



Technical Assistance Bulletin

TO: WV Birth to Three Payees, Practitioners, and Service Coordinators
WV Birth to Three Regional Administrative Units
WV Early Intervention Interagency Coordinating Council
West Virginia Parent Training Information
West Virginia Advocates

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ISSUE: Implications of the Individuals with Disabilities Education Act (IDEA 2004) for Regional Administrative Units (RAUs), Practitioners and Service Coordinators
Guidance Document –Transition

The Individuals with Disabilities Education Improvement Act (IDEA 2004), reauthorized by Congress on November 19, 2004 and signed into law on December 3, 2004, includes revisions to IDEA 97 as well as some new provisions. All provisions of the new special education law are effective July 1, 2005. West Virginia must assure that the provision of Part C/WV Birth to Three services is consistent with the new requirements. Current WV Birth to Three policies and procedures, in coordination with IDEA 2004 requirements, will be the authority for the provision of Part C/WV Birth to Three services pending the publication of the final Federal regulations and revised State policies and procedures.

The guidance provided in this document is not intended to address all of the revisions and new provisions in IDEA 2004 but offers direction on the issues that have the most impact on decision making at the local level. WV Birth to Three will provide ongoing procedural guidance and technical assistance throughout the transition to revised policies and procedures. Revisions and/or additions to the law are added in underlined text.

Many of the new requirements for transition services under IDEA 2004 will be familiar to the field and the families of which we serve. WV Birth to Three, the West Virginia Department of Education, Office of Special Education, Head Start and other early care and education programs have required a collaborative approach to transition for many years through state policy and local interagency transition procedures. The following revisions reflect the recognition at the federal level “that ensuring a smooth transition from the Part C system to the Preschool Program or to school is vital for a child’s educational success”.

Section 637 of the law includes the following changes related to the transition of children out of Part C.

- 637 (9) (A) to ensure a smooth transition for toddlers receiving early interventions services under this part to preschool, school, other services, or exiting the program, including a description of how –

- (i) the families of such toddlers and children will be included in the transition plans required
- (ii) ((I) in the case of a child who may be eligible for such preschool services, with the approval of the family of the child, convene a conference among the lead agency, the family and the local education agency, not less than 90 days (and at the discretion of all such parties, not more than 9 months) before a child is eligible for preschool services, to discuss any such services that the child may receive:
 - (C) to establish a transition plan, *including, as appropriate, steps to exit from the program:*

WV Birth to Three already requires a transition plan (Pages 13 and 14 of the Individualized Family Service Plan) including the steps necessary to exit the program for all children leaving WV Birth to Three. The major change for practitioners and families is the opportunity for the IFSP team in collaboration with the family and possible receiving programs, to convene the Face to Face Transition Planning Meeting not less than 90 days but no more the **9 months** prior to the child's third birthday to assist in the successful transition of the child out of the WV Birth to Three system.

Sections 612 and 614 of the law includes the following changes related to the local educational agency's roles and responsibilities in the smooth transition of Part C eligible children into the preschool special education program:

- 612 (9) the local educational agency will participate in transition planning conferences arranged by the designated lead agency
- 614 (5) (A) in the case of a child who was previously served under Part C, an invitation to the initial IEP meeting shall, at the request of the parent, be sent to the Part C service coordinator or other representatives of the Part C system to assist in the smooth transition of services.

Additional information on the implementation of Part B transition requirements can be found within the "Interim Guidance for the Implementation of IDEA 2004 – Prior to the Issuance of Federal Regulations, A Resource Document for Districts and Agencies", April, 2005, WV Department of Education, Division of Instructional Services, Office of Special Education.

WV Birth to Three and the WV Department of Education in collaboration with the State Transition Steering Team will continue to provide additional guidance and training as federal regulations become available to ensure all individuals who are responsible for facilitating the smooth transition of children into, within and out of the Part C and Part B systems have the knowledge, skills and tools they need to promote successful transitions for all eligible children and families.