

# SECTION C

## Infant and Preschool



(SPECIAL EDUCATION LOCAL PLAN AREA)

## Introduction

Services for infants and young children are based on two portions of Individuals with Disabilities Education Act (IDEA). Services to infants are governed by Part C of IDEA and services to preschools by Part B. There are also two state laws that govern service provisions. Infants are covered under the Lanterman Developmental Disabilities Act, which is found in Government Code and partially incorporated into Education Code which provides both Tri-Counties Regional Center (TCRC) and the LEAs with responsibilities; whereas the Education Code requires LEAs to insure preschool services.

Infant services are provided through an Individualized Family Service Plan (IFSP) to the infant (0 to 3 years old) and his/her family. IFSPs are reviewed every six months. Prevention of developmental delays is the major intent of the law along with building skills and families utilizing resources. Preschool students (age 3 and up) are provided services through an Individualized Education Program (IEP) and the focus is on preparing students to access the general education curriculum. IEPs are reviewed annually.

In San Luis Obispo County, through a contract with the TCRC, the SLOCOE is one of the vendors which provides infant services mainly to infants with low incidence disabilities. Preschool services are the responsibility of all LEAs, however, smaller LEAs through agreement may utilize larger LEAs resources. Preschool students with high needs are often served in regional preschool programs.

## Referring Infants

1. TCRC acts as the single point of entry for infants. Anyone having a concern about an infant's growth or development may make a referral to the TCRC/Early Start Program by calling (805) 543-2833 in the South County area and (805) 461-7402 in the North County area. TCRC may refer the student to SLOCOE when they meet criteria agreed upon by TCRC and the SELPA.
2. Once TCRC or the LEA receives a referral, the intake coordinator contacts the parent or legal guardian for the initial intake interview. Assessment information to determine eligibility is provided by TCRC and/or SLOCOE staff.
3. Written referrals for possible placement into special education may be initiated by parent/legal guardian, teacher, administrator, support personnel, outside agency, or any other persons who have knowledge that an individual may need special education services. Referrals are processed in a systematic manner, held in strict confidence, and include written notification to the parent/legal guardian of their rights.

## **Infant Development Program** (For Children 0-3 Years Old)

The SLOCOE operates the Infant Development Program for infants and toddlers, 0-3 years old, who reside in San Luis Obispo County and are determined to be infants who have solely low incidence disabilities. The Infant Development Program has a variety of service delivery models designed to fit the needs of eligible children and their families.

### **Procedures for Evaluation and Assessment**

The evaluation of an infant or toddler shall be made by qualified personnel of TCRC and/or SLOCOE. Evaluation is conducted by the multidisciplinary team including the parent.

Eligibility is determined by assessment and clinical opinion and includes:

1. A review of pertinent records related to the infant's or toddler's health status and medical history
2. Observation of the child and parent-child interaction
3. Parent interview
4. Evaluation by qualified personnel on the infant's or toddler's level of functioning in each of the following areas:
  - a. Cognitive development
  - b. Physical and motor development, including vision and hearing
  - c. Communication development
  - d. Social or emotional development
  - e. Adaptive development (self-help)

No single procedure shall be used as the sole criterion for developing eligibility.

### **Eligibility Criteria**

Children may be eligible for early intervention services through Tri-Counties Regional Center if they meet the criteria to be identified with developmental delay, established risk or high risk.

### **Developmental Delay (for Infant Development Program Only)**

Prior to 24 months, a developmental delay exists if the infant is functioning at or below 33% in one or more areas. At 24 months and beyond, a developmental delay exists if the infant or toddler is functioning at or below 50% of his/her chronological age level (adjusted for prematurity) in any **one** of the following skill areas, or functioning between 33%-49% of his/her chronological age level in any **two** of the following skills' areas:

1. Cognitive
2. Physical (including fine and gross motor, vision, and hearing)
3. Communication
4. Social or emotional
5. Adaptive

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### **Established Risk**

An established risk condition exists when:

1. An infant or toddler has a condition of known etiology which has a high probability of resulting in developmental delay; or
2. An infant or toddler has a solely low incidence disability

A developmental delay shall not be determined based on:

1. Temporary physical disability
2. Cultural or economic factors
3. The normal process of second language acquisition
4. Manifestation of dialect and sociolinguistic variance

### **Developing an Individual Family Service Plan (IFSP)**

For a student/family meeting the eligibility criteria an IFSP is developed. The IFSP is one of the requirements under part C of IDEA. It is developed after a multidisciplinary team completes an evaluation, which establishes whether or not one of the above criteria have been met, then, determines that a child is eligible for early intervention services. The IFSP is a plan that describes services which will be provided to the child and family.

The IFSP meeting is conducted within 45 calendar days after the referral is received. A written notice is given to the family to encourage attendance. If requested, the meeting is conducted in the parent's native language or main mode of communication.

The IFSP Team meeting participants shall include the parents, the service coordinator, and any staff who provided an evaluation of the child. It **may** include other family members, advocates, or other service providers.

