



Key Differences Between Part C and Part B/619

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Ten Minnesota Commitments to Equity

1. Prioritize equity.
2. Start from within.
3. Measure what matters.
4. Go local.
5. Follow the money.
6. Start early.
7. Monitor implementation of standards.
8. Value people.
9. Improve conditions for learning.
10. Give students options.



Referrals

Part C	Part B
Referrals can be made through Help Me Grow (online or via phone) or directly to the program.	Referrals can be made through Help Me Grow (online or via phone) or directly to the program.
The 45 calendar day timeline requirement applies year round.	If a referral is made outside of the school year calendar, the parent must, at a minimum, receive a copy of the procedural safeguards.
	Resource: Summer Referral for Part B

Timelines

Part C	Part B
<p>Within 45 calendar days [from the date of referral] the district shall</p> <ul style="list-style-type: none">• Complete a screening [if applicable] and the initial evaluation [if applicable] and assessment of the child and the family• Hold an IFSP team meeting <p>34 C.F.R. § 303.310(a)</p>	<p>The team shall conduct an evaluation for special education purposes within a reasonable time not to exceed 30 school days from the date the district receives parental permission to conduct the evaluation.</p> <p>Minn. R. 3525.2550 subp.2</p>
	<p>A meeting to develop an IEP for a child is conducted within 30 calendar days of a determination that the child needs special education and related services.</p> <p>34 C.F.R. § 300.323(c)(1)</p>
<p>Begin early intervention services as soon as possible. Typically that will be within 30 calendar days of consent.</p>	<p>As soon as possible following development of the IEP, special education and related services are made available to the child in accordance with the IEP.</p> <p>34 C.F.R. § 300.323(c)(2)</p>

Evaluation Administration Requirements

Part C	Part B
<p>Evaluations and assessments must be timely, comprehensive and multidisciplinary. 34 CFR § 303.113</p> <p>Multidisciplinary means the involvement of two or more separate disciplines or professions and with respect to evaluation of the child and assessments of the child and family, may include one individual who is qualifies in more than one discipline. 34 CFR § 303.24</p>	<p>Assessments and other evaluation materials used to assess a child under this part – are administered by trained and knowledgeable personnel; and are administered in accordance with any instructions provided by the producer of the assessment. 34 CFR § 300.304(c)(1)(iv) and (v).</p>

Evaluation Procedures

Part C	Part B
<p>The procedures used by qualified personnel to determine a child’s initial and continuing eligibility, consistent with the definition of “infant or toddler with a disability.”</p> <p>34 CFR § 303.321</p>	<p>Procedures used...to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs.</p> <p>34 C.F.R. § 300.15</p>

Assessment

Part C	Part B
Ongoing procedures used by qualified personnel to identify the child's unique strengths and needs; the services appropriate to meet those needs throughout the period of eligibility; definition includes assessment of the child and the family and discriminates between initial assessment and other assessment. 34 CFR § 303.321	Assessment is not defined in IDEA 34 CFR § 300 (Part B) or Minnesota Rule 3525.

Child assessment:

- A review of the evaluation results
- Personal observations of the child; and
- The identification of the child's strengths and needs in each of the developmental areas

Family-directed assessment:

- Voluntary for each participating family member
- Tool and interview must be used
- Identifies the families concerns, priorities and resources

The evaluation must include...

Part C	Part B
Consideration of existing data: <ul style="list-style-type: none">• Outside evaluation data• Medical records• Interview with parent(s).• Family and caregiver data	Consideration of existing data: <ul style="list-style-type: none">• Outside evaluation data• Medical records• Part C data (if applicable)• Parent report• Classroom data and teacher report
Identification of functional level in each of five domains.	Evaluation in all areas of suspected disability.
	Sufficient comprehensiveness to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category, including a determination of how they impact the child's ability to benefit from education.

