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**Your Rights and Options after Your Child Turns Three**

**Between May 1 and the Start of Your School District’s School Year**

In Connecticut, families who are receiving Early Intervention Services (EIS) in Birth to Three with children who turn three between May 1 and the start of their school district’s school year may be able to continue to receive EIS after age three until the start of their school year. This is called EIS Over 3. This notice will walk you through the steps and will review your rights and options along the way. There are a number of acronyms that have been spelled out.

First: Families who want to explore EIS Over 3 must approve of including their school district (also known as a local education agency or LEA) in transition planning because EIS Over 3 is only available to families with children who are determined to be eligible for preschool special education or Part B, Section 619 of the Individuals with Disabilities Education Act (IDEA) and are currently receiving IDEA Part C services.

Next: Your service coordinator will convene a transition conference and invite your LEA to participate. The LEA will then hold planning and placement team (PPT) meetings with you to determine eligibility and, if eligible, develop an Individualized Education Program (IEP).

Once you have an IEP, you can compare the services being proposed with your IFSP and then make a choice. You can

1. consent to implement your IEP as written and receive a free appropriate public education (FAPE) from your LEA and exit the Birth to Three program;
2. choose to stay in Birth to Three with an IFSP that includes an educational component and then implement your IEP on a later date after your child’s third birthday but no later than the start of the next school year following your child’s third birthday; or
3. choose to discontinue all services and exit Birth to Three at any time and not implement your IEP but if you later change your mind, you can ask for your IEP to be implemented.

IMPORTANT: Choosing EIS Over 3 is a one-time election. Once you exit Birth to Three after your child turns three, you are no longer eligible to receives EIS from a Birth to Three program.

A note about Extended School Year or “ESY” from the Connecticut Department of Education

Under the IDEA, decisions regarding a child’s eligibility for ESY services are to be made on an individual basis based on the needs of the child. Not all children eligible for Part B services are eligible for ESY.

The state standard in Connecticut has included both regression/recoupment criteria and non-regression criteria for determining if a child is eligible to receive ESY services. Factors include:

The nature or severity of the student’s disability (non-regression);

\*The student is likely to lose critical skills or fail to recover these skills within a reasonable time as compared to typical students (regression/recoupment);

\*The student’s progress in the areas of learning crucial to attaining self-sufficiency and independence from caretakers (non-regression);

\*The student’s stereotypic, ritualistic, aggressive or self-injurious interfering behaviors prevent the student from receiving some educational benefit from the program during the school year (non-regression); or

\*Other special circumstances identified by the IEP team such as: the ability of the student to interact with other non-disabled students; the areas of the student’s curriculum that need continuous attention; the student’s vocational needs; or the availability of alternative resources.

*Extended School Year (ESY) Services March 15, 2007*

**NOTE: If your child is not eligible for ESY, the services from your school will not start until the implementation date on your IEP. This means that if you do not elect to continue in Birth to Three, you will not receive supports from Birth to Three or services from your school over the summer.**

Effective communication about your child’s strengths and needs plays a critical role in supporting your family’s choice. For example, a family with a child who has social-interpersonal needs may prefer to transition to preschool special education to promote social interactions with other young children. Another family may decide to continue receiving EIS Over 3 because they already have many opportunities during the week for their child to spend time with peers.

*Each family’s choice is unique and should be based on the best fit for your family.*

For families who choose to continue EIS Over 3 the IFSP will include an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills.

**Know your rights!**

In addition to this notification, there are two important forms and two guides about your rights.

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| *IDEA Part C Birth to Three EIS* | *IDEA Part B Preschool Special Education* |
| Form 5-5Consent to receive EIS over Age 3 | Form ED626 Consent for the Initial Provision of Special Education |
| Parent Rights Brochure | Procedural Safeguards in Special Education |

The table that starts below and continues on pages 3 and 4 includes statutory and regulatory references about your rights and the different components that make up IDEA Part C (Birth to Three or EIS) and Part B (Preschool Special Education).

It is hope that this will help you compare your options so that you are well informed when you make a decision.

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| **Components** | **Part C - Birth to Three** | **Part B - Preschool Special Education** |
| **Individualized Plan/Program** | *Individualized Family Service Plan*20 USC §303.20, 34 CFR §303.344 | *Individualized Education Program*20 USC §1414, 34 CFR §§300.320–300.324 |
|  | Individualized Family Service Plan (IFSP) means a written plan for providing early intervention and other services to an eligible child and the child's family; the IFSP is revised at least annually by an IFSP team, which includes the child’s parent. The IFSP requires designation of a service coordinator to ensure appropriate implementation and coordination of the plan. The IFSP focuses on both the child and the family within their daily routines. For the EIS over 3 program, the IFSP must include an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills. | Individualized Education Program (IEP) means a written statement for a child with a disability that is developed, reviewed, and revised in a meeting in accordance with IDEA. An IEP must include:* A statement of the child’s present levels of academic achievement and functional performance
* A statement of measurable annual goals, including academic and functional goals

