



Utah State
Board of
Education

Special
Education
Services

IDEA PART C EARLY INTERVENTION TO PART B PRESCHOOL TRANSITION: ADDRESSING "PARENT DECLINED" CONFERENCE

A UTAH STATE BOARD OF EDUCATION TECHNICAL
ASSISTANCE DOCUMENT

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INTRODUCTION

This document provides guidance on LEAs' responsibilities when parents decline the preschool transition conference from IDEA Part C Early Intervention to Part B Preschool. It aims to clarify the rules and regulations around the referral process, address liability concerns, and offer strategies for effective communication with parents.

Preschool transitions refer to when young children with developmental delays or disabilities move from Utah's Part C of the Individual with Disabilities Education Act (IDEA) Baby Watch Early Intervention Program (EI) to Part B of IDEA preschool services administered by the Utah State Board of Education (USBE).

Utah's early childhood educators follow federal and state special education rules to provide a continuity of services for families. As part of this work, local Baby Watch early intervention (Baby Watch) programs and local education agencies (LEAs) work closely together to help ensure success for all potentially eligible young children. The primary focus for the conference with IDEA Part C and Part B is on improving early intervention and educational results and functional outcomes for all children with disabilities and their families.

To comply with federal and state requirements, LEAs must follow the USBE Special Education Rules which state:

The USBE and LEA must have in effect policies and procedures to ensure that:

- a. Students participating in early intervention programs assisted under Part C of the IDEA, and who will participate in preschool programs assisted under Part B of the IDEA, experience a smooth and effective transition to those preschool programs;
- b. By the eligible student's third birthday, an Individualized Education Program (IEP) has been developed and is being implemented for the student;

- c. If a student's third birthday occurs after the end of the school year, the student's IEP team shall determine the date in the next school year when services under the IEP will begin, except that the IEP team may determine that extended school year services are needed outside the school year; and
- d. Each affected LEA will participate in preschool transition planning conferences arranged by the designated [local EI program] for Part C ([SpEd Rules VII.A.2](#)).

REFERRAL PROCESS AND LIABILITY

The state of Utah uses the Transition from Early Intervention Data Input System (TEDI) to document and monitor the children who are moving from Part C Early Intervention to Part B preschool programs. Each LEA should have a designated person in charge of their data.

LEAs will receive a notification in TEDI of a child who is approaching their third birthday as early as nine months before the child's third birthday. This notification in TEDI is considered the referral to special education preschool services. A conference should be scheduled with the child's family by Part C local programs no later than three (3) months before their third birthday. However, parents can decline this conference. Even if the conference does not occur, the LEA is still responsible for completing Part B eligibility determination and an IEP (if the child is found eligible) before the child's third birthday.

A referral from IDEA Part C in the TEDI system must be treated the same way as any other referral to Part B ([OSEP, 2023a, p. 4](#)). However, due to the child's participation in early intervention services, the LEA must also review existing evaluation and assessment data, if it is available. **Referrals in TEDI are treated as Child Find, regardless of whether the preschool transition conference is held or declined.**

LEAs can be found noncompliant in their child find duties if they do not continue the child find process with children whose parents decline the conference with Part C early intervention and Part B preschool services.

STUDENTS WITH "NEVER OCCURRED" TRANSITION CONFERENCES

LEAs should also check for students whose transition conference is listed as "never occurred." It is crucial to follow up with these families to determine if they are interested in Part B preschool services. Since the information is recorded in TEDI, it indicates that a referral was made, which has triggered the child find process. LEAs are responsible for completing the referral process for these students, regardless of whether the conference took place. This includes reaching out to the families to discuss their interest in Part B services and sending a prior written notice or proceeding with evaluations and eligibility determinations. By diligently following up on these cases, LEAs can ensure that all potentially eligible children receive the support and services they need to move to Part B preschool whether a conference occurred or not, was declined, or whether the family is still participating in Part C services.

