

Late Referrals: Timelines and Transition Requirements

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Purpose

The purpose of this Practice Guide is to:

- Clarify timelines and requirements for services to children referred to Early Support for Infants and Toddlers (ESIT) 135 days or fewer before the child's third birthday, as noted in the [Washington Late Referrals to IDEA Part C Timeline](#).
- Offer optional strategies to expedite services for children referred late to Part C.

Definitions

Individuals with Disabilities Education Act (IDEA): The federal law that governs how states and public agencies provide early intervention, special education, and related services to eligible infants, toddlers, children, and youth with disabilities.

- **Part C** of the act addresses services for eligible infants and toddlers, ages birth to 36 months, and their families.
- **Part B** of the act addresses special education and related services for eligible students, ages three to 21 years of age.

Local Education Agency (LEA): The LEA is the school district in which the child resides, and which is responsible for services to resident eligible children, aged three to 21, under IDEA.

State Education Agency (SEA): The Office of Superintendent of Public Instruction (OSPI) is the SEA in Washington State and has supervisory authority over the implementation of special education and related services under IDEA Part B.

Part C Referral Date: The referral date is the date the referral was received by the ESIT Provider Agency (PA) or by the contracted central intake/referral organization for the service area, whichever is earlier. If the PA receives the referral on 3/03 but doesn't speak to the family until 3/05, 3/03 is still the referral date.

Pre-IFSP Procedures: Pre-IFSP procedures are those Part C activities which take place prior to signing the child's Initial Individualized Family Service Plan (IFSP), including but not limited to: child find, referral, intake, eligibility determination, and functional child assessment.

Late Referral:

- Determined eligible for Part C 135-90 days before the third birthday.
- Determined eligible 89 days or less before the third birthday.
- Referred less than 45 days before the third birthday.

Transition Conference: A meeting convened by the ESIT PA, at least 90 days before the toddler's third birthday where the family and other providers discuss appropriate services a toddler may receive following the third birthday and transition out of Part C services. A Transition Conference is required for all children determined potentially eligible for Part B, unless the family has opted out of the notification to Part B. For children determined not potentially eligible for Part B, and those who have opted out of the notification, with parent consent, all reasonable efforts should be made to convene a Transition Conference with any applicable program representatives.

Transition Planning: The process of planning the steps and services to be taken to support a smooth transition for a toddler from Part C services to other appropriate services after the toddler turns three years old. For all children enrolled in Part C services, the IFSP team is required to establish a transition plan in the child's IFSP not fewer than 90 days, and not more than nine months, before the toddler's third birthday.

Late Referrals Timelines and Transition Requirements

Part C requirements for late referrals fall into three distinct categories, each with its own requirements. The fundamental goal for each of these categories is to successfully transition children to after-three services in a timely manner.

ESIT PAs should work with local school districts to jointly develop strategies to expedite transition for children referred to ESIT close to their third birthday. Agreed upon strategies should be identified in the ESIT PA's Local Collaboration Plan. For more information on ESIT [Local Collaboration Plans](#), reach out to your Technical Assistance Specialist. For more information on transition see the [Interagency Agreement Between DCYF and OSPI](#) on the [Policies and Procedures webpage](#) of the ESIT website.

Calculating timelines

When calculating transition timelines, use year-round calendar days, not business days. The date of referral to Part C is considered day one of the timeline. The end day is the date the child turns three years old.

Category 1:

Determined eligible for Part C 135 - 90 days before the third birthday

Most requirements in this category are the same as those for children referred to Part C prior to 135 days before their third birthday. However, some reporting requirements and recommended practices differ.

Main goal: Complete all transition requirements prior to 90 days before the child's third birthday. If the Transition Conference is not completed prior to 90 days before the third

birthday for a child found potentially eligible for Part B, the ESIT PA is considered to be out of compliance with federal transition requirements.

See the [Late Services: Provision and Documentation Practice Guide](#) for more information on documenting reasons for late services.

Optional ESIT PA strategies to consider for expediting transition for children in this category include:

- Use evaluation tools which the local school district accepts in order to avoid the child having to be re-evaluated by Part B.
- Conduct a joint eligibility evaluation with Part B personnel, with parent consent and prior agreement with Part B personnel.
- Hold the Transition Conference at the Initial IFSP meeting.
- Expedite the decision as to whether a child is potentially eligible for Part B. As soon as the child is determined eligible for Part C, the FRC may, with parent consent, provide official transition notification to the school district by following the potentially eligible for Part B process in the ESIT data management system. Scheduling a joint eligibility evaluation with Part B personnel is not considered official school district notification.
- Create special expedited procedures for children who are referred close to 90 days before their third birthday. Options include having pre-IFSP procedures that combine several steps. For example, the ESIT PA may combine the Intake and Evaluation appointments or the Evaluation and Initial IFSP meetings for a child in this late referral category.
- Reserve a few evaluation appointments for late referrals.

Communication with family: As soon as the late referral is received, but no later than 90 days before the child's third birthday, provide parents with information regarding Part B services and other community options, such as Early Childhood Education and Assistance Program (ECEAP), Head Start, community preschools and play groups, Parents as Teachers, DCYF home visiting programs and services provided by Tribal Sovereign Nations.