Establishing Eligibility

Part C	Part B
Categorical Disability	Categorical Disability
Developmental Delay <ul style="list-style-type: none">• Diagnosed condition or disorder with a high probability of resulting in developmental delay.• 1.5 Standard Deviation delay below the mean in 1 or more of 5 developmental domains (communication, cognition, social/emotions, adaptive, physical development).• Informed Clinical Opinion.	Developmental Delay <ul style="list-style-type: none">• Diagnosed condition or disorder with a high probability of resulting in developmental delay and identified educational need.• 1.5 Standard Deviation delay below the mean in 2 or more of 5 developmental domains (communication, cognition, social/emotions, adaptive, physical development) and identified educational need.
	Team Override

Informed Clinical Opinion vs. Team Override

Part C	Part B
<p>Informed Clinical Opinion with a big “I”: AFTER formal evaluation procedures have been conducted and the child does not meet eligibility criteria based upon standardized evaluation measures the team may choose to use Informed Clinical Opinion to establish eligibility for Developmental Delay under Part C. In no event may Informed Clinical Opinion be used to negate the results of evaluation instruments used to establish eligibility. Minn. R. 3525.1350</p>	<p>Team Override:</p> <ol style="list-style-type: none">1) Explain why procedures used resulted in invalid findings for this particular child.2) Must have objective data to conclude that the child has a disability and is in need of special education. (e.g. teacher data, observation, parent report, medical data)3) Data must be synthesized and ranked according to relative importance in making the eligibility determination.4) Override requires the agreement and signature of team members. Any team members that disagree with override decision must include a statement of why they disagree. Minn. Rule 3525.1354
Resource: Informed Clinical Opinion	Resource: Q&A: Evaluation Due Process Requirements for English Learner Students

Documenting Results

Part C	Part B
A summary of evaluation and assessment results within the IFSP.	A summary of all evaluation results in a separate evaluation report.
<p>Present levels of</p> <ul style="list-style-type: none">• Physical development (including vision, hearing, and health status);• Cognitive development;• Communication development;• Social or emotional development; and,• Adaptive development. <p>Use of informed clinical opinion with a little “i”.</p>	<p>The child's present levels of performance and educational needs that derive from the disability.</p> <p>Whether the child needs special education and related services.</p> <p>Whether any accommodations or modifications are needed to enable the child to meet IEP goals and participate, as appropriate in the general curriculum.</p>
Documentation of whether the child has met Part C criteria for a particular category of disability.	Documentation of whether the child has met Part B criteria for a particular category of disability.

Notice of Procedural Safeguards

Part C	Part B
Provided with each Prior Written Notice 34 C.F.R. § 303.421	Provided once per school year AND <ul style="list-style-type: none">• upon initial referral or request for evaluation;• upon receipt of parent's first State complaint;• upon receipt of parent's first due process hearing request;• when district takes disciplinary action that constitutes a change of placement;• upon parent request. 34 CFR §300.504(a)
Resource: Summary of Your Part C Procedural Safeguards	

Prior Written Notice Required...

Part C	Part B
A reasonable time before the lead agency proposes, or refuses, to initiate or change the identification, evaluation, or placement of the child, or the provision of early intervention services to the child and the child’s family. 34 C.F.R. § 303.421(a)	A reasonable time before the public agency proposes or refuses to initiate or change the identification, evaluation, educational placement, or provision of FAPE to the child. 34 C.F.R. § 300.503(a)

Components of a Prior Written Notice

Part C	Part B
<p>The notice must be in sufficient detail to inform the parents about:</p> <ul style="list-style-type: none">• The action that is proposed or refused;• The reasons for taking the action.	<p>The notice must be in sufficient detail to inform the parents about:</p> <ul style="list-style-type: none">• A description of the action proposed or refused.• An explanation of why the district proposes or refuses to take the action.• A description of each evaluation procedure, assessment, record, or report used as a basis for its proposal or refusal.• A description of other options the IEP team considered and the reasons why those options were rejected.• A description of other factors relevant to the district's proposal or refusal.

Parental Consent

Part C	Part B
<p>Written consent must be obtained prior to:</p> <ul style="list-style-type: none">• Screening.• All evaluations and assessments.• Early intervention services are provided or changed.• Public benefits or insurance or private insurance is used, if such consent is required.• Personally identifiable data is disclosed.	<p>Written consent must be obtained prior to:</p> <ul style="list-style-type: none">• Screening.• Initial evaluation.• Initial provision of services.• Public benefits or insurance or private insurance is used, if such consent is required.• Personally identifiable data is disclosed. <p>A District may implement an annual IEP or conduct a reevaluation if a parent does not object or respond within the 14 calendar day time period.</p>

