

MAINE DEPARTMENT OF EDUCATION

JOINT TRANSITION POLICY

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

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I. PURPOSE

This policy establishes coordinated procedures between Early Intervention for ME (Part C) and Part B Section 619 Early Childhood Special Education to satisfy the transition agreement requirements under 34 CFR §303.209(a)(3)(ii) and ensure:

- A seamless transition for children and families as children approach age three;
- Timely Transition Notification and referral to Part B;
- Timely determination of Part B eligibility;
- Development and availability of an IEP by the child's third birthday, where applicable;
- Implementation of the Extended Early Intervention Option under 34 CFR §303.211, where elected;
- Clear delineation of responsibilities between Early Intervention for ME, the Lead Agency: State Educational Agency (SEA), the State Intermediate Educational Unit (SIEU), and Local Education Agencies (LEAs); and
- Statewide uniformity resulting in a coordinated, unduplicated, and seamless system of services for children birth through five with developmental delays or disabilities.

II. AUTHORITY

This policy is implemented consistent with:

- 34 CFR §§303.209, 303.211, 303.342, 303.343, 303.344
- 34 CFR §§303.401(d) and (e)
- 34 CFR §§300.101(b), 300.124, 300.321(f), 300.323(b)
- IDEA §§612(a)(9), 614(d), 632, and 636
- IDEA Part C and Part B
- 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,
 - Section VI: INDIVIDUALIZED PLAN TEAM MEMBERSHIP
 - Section VII: ELIGIBILITY CRITERIA DEFINED AND PROCEDURES FOR DETERMINATION
 - Section IX: INDIVIDUALIZED PLANS
 - Section X: EARLY INTERVENTION / SPECIAL EDUCATION SERVICES AND SETTINGS

III. DEFINITIONS

3.1 Early Intervention for ME (EI4ME) – Maine's Part C Early Intervention program overseen by the Lead Agency, the Maine Department of Education.

3.2 Early Childhood Special Education (Part B 619) – Special education and related services for eligible children ages 3 through kindergarten eligibility.

3.3 **IEP** – Individual Education Program, a written plan developed by an IEP Team that outlines a child’s present levels, measurable annual goals, and the special education and related services needed to provide FAPE.

3.4 **IFSP** – Individual Family Service Plan, a written plan for infants and toddlers and their families that identifies the child’s developmental needs, family priorities, and the early intervention services to be provided in natural environments.

3.5 **SEA** – State Educational Agency (Maine DOE).

3.5 **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.

3.6 **SIEU** – State Intermediate Educational Unit (Child Development Services).

3.7 **LEA** – Local Education Agency.

3.8 **Transition Notification** – Informing the SEA and LEA/SIEU of a toddler’s potential eligibility for Part B services.

3.9 **Potentially Eligible Child** – A child with an IFSP at age 2 years, 6 months or older.

3.10 **Opting Out of Transition Notification** – 34 C.F.R. § 303.401(e)(2) If a parent objects within the state-provided timeframe, the Lead Agency (LA) and Early Intervention Service (EIS) provider are prohibited from disclosing personally identifiable information (PII) to the state educational agency/local school district. This stops the automatic, conditional disclosure outlined in § 303.209(b)(1)(i) and (ii).

3.11 **Extended Early Intervention Option** – The voluntary option under 34 CFR §303.211 permitting continuation of Part C services after the Part B eligibility determination until the first instructional day of the school year after the 4th birthday

3.12 **Extended IFSP** – An IFSP implemented under §303.211 that includes an educational component promoting preliteracy, language, and numeracy skills.

3.13 **FAPE** - Special education and related services provided to eligible children aged age 3 to 22 at no cost to the parent that are delivered through an Individualized Education Program (IEP) reasonably calculated to enable the child to make appropriate educational progress.

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

3.15 **Instructional Day** – Any school day when planned educational instruction is provided to students as part of their educational program.

3.16 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.

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

IV. TRANSITION REQUIREMENTS PRIOR TO THE THIRD BIRTHDAY

4.1 Continuity of Services

EI4ME shall continue to provide all early intervention services identified on the IFSP beyond the child's third birthday until:

- a. The child's initial eligibility determination under Part B is made; and
- b. The parent makes an informed written election to initiate Part B services or continue under an Extended IFSP.