The IFSP is reviewed every six (6) months or more frequently upon parental or service provider request.

### **IFSP Content**

The specific components to be included on the IFSP form are:

1. A statement that describes the infant or toddler's present levels of physical development (including vision and hearing), cognitive development, communication development, social and emotional development, and self-help/adaptive development skills
2. A statement of the family's resources, concerns, and priorities relating to enhancing the development of the infant or toddler

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3. A statement of the major outcomes expected to be achieved for the infant or toddler and the family, including the criteria, procedures, and timelines to be used in determining the progress that has been made toward those outcomes and whether modification or revision of the outcomes are required
4. A statement of the specific early intervention services to be provided to the infant or toddler and the family, including the frequency, intensity, location and the method of service delivery. The services are to be implemented in the student's natural environment initially and use a continuum of options to develop the least restrictive environment (LRE).
5. The projected starting date for service delivery and the anticipated duration of the service
6. The title of the service coordinator responsible for the implementation of the plan and coordination with other agencies and persons
7. A statement of "other" services that the child or family needs, but that are not required under part C and the steps that will be taken to secure those services (listing of non required services does not mean they must be provided)
8. The steps to be taken in support of the transition of the toddler to preschool services

## **Referral Procedure from Infant to Preschool**

All Early Start eligible children shall be referred to Part B. The service coordinator, up to six months but no later than three months prior to the third birthday, shall:

1. Notify the parents of the toddler who may be eligible for special education services that transition planning will occur in the next three to six months
2. Notify the LEA where the toddler resides
3. Notify LEA staff to attend an IFSP meeting with other providing agencies and infant program staff (attendance is optional for the SLOCOE staff if the child is not a candidate for a SLOCOE program, however the LEA shall share notes of the meeting with SLOCOE staff). Parents are encouraged to attend.
4. Attendees discuss the continuum school placement and service options and the child's present levels, strengths, needs, and rate of growth
5. LEA and current program providers arrange visitations and observations of the child
6. An IEP is scheduled prior to the child's third birthday
7. Attendees discuss if and what additional assessments are needed and possibly schedule assessment dates
8. LEA requests current agency reports and updates

If a child is referred to Part C fewer than forty-five days before the child's third birthday, the early childhood lead agency may, but is not required to, conduct an initial evaluation.

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When the District of Residence is aware of a child receiving services under Part C whose third birthday falls during the summer, the district must conduct the initial evaluation under Part B to determine eligibility, and hold an IEP prior to the end of the school year in order to ensure that, if appropriate, an IEP is developed and implemented by the child's third birthday. If the IEP team determines that the child does not require extended school year services, the date of initiation of services may be at the beginning of the school year, and in such a case, the IEP is considered to be implemented by the child's third birthday.

From ages 2.6 to 2.11 the following shall occur:

1. By age 2.10 an updated developmental summary is completed by current service provider/LEA
2. TCRC/LEA case manager sends updates to all possible new program providers
3. If the child is a potential SLOCOE referral, LEA personnel complete observations and summary reports
4. LEA/service coordinator/vendor schedules with parents, visitations to potential programs if desired or appropriate
5. The service coordinator calls the LEA with feedback regarding programs observed
6. Administrators are notified of the visitation
7. LEA schedules and confirms the IEP date
8. LEA staff observes student, if appropriate
9. If the student is to be considered for a regional program, regional consumer LEA is responsible for sending the referral packet, which is completed by psychologist or designee. The referral must be signed by the LEA special education administrator.

Prior to age 3, the IEP is developed in a meeting and the following occur:

1. Eligibility for special education is determined
2. Based on student's present level of performance, goals and possible objectives (if required) are developed cooperatively between sending and receiving service providers. These goals and possible objectives (if required) drive placement and services of the student.
3. The current service provider reviews the student's present levels of performance
4. The LEA provides the IEP forms and chairs meeting
5. The IEP team (consisting of required members under IDEA) determines services, location and the date the child will actually begin the program

### **Preschool Services (For Students 3-5 Years Old)**

If the LEA decides that the student's needs may require more intensive intervention, a referral is made to the Regional Program Provider (prior to age 3 during the evaluation period) (please refer to *Section G*).

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### Determining Eligibility

A preschool child, between the ages of 3 and 5 years, qualifies as a child who needs early childhood special education services when the child meets all three of the following criteria:

1. Is identified as an individual with exceptional needs according to Education Code [Section 3030 A-J]. Eligible students meet the criteria of one of the following categories:
  - a. Autism
  - b. Deaf
  - c. Deaf/Blindness
  - d. Emotional Disturbance
  - e. Established Medical Disability (ages 3 to 5 only)
  - f. Hard of Hearing
  - g. Intellectual Disability
  - h. Multiple Disabilities
  - i. Orthopedic Impairment
  - j. Other Health Impairment
  - k. Specific Learning Disability
  - l. Speech or Language Impairment
  - m. Traumatic Brain Injury
  - n. Visual Impairment
2. Requires specially designed instruction or services to access general education
3. Has needs that cannot be met with modification of a regular environment in the home or school, or both, without ongoing monitoring or support as determined by an IEP team

For the purposes of this section (ages 3-5 only), “established medical disability” is defined as a disabling medical condition or congenital syndrome that the IEP team determines has a high predictability of requiring special education and services.