SCENARIOS

Though parents may decline the conference for a variety of reasons (birth of a baby, already familiar with the system, not available, etc.), LEAs are still responsible to reach out to them individually to complete the referral process. The following are some common scenarios of what an LEA should do to complete the referral process:

SCENARIO 1: PARENTS DECLINE CONFERENCE FOR PRIVATE PRESCHOOL

Background: Parents have decided to decline the conference because they are not interested in Part B preschool services and prefer that their child attends a private preschool.

Conversation with Part C: During the initial conversation, the Part C representative explains the process of moving from Part C to Part B, including the available services under Part B. The parents express their decision to decline the conference, stating that they have chosen a private preschool for their child. The

Part C representative acknowledges the parents' decision and clarifies that Part C's role is to facilitate the process but not to dictate what Part B does.

Part C indicates in their system that the parents have declined the preschool conference. This shows in TEDI as "Parent/guardian declined the transition conference." This student is still entitled to child find and should be contacted by the local education agency (LEA). The Part C representative emphasizes that this conversation is necessary to fulfill the legal requirements and to ensure that the parents' wishes are respected.

Conversation with Part B: The LEA representative contacts the parents directly to discuss their decision further. During this conversation, the LEA representative explains what Part B is, the procedural safeguards, and what services could look like if the child is found eligible. The parents reiterate their choice to decline Part B services in favor of a private preschool. The Part B representative listens to the parents' reasons and ensures that all necessary information is gathered to complete the referral process.

Prior Written Notice (PWN): After the conversation with the parents, the LEA sends a PWN indicating what the LEA proposed and that the parents are no longer interested in Part B services. The PWN includes details of the parents' decision and the implications of declining the conference. Included with the PWN is information on how the parents can restart the process in the future if they have future concerns about their child's development. If the parents do reach out about continuing the process at a later date, it will be considered as a new referral and will not be subject to the same timelines, including having an IEP in place by the third birthday. **TEDI System Update:** Within 30 days of the conversation, the LEA will update the eligibility portion in TEDI to indicate that they were unable to complete the eligibility meeting with the date the PWN was sent and the reason that the parents refused.

SCENARIO 2: PARENTS DECLINE CONFERENCE BUT INTERESTED IN PART B PRESCHOOL SERVICES

Background: Parents have decided to decline the conference because they do not want to attend an extra meeting. However, they may have interest in Part B Preschool services for their child.

Conversation with Part C: During the initial conversation, the Part C representative explains the process of moving from Part C to Part B, including the available services under Part B. The parents state that they are interested in Part B Preschool services but prefer not to attend an additional meeting. The Part C representative acknowledges the parents' situation and clarifies that the referral process will continue despite the declined conference. The representative also informs the parents that Part B will need to reach out to them directly to complete the referral process.

Conversation with Part B: The LEA representative reaches out directly to the parents to discuss their interest in Part B Preschool services. During this conversation, the parents express their desire for Part B Preschool services and evaluation. The LEA representative listens to the parents' reasons and ensures that all necessary information is gathered to proceed with the referral process.

Review of Part C Information: After the conversation with the parents, the LEA reviews any information provided by Part C regarding the child's development and needs. This includes any assessments, reports, and notes that may be relevant to the child's eligibility for Part B Preschool services.

Scheduling an Evaluation: Based on the information reviewed, the LEA schedules an evaluation for additional data to determine the child's eligibility for Part B preschool services. The parents are informed of the evaluation date and the process involved. The LEA ensures that the parents understand the importance of the evaluation in determining the appropriate services for their child.

TEDI System Update: Within 30 days of the eligibility meeting being held, the LEA inputs the information into TEDI.

SCENARIO 3: PARENTS DECLINE CONFERENCE DUE TO UPCOMING BABY

Background: Parents have decided to decline the conference because they are about to have a baby.

