



# Exceptional Student Services

## Individuals with Disabilities Education Act (IDEA) Early Childhood Special Education Transition

### Policies and Procedures

Revised October 2021



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## **Premise**

The Arizona Department of Education (ADE)/Exceptional Student Services (ESS) is responsible for providing general supervision by creating and implementing systems to monitor public education agencies (PEAs) for the transition of children with disabilities from Part C to Part B of the Individuals with Disabilities Education Act (IDEA). ADE/ESS is also responsible for providing training, technical assistance (TA), and other support to PEAs related to early childhood special education transition requirements. These obligations are authorized by IDEA Section 637(a)(9), Section 612(a)(9), Sections 612(a)(11) and 616(a), 34 C.F.R. § 300.124, § 300.149 and §300.600 through § 300.602, and 20 U.S.C. 1232d(b)(3)(A). Additional guidance is found in 34 C.F.R. §300.600(e), OSEP Memo 09-02 (2008).

## **Stakeholders**

### *Arizona Part C: AzEIP*

The Arizona Department of Economic Security (ADES) Arizona Early Intervention Program (AzEIP), the lead agency for Arizona Part C, is responsible for the coordination of a system of early intervention programs and services to infants and toddlers with disabilities or developmental delays who are aged birth to three years, which includes coordination of a seamless transition process from Part C to Part B for eligible children.

### *Arizona Part B: ADE/ESS*

ADE/ESS, the lead agency for Arizona Part B, is responsible for ensuring that PEAs have special education programs, policies, and procedures that comply with the IDEA and its implementing regulations and that eligible children and youths of ages 3 through 21 receive a free appropriate public education (FAPE), which includes ensuring a seamless transition process from Part C to Part B for eligible children.

The Exceptional Student Services division houses two units that coordinate the transition process for IDEA Part B, Program Support and Monitoring (PSM) and Early Childhood Special Education (ECSE). ESS/ECSE provides best-practice-focused technical assistance, case management, and professional development to PEAs related to the transition process of children with disabilities from Part C to Part B services. ESS Program Support and Monitoring (PSM) monitors compliance with transition of children with disabilities from Part C to Part B services as part of the cycle-based, programmatic monitoring framework for all PEAs. ESS/PSM also provides compliance-focused technical assistance, case management, and professional development to PEAs collaboratively with ESS/ECSE.

## **Primary Goal**

A.R.S. § 15-761(26)–PEA; 34 C.F.R. § 300.124, §300.149, and § 300.600, § 300.601, § 300.602; IDEA Sections 612 (a)(9), 612(a)(11), 637(a)(9); and 20 U.S.C. 1232d(b)(3)(A) and (E)

The primary goal of this Policies and Procedures document is to enhance outcomes for young children with disabilities who transition from IDEA Part C to Part B services by monitoring compliance with the requirements of IDEA through general supervisory authority and by providing training and technical assistance to PEAs statewide in order to enhance PEA capacity and systems. ADE/ESS will accomplish this goal through the procedures outlined, which will be fully implemented during fiscal year 2022 (school year 2021–2022), and by childhood designating clear lines of responsibility and proper implementation for all stakeholders involved in the early transition process. As part of an effective and full implementation of these procedures, ADE/ESS will work in partnership with ADES/AzEIP to ensure a smooth transition of eligible children from Part C to Part B services, including the reconciliation of data collected manually and shared between these two agencies.

## **Arizona Part B: ADE/ESS Policy and SEA Expectations**

ADE/ESS implements a comprehensive general supervision system per IDEA requirements that is designed to:

1. support practices that improve educational results and functional outcomes for children and youths with disabilities
2. use multiple methods to identify and correct noncompliance within required timeframes
3. use mechanisms to support improvement and enforce compliance

ADE/ESS has developed policy that outlines areas of general supervision that are directly relevant to early childhood special education transition: programmatic monitoring (Integrated Monitoring Activities and Improvement, Correction, Incentives, and Sanctions), PEA determinations (State Performance Plan and Data on Processes and Results), and Targeted Technical Assistance and Professional Development.