Progress Reporting

Part C	Part B
<p>Progress on IFSP outcomes must be reviewed at least every 6 months.</p> <p>IFSP outcomes must include language that describes how they will be measured.</p> <p>Periodic Review may be carried out by a meeting or by another means that is acceptable to the parents and other participants.</p>	<p>Progress on IEP goals and objectives must be reported at least as frequently as general education peers.</p> <p>IEP goals and objectives must include language that describes how they will be measured.</p> <p>The IEP must include a description of when and how the child's progress will be reported. The annual IEP meeting may serve as one of the progress reports, as long as progress is appropriately documented.</p>

Team Membership Requirements

Part C	Part B
<ul style="list-style-type: none">• Parent or parents of the child*• Other family members as requested by the parent, if feasible*• Advocate or person outside of the family, if parent requests*• Service coordinator*• A person or persons directly involved in conducting the evaluation (or by proxy).• As appropriate, persons who will be providing early intervention services to the child or family. <p>*indicates required attendance at periodic review meetings.</p>	<ul style="list-style-type: none">• Parents of the child• Regular education teacher (if the child is or may be participating in a regular education environment)• A licensed special education teacher or provider• The child (whenever appropriate but must be invited at transition age)• A representative of the district. <p>There must be a teacher on the team who is licensed in the disability area of each school-aged pupil served by the team. MN Rule 3525.2350, Subp. 2</p> <p><i>Common Misconception: Belief that this rule applies to preschool.</i></p>

Flexibility for meeting general education representative requirement

- Best option: appropriately licensed/credentialed EC regular education teacher of the child
- Next best option: appropriately licensed/credentialed EC regular education teacher (not the child's teacher)
- Least best but acceptable: appropriately licensed regular education kindergarten teacher

Excusal Process

- Team members may be excused by following the excusal process. 34 C.F.R. § 300.321(e)

Parent Participation

- District must take steps to ensure parent(s) are present at each IEP team meeting or are afforded the opportunity to participate.

Team Meeting Settings and Times/Notification

Part C	Part B
<p>IFSP meetings must be conducted:</p> <ul style="list-style-type: none">• In settings and at times that are convenient to families;• In the native language of the family or other mode of communication used by the family, unless it is clearly not feasible to do so.	<p>IEP meetings must be conducted:</p> <ul style="list-style-type: none">• At a mutually agreed on time and place.• In a way that ensures the parent understands the proceedings of the IEP Team meeting (e.g. through use of interpreters)
<p>Meeting arrangements must be made with, and written notice provided to, the family and other participants early enough before the meeting date to ensure that they will be able to attend.</p>	<p>Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend, including the:</p> <ul style="list-style-type: none">• Purpose of meeting;• Time and location;• Who will be attending;• Letting parents know they may invite others who have knowledge or special expertise.

Key Aspects of Service Delivery

Part C	Part B
Individual Family Service Plan (IFSP)	Individual Education Program (IEP)
Early Intervention services	Special Education and related services
Service coordination	Case Management
Natural environments	Least restrictive environments
Year-round service delivery, including identification	Extended School Year
Outcomes based on parent priorities	Goals address identified educational needs.
Parents may consent to or reject specific early intervention services.	Parents must consent to or reject the IEP in total.
Quality intervention is built around routines and engages parents and other caregivers as interventionists	Quality intervention is built around routines and engages early childhood educators as interventionists.

Transition

Part C	Part B
<p>“The IFSP must include the steps and services to be taken to support the smooth transition of the child ... from Part C services” 34 C.F.R. § 303.344(h)(1).</p> <ul style="list-style-type: none">• Not fewer than 90 days and not more than nine months before a child’s third birthday a transition conference must be held for children potentially eligible for Part B. Reasonable efforts are made to convene a transition conference for children not potentially eligible for Part B.• An initial evaluation for Part B must be part of the transition plan for those children considered to be potentially eligible.• The resulting transition plan must be part of the IFSP and not a separate document.	<p>Consideration of quality practices to support successful transitions to kindergarten.</p> <p>Resources:</p> <ul style="list-style-type: none">• Kindergarten Transitions• Kindergarten Eligibility and Enrollment Brief <p>For a child who does not meet eligibility under another categorical disability, there are no additional required transition steps for exiting the child when the child turns 7.</p>

Thank you!

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