

Transition Alert

May 2009

Improving the transition process for young children, their families and the professionals who work with them through an examination of factors that promote successful transitions between infant/toddler programs, preschool programs, and public school programs for young children with disabilities and their families.

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OSEP's Early Childhood Policy Letters Related to Transition

The United States Department of Education's Office of Special Education and Rehabilitative Services have published three policy letters related to early childhood transition since 2000. The three letters are summarized below.

The [first letter](#) was written on February 11, 2004 and was in response to Ms. Elder, the Executive Director of the Texas Interagency Council on Early Childhood Intervention. Ms. Elder had requested guidance in reference to the release of referral information from Part C of the Individuals with Disabilities Education Act (IDEA) to the state education agency (SEA) or the local education agency (LEA) during the transition process. Particular clarification was requested for the circumstances in which parental consent is required before releasing referral information. Stephanie Smith Lee, the Director of OSEP at the time, stated that parental consent is required in these three circumstances: (a) When information about the child is being released from the lead agency to the LEA; (b) when evaluating a child to determine eligibility for Part B services; and (c) for the initial provision, after a child has been determined eligible for Part B services.

The [second letter](#) was written on August 9, 2005 and was in response to Ms. Hirsh, an Educational Consultant from the Virgin Islands. Ms. Hirsh requested clarification of IDEA requirements in the Virgin Islands. The clarification related to transition was the use of evaluations from Part C to determine eligibility for Part B services. Troy R. Justesen, the Acting Director of OSEP at the time, stated that evaluations conducted by Part C may be used to determine eligibility for Part B services, as long as parental consent is obtained before releasing any of the child's identifiable information to the LEA. States are encouraged, but not required, to use Part C evaluations.

The [third letter](#) was written on February 2, 2007 in response to Dr. Zahorchak, the Secretary of Education for the Pennsylvania Department of Education. Dr. Zahorchak requested clarification of the "stay put" regulation 34 C.F.R. §300.518(c) under Part B of IDEA, particularly in relation to the *Pardini vs. Allegheny Intermediate Unit* judicial decision of the U.S. Court of Appeals for the Third Circuit.

The regulation states:

If the complaint involves an application for initial services under this part [Part B] from a child who is transitioning from Part C of the Act to Part B and is no longer eligible from Part C services because the child has turned three, the public agency [under Part B] is not required to provide the Part C services that the child had been receiving. If the child is found eligible for special education and related services under Part B and the parent consents to the initial provision of special education and related services under §300.300(b), then the public agency must provide those special education and related services that are not in dispute between the parent and the public agency (34 C.F.R. §300.518(c)).

The judicial decision from *Pardini vs. Allegheny Intermediate Unit* stated that when there is a dispute over the appropriate special education and related services for a child transitioning from Part C to Part B of IDEA at age three that the Part B agency must provide the services that the child was receiving under Part C as the "current educational placement" until the dispute is resolved. John H. Hager, the Assistant Secretary of OSEP, recommends that each state consult with legal counsel before not providing services that are in dispute between the parent and the public agency as is stated in 34 C.F.R. §300.518(c) in light of the *Pardini vs. Allegheny Intermediate Unit* decision.



NECTC is funded by the U.S. Department of Education, Office of Special Education Programs, Cooperative Agreement # H324V020003.

Also Available from NECTC

Many new documents are available on the website pertaining to the transitions of young children with disabilities.

Transition Alerts

At-a-glance information on new resources and materials related to transition.

Research Briefs

Short papers that provide a summary of research findings and conceptual work.

Research Spotlights

Short papers on research methods and tools used to gather data during NECTC studies.

Papers/Reports

Technical reports and papers presenting findings from NECTC studies.

Presentations

PowerPoint and Poster presentations conducted by NECTC researchers at national conferences and meetings.

Additional Resources

IDEA 2004: One-stop shop for information on IDEA 2004 and implications for transition.

Project Information

Brochures and information on the activities of NECTC, including timelines, study goals and timelines, and contact information for NECTC researchers and staff.

Measures and Instruments

Copies of measures and instruments used for NECTC studies.

On-Line Database

An on-line, searchable database of transition resources and materials. Bookmark this Site:

For more specific information on the activities of the center, go to <http://www.ihdi.uky.edu/nectc/> or contact the project office at 859-257-2081 or toll free at 866-742-4015.