The stakeholders responsible for implementing these general supervision activities include ADE/ESS and ADES/AZEIP, whose agency staff work collaboratively to implement the regulations with PEA personnel.

### **Programmatic Monitoring**

A.R.S. § 15-761(26)–PEA; 34 C.F.R. § 300.124, § 300.149, § 300.600, § 300.601, § 300.602; OSEP Memo 09-02 (2008); IDEA Sections 612(a)(11), 616(a); and 20 U.S.C. 1232d(b)(3)(A) and (E)

#### *Framework*

PEAs are held accountable to the specific provisions of implementation related to smooth transition to preschool by a student's third birthday (Indicator 12) through the ESS programmatic monitoring framework. ESS uses a cyclical, risk-based system. Under this system, PEAs are monitored once every 6 years. Monitoring activities are differentiated based on the PEA's level of risk, as determined by a risk analysis (RA). The RA is aligned to the State Education Agency's (SEA) Annual Performance Report (APR) indicators. A PEA's monitoring year may be adjusted, and monitoring activities assigned, any time that data indicates broad issues across systems.

Within ADE/ESS, the Program Support and Monitoring (PSM) unit is responsible for implementing the programmatic monitoring system.

ESS provides, at a minimum, one annual technical assistance meeting outside of a monitoring year (cycle years 1, 2, 3, 5, and 6) for all PEAs. During these visits, data from the RA tool is reviewed to provide technical assistance on PEA systems. Additionally, technical assistance on updated compliance requirements is provided to PEAs. Data from technical assistance visits plays a role in determining the differentiated monitoring activities and guides movement into a monitoring cycle year where needed, as explained above.

#### *Process*

PEAs, regardless of risk level, will be required to provide student files associated with children who had received early intervention services for review to ensure that each student was transitioned by age 3. The student-level data used to generate a PEA's list of students will be taken from the data system where AzEIP has provided this information. The compliance data collected will be a self-review by the PEA if its RA score has designated its level of risk to be low or moderate. A sample of this compliance data will be validated and verified by ADE/ESS. If the PEA level of risk is designated as high, the compliance data will be collected through a review by ADE/ESS in its capacity as SEA.

To monitor PEA participation at transition conferences, ADE/ESS will conduct either an on-site or desk review audit of the attendance of the PEA at transition conferences, per the student data submitted by AzEIP. Note that as AZEIP-reported data is a dependency for this process, it will be phased into the programmatic monitoring system in SY 2022–2023. If the PEA is found not to be participating in these conferences, findings of noncompliance will be issued in accordance with Office of Special Education Programs (OSEP) requirements, and corrective action will be assigned as outlined below.

After completion of the PEA monitoring activities or as a result of an audit, if there is noncompliance (self- or SEA-identified), a written notification of findings will be issued within 3 months of identification of findings, and corrective action will be required. Additionally, if a state complaint is filed that alleges a violation of IDEA Part B, the ESS Dispute Resolution unit will complete an investigation into the allegations within 60 calendar days of receipt of that complaint. If noncompliance is found as a result of the investigation, corrective action will be assigned. The corrective action process follows the requirements under [OSEP Memo 09-02](#) (2008). Follow-up is required for the PEA at both the individual and systemic levels, evidenced through subsequent files and review of corrections for individual noncompliance identified. ADE/ESS staff from PSM and ECSE may collaborate during the corrective action process to provide the PEA with additional training or TA on systems, as outlined in the PEA's corrective action plan (CAP). Corrective action activities are required for all areas where the PEA data shows a systemic level of correction is needed, although individual instances of noncompliance still require evidence of correction. Corrective action will include an analysis and action plan, specific to preschool transition (Indicator 12), to assist in improving outcomes for students. All corrective action plans require correction of all noncompliance, individual and systemic, to be completed in one year or less. If timely correction is not completed by the PEA, ADE/ESS will take enforcement actions as needed. <sup>1</sup>

Additionally, data collected from PEAs during the monitoring process is used for reporting in the State Performance Plan, Annual Performance Report (SPP/APR). Specifically, this data includes Indicators 11 (percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation), 13 (percent of youths with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age-appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs), and 17 (State Systemic Improvement Plan). Data collected through monitoring activities and reported in the SPP/APR is made publicly available on the ADE/ESS [SPP/APR webpage](#) along with other publicly reported data.

