is not entitled to implementation of IEP services under Part B.

II. AUTHORITY

This policy is implemented consistent with:

- 34 CFR §§ 303.209 and 303.211
- 34 CFR §§ 303.342, 303.343, and 303.344
- 34 CFR §§ 303.400–303.449
- 34 CFR §§ 300.323, 300.324, and 300.503
- IDEA Part C and Part B
- 05-071 Chapter 101, Maine Unified Special Education Regulation:
 - Section IV: RESPONSIBILITY FOR CHILDFIND, EARLY INTERVENTION AND SPECIAL EDUCATION SERVICES,
 - Section V: EVALUATIONS AND REEVALUATIONS FOR CHILDREN 3-22,

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- o Section VI: INDIVIDUALIZED PLAN TEAM MEMBERSHIP
- o Section VII: ELIGIBILITY CRITERIA DEFINED AND PROCEDURES FOR DETERMINATION
- o Section IX: INDIVIDUALIZED PLANS
- o Section X: EARLY INTERVENTION / SPECIAL EDUCATION SERVICES AND SETTINGS

III. DEFINITIONS

3.1 Early Intervention for ME (EI4ME) – The state organization, overseen by the Maine Department of Education, responsible for the provision of Part C services under the IDEA.

3.2 Extended Early Intervention Option – The voluntary option under 34 CFR § 303.211 permitting continuation of Part C services after age three following Part B eligibility determination.

3.3 Extended IFSP – An Individual Family Service Plan (IFSP) implemented under § 303.211 that includes an educational component promoting school readiness and incorporates preliteracy, language, and numeracy skills.

3.4 Beginning of the School Year Following the Child’s Fourth Birthday – The first instructional day of the academic year, as established by the LEA’s or SIEU’s publicly adopted calendar, beginning after the child turns four.

3.5 Informed Written Consent – Written, voluntary agreement by a parent who has been fully informed about an activity (such as evaluation, services, or release of records) consistent with 34 CFR §303.7, 34 CFR §303.420, and 34 CFR §300.9.

3.6 Instructional Day - Any school day when planned educational instruction is provided to students as part of their educational program.

3.7 Procedural Safeguards – Part C safeguards apply while the child receives services under an Extended IFSP; Part B safeguards apply upon initiation of IEP services.

3.8 Service Coordinator - An individual responsible for coordinating all services required under Early Intervention and serves as the single point of contact for carrying out the activities described in this section.

IV. ELIGIBILITY FOR THE EXTENDED EARLY INTERVENTION OPTION

4.1 The Extended Early Intervention Option under 34 CFR §303.211 is available only to children who:

1. Have been determined eligible for Part B services;

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2. Have not yet reached the beginning of the school year following the child's fourth birthday (as selected by the State under §303.211(a)(2)(ii)); and
3. Are not eligible for kindergarten under State law.

4.2 Services may continue only until the day before the first instructional day of the beginning of the school year following the child's fourth birthday.

4.3 Kindergarten Eligibility

- a. For purposes of this policy, a child who is eligible to enroll in kindergarten is not eligible to continue receiving services under the Extended Early Intervention Option.

4.5 Transition to Part B

Beginning on the first instructional day of the school year after the child turns four—and no later than the year the child becomes eligible for kindergarten—the LEA must make FAPE available under Part B in accordance with 34 CFR §§300.101 and 300.323.

V. TRANSITION PROCEDURES PRIOR TO THE THIRD BIRTHDAY

5.1 Continuity of Services

Early intervention services shall continue without interruption until:

- a. The LEA determines eligibility under Part B; and
- b. The parent makes an informed written election to initiate Part B services or continue under an Extended IFSP, after being provided information about the differences between Part C and Part B, consistent with § 303.211(b)(1)(ii) and 34 C.F.R. § 300.323(b)(2)(i).

5.2 Transition Conference

A transition conference shall occur not fewer than 90 days—and not more than 9 months—before the third birthday, consistent with 34 CFR § 303.209.

At the transition conference, the parent shall receive:

- a. An explanation of the option to continue under Part C or receive services under Part B; and
- b. The initial annual written notice described under Section VI of this policy.

5.3 SEA/LEA or SIEU Transition Notification

Notification shall occur at age 2 years, 6 months, consistent with 34 CFR § 303.209(b).

5.4 Part B Eligibility Determination and IEP Development

- a. Eligibility shall be determined prior to the third birthday.
- b. An IEP shall be developed prior to the third birthday.

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- c. The IEP shall be ready for timely implementation upon parental election of Part B.
- d. Implementation shall occur only if the parent elects Part B services.

5.5 Parental Election

Parents must provide informed written consent to:

- a. Continue under an Extended IFSP consistent with 34 C.F.R. § 300.323(b)(2); or
- b. Initiate services under the IEP.

Declining Extended Early Intervention shall not delay or deny FAPE.