This does not apply if the LEA or SIEU has requested consent for evaluation and the parent has not provided consent.

4.2 Transition Planning (Age 2 Years, 3 Months – 2 Years, 9 Months)

Consistent with 34 CFR § 303.209, the EI4ME Service Coordinator shall:

- Develop a written transition plan within the IFSP between 2 years, 3 months and 2 years, 9 months;
- Inform families of:
 - Part B eligibility process
 - Extended Early Intervention Option
 - Procedural Safeguards
 - Transition Notification requirements and opt-out rights
- Provide informational materials regarding transition and Transition Notification.

The Transition Conference and IFSP transition planning meeting may be combined in accordance with 34 CFR §303.209(e).

4.3 Transition Notification to SEA and LEA/SIEU

Timing of Transition Notification

- Transition Notification will be sent to the SEA and LEA/SIEU by the EI4ME Service Coordinator no more than 30 days after the child reaches 2 years, 6 months of age.
- Transition Notification must occur no later than 90 days before the third birthday.

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Content of Transition Notification

- Child's name
- Date of birth
- Parent/Guardian contact information

Transition Notification for Late Referrals to EI4ME

Consistent with 34 CFR §303.209(b)(1)(ii), if eligibility is determined:

- 45–90 days before third birthday: Transition Notification occurs as soon as possible; no Transition Conference is required.
- Fewer than 45 days before third birthday: With parental consent, EI4ME assists family in connecting with LEA/SIEU; no Transition Conference is required.

4.4 Opting Out of Transition Notification

Parents/Guardians:

- Are informed verbally and in writing of Transition Notification requirements and opt out rights by EI4ME;
- Must opt out in writing before 2 years, 6 months to prevent Transition Notification;
- Must opt out at initial IFSP to prevent Transition Notification if child is determined eligible for early intervention after 2 years, 6 months.

If no signed opt-out form is received, Transition Notification proceeds.

If a parent chooses not to move forward with the transition process after Transition Notification has occurred, EI4ME shall document the decision in a written notice and inform the LEA or SIEU that the family has chosen not to proceed with transition activities at that time.

4.5 Resuming Transition After Opting Out

To resume the transition process:

- Parent alerts IE4ME that they would like to resume the transition;
- Signs Release of Information to share information with the LEA or SIEU;
- Transition Notification to SEA and LEA/SIEU occurs as soon as possible.
- 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.

If a parent/guardian chooses to resume the transition process after opting out, when the transition process resumes 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.

4.6 Transition Conference

Must occur:

- Not fewer than 90 days and not more than 9 months before third birthday (unless there is a documented exception or the family previously opted out of Transition Notification).

Early Intervention Responsibilities:

- Provide Advance Written Notice;
- Invite LEA/SIEU with parent/guardian approval;
- Share IFSP and evaluation records with parent/guardian consent;
- Discuss steps for smooth transition with the family.

Part B Responsibilities:

- Attend Transition Conference;
- Share Part B eligibility and service information;
- Provide procedural safeguards (if not already provided);
- Discuss placement options.

EI4ME will invite a representative of the LEA or SIEU to the transition conference. If the Part B representative is unable to attend, EI4ME may convene the transition conference without the Part B representative present, consistent with 34 CFR §303.209(c).

4.7 Initial Referral, Eligibility, and IEP Development

LEA/SIEU Responsibilities:

Upon receipt of a referral for a child transitioning from EI4ME, the LEA or SIEU shall ensure timely and compliant implementation of all requirements under IDEA Part B and the Maine Unified Special Education Regulations (MUSER Chapter 101).

The LEA or SIEU must:

- Provide Advance Written Notice (AWN) prior to proposing or change identification, evaluation, or placement consistent with MUSER VI.2 and 34 CFR §300.503;
- Ensure meaningful parent participation and provide procedural safeguards throughout the process consistent with MUSER VI.2; IX.3.B;
- Ensure required IEP Team membership and participation, including a representative from EI4ME as a required member of the IEP team;
- Obtain informed written parental consent prior to conducting an initial evaluation consistent with MUSER V.2; V.3;

