



Legal and Official Guidance on Individuals with Disabilities Education Act (IDEA) Part C to Part B Transitions

Eligibility and Service Delivery Policies: Differences Between IDEA Part C and IDEA Part B

This document provides an overview of [IDEA Part C](#) and [IDEA Part B](#) regulations in the following areas: Eligibility Criteria, Eligibility Determination, Types of Services, Service Settings, Service Recipients, Parental Rights, and System of Payments. The document can be accessed at https://calecse.org/uploads/compliance/Eligibility_and_Service%20Delivery_Policies_Differences_between_IDEA_PtC-IDEA%20PtB.pdf.

Data Sharing Agreement Checklist for IDEA Part C and Part B Agencies and Programs (DaSy--The Center for IDEA Early Childhood Data Systems)

This document summarizes the requirements for the written agreements that are specified in [FERPA](#) and that also applies to IDEA. The Family Educational Rights and Privacy Act (FERPA) regulations on the audit or evaluation exception require that the state or local educational authority or agency headed by an official listed in [34 CFR §99.31\(a\)\(3\)](#) must use a written agreement when disclosing personally identifiable information (PII) from education records without consent to designate any authorized representative other than an employee. See [34 CFR §99.35\(a\)\(3\)](#). There are mandatory elements that must be included in the agreement. The checklist delineates the minimum requirements under the audit or evaluation exception. The list of the mandatory elements is followed by best practice suggestions that may help to further enhance the transparency and effectiveness of the agreements. The document can be accessed at https://calecse.org/uploads/compliance/DaSy_Data_Sharing_Agreement_Checklist_Access%2001.pdf.

Office of Special Education and Rehabilitative Services, Office of Special Education Programs (OSEP) Letter to J. Nix, March 17, 2023

In this letter, OSEP clarifies the respective IDEA Part C and Part B responsibilities in implementing these early childhood transition requirements in responses to questions related to: (1) transition plan--Part C responsibilities; (2) transition notification--Part C responsibilities; (3) transition conference--Part C responsibilities; (4) transition conference--Part B responsibilities; (5) referral from Part C--Part B responsibilities; (6) late referrals--Part B and Part C responsibilities; and (7) reporting--State lead agency and SEA responsibilities. The full letter can be accessed at https://drive.google.com/file/d/1UA6oX1F_5Zmc6Ddd94ErRKffvZZvdnW/view.

Office of Special Education and Rehabilitative Services (OSERS) OSEP 2023 Early Childhood Transition Questions and Answers, November 28, 2023

The 2023 Early Childhood Transition Questions and Answers document under IDEA incorporates longstanding policy and provides further clarification on early childhood transition requirements as children transition from the IDEA Part C early intervention program to the IDEA Part B preschool program, in response to questions received by OSERS, OSEP in the U.S. Department of Education. The purpose of this guidance is to assist State lead agencies (LAS), early intervention service (EIS) programs and providers, SEAs, and local educational agencies (LEAs) in ensuring a seamless transition for children with disabilities who received early intervention services under IDEA Part C to eligibility for and receipt of preschool services under IDEA Part B. The document can be accessed at https://drive.google.com/file/d/1Yo-s2u_dBcjPJXgZ0pw4h9IZTluyV5Cb/view.

OSERS and OSEP Letter to B. Hutton, February 9, 2011

This letter responds to five questions specific to: 1) differentiating Notification from Referral as separate; 2) clarification on the State Performance Plan/Annual Performance Report Indicator 12; 3) statutory authority for Part C systems to determine whether a child is potentially eligible for Part B services; 4) staff responsible for providing parents with information related to the LEA's special education policies and procedures; and 5) Service Coordinator attendance at initial IEP meeting. This letter can be accessed at <https://calecse.org/uploads/compliance/Template%20ES%20Interagency%20Agreement%20Letter.pdf>.



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