

Office of Special Education * West Virginia Department of Education
WV Birth to Three * West Virginia Department of Health and Human Resources
AN IMPORTANT MESSAGE FOR PARENTS

**CHANGES IN FEDERAL SPECIAL EDUCATION LAW
AND WHAT IT MEANS FOR CHILDREN EXITING WV BIRTH TO THREE
AT AGE THREE**

Date of Notice: May 16, 2005

On December 3, 2004, President George W. Bush signed into law the reauthorized *Individuals with Disabilities Education Improvement Act of 2004 (IDEA '04)*. Changes to the new special education law will be effective July 1, 2005. There are two parts of IDEA that affect families of young children: (1) Part C of the law provides requirements for how early intervention services are provided to eligible infants and toddlers under three years of age and their families (known as WV Birth to Three in West Virginia); and (2) Part B of the law provides requirements for how services are provided to eligible children from three through twenty one years of age (services provided through county school systems).

Currently, eligible children can receive services through Part C/WV Birth to Three until their third birthday. A child may continue to receive services under IDEA after his/her third birthday only if the child is found to be eligible for services under Part B of the law. Local county school systems must determine if the child is eligible for services under Part B.

One of the changes in the law that President Bush signed in December gives States the **option** to allow an eligible child to remain in Part C after age three under certain conditions. The law describes the steps necessary if a State would choose this option, but no additional funding was provided to States. **At this time, West Virginia does not plan to put this option in place when the new law becomes effective on July 1, 2005.**

The West Virginia Department of Health and Human Resources / West Virginia Birth to Three, and the West Virginia Department of Education / Office of Special Education are committed to helping children and families have a smooth transition from Part C to Part B. We will continue to work together to help families access appropriate educational and other services their children need. If funding for this new option in the law becomes available in the future, we will re-evaluate the feasibility of the option for West Virginia.

For questions or additional information, you may contact the West Virginia Department of Education, Office of Special Education toll free at 1-800-642-8541, or WV Birth to Three toll free at 1-800-642-9704.