A child is not eligible for special education services when the child does not meet the three eligibility criteria and one of his/her educational needs due to:

1. Unfamiliarity with the English language
2. Temporary physical disability
3. Social maladjustment
4. Environment, cultural, or economic factors

When standardized tests are considered invalid for children between the ages of 3 and 5 years, alternative means (e.g., scales, instruments, observations, interview) shall be used as specified on the assessment plan.

During the initial assessment process for students ages 3-5, a regional consumer may request that their designated regional provider collaborate on the assessment. This is to ensure the assessment is completed by a preschool provider with expertise in the area of early childhood

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development. The regional consumer shall initiate the request and be responsible for coordinating the initial IEP meeting within the required timelines. The regional provider will designate the appropriate staff to collaborate on such an assessment.

The IEP team shall review the child's present levels of performance, determine eligibility, develop goals and objectives (if required), and determine the most appropriate general education and/or special education service options to meet the child's needs.

#### **Referral**

Procedures are found in *Section E*.

#### **Service Options**

There are a wide variety of preschool service options within the San Luis Obispo County SELPA. Options available, depending upon eligibility and service needs determined by the IEP, may include, but are not limited to home setting, early intervention programs provided by the LEAs, SLOCOE preschool program, consultation to preschool/day care provider or a combination thereof. Please contact the LEA special education preschool providers for more detailed information.

#### **Transition Planning into Kindergarten**

Preschool children identified as individuals with exceptional needs shall be reassessed prior to transitioning from a preschool program. This reassessment may include observations, review of records and progress and/or criterion referenced testing. If additional data is needed through standardized testing, an assessment plan is developed and the IEP team shall meet to review the new data. Whenever possible, the IEP team review meeting should include the future teacher and appropriate Related Services support staff to ensure that a smooth transition occurs. If additional data is not needed, an assessment plan is not required and the parent shall be informed in writing. The IEP team may meet upon request of any team member. Personnel providing special education services to the child are responsible for completing a Transition Reassessment Summary. After enrollment into kindergarten, the child's progress must be monitored to promote continued success and determine the need for continuing special education program services.

### **Guidelines for Transition from Part C to Part B.** (Agreement Between Tri-Counties Regional Center (TCRC) and San Luis Obispo County SELPA (SLOSELPA))

#### **Statement of Requirement**

Pursuant to Section 300.101 (b), a local educational agency (LEA), by the third birthday shall ensure that an individual education program (IEP) or individual family service plan (IFSP) has been developed and is being implemented for the child consistent with a free appropriate public education (FAPE) for children beginning at age three years of age. The LEA shall participate in



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transition planning conferences arranged by the designated lead agency when a child may be eligible for preschool programs under Part B of IDEA. The IEP team meeting shall be conducted by the LEA responsible for the provision of preschool special education services. If a child's third birthday occurs after June 30th, the IEP team shall determine the date when services will begin.

#### **Procedures for Transition from an IFSP (Part C) to an IEP (Part B)**

On or about the 2nd birthday, the service coordinator (COE or TCRC as applicable) will submit a referral packet to the District of Residence (DOR). The referral packet shall include:

1. Date of initial IFSP meeting to review initial evaluation
2. Date of initial consent form
3. Date of initial assessment
4. Person initiating referral for special education services
5. Current assessment information
6. Release of Information signed by the parent/guardian
7. Current IFSP
8. Any other information which may assist the DOR in determining placement and service options under consideration

The DOR shall contact the service coordinator within 30 days of the receipt of the referral to agree on a date for the IFSP to specify the transition steps necessary for movement into services under Part B.

The DOR may contact the County Office of Education (COE) and other staff as appropriate to be included in the meeting.

Up to six months but no later than three months prior to the third birthday, a meeting will be held to discuss transition of services to Part B. The team may develop a Plan for Assessment or determine when a Plan for Assessment will be initiated by the LEA. An initial IEP meeting date will be determined.

One LEA representative/designee shall be required at the 2.6 year old review meeting.

The initial IEP meeting may serve as the exit IFSP meeting if the IEP team determines that services will begin within 15 days of the third birthday.

If the toddler is found eligible for special education, an offer of special education services shall be made no later than the third birthday.

There are circumstances under which TCRC may choose to continue providing or purchasing services for a preschooler after the child's third birthday until the beginning of the next school term. If the child has been determined eligible for regional center services during a period when

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the LEA special education program is not in session and/or when the multidisciplinary team determines that services are necessary, services may be provided by TCRC until the LEA special education program resumes. This is not to be considered an offer of FAPE.

If the toddler is older than two years six months on the date of the initial IFSP, the IFSP shall include steps to ensure transition to Part B of IDEA or other services that may be appropriate.

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