

Part C and Part B Initial Identification and Transition Process for Infants and Toddlers Under the Age of 3

Minnesota Statutes, section 125A.03, clarifies that children ages 3 through 21 receive services through an Individualized Education Program (IEP) that meets the requirements of Part B while infants and toddlers under the age of 3 receive services through an Individualized Family Service Plan (IFSP) that meet the requirements of Part C. What follows are suggested windows of time for completing evaluation, meeting, and transition requirements that consolidate work efforts while meeting Part C and Part B due process requirements for infants and toddlers under the age of 3.

Initial Referral Requirements and Recommendations by Age

At the time of referral, the infant/toddler is birth – 2 years and 3 months:

- Evaluations and services must meet Part C timeline and due process requirements.
- Notices must meet Part C requirements.

At the time of referral, the infant/toddler is 2 years and 3 months – 2 years and 6 months:

- Evaluations and services must meet Part C timeline and due process requirements.
- Notices must meet Part C requirements.
- The team may choose to address transition at this time. If the child is considered potentially eligible under Part B the transition conference may be combined with the initial IFSP team meeting and transition steps and services are documented in the IFSP.
- If the team chooses to simultaneously complete a Part B evaluation at this time as part of the transition planning process:
 - Part B timeline and notice requirements must be followed (in addition to the Part C due process requirements) and a meeting to develop an IEP must be held within 30 calendar days of a determination of Part B eligibility.
 - However, the IEP may not be implemented until the child turns 3 and the annual IEP review date is one year from the initial IEP meeting date.
 - The IFSP remains in effect until the child's third birthday.

At the time of referral, the infant/toddler is 2 years and 6 months – 2 years and 9 months:

- Evaluations and services must meet Part C timeline and due process requirements.
- Notices must meet Part C requirements.
- The initial IFSP must include transition steps and services and a determination of whether the child is potentially eligible under Part B. If the child is considered potentially eligible under Part B the transition conference may be combined with the initial IFSP team meeting.

- If the team chooses to simultaneously complete a Part B evaluation at this time as part of the transition planning process:
 - Part B timeline and notice requirements must be followed (in addition to the Part C due process requirements) and a meeting to develop an IEP must be held within 30 calendar days of a determination of Part B eligibility.
 - However, the IEP may not be implemented until the child turns 3 and the annual IEP review date is one year from the initial IEP meeting date.
 - The IFSP remains in effect until the child's third birthday.

At the time of referral the infant/toddler is 2 years and 9 months – 2 years 10 months and 15 days:

- Evaluations and services must meet Part C timeline and due process requirements.
- Notices must meet Part C requirements.
- The initial IFSP must include transition steps and services and a determination of whether the child is potentially eligible under Part B. If the child is considered potentially eligible under Part B the transition conference may be combined with the initial IFSP team meeting.
- The IFSP remains in effect until the child's third birthday. Although there is no requirement for a transition conference or transition plan for infants and toddlers identified at this age, the IFSP and Prior Written Notice (PWN) should provide sufficient notice to the parent of what will happen when services are no longer provided through the IFSP.
- In addition to addressing all Part C post referral requirements, the team may simultaneously address Part B requirements in anticipation of transitioning to Part B.
 - Part B timeline and notice requirements must be followed and a meeting to develop an IEP must be held within 30 calendar days of a determination of Part B eligibility.
 - However, the IEP may not be implemented until the child turns 3 and the annual IEP review date is one year from the initial IEP meeting date.
 - The IFSP remains in effect until the child's third birthday.

At the time of referral the infant/toddler is 2 years 10 months and 15 days – 3 years old:

- Notices must meet Part B requirements.
- The evaluation results must be documented in an evaluation report.
- An IEP is developed and consented to and implemented by the child's third birthday or the start of the school year if the child turns 3 over the summer.
- Because the child was under the age of 3 at the time of referral and entitled to Part C protections until their third birthday, the evaluation must be completed within a reasonable time not to exceed 30 school days from the date of the referral.

Infants and Toddlers Already Being Served Under Part C Who Are Transitioning to Part B or Other Appropriate Services

Note: Transition conferences are a requirement under Part C, and thus follow Part C due process requirements regarding team membership. Any meetings that simultaneously address Part B requirements (e.g. developing an IEP) must also meet Part B requirements regarding team membership.

The infant/toddler is 2 years and 3 months – 2 years and 6 months:

- With family approval, the team may choose at this time to address transition steps and services including the steps involved in completing a Part B evaluation and IEP.

The infant/toddler is 2 years and 6 months – 2 years and 9 months:

- The team must address transition steps and services in the child's IFSP.
- If the child is potentially eligible under Part B:
 - The team must hold a transition conference by the time the child is two years and nine months.
 - An IEP must be written and consented to by the time the child turns 3.
- If the child is not potentially eligible under Part B:
 - The team must address the transition steps necessary to support the child's transition to other appropriate services.

The toddler is 2 years 10 months and 15 days – 3 years old:

- Toddlers transitioning from Part C to Part B must have an IEP in place by their third birthday.