Q1: Can a parent sign a consent for SPED form and still participate in EIS?

A1: Yes. All current procedures for LEAs remain in place. Parents should sign consent for placement as usual. If the family chooses EIS Over 3, there will however, be a delayed implementation. IEPs should be finalized and the child registered in the fall and entered into SEDAC and PSIS. The start date should be on or before the child’s third birthday and the nexus date will be the first day of school in the fall (the date they enrolled).

-----

Q2: I've read that B23 services can be extended "until the beginning of the school year". For our district we consider July 1 the beginning of the new school year both fiscally and for summer school. Is that what is meant by “beginning of the school year” or does this refer to the start of school in the fall.

A2: EIS over 3 intends “beginning of the school year” to refer to the start of the regular school year in the fall.

-----

Q3: Will parents be declining our offered ESY services to opt into EIS services?

If so, are we documenting that in the meeting minutes?

A3: An IEP with ESY services should be developed for any child who is eligible for ESY. Parents will be given the option of transitioning to the IEP (Part B) or remaining with Part C after a complete IEP is developed. IEP minutes are optional but may be used to document this.

-----

Q4: If a child’s B-day is in June, is Part B eligible & is offered Extended School Year Services for July- we are saying the family can choose to do ESY or EIS Over Three OR will they have to exit EIS the day before their B-day because they were offered ESY?

A4: EIS over 3 will be offered as an option to all families in Part C with children who are eligible for Part B with birthday between May 1st (May 21st for 2021) and the beginning of the school year. The choice is available whether they are eligible for ESY or not. If the family chooses Part B ESY they will exit Part C the day before ESY begins.

-----

Q5: Child turns 3 June 4. LEA offered preschool starting June 7 and then ESY July 7. Parents do not want to take preschool on June 7 but yes to ESY July 7. They can stay in B-3 until July 6?

A5: Yes

-----

Q6: Is a child only eligible for either PART C or PART B **NOT** both simultaneously?

A6: A child can be eligible for both. A family has a one-time choice to remain in Part C until the beginning of the school year after the child turns three. If the family chooses to stay in Part C, the child remains eligible for Part B. They cannot actually receive services from both Part C and Part B at the same time so the family will exit Part C the day before Part B services begin.

-----

Q7: Is there a form to opt into EIS after 3-yrs-old for parent signature?

A7: Yes. EIS programs will give parents the Birth to Three [Form 5-5 Consent for EIS Over 3.](https://www.birth23.org/providers/provider-resources/b23forms/) With the parent’s permission on the form, a copy will be given to Part B.

-----

Q8: Are there any changes of the start and end dates of the IEP?

A8: No

-----

Q9a: What happens if the B23 annual [IFSP] date falls during EIS over three services?

Q9b: Can we hold IFSP reviews during EIS over three?

Q9c: Last year we were advised not to hold IFSP reviews during the B23 extension but I understand that it had different criteria and I wanted to clarify this new procedure.

A9: Part C of the IDEA is being extended so all the IFSP requirements are the same while receiving EIS Over 3. Part C is able to review the comprehensive evaluation that was completed for Part B eligibility determination as part of evaluating the IFSP.

-----

Q10: For children who would have exited 5/20 or beyond, should we hold an IFSP review now to add the educational component and update end dates?

A10: If they have already exited (as of 5/28) you cannot hold an IFSP review. If the family has not yet exited, a review should be held if the required components are not present and the end dates are before the 3rd birthday. Going forward teams can anticipate which IFSPs will cover the EIS Over 3 months and include the required components as needed. End dates are “projected” and will impact data entry but if a child is not eligible for Part B, or the family chooses to exit before the end date, services will as always stop before that date. The most important factor as always is that the IFSP be clear to families. An end date beyond three is not a guarantee until the child is determined to be eligible for Part B and the family is offered and signs Form 5-5, Consent for EIS over 3.

-----

Q11: Can assessments be completed during EIS over three services?

A11: Part C of the IDEA is being extended so all the requirements are the same while receiving EIS Over 3. Needed assessments should be discussed during the Part B PPT process and any that are completed during EIS over 3 should be planned collaboratively with Part B and Part C to avoid any confusion. Any assessments completed during EIS over 3 should be considered by Part B.

-----

Q12: If a child receives an autism assessment shortly before their third birthday and is eligible for EIS over three, can they transfer to an autism B23 program after their third birthday?

A12: Yes. All Part C rules are the same after 3.

-----

Q13: When should Birth to Three teams complete exit forms such as the Child Outcome Summary ratings, record retention, etc? Would these be completed by the third birthday or, if the family remains in EIS over three, closer to their actual exit date? This might be helpful to specify in the transition procedure.

A13: Part C of the IDEA is being extended so the forms would be completed just prior to exit.

-----

Q14: If the family declines Part B either on form ED626 or by not returning it, can they receive EIS Over 3.

A14: No, EIS Over 3 is only meant to be a bridge between a families IFSP and the implementation of the child’s IEP.

-----

Q15: If the family is disputing the eligibility determination with their LEA can they continue in Part C?

A15: If the child is not determined to be eligible for Part B and the parents do not agree with the PPT decision, they may choose to challenge the PPT’s determination by requesting a special education due process hearing, filing a complaint and/or going to mediation. The child will be able to remain in the Part C setting until the start of the school year or until the dispute resolution process is completed, whichever comes first. During the dispute resolution process Part C and Part B should plan for regularly scheduled updates.

-----