The IEP, among other things, focuses on how the child’s disability affects the child’s participation in their education. |

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| **Components** | **Part C - Birth to Three** | **Part B - Preschool Special Education** |
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| **Procedural Safeguards** | *Parent Rights Brochure*§1415, 34 CFR §303.7 | *Procedural* *Safeguards in Special Education*20 USC §1414, 34 CFR §§300.505–300.518 |
|  | These rights apply from the time you are referred to a Birth to Three Program until the point at which you exit the Birth to Three System. Includes:* Opportunity to Examine Records
* Prior Notice
* Native Language
* Parent Consent
* Surrogate Parents
* Dispute Resolution
* Written Complaint
* Services During Pendency of Proceeding
* Mediation
* Resolution Session
* Confidentiality
 | These rights apply from the time of referral with respect to any determination made with regards to eligibility. Includes:* Opportunity to examine records
* Prior Notice
* Native Language
* Parental Consent
* Surrogate Parents
* Dispute Resolution
* Written State Complaint
* Services During Pendency of Proceeding
* Mediation
* Resolution Session
* Confidentiality
* Independent educational evaluation
* Impartial Due Process Complaint
* Discipline of Children with Disabilities
* Attorney’s Fees
* Unilateral placements
* Civil actions
* Extended School Year Services
 |
| **Types of Services** | *Early Intervention Services*20 USC 34 CFR §303.13 | *Special Education & Related Services*20 USC 34 CFR §§300.34, 300.39, and 300.106 |
|  | Early intervention services necessary to meet the unique needs of the child and the child’s family through an integrated service delivery model. These early intervention services include:* Assistive technology devices and assistive technology services
* Audiology services
* Family training, counseling, and home visits
* Medical services only for diagnostic or evaluation purposes
* Nursing
* Nutrition services
* Occupational therapy
* Psychological services
* Physical therapy
* Service coordination
* Social work services
* Special instruction designed to meet the developmental needs of an infant or toddler with a disability
* Speech-language pathology services
* Transportation
* Vision services
* Continuous year-round services
 | Special Education & Related Services include:* Assistive technology devices and services
* Audiology services
* Early identification and assessment
* Interpreting services
* Medical services for diagnostic or evaluation purposes
* Occupational therapy
* Parent counseling and training
* Psychological services
* Physical therapy
* Recreation, including therapeutic recreation
* School health and nurse services
* Social work services in schools
* Specialized instruction
* Student counseling services, including rehabilitation counseling
* Speech and language pathology services
* Transportation
* Vision services, including orientation and mobility services
* Extended School Year services if IEP team determines necessary
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| **Location of Services** | *Natural Environments*34 CFR §303.13(a)(8), 303.26, 303.126. | *Least Restrictive Environment*34 CFR §300.114 |
|  | Settings that are natural, including the home and community settings in which children without disabilities participate: * Home
* Public school preschool
* Private community preschool
* Head Start
* Child care centers
* Family child care providers
* Parks and recreation programs
* Play groups
* Libraries
* Other child serving programs
 | The LEA shall insure that to the maximum extent appropriate, students with disabilities, including students in public or private institutions or other care facilities, are educated with students who are not disabled;* Public or Private Community Settings, including but not limited to:Public school preschool and pre-kindergarten programsPrivate community preschool and pre-kindergarten programsHead Start
* Group child development centers and child care • Home • Hospitals
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| **Parent Consent for Service** | *Early Intervention Services* *(EIS)*34 CFR §303.420 | *Special Education & Related Services*34 CFR 300.300 |
|  | A parent is required to consent for the initial evaluation.A parent may accept or decline any particular early intervention service on the IFSP, or withdraw consent to any particular early intervention service after it is first provided. | A parent is required to consent for the initial evaluation prior to the LEA conducting any assessments. A parent must also sign consent for the initial provision of services prior to the development of the IEP.  |
| **System of Payment** | *Early Intervention Services* *(EIS)*34 CFR §303.521 | *Special Education & Related Services*CFR 300.700 |
|  | Families are not charged out-of-pocket costs for EI services provided over age 3. The Birth to Three “System of Payments” policy continues after a child turns age three with one difference. EIS programs will continue to bill Medicaid and private insurance with no out-of-pocket costs to families.  | Parents are not charged out-of-pocket costs for IEP services. LEAs use other funding sources including Medicaid for only health-related services and case management |

If you have any questions about Part C, please ask your service coordinator and if you have any questions about Part B please ask your school district.

The Connecticut Parent Advocacy Center (CPAC, Inc.) is available to help at (860) 739-3089 or online at cpac@cpacinc.org.