

Frequently Asked Questions (FAQ) State Performance Plan (SPP) Indicator 12: Early Childhood Transition

1. Who do we include in SPP 12 and where are these children entered in the online application?

The following children should be reported in SPP 12:

- Children for whom the LEA has been notified that a child served by ECI is potentially eligible for services under Part B prior to the child's third birthday; and/or
- Children for whom the LEA has received an invitation to the transition conference:
 - Enter in row a.
- Children served by ECI and for whom parent refusal to provide consent caused delay in evaluation or initial services or to whom exceptions under 34 CFR § 300.300(b) or §300.301(d) applies.
 - Enter in row a., and in row d. (Note: The online application automatically subtracts these children from the calculation)
- Children served by ECI and the LEA was notified that the child is potentially eligible for Part B services and the child was referred **to ECI** less than 90 days before their third birthday.
 - Enter in row a., and in row e. (Note: The online application automatically subtracts these children from the calculation)

2. Who is not included in SPP 12?

- A child who has not been evaluated or determined eligible for Part C and therefore has not received services from ECI. This would include those children referred to Part C 45 days or less prior to the child's third birthday because ECI is not required to conduct an initial evaluation ([Question #19, OSEP Early Childhood Transition FAQ, and 12-02-10](#)). Part C assists the family in contacting the LEA and facilitates initiating Part B eligibility determination process ([NECTAC: Federal IDEA Part C and Part B Transition Requirements for Late Referral to Part C, July 2010](#)).
- A child who has been served by ECI (Part C) that enrolls in another district after the child has been referred for special education services (Part B) but before the child is evaluated to determine eligibility for special education services (Part B) can be excluded SPP 12 ([Question #25, OSEP Early Childhood Transition FAQ, 12-02-10](#)).

*LEAs = districts and charter schools

3. Why is SPP 12 counting the number of “referrals” rather than the number of parental consents to evaluate that a district may receive?

SPP 12 collects data on the % of children referred by Part C (ECI) prior to age three, who are found eligible for Part B and who have an IEP developed and implemented by their third birthday.

For reporting purposes for SPP 12, the referral occurs when the LEA has been notified that a child who is served by ECI is potentially eligible for services under Part B.

In Texas, ECI notifies the LEA of a child who is potentially eligible for special education services. This process is called the LEA Notification of Potentially Eligible for Special Education Services. An invitation to the transition conference that includes the limited personally identifiable information may be considered the notification to the LEA. As well, the notification may occur at the transition conference ([TAC §108.1211](#) LEA Notification of Potentially Eligible for Special Education Services).

4. Can the district treat the LEA notification of potentially eligible as a “possible” referral?

No. Once the LEA receives LEA notification that a child served in ECI (Part C) is potentially eligible for special education services (Part B), the LEA must treat this as an initial referral to Part B and provide notice of procedural safeguards to the child’s parent under 34 CFR §300.504(a)(1).

If the LEA suspects the child has a disability, the LEA must initiate the evaluation process to determine whether the child is a child with a disability, 34 CFR §300.301(b). Before conducting an initial evaluation under Part B, the LEA must, after providing the parents prior written notice consistent with 34 CFR §300.503, obtain informed consent, consistent with 34 CFR §300.9, from the parent of the child, 34 CFR §300.300 (a), ([Question #33, OSEP Early Childhood Transition FAQ, 12-02-10](#)).

Initial evaluation and eligibility determinations: ECI (Part C) assessments and parent information may be used to determine child eligibility for Part B. The ARD committee and other qualified individuals must review existing evaluation data (REED), including evaluations and information provided by the parents. If the REED is used to determine eligibility, then parent consent would be needed to allow ECI (Part C) to share any existing evaluation data. Based on that review and input by the family, the team determines what additional data are needed to determine if child is a child with a disability ([Synthesis of Key Points from the OSEP EC Transition FAQ, July 2010](#)).

A parent has a right to prior written notice when the school refuses to initiate or to change the identification, evaluation, or educational placement of your child; or the FAPE provided to your child.

5. Do we count the LEA Notification of Potentially Eligible for Special Education Services from ECI and/or invitations to the transition conference even though the district deems the referral as inappropriate, if so, how are these children entered in the online application?