VI. ANNUAL NOTICE REQUIREMENTS

6.1 EI4ME shall provide an annual written notice to parents of eligible children consistent with 34 CFR § 303.211(b)(1).

6.2 The notice shall include:

- a. A description of the right to elect continuation under Part C or receive services under Part B;
- b. An explanation of the differences between Part C and Part B services, including:
 - i. Types and locations of services;
 - ii. Applicable procedural safeguards;
 - iii. Potential costs or fees, if any, consistent with §§ 303.520 and 303.521;
- c. A statement that parents may elect Part B services at any time.

VII. EXTENDED IFSP REQUIREMENTS

If the parent elects continuation of early intervention when their child turns three:

- a. Parental consent to continue early intervention services shall be obtained, consistent with 34 CFR §§ 303.342(e) and 303.420(a)(3).
- b. Written notice shall be provided by Part C;
- c. The child remains under Part C procedural safeguards, consistent with 34 CFR § 303.211(b)(1)(ii);
- d. The IFSP shall include, consistent with 34 CFR §§303.344(d) and 303.211(b)(2), services that incorporate preliteracy, language, and numeracy skills
- e. The LEA is not required to implement IEP services during this period, consistent with 34 CFR§ 303.211(e).

VIII. TRANSITION REQUIREMENTS FOR CHILDREN AGE THREE AND OLDER

(34 CFR § 303.211(b)(6)(ii))

For children continuing under the Extended Early Intervention Option:

8.1 Not fewer than 90 days before eligibility ends:

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- a. The IFSP shall contain a transition plan addressing movement to Part B or other appropriate services;
- b. The SEA and LEA or SIEU shall receive required notification;
- c. With parental approval, a Transition Conference shall be convened;
- d. The IEP shall be ready to implement on the first instructional day of the beginning of the school year following the child's fourth birthday.

8.2 If Part B services are elected, the IEP shall be implemented no later than the beginning of the school year following the fourth birthday.

IX. TERMINATION OF THE EXTENDED OPTION

9.1 A parent may terminate Extended Early Intervention at any time, which will be documented by the Service Coordinator through written notice.

9.2 Upon termination of Extended Early Intervention:

- a. Redetermination of eligibility for early childhood special education is not required;
- b. An IEP meeting must be convened as soon as possible after the parent informs Early Intervention for ME that they would like to terminate Extended Early Intervention;
- c. During this meeting, the IEP team will consider the current IFSP and the IEP that was written prior to the child's third birthday to inform development of the IEP that will be implemented when the child transitions into early childhood special education 34 C.F.R. § 300.323(b)(1);
- d. The LEA shall implement the finalized IEP within 30 calendar days, or at the beginning of the school year following the child's fourth birthday if the family elects to transition to early childhood special education during the summer when school is not in session;
- e. Early intervention services shall continue without interruption until the IEP is implemented or the statutory endpoint is reached, consistent with 34 CFR §303.211(b)(4).

9.3 Timing of Termination of the Extended Early Intervention Option

- a. A parent may elect to terminate participation in the Extended Early Intervention Option and implement the child's finalized IEP at any time, consistent with 34 C.F.R. § 300.211(b)(3).
- b. Participation in the Extended Early Intervention Option must end no later than the day before the beginning of the school year following the child's fourth birthday, consistent with the State-selected age range under 34 CFR §303.211.
- c. The Extended Early Intervention Option is not available to children who are age-eligible for kindergarten under Maine law, regardless of whether the parent chooses to enroll the child in kindergarten.

X. PROCEDURAL SAFEGUARDS

- 10.1 Part C procedural safeguards apply during the Extended IFSP period.
- 10.2 Part B safeguards apply upon initiation of IEP services.
- 10.3 Eligibility determinations under Part B, including disputes regarding such determinations, are subject to the procedural safeguards and dispute resolution procedures under Part B (34 CFR §§300.500–300.536).
- 10.4 If a parent elects to initiate services under Part B and the child begins receiving FAPE under an IEP, the child may not subsequently return to the Extended Early Intervention Option under Part C.

XI. DATA REPORTING

- 13.1 Consistent with 34 CFR §§303.205, 303.211(c), and 303.501, the State shall report in its annual Part C report under §303.124:
- a. The number of children with disabilities eligible for services under Section 619 of the Act; and
 - b. The number and percentage of those children whose parents elect to continue receiving early intervention services under the Extended Early Intervention Option.

XII. FUNDING ASSURANCE UNDER 34 CFR § 303.211(d)

- 10.1 The State shall identify and utilize Federal, State, and local funds to ensure services under the Extended Early Intervention Option are available to eligible children and families who elect continuation at no cost to the family, consistent with the state’s System of Payments policy, 34 CFR §§303.520 and 303.521.
- 10.2 Funding sources may include:
- IDEA Part C funds;
 - Medicaid/MaineCare;
 - Private Insurance;
 - State appropriations;
- 10.3 Part C funds remain payer of last resort consistent with §303.510.
- 10.4 The State’s System of Payments provisions regarding public insurance, private insurance, and family fees apply to services provided under this option to the same extent as they apply to other Part C services.

XIII. RULES OF CONSTRUCTION

The LEA is not required to provide IEP services while a child receives services under an Extended IFSP, consistent with 34 CFR § 303.211(e).