

OPT OUT OF TRANSITION NOTIFICATION POLICY

Early Intervention for ME

IDEA Part C Early Intervention and
IDEA Part B Section 619 Early Childhood Special Education



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I. PURPOSE

This policy establishes procedures for informing parents of the State's requirement to notify the State Educational Agency (SEA) and the Local Education Agency (LEA) or State Intermediate Educational Unit (SIEU) when a toddler receiving Part C early intervention services is potentially eligible for Part B early childhood special education services.

Pursuant to 34 CFR §303.401(e), the State of Maine elects to include in its Part C application a policy to allow families of children receiving early intervention services under Part C to choose not to transfer the required information in the Transition Notification under CFR § 303.209(b).

This policy establishes the procedures through which parents may exercise their right to opt out of this notification, consistent with the Individuals with Disabilities Education Act (IDEA).

This policy ensures:

- Protection of parent rights regarding disclosure of personally identifiable information;
- Compliance with federal transition notification requirements;
- Coordination between Early Intervention for ME and Part B early childhood special education programs; and
- Consistent statewide procedures for notification and parent opt-out.

This policy operates in conjunction with the Maine Joint Transition Policy for IDEA Part C and Part B Section 619.

II. AUTHORITY

This policy is implemented consistent with:

- 34 CFR §303.209(b) Notification to the SEA and LEA for toddlers potentially eligible for Part B
- 34 CFR §303.401(d) Disclosure of personally identifiable information
- 34 CFR §303.401(e) Option to inform a parent about intended disclosure

III. DEFINITIONS

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

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.

Transition Notification -Informing the SEA and the LEA of residence or SIEU that a toddler receiving Part C services may be eligible for Part B early childhood special education services.

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Opting Out of Transition Notification – A parent’s decision to prevent Early Intervention for ME from providing notification to the SEA and LEA or SIEU regarding the child’s potential eligibility for Part B services.

Personally Identifiable Information (PII) – Information that includes the child’s name, date of birth, parent contact information, or other data that could identify the child.

Potentially Eligible Child – A child receiving early intervention services who is age 2 years, 3 months or older and may be eligible for Part B early childhood special education services.

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. PARENT RIGHT TO OPT OUT OF TRANSITION NOTIFICATION

Consistent with 34 CFR §303.401(e), EI4ME shall inform parents that the program intends to notify the SEA and the LEA or SIEU that their child is potentially eligible for Part B services.

- Parents have the right to object to this disclosure.
- If a parent objects, EI4ME shall not provide Transition Notification to the SEA or the LEA or SIEU.
- EI4ME will document that parents are opting out of Transition Notification in the Written Notice.
- Parents may choose to opt out regardless of whether they intend to pursue special education services in the future.

V. INFORMING PARENTS OF THE OPT-OUT OPTION

EI4ME shall inform parents of the notification requirement and the option to opt out:

- At the IFSP meeting or periodic review closest to the child’s second birthday, and
- Through written materials describing the transition process and notification requirement.

Parents shall receive:

- An explanation of the purpose of the notification requirement
- Information regarding the transition process

Parents must notify EI4ME of their decision to opt out prior to the child reaching the age of 2 years, 6 months.

VI. TIMING OF TRANSITION NOTIFICATION

Unless a parent opts out, EI4ME shall notify the SEA and the LEA of residence or SIEU that the toddler is potentially eligible for Part B services.

This transition notification shall occur:

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- Within 30 days of the child reaching age 2 years, 6 months, and
- No later than 90 days before the child's third birthday, consistent with 34 CFR §303.209(b).

The SEA shall be notified simultaneously with the LEA or SIEU.

VII. CONTENT OF TRANSITION NOTIFICATION

Consistent with 34 CFR §303.209(b), notification shall include:

- Child's name
- Child's date of birth
- Parent contact information (name, address, and telephone number)

Additional information may be shared only with written parental consent.

VIII. PROCEDURES WHEN A PARENT OPTS OUT

If a parent informs EI4ME that they would like to opt out of the Transition Notification:

- EI4ME shall not notify the SEA or the LEA or SIEU of the child's potential eligibility for early childhood special education.
- No personally identifiable information shall be disclosed for transition purposes without parental consent.

If a parent opts out after notification has already occurred, EI4ME shall document the decision and inform the LEA or SIEU that the family has chosen not to proceed with transition activities at that time.

IX. RESUMING THE TRANSITION PROCESS

Parents who previously opted out may choose to resume the transition process at any time.

To resume the transition process:

- Parents must contact their Service Coordinator to inform them of their choice to resume the transition process.
- Parents must provide written consent for the release of personally identifiable information.

Upon receipt of consent:

- Transition planning activities shall proceed in accordance with the Joint Transition Policy, but timelines required under 34 CFR § 303.209 do not apply.
- EI4ME shall notify the SEA and LEA or SIEU as soon as possible.

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- A Transition Conference may be convened after a parent rescinds an opt-out decision; however, it is not required and is not subject to the requirement that it occur at least 90 days before the child's third birthday.
- EI4ME shall inform the parent/guardian of the option to continue early intervention services beyond the child's third birthday through the Extended Early Intervention Option if the child is determined eligible for early childhood special education under Part B.