#### *Example:*

1: Indicator 12 file review: ADE/ESS will use data submitted from AzEIP to verify compliance of transition requirements through review of files. Additionally, ADE/ESS will review the PEA policies and procedures for child find requirements as they relate to children aged birth to 3. If there is noncompliance in either or both of these areas, a finding will be generated, and a CAP will be required. These findings are subject to correction by the PEA in accordance with OSEP Memo 09-02 (2008).

2: PEA participation in transition conference: ADE/ESS will use data submitted by AzEIP to verify PEA participation in transition conferences. Based on data submitted, if PEA participation is not evident, findings will be issued and corrective action required, in accordance with OSEP Memo 09-02 (2008).

## **PEA Determinations**

A.R.S. § 15-761(26)–PEA; 34 C.F.R. § 300.149, § 300.600, § 300.601, § 300.602, § 300.608, and IDEA Sections 612(a)(11), 616; and 20 U.S.C. 1232d(b)(3)(A) and (E)

### *Overview*

As required by federal regulation, the Office of Special Education Programs (OSEP) makes an annual determination of Arizona's compliance with IDEA and, in turn, Arizona makes a similar determination about every one of its PEAs using data aligned to Arizona's Annual Performance Report (APR). As outlined in federal regulation, after its annual review of a PEA's status in implementing IDEA, ADE/ESS assigns one of the following four categories of determination:

1. meets the requirements and purposes of the IDEA
2. needs assistance in implementing the requirements of the IDEA
3. needs intervention in implementing the requirements of the IDEA
4. needs substantial intervention in implementing the requirements of the IDEA

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<sup>1</sup> Additional information on programmatic monitoring procedures, processes, and enforcement (including withholding of payment) can be located in the [Arizona Monitoring Manual](#).

### *Early Childhood Transition Data*

ADE/ESS includes preschool transition by the third birthday as a component of its annual PEA Determination process and specifically:

1. extracts data from the programmatic monitoring database
2. applies it only to PEAs with preschool students
3. includes students transitioned from AzEIP by age 2 years and 9 months (2.9) whose third birthday was between July 1 and June 30 of the reporting year
4. assigns a value of 0 to 5 points, based on raw percentages

In instances of noncompliance or systemic failure to transition students from Part C to Part B, ADE/ESS can classify the PEA as needing substantial intervention in implementing the requirements of the IDEA. This classification can lead to further actions, such as the withholding of federal funds or stipulations on how IDEA Part B federal funds may be used.

### **Targeted Technical Assistance and Professional Development**

A.R.S. § 15-761(26)–PEA; 34 C.F.R. § 300.101(b), § 300.124(b), § 300.149, 300.321(f), § 300.323(b) and § 300.600, § 300.600; IDEA Sections 612(a)(1)(A) and (a)(9), 614(d)(1)(D) and (d)(2)(B), 619, 637(a)(9); and 20 U.S.C. 1232d(b)(3)(A)

As part of ADE/ESS's system of general supervision, technical assistance (TA), and professional development (PD) are linked to early childhood transition data (Indicator 12), including related metrics such as PEA participation in transition conferences.

Within ADE/ESS, ECSE staff provide best-practice-focused technical assistance, case management, and professional development to PEAs related to the transition process of children with disabilities from Part C to Part B services. Additionally, ADE/ESS PSM staff also provide compliance-focused technical assistance, case management, and professional development to PEAs collaboratively with ECSE.