Yes. Once an LEA has received notice that a child who is served by ECI is potentially eligible for service under Part B, the district must treat this notice as an initial referral. This child would be counted in row a.

6. If a parent has signed consent and the LEA is not able to contact or locate the parent, where would I count this child in SPP 12?

This child would be counted in row a. and in row d. if the district has retained detailed records of attempts to contact the parent. 34 CFR §300.322(d)(1)(2)(3)

7. **SPP 12 states that children referred to ECI less than 45 days before their third birthday should not be entered into the online data collection system. Wouldn't these children be counted in SPP 12 row a. and in row e. as being referred to ECI less than 90 days?**

34 CFR §303.209 states that Part C is not required to conduct initial evaluation/assessments or conduct an initial IFSP for children referred to ECI less than 45 days before their third birthday, this means that this child never received services from ECI .

If the ECI program and LEA are not mindful of this, it is possible that the child could be counted in SPP 12 row a, then subtracted out in row e. because the child was referred to ECI less than 90 days before their third birthday. This would not adversely impact an LEA's level of compliance.

8. **Will the ECIs programs be providing this data on children referred to ECI less than 45 days to the LEA?**

No. A child who never received services from ECI is not included in SPP 12. Additionally, ECI assists the family in contacting the LEA and facilitates initiating Part B eligibility determinations ([NECTAC: Federal IDEA Part C and Part B Transition Requirements for Late Referral to Part C, July 2010](#)).

9. **Referring to Question 8, if these children are not recorded in SPP 12 should they be recorded in SPP 11?**

Yes. This child would be included in SPP 11, and not in SPP 12, if the parent signs consent for evaluation and the LEA completes the eligibility determination process.

10. **Are children who received ECI services, but after giving consent for evaluation, the family did not cooperate with the district and the eligibility process was not completed, included in the total for row a.?**

Yes, include the children who have been served in ECI and referred to Part B for eligibility determination for whom parent refusal to provide consent caused delays in evaluation or initial services. Also include those children in row d. (Number of children for whom parent refusal to provide consent caused delays in evaluation or initial services.) The number of children included in row d. will be subtracted before calculating the percentage of children who have an IEP developed and implemented by their third birthdays.

11. **A child has been referred, evaluated, and turns three during the summer. The Admission, Review and Dismissal Committee (ARDC) meeting is held prior to school starting (after they turned three). How is this reported for Indicator 12?**

The ARDC meeting **must** be held prior to a child's third birthday, even if his or her birthday occurs during the summer. If the ARDC meeting is held after the child's third birthday, the district is out of compliance and reports the child in row a., and rows f. or g.

12. **A child is referred by a parent a week after their 3rd birthday. Is the child included in SPP 11 or SPP 12?**

The child is counted in SPP 11.

- 13. A child was receiving services from ECI, but the parent denies a referral to the district or charter school prior to age three. After the student turned three, the parent decided they wanted Part B services. Is this student reported in SPP 11 or SPP 12?**

Since there was a break in ECI services as a result of the parent's choice to decline a referral to the district or charter school prior to age three, this child would not be included in SPP 12.

If the parent signs consent and the evaluation process is completed, this child would be reported in SPP 11.

***For Federal Reporting requirements, counts in SPP Indicators 11 and 12 will be totaled at the State level only.*

Resources:

Texas Administrative Code:

[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac_view=5&ti=40&pt=2&ch=108&sch=L&rl=Y](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=5&ti=40&pt=2&ch=108&sch=L&rl=Y)

Notice of Procedural Safeguard, TEA I Division of Federal and State Education Policy:

http://framework.esc18.net/Documents/Pro_Safeguards_ENG.pdf

The Early Childhood Technical Assistance Center:

<http://www.nectac.org/topics/transition/ectransitionta.asp>

NECTAC: Federal IDEA Part C and Part B Transition Requirements for Late Referral to Part C:

http://www.nectac.org/~pdfs/topics/transition/timeline_late_referral_final9-7-2010.pdf

OSEP Early Childhood Transition FAQ:

http://www.nectac.org/~pdfs/topics/transition/ECTransitionFAQs12_01_09.pdf

Synthesis of Key Points from the OSEP EC Transition FAQ:

http://www.nectac.org/~pdfs/topics/transition/Key_Points_Synthesis_TransitionFAQ_7-15-10_Final1.pdf