

***Final Draft* Early Childhood Transition Parental Opt-Out Policy**

The Individuals with Disabilities Education Act (IDEA) requires that the State Lead Agency (SLA) make any necessary notifications/referrals for potentially eligible children to the SEA (State Educational Agency) and LEA (Lead Educational Agency) for IDEA part B transition no fewer than 90 days before the toddler's third birthday unless the parent/guardian opts-out of the notification/referral disclosure.

1. Notification/referral information is limited to personally identifiable information (child's name, child's date of birth, parent name, parent contact information).
2. The SLA provides parents of toddlers approaching age three with an opportunity to opt-out of this notification/referral process to part B special education services [§303.401(e)].
3. If a parent/guardian decides to opt-out, they must return the Opt-out of LEA Notification form before the end of the transition planning meeting, at which a child is determined potentially eligible.
4. If the parents/guardians sign the opt-out form, the personally identifiable information is not transmitted to the SEA and LEA.
5. The opt-out form and documentation of the referral discussion are put in the child's data management file.
6. If the parent signs the opt-out form and subsequently decides to consider the possibility of utilizing IDEA part B special education preschool services, the Family Resources Coordinator (FRC) must aid the parent to process their child's referral to their local school district.

***Drafted* Early Childhood Transition Parental Opt-Out Procedures**

The Individuals with Disabilities Education Act (IDEA) Part C requires the Washington State Department of Children, Youth and Families (DCYF), as the State Lead Agency (SLA), to notify the following agencies of all children who are potentially eligible for IDEA Part B special education preschool services:

1. The Washington State Office of Superintendent of Public Instruction (OSPI), which is the State Educational Agency (SEA) and
2. The public school district in which the child resides, which is the Local Educational Agency (LEA).

The notification may be sent as early as when the child reaches 27 months of age, but no later than 90 days before the child's third birthday, unless the parent/guardian has exercised their right to opt-out of the required notification.

The SLA will ensure that:

1. Notification information is limited to the following personally identifiable information: (child's name, child's date of birth, parent name, parent contact information).
2. Parents of toddlers approaching age three are given an opportunity to opt-out of the notification to IDEA Part B special education preschool services [§303.401(e)].
3. If a parent/guardian decides to opt-out, they must sign the Early Childhood Transition Opt-Out Notification form.
4. If the parent/guardian signs the opt-out form, personally identifiable information is not transmitted to the SEA or the LEA.

Notice: These are ***Drafted*** Policy and Procedures and are subject to OSEP review and approval. Submitted for OSEP Review – February 21, 2023

5. The Early Childhood Transition Opt-Out Notification form documenting the parent/guardian's decision is retained in the child's local ESIT Record and documented in the statewide data management system.
6. If the parent signs the opt-out form and subsequently decides, prior to the child's third birthday, that they want to access IDEA Part B special education preschool services, the Family Resources Coordinator (FRC) must assist the parent/guardian in making a referral to their child's local resident public school district.

Applicable Cross References in Early Supports for Infants and Toddlers (ESIT) Program include State Policy 12.A. and State Procedures 12.B. located at:

<https://www.dcyf.wa.gov/sites/default/files/pdf/ESIT-policies-procedures.pdf>.

Applicable Guidance from the federal Office of Special Education Programs is located at:

https://ectacenter.org/~pdfs/topics/transition/Key_Points_Synthesis_TransitionFAQ_7-15-10_Final1.pdf.