Technical assistance and capacity-building activities are implemented at a variety of levels and through multiple means, including the ADE/ESS website, resources and training materials, assignment of specialized staff to support PEAs from both the ECSE and PSM units, ADE/ESS participation in local and regional PEA staff meetings, and through direct training at statewide training opportunities and conferences (e.g., annual Early Childhood Special Education Summit, annual IDEA Conference, and monthly special education administrator webinars).

### **Arizona Part B: ADE/ESS Transition Procedures**

The transition of children from IDEA Part C to Part B requires that the various stakeholders and the PEAs work together to facilitate a seamless transition of services for eligible children. Responsibilities are outlined for each stakeholder, all of which must collaborate and cooperate so that transition activities occur smoothly and efficiently. The parents of young children also must be engaged and provided the opportunity to participate in the process. Responsibilities for each party are outlined below and examples provided.

### **Part C to Part B Early Childhood Special Education Transition**

A.R.S. § 15-761(26)–PEA; 34 C.F.R. § 300.101(b), § 300.124, § 300.149, § 300.321(f), § 300.323, § 300.321(f), and 303.209 and IDEA Sections 612(a)(a)(A) and (a)(9), 614(d)(2)(B), 637(a)(9)

ADES/AzEIP is required to notify ADE/ESS of children transitioning to Arizona Part B services. Notification to ADE/ESS will include children's names, birthdates, date of eligibility, parent and service coordinator contact information, and PEA Notification date. AzEIP will complete this notification through data submission into ADE's systems, the specifics for which are outlined within a data-sharing agreement. AzEIP is required to initiate and coordinate the transition conference with the family and the PEA when the child is between 2 years and 6 months (2.6) and 2 years and 9 months (2.9) old.

The ADE/ESS will coordinate and communicate with ADES/AzEIP on the transition process based upon the data provided by AzEIP as outlined in the early childhood transition data-sharing agreement and as described above. PEA Notifications for children who are AzEIP-eligible before 2 years and 9 months (2.9) and who are received by the PEA and the SEA after the child turns 2 years and 9 months (2.9) old will result in issuance of an alert to AzEIP. AzEIP will address the delay with Service Coordinators. The SEA will also notify the PEA that Service Coordinator delay is not deductible and that an evaluation and IEP must be completed prior to the child turning three years old. Alerts for delays by the PEAs to engage in transition activities that could result in a late transition are issued by AzEIP to ADE/ESS. ADE/ESS contacts PEAs to facilitate coordination to ensure that children are evaluated and, if eligible, have an IEP in place by their third birthdays.

Within ADE/ESS, the ECSE unit will serve as the day-to-day liaison with ADES/AzEIP and will take on the primary focus of offering training and technical assistance to PEAs regarding the transition process. The ECSE unit will be supported by the PSM unit, which provides case management for each PEA. ADE/ESS will provide training to PEAs on the requirements related to transition, specifically about attendance at the transition conference, and will also provide front-end TA to districts of residence (DORs) for which there is a potential for a late transition, assisting with systems development to support PEAs in the effective transition of students from Part C services.

#### *Training and TA Examples:*

1: Training opportunities for PEAs regarding their roles and requirements for attendance at the Part C transition conference may occur at any or all of the following: the annual ESS/ECSE Summit, ESS Annual IDEA Conference, individual requests made by a PEA, asynchronous webinars, etc.

2: ADE/ESS personnel, when they identify that a transition may fail to occur by age 3, can proactively communicate to the PEA to ensure that they are taking steps to transition the student to preschool by age 3.

3: ADE/ESS personnel may also assist PEAs, based on the request of a PEA or other entity, in developing systems to ensure a smooth transition to preschool by age 3 when there are early warning signs of systemic issues that are not addressed through general supervision or that are addressed in a PEA corrective action plan (CAP).

