



# Transition Rules For Late Referrals

## For a child made eligible for Early Start between 45 and 90 days prior to the 3rd birthday

### The Early Start lead agency\* (Part C) is required to:

- Conduct the initial evaluation and assessment
- Hold an initial IFSP meeting, and develop an IFSP, if eligible
- Develop a transition plan with the appropriate transition steps and services
- Provide notification to the LEA
- With parental consent, Early Start is required to make referral to the LEA or assist the family in initiating contact with the LEA
- Transition conference may be conducted but not required

\*The Early Start lead agency could be the serving Part C LEA if the child is eligible based on a solely low incidence disability

### The LEA (Part B) is required to:

- Ensure the initial evaluation under Part B is completed
- Develop an IEP by the 3rd birthday if the child is determined eligible under Part B, even if the 60-day timeline for conducting initial evaluation expires after the 3rd birthday.

## For a child referred to Early start/Part C between 1 and 44 days prior to the 3rd birthday

### The Early Start lead agency\* (Part C) is required to:

- With parental consent, Early Start is required to make a referral to the LEA, or assist the family in initiating contact with the LEA for the area where the toddler resides.
- NOT REQUIRED:
  - Initial evaluation and assessment
  - Initial IFSP meeting, if eligible
  - Transition plan
  - A transition conference

\*The Early Start lead agency could be the serving Part C LEA if the child is eligible based on a solely low incidence disability

### The LEA (Part B) is required to: *(same requirement as when the child is referred between 45 and 90 days prior to 3rd birthday):*

- Ensure the initial evaluation under Part B is completed
- Develop an IEP by the 3rd birthday if the child is determined eligible under part B, even if the 60-day timeline for conducting initial evaluation expires after the 3rd birthday

Source: 34 FCR Section 303.209(b)(ii)(iii) <https://sites.ed.gov/idea/regs/c/c/303.209/b>



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