

NEW YORK STATE DEPARTMENT OF HEALTH
BUREAU OF EARLY INTERVENTION

TRANSITION INFORMATION FOR PARENTS

Dear Parent/Legal Guardian:

Your child will turn three years old soon, and may be eligible for preschool special education. If your child is found eligible for preschool special education, your child can either:

- Start preschool special education on _____
- OR
- Stay in the Early Intervention Program (EIP) until _____, and start preschool special education the day after.

It is possible that your child will *not* meet the criteria for preschool special education. In this case, your child's EIP services will end the day before your child turns three years old. Your service coordinator will help you to develop a transition plan that will include the next steps for your child and your family, and referrals to other supports and services.

Only the Committee on Preschool Special Education (CPSE) of your local school district can decide if your child is eligible for preschool special education.

This notice tells you about the steps you, your service coordinator, and the CPSE must take to find out if your child meets the criteria for preschool special education. These steps include:

- planning with your service coordinator the steps and services that will help your child to transition from the EIP to preschool special education;
- deciding whether to opt-out of notice to the CPSE that your child might be eligible for preschool special education;
- meeting, if you choose to do so, with your service coordinator and CPSE chairperson or designee;
- referring your child to the CPSE;
- deciding which EIP records will be forwarded to the CPSE;
- having your child evaluated by the CPSE; and
- determining your child's transition date.

If your child is not evaluated by the CPSE, and is not found eligible for services by the CPSE before your child turns three years old, your child's EIP services will end *the day before your child's third birthday*. Remember, the CPSE must decide if your child is eligible *before your child turns three years old*, to be sure that your child gets the services s/he needs.

Please read the following information carefully. Your service coordinator can answer any questions you may have.

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Steps to Transition

- Your service coordinator will meet with you to develop a transition plan that will identify the steps to be taken to help you and your child leave the EIP and begin new services such as preschool special education, Head Start, etc. The transition plan should include any assistance and support that you or your child might need to adjust to the changes in services and make the transition smoothly.
- Your service coordinator must notify your school district that your child may be eligible for preschool special education programs and services. You will have the opportunity to object to this notification. The service coordinator cannot take this step if you object.
- Your service coordinator must offer you the chance to meet with the service coordinator and the chairperson of the CPSE (or his/her designee) together. If your child is already receiving, or may need additional services from another State agency, it may be appropriate to have a representative from that agency attend as well. This meeting is called a transition conference.

You decide if you would like a transition conference. You will be asked to give your consent to your service coordinator for this conference to take place. ***If you would like a conference, your consent is needed for the service coordinator to arrange the conference.*** You can decline the conference.

The transition conference must take place at a time and location that is good for all participants. The CPSE chairperson/designee may participate by phone.

The main goals for the transition conference are to:

- review the differences between the EIP and CPSE;
 - talk about how and when to refer your child to the CPSE;
 - talk about the CPSE evaluation and eligibility process;
 - answer any questions you may have;
 - review the options for services through the CPSE for your child; and
 - develop or update a transition plan.
- Whether or not you choose to have a transition conference, you can decide to refer your child to the school district CPSE. Your service coordinator will help you to make this referral.

You will need to refer your child in enough time for your child to be evaluated by the CPSE, and for the CPSE to make a decision about your child's eligibility for preschool special education before your child's third birthday. Otherwise, EIP services will end the day before your child's third birthday.

- Once your child is referred, the CPSE will contact you to tell you about how to get your child evaluated. ***The CPSE will ask for your consent to evaluate your child.***

Sign and return the evaluation consent form *right away*. The CPSE must have enough time after they get your consent to evaluate your child and decide whether your child is eligible for preschool special education before your child turns three. The CPSE will contact you to arrange for your child's evaluation.

If you do not sign and return the consent to evaluate your child, the CPSE should contact you to be sure you received and understood the materials.

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- Your child's EIP records can be used by the CPSE to decide how to evaluate your child. Your service coordinator will work with you to identify evaluation reports and other records from the EIP that may be helpful. Your service coordinator **will need your consent** to provide the CPSE with EIP evaluation reports and records that may be helpful.
- The CPSE must have a meeting to make a decision on your child's eligibility and services, and must provide a recommendation to the Board Of Education, within **60 calendar days** of getting your consent to evaluate your child.