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- Conduct an initial evaluation to determine eligibility for and prior to the provision of special education and related services consistent with MUSER V and 34 CFR §§300.304–300.305;
 - Ensure the evaluation:
 - Uses a variety of tools and strategies;
 - Assesses all areas of suspected disability;
 - Is not based on a single measure.
- Complete the initial evaluation within 60 calendar days, consistent with MUSER V.1.A.(3)(a)(i);
- Determine eligibility as a child with a disability under IDEA criteria consistent with MUSER V; 20 USC 1414(a-c); and 34 CFR 300.300-306
- Provide documentation of eligibility determination and evaluation results to the parent consistent with MUSER V.2.D.(2);
- Develop, review, and finalize an IEP consistent with required content and team process aligned with MUSER IX.3;

Ensure the IEP:

- Includes present levels, measurable annual goals, services, and supports consistent with MUSER IX.3.C-D;
- Addresses special factors (e.g., behavior, communication, assistive technology) consistent with MUSER IX.3.C-D;
- Is designed to provide a Free Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE) consistent with MUSER I
- Is in effect by the child's third birthday for children referred at least 90 days prior to their third birthday consistent with MUSER IX and 34 CFR §300.323;
- Is developed regardless of whether the parent intends to elect the Extended Early Intervention Option;
- Considers the child's IFSP in development of the IEP, including present levels, outcomes, and natural environments;
- Is implemented as soon as possible following parental consent, consistent with MUSER IX. and 34 CFR § 300.323;
- Ensure provision of services in the least restrictive environment, including access to general education settings with typically developing peers to the maximum extent appropriate, consistent with MUSER I;
- Maintain documentation of all procedural steps, including notices, consents, evaluation reports, eligibility determination, and IEP documentation.

Coordination of Meetings

If scheduled collaboratively, the Transition Conference and IEP Referral Meeting may occur sequentially on the same day, provided:

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- Each program issues separate Advance Written Notice; and
- All procedural requirements are met.

LEA or SIEU Responsibility for Late Referrals to EI4ME

If a child is referred to EI4ME fewer than 90 days but more than 45 days before the child's third birthday, the LEA or SIEU must:

- Determine eligibility within required timelines;
- Not be required to develop and implement an IEP by the third birthday, consistent with 34 CFR §300.323(b).

The IEP must be developed regardless of whether the parent intends to elect the Extended Early Intervention Option.

V. EXTENDED EARLY INTERVENTION OPTION (34 CFR §303.211)

5.1 Eligibility

Applies only to children:

- Previously receiving Part C services;
- Determined eligible under Part B;
- Whose parents provide informed written consent to implement the extended IFSP.

Children may remain enrolled in early intervention from age three until the day before the first instructional day of the beginning of the school year following the child's fourth birthday.

5.2 Requirements During Extension

If the Extended Early Intervention Option is elected:

- IFSP must incorporate preliteracy, language and numeracy skills to ensure that educational components are included;
- The frequency and intensity of services is determined by IFSP team;
- Child remains under Part C procedural safeguards;
- LEA is not required to implement IEP services during extension.
- The IEP remains finalized and available for implementation upon parent election.

5.3 Termination of Extension

Parent may terminate early intervention at any time and choose to implement the child's IEP, consistent with 34 C.F.R. § 300.211(b)(3).

Upon termination:

- Redetermination of eligibility for early childhood special education is not required;
- An IEP meeting must be convened as soon as possible after the parent informs EI4ME that they would like to terminate Extended Early Intervention;

- 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);
- 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;
- 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).

VI. TRANSITION REQUIREMENTS FOR CHILDREN AGE THREE AND OLDER

For children receiving services under the Extended Early Intervention Option

Consistent with 34 CFR § [303.211\(b\)\(6\)](#), not fewer than 90 days before extension ends:

- EI4ME ensures that the IFSP includes transition plan addressing:
 - Implementation of IEP, or
 - Exit to other appropriate services.
- EI4ME notifies SEA and LEA or SIEU that the child will soon reach the maximum age for Extended Early Intervention Option;
- With parent/guardian consent, Transition Conference is convened.

VII. PROCEDURAL SAFEGUARDS

- Part B procedural safeguards must be provided to parents at the child's Transition Conference.
- Eligibility determinations under Part B are subject to Part B procedural safeguards.
- While receiving services under an Extended IFSP, Part C safeguards apply.
- Once a child begins receiving FAPE under an IEP, the child may not return to Extended Early Intervention.
- Declining Extended Early Intervention does not delay or deny FAPE.