

**12.A.6 Early Childhood Transition Parental Opt-out**

- (a) 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 special education preschool and/or related services as early as 9 months, but no later than 90 days from the child’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/guardian’s name, parent/guardian’s contact information.
  - 2) The SLA provides the parent/guardian of a toddler approaching age three with an opportunity to opt-out of this notification/referral process to Part B special education preschool and/or related services.
  - 3) If the parents/guardians do not sign the Parental Opt-out form their personally identifiable information will be transmitted to the SEA and LEA.
  - 4) If the parent/guardian signs the Parental Opt-out form and subsequently requests a referral to Part B special education preschool and/or related services, the ESIT Provider Agency must assist the parent/guardian in making a referral to the local school district.

**Drafted Procedures (3/8/24)**

**12.B.8 Early Childhood Transition Parental Opt-out**

**(a) ESIT Provider Agency will ensure that:**

- 1) Parents/guardians of toddlers approaching age three who are determined potentially eligible for Part B services are given an opportunity to opt-out of the notification to IDEA Part B special education preschool and/or related services at least 30 days prior to the transition notification date. [§303.401(e)]
- 2) The Parental Opt-out form can be introduced as early as 9 months but no later than 120 days prior to the child’s third birthday.
- 3) If the parent/guardian decides to opt-out, they must sign the Parental Opt-out form no later than 10 business days prior to the transition notification date.
- 4) If the parent/guardian does not sign the Parental Opt-out form 10 business days prior to the notification date, their personally identifiable information will be transmitted to the SEA or the LEA.
- 5) If the parent/guardian signs the Parental Opt-out form by the required due date, the family’s personally identifiable information will not be transmitted to the SEA or the LEA.
- 6) The signed Parental Opt-Out Form documenting the parent/guardian’s decision to opt-out must be retained in the child’s record and documented in the ESIT data management system.

**Drafted Transition Policy Revision – New Parental Opt-Out Section (3/8/24)**

- 7) If the parent/guardian signs the Parental Opt-out form and changes their mind prior to the child's third birthday, the ESIT Provider Agency must assist the parent/guardian in making a referral to their child's resident school district.

**12.C.1 Late Referrals**

- (a) For children who are referred fewer than 44 days before the child's third birthday, they should be referred directly to the child's resident school district for Part B special education preschool and/or related services.
- (b) For children who are referred 135-45 days prior to their third birthday, the transition notification to the school district will occur as soon as possible once the child is determined eligible, and the family has made the decision to allow the notification.

**12.D.1 Related Opt-out Transition Resources:**

- (a) DCYF/OSPI Interagency Agreement: <https://ospi.k12.wa.us/sites/default/files/2024-01/dcyf-ospi-interagency-agreement-24-1239.pdf>
- (b) 2023 OSEP Q&A: [\\*2023 Early Childhood Questions and Answers \(Nov. 28., 2023\) \(PDF\) \(ed.gov\)](#)