Just as you are a member of your IFSP team, you will also be a member of the CPSE **for your child**.

You can ask the CPSE to invite your EIP service coordinator to this meeting.

You can request an additional parent member of the CPSE to be present at the meeting. This request needs to be made to the CPSE at least 72 hours prior to the meeting. An additional parent member is a parent of a child with a disability residing in the school district or a neighboring school district and whose child is enrolled in a preschool or elementary level education program.

- If your child is eligible for preschool special education, an Individual Education Plan (IEP) will be developed for your child.

The CPSE will explain the differences between your child's IEP and IFSP.

You can choose to begin preschool special education programs and services when your child is first eligible, or, to stay in the EIP until your child ages out.

If you decide to have your child stay in the EIP, you can choose to leave the EIP and start your child in preschool special education programs and services at any time by contacting the CPSE chairperson.

- If your child is **not** eligible for preschool special education, EIP services will end the day before your child turns three years old.

A transition plan for your child will be made.

If your child and family need other services, the plan will include these services, and steps to help you get these services.

- If you disagree with the CPSE's decision on eligibility or services, or if you sent in your consent to have the CPSE evaluate your child with enough time for the CPSE to make a decision on whether your child is eligible for preschool special education services before your child turns three and the CPSE does not complete its work on time, you have due process rights under the Education Law. You can:
 - contact your Special Education Quality Assurance Regional Office for clarification or technical assistance.
 - ask for a mediation or impartial hearing on the CPSE decision, if they did not make a decision on time.

Your child has the right to get the services you agree on with the CPSE, while you are waiting for a final decision to be made. If you and the CPSE cannot agree about the services needed by your child, an impartial hearing officer will decide what services your child must receive during this time.

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- If your service coordinator does not give you the information you need in a timely manner in order for you to refer your child to the CPSE, you may have due process rights under Public Health Law, including mediation and impartial hearing. However, these due process rights are only available:
 - if you give your service coordinator consent in time to arrange for a transition conference (unless you tell the service coordinator you do not want a transition conference); and
 - if you refer your child to the CPSE with enough time for the CPSE to make a decision, before your child turns three, on whether your child is eligible for preschool special education services.

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Transition
Tool Kit Item 13

COMPARISON OF THE EIP AND PRESCHOOL SPECIAL EDUCATION

Program Area	Early Intervention	Preschool Special Education
Purpose	Provides family centered services to meet the developmental needs of eligible children.	Provides special education and related services to meet the educational needs of identified preschool students with disabilities.
Lead Agency Responsible for the State Program	New York State Department of Health (DOH)	New York State Education Department (NYSED)
Eligible Children	<p>Eligible children are infants and toddlers ages birth through age two years who, through a multidisciplinary evaluation, are identified as having a developmental delay or a diagnosed physical or mental condition that has a high probability of resulting in developmental delay, and meet the eligibility criteria established by the Department.</p> <p>Children who are found eligible for services under Section 4410 of the Education Law by their third birthdays can remain in the EIP until they age out under Section 2541(8) of the Public Health Law.</p>	<p>Eligible preschool students with disabilities ages three to five. A preschool student with a disability is identified because of mental, physical or emotional reasons, based on the results of an individual evaluation which is provided in the student's native language, not dependent on a single procedure and administered by a multidisciplinary team. (Section 200.1(mm)(1-2) of the Regulations of the Commissioner of Education)</p>
Service Coordination	<p>The EIO designates an initial service coordinator to assist the family in the child's evaluation and IFSP development.</p> <p>The parent selects an ongoing service coordinator who is responsible for implementation of the IFSP, coordinates services, and assists the family in accessing other services and supports.</p>	<p>When a child's IEP includes two or more related services only, the Board of Education must designate one of the service providers to coordinate the provision of services. If the IEP includes special education itinerant services (SEIT) and one or more related services, the SEIT provider is responsible for the coordination of services.</p>
Cost to Families	No out-of-pocket costs to families. Third party insurance or Medicaid is billed if the insurer is subject to New York State Insurance Law.	No out-of-pocket costs to families. The use of third party payment (using Medicaid or private insurance) is at the discretion of parents.
Service Availability	Services must be available all year.	Services must be available 180 days during the ten-month school year and at least 30 school days during July and August (when 12-month extended school year services are recommended for eligible children by the CPSE).