4: Additional TA documents may be created by ESS PSM and ESS ECSE collaboratively to assist PEAs in developing compliant systems and in understanding their requirements.

### **PEA Attendance at Transition Conferences**

A.R.S. § 15-761(26)–PEA; 34 C.F.R. § 300.101(b), § 300.124, § 300.149, § 300.321(f); and IDEA Sections 612(a)(9), 614(d)(1)(D)

PEAs are obligated to make a free appropriate public education (FAPE) available to each eligible child between the ages of 3 and 21 who resides within their boundaries, beginning no later than the child's third birthday. To accomplish this goal, children who have received services from AzEIP and who will be participating in preschool programs will experience a smooth and effective transition between programs.

PEAs are required to have staff in attendance at a child's transition conference to facilitate an efficient preschool transition. The transition conference is to be held at a time and place mutually agreed upon by all parties, which include parents, Arizona Part C providers, and PEA staff. PEA participation is defined as having a member of the PEA attend the transition conference, in person or through alternate means. The PEA role at the transition conference is to provide information to parents about the options for preschool programming available at the PEA, including the continuum of service options available for all students.

The PEA may choose, having provided requisite notice to parents, to utilize the transition conference as a review of existing data. Should the PEA choose to conduct a review of existing data, team composition in accordance with IDEA requirements would be required.

## **PEA Requirements for the Transition Process**

A.R.S. § 15-761(26)–PEA; 34 C.F.R. § 300.101(b), § 300.124(b), § 300.149, § 300.300–300.306, and § 300.320–300.324 (including 300.321(f) and 300.323(b)); and IDEA Sections 612(a)(1)(A) and (a)(9)

### *Evaluation*

The PEA will conduct a full and individual initial evaluation of the child transitioning from Part C, in accordance with § 300.304–300.306, by the child's third birthday. This initial evaluation will be conducted by a team to include the same composition of an IEP team. The evaluation will begin with a review of existing data to include information from parents, information from classroom teachers or early learning providers, and any formal assessments already available. Based on this review of data, the team will determine if additional data is needed to determine eligibility for services. If additional data is needed, the PEA will obtain informed consent from the parent of the child prior to conducting the evaluation.

Assessments administered must be chosen so as not to be racially discriminatory and/or culturally biased. Assessments must be administered in the child's native language, or other mode of communication, to yield the most accurate information. Assessments must be used to obtain valid and reliable data, administered by trained professionals, and administered in accordance with the instructions provided by the test producer.

For a child found eligible for special education and/or related services, the PEA responsible for providing FAPE will obtain informed consent from the parent of the child prior to the initial provision of special education and related services to the child. A child must not be found eligible if the determinant factor is a lack of appropriate instruction in reading or math and/or from a limited English proficiency. The evaluation must be conducted using a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child. The evaluation must not use a single measure or assessment as the sole criterion and must use technically sound instruments to assess contributions from cognitive and behavioral factors. In determining eligibility, the PEA must draw upon information from a variety of sources, ensure information from all sources is carefully considered and documented, and determine whether special education and/or related services are necessary for the child to make progress in the general curriculum.

### *Individualized Education Program (IEP)*

The PEA will develop and implement an individualized education program (IEP) in accordance with §§ 300.101 and 300.320–300.324 by the child's third birthday and within 30 days of the completed evaluation when the child is determined to be eligible for services. The IEP team will consist of, at minimum, the parent of the child, general education teacher of the child, the child's special education teacher or service provider, a PEA representative who is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities, who is knowledgeable about the general education curriculum, and who is knowledgeable about the availability of resources of the public agency, an individual who can interpret the instructional implications of evaluation results, and any individuals who have knowledge or special expertise regarding the child, at the discretion of the parent or the agency. Additionally, if a child was served by AzEIP and is transitioning to preschool, the PEA will send an invitation to the Part C Service Coordinator for the IEP meeting, if requested by the parent.