Conversation with Part C: During the initial conversation, the Part C representative explains the process, including the available services under Part B. The parents express their decision to decline the conference, stating that they are about to have a baby and prefer not to attend any additional meetings at this time. The Part C representative acknowledges the parents' situation and clarifies that the referral process will continue despite the declined conference. The representative also informs the parents that a Part B/district representative will reach out to them directly to complete the referral process.

Conversation with Part B: The LEA representative attempts to contact the parents to discuss their decision and proceed with the referral process. Multiple attempts are made to reach the parents, including emails, texts, and phone calls. Despite these efforts, the parents do not respond.

Prior Written Notice (PWN): After multiple unsuccessful attempts to contact the family, the LEA determines that they cannot reach the parents. The LEA sends a PWN indicating their proposal to evaluate the student and efforts made to contact the parents. The LEA will note that they will make no further efforts to contact the parents and that they are ready, willing, and able to conduct the referral process if the parents contact them. Included with the PWN is information on how the parents can continue the process in the future if they have future concerns about their child's development. If the parents do reach out about continuing the process at a later date, it will be considered a new referral and will not be subject to the same timelines, including having an IEP in place by the third birthday.

TEDI System Update: Within 30 days of sending the PWN, the LEA representative goes into TEDI and updates the eligibility section to reflect the situation. The representative changes the status to "unable to complete," includes the date the PWN was sent, and notes the reason as "unable to contact."

SCENARIO 4: FAMILY STOPS PARTICIPATING IN PART C SERVICES

Background: The parents have stopped participating in Part C services after the initial referral was made in TEDI because they felt their child was doing well.

Conversation with Part C: During the initial conversation, when the referral was made, the Part C representative explained the preschool transition process and the available services under Part B. This child's "transition conference status" will be listed in the TEDI system as "Never Occurred."

Conversation with Part B: The LEA representative attempts to contact the parents to discuss their decision and proceed with the referral process. The parents indicate that they are interested in services because they have noticed their child's progress has slowed over the last few months.

Review of Part C Information: After the conversation with the parents, the LEA reviews any information provided by Part C regarding the child's development and needs. This includes any assessments, reports, and notes that may be relevant to the child's eligibility for Part B Preschool services. Since this child has not been participating in Part C services, the information is not current.

Scheduling an Evaluation: Based on the information reviewed, the LEA schedules an evaluation for additional data to determine the child's eligibility for Part B preschool services. The parents are informed of the evaluation date and the process involved. The LEA ensures that the parents understand the importance of the evaluation in determining the appropriate services for their child.

TEDI System Update: Within 30 days of the eligibility and/or IEP meeting, the LEA inputs the information into TEDI.

Enhancements to TEDI System

- **Wording Update:** The wording in TEDI in the Part C transition section under "Transition Conference" has been updated to *"Parent/guardian declined the transition conference. This student is still entitled to child find and should be contacted by the local education agency (LEA)."*

- **Reports to Include “Parent Declined”:** reports will now include the children whose parents decline the conference so that LEAs can report to USBE how they fulfilled their obligation of child find for these children.
- **Removed “Treat as Child Find?” Header:** This was an outdated portion that is no longer applicable. All referrals in TEDI should be treated as child find.

CONCLUSION

The process for children moving from Part C to Part B services must be handled with sensitivity and thorough communication. Despite parents’ decision to decline the conference, it is crucial that the referral process continues, and every effort is made to contact the family. The recent enhancements to the TEDI system ensure that the LEA's obligations for child find are met and provide a clear record of actions taken. Should the family decide to revisit the referral process in the future, they are provided with the necessary information to restart it seamlessly. These improvements reinforce the commitment to supporting children's developmental needs while respecting family circumstances.

CITATION

Office of Special Education Programs (OSEP). (2023a). *OSEP Policy Letter to Jennifer Nix (March 17, 2023)*. U.S Department of Education.
<https://sites.ed.gov/idea/files/OSEP-Response-to-Nix-03-17-2023.pdf>