Service Scenario: Mary was referred to ESIT 120 days before her third birthday. Part B staff, Part C staff, and the family opted to conduct a joint eligibility evaluation, to speed the transition process and decrease the appointment burden on Mary's family. She was found eligible for Part C services, 95 days before her third birthday. Because she was found eligible between 135 and 90 days before her third birthday the Category 1 requirements applied. The FRC followed the potentially eligible for Part B process in the ESIT data management system. Ninety-one days

before Mary's third birthday, the IFSP team held a combination Initial IFSP meeting/Transition Conference and wrote a transition plan with transition steps into Mary's IFSP.

Category 2:

Determined eligible 89 days or less before the third birthday

Main Goal: Expedite eligibility determination and school district notification. The key difference in this category is that the transition conference is optional.

Optional ESIT PA strategies for expediting transition for children in this category include:

- Use evaluation tools which the local school district accepts in order to avoid the child having to be re-evaluated by Part B.
- Consider conducting a joint eligibility evaluation with Part B personnel, with parent consent and prior agreement with Part B personnel.
- A Transition Conference is optional but the requirement for documentation of transition planning at the initial IFSP remains.
- Create special expedited procedures for children in this category. Options include having pre-IFSP procedures that combine several steps.
- Reserve a few evaluation appointments for late referrals.
- Implement an Interim IFSP for children who need immediate Part C services. See the [ESIT Interim Individualized Family Service Plans Practice Guide](#) for more information. An Initial IFSP would still be required within the usual 45-day timeline.

Note that [OSEP policy letter to Nix \(March 17, 2023\)](#) states that for children referred and determined eligible between 90 and 45 days before their third birthday, school district notification must be made as soon as possible after the toddler is determined eligible for Part C. Scheduling a joint eligibility evaluation with Part B personnel is not considered official school district notification.

Communication with family: Immediately provide families with information regarding Part B services and other community options, such as ECEAP, Head Start, community preschools and play groups, Parents as Teachers, DCYF home visiting programs and services provided by Tribal Sovereign Nations.

Service Scenario 1: Anna was referred 80 days before her third birthday and determined eligible for Part C services 65 days before her third birthday. The ESIT FRC discussed transition to Part B and community options with Anna's parents. Anna's parents chose to enroll in Part C and to

transition to the local Tribal early childhood program when she turned three years old. They chose not to pursue transition into Part B services at their local school district.

Service Scenario 2: Ahmed was referred 110 days before his third birthday. He was evaluated and found eligible for Part C services 70 days before his third birthday. Because he was found eligible for Part C less than 90 days before his third birthday the Category 2 requirements applied. The IFSP team determined that Ahmed was potentially eligible for Part B services and the FRC indicated Ahmed's potentially eligibility for Part B in the ESIT data management system. Ahmed's Initial IFSP included transition steps, but a Transition Conference was not held.

Category 3:

Children referred less than 45 days (or 44 days or fewer) before the third birthday.

Main goal: Connect the child and family to services as soon as possible, whether those are Part B services or other community options. The key difference in this category is that Part C eligibility determination is not required.

Strategies:

- Enter the referral into the ESIT data management system within three business days of receipt. Facilitate the family's connection to needed community resources. Then close the child's record using the exit reason, "Child exited program without a completed IFSP."
- No evaluation, family assessment, initial IFSP, Transition Conference or transition notification is required.

Communication with family:

- ESIT service providers must inform the family about Part B services and assist them in accessing school district or community programs.
- Immediately provide families with information regarding local Part B services and other community options, such as ECEAP, Head Start, community preschools and play groups, Parents as Teachers, DCYF home visiting programs and services provided by Tribal Sovereign Nations.
- With parent consent, the ESIT PA FRC or intake personnel may help connect the family with the local school district Part B program.

Service Scenario: Luis was referred to Part C services 30 days before his third birthday. The Referral Coordinator entered the referral and assigned an FRC in the ESIT data management system. The FRC shared information with Luis' family about Part B, ECEAP, and other local

resources. The family stated they were not interested in Part B preschool but did want more information about ECEAP. The FRC connected the family to the local ECEAP coordinator and facilitated a family visit to the ECEAP center. The FRC then closed Luis' record in the ESIT data management system.

Resources

[Interagency Early Childhood Transition Agreement Between DCYF and OSPI \(2023\)](#)

[ESIT Interim Individualized Family Service Plans Practice Guide](#)

[Late Services: Provision and Documentation Practice Guide](#)

[NECTAC Part C to Part B Transition Timeline \(2012\)](#)

[Office of Special Education Programs Response to Nix, March 17, 2023.](#)

[Washington's Definition of Potentially Eligible for Part B Services.](#)

Citations

[IDEA Part C Federal Regulations](#)

- [About IDEA](#)
- Transition to preschool and other programs [34 C.F.R. §303.209\(d\) and \(e\)](#)
- Content of an IFSP. Transition from Part C Services [34 C.F.R. §303.44\(h\)](#)
- Coordination with Head Start and Early Head Start, early education, and childcare programs. [34 C.F.R. §303.210](#)
- Consent prior to disclosure or use. [34 C.F.R. §303.414](#)

[ESIT Policies and Procedures](#)

- Content of an IFSP. Transition Steps and Services. 10.B.2(F-G)
- Transition Policy. 12

[Washington Administrative Code. Chapter 110-400. Early Support for Infants and Toddlers Program](#)

- Use of funds. WAC 110-400-0140 (8)
- Transition of children from the Part C program to preschool programs WAC 392-172A-0208