The IEP will include the following components: present levels of academic and functional achievement, annual measurable goals, description of how the child's progress will be reported, explanation of specially designed instruction to be provided, explanation of related services, explanation of supplementary aids and services, statement of program modifications or supports for school personnel, an explanation of the extent, if any, to which the child will not participate with nondisabled children, projected date for the beginning of services, modifications, and anticipated location, frequency, and duration of services. The IEP team also needs to consider the following potential factors, where applicable, when developing the IEP for the child: behavioral needs and interventions for children whose behavior may impede their learning, language needs for children with limited English proficiency, instruction in and/or the use of Braille for children who are blind or have a visual impairment, language and mode of communication for children with language needs and/or are deaf or hard of hearing, and need for assistive technology.



The PEA will provide a meeting notice, in accordance with § 300.322 (b), to include the purpose, time, location, and anticipated attendees for the meeting. The PEA is required to review and revise, as appropriate, the child's IEP as often as is needed to meet the child's needs, but at least annually.

## **Data Facilitation**

34 C.F.R. § 300.124, § 300.149, § 300.600, § 300.601, § 300.602

ADES/AzEIP and ADE/ESS are finalizing a data-sharing agreement to be implemented for the 2021–2022 school year to assist in facilitating an efficient and accurate exchange of early childhood transition data between agencies. A database infrastructure has been built that allows AzEIP to enter data on students who are transitioning into Part B services. This data-sharing agreement will allow ADE/ESS to obtain and utilize data in real time for follow-up, training, and accountability through general supervision to PEAs. AzEIP is required to submit data into this system in accordance with the data-sharing agreement, which outlines timeframes as well as data elements necessary for submission. Within ADE/ESS, the ECSE unit will perform the primary data review and communication functions (both to AzEIP and the PEA) in order to support the transition process on behalf of the state education agency. ADE/ESS will utilize aggregate data reports regularly, but no less than weekly, to provide front-end technical assistance (TA) to DORs for whom there is a potential for a late transition. ADE/ESS will also use these reports to alert AzEIP when a PEA has not been notified of the transition for a child who is at least 2 years and 9 months old (2.9).

For additional information on how ESS/ECSE will utilize this data for targeted technical assistance and professional development, please see the above section titled [Part C to Part B Early Childhood Special Education Transition](#). For additional information on how ESS/PSM and ESS/ECSE will utilize this data for programmatic monitoring purposes, please see the [Programmatic Monitoring](#) section above.

### *Examples*

- 1: The AzEIP Service Coordinator (SC) schedules a transition conference to take place for a child who is aged 2 years and 7 months (2.7). The transition conference is successfully held with the PEA in attendance. The AzEIP SC enters data into the data application. ADE/ESS would not provide any TA in this scenario as the process was completed properly.
- 2: The AzEIP SC schedules a transition conference to take place for a child who is aged 2 years and 7 months (2.7). The transition conference is held successfully, but the PEA is not in attendance. The AzEIP SC enters data into the data application. ADE/ESS will communicate with the PEA to offer any TA the PEA may need to assist in its participation in the transition conference.
- 3: A child receiving services from AzEIP is aged 2 years and 9 months (2.9). The family chooses to opt out of notification. No data is entered into the data application and the ADE/ESS would not be notified.
- 4: A child whose family opted out of PEA notification at age 2 years and 9 months (2.9) has opted back in at age 2 years and 11 months (2.11). The AzEIP SC provides the parents with information related to child find and requests an evaluation from the PEA. The AzEIP SC enters data into the data system. ADE/ESS may communicate with the PEA to ensure its personnel are aware of the child, based on the data pulled from the data system.
- 5: A student is made Part C-eligible after age 2 years and 9 months (2.9), but before 2 years and 10 ½ months (2.10.5). Transition planning and transition conference can happen simultaneously with the PEA present at the meeting. The PEA has provided the parents with requisite meeting notice and has brought required team members to conduct the review of existing data at the transition conference. The AzEIP SC enters data into the data system.