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Office of Early Childhood

Division of Community & Family Support

Colorado Early Intervention Policy for the Extended Part C Option Policy

Definitions: For purposes of this Extended Part C Option Part C entity represents the Early Intervention Services (EIS) provider and Special Education Administrative Unit represents the Local Education Agency (LEA).

The extended Part C option under IDEA section 635(c) and 34 CFR 303.211 applies to children who

- are eligible for early intervention Part C; and,
- are eligible for Part B preschool special education services under Section 619 of the IDEA; and,
- turn age three between May 1 and the beginning of the school year for the first year of implementation. The eligible birth date range may be reconsidered on an annual basis to include earlier birthdates (with a range between January 1st and May 1st), based on available funding, and will be communicated to stakeholders, on the early intervention website, by August 1st for the following calendar year. (For example, if the eligible birth date range for 2023 would be April 1, 2023 until the school year begins in 2023, the Department will post on its website no later than August 1, 2022).

For parents who elect this option, the Extended Part C Option will be available from the eligible birth date until the beginning of the school year after the child's third birthday.

The Department is implementing the Extended Part C Option in collaboration with the Colorado Department of Education for those children and their families who meet the criteria for Extended Part C, and ensures that:

- 1) The requirements under IDEA Sections 612(a)(7) (State eligibility), 616 and 642 (Monitoring, technical assistance, and enforcement), 618 (Program information), 632(5)(B) (Definitions) and 635(c) (Requirements for statewide system) as well as implementing regulations in 34 CFR §303.21(c) (definition of infant or toddlers with a disability), §303.209 (Transition to preschool and other programs), §303.211 (State option to make services under this part available to children ages three and older), §303.340-344 (Individualized Family Service Plan), will remain in effect for all children over age three when a parent consents to the extended Part C option. The right of any child to receive a free appropriate public education under Part B is not affected by this policy;
- 2) All early intervention services outlined in the child's individualized family service plan will continue while any eligibility determination is being made for Part B preschool special education services;
- 3) Parents receive a written explanation of:
 - a) the rights of parents to elect to receive early intervention services pursuant to Section 635(c) and 34 CFR §303.211 under the Part C Extended Option or to receive free and appropriate public education under Part B; and



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- b) the differences between the supports provided pursuant to Section 635(c) and 34 CFR §303.211 and services provided under Section 619 (Preschool Special Education) including: (1) types of services and the locations at which the services are provided; (2) applicable procedural safeguards; and (3) possible costs, if any, to parents of children eligible under Part C (including any fees to be charged to families as described in Section 632(4)(B)), 34 CFR §303.209(f)(2).
 - c) During transition planning and while enrolled in the Extended Part C Option, Part C procedural safeguards will apply. For disputes regarding Part B eligibility, Part B procedural safeguards will apply.
 - d) IDEA Part C services such as service coordination and the differences between IDEA Part B (free and appropriate public education in the least restrictive environment) and IDEA Part C early intervention services in natural environments which include the home and community settings with nondisabled peers.
- 4) The extended Part C option will be provided at no cost to families and will be funded using the following as available: IDEA Part C funds, public benefits and/or insurance and private insurance;
 - 5) For children determined to be eligible for Part B preschool special education services, an Individualized Education Program has been developed to ensure that an offer for a free and appropriate public education under Part B is available to begin at age three;
 - 6) Before a child reaches three years of age, the local Part C entity will obtain signed informed written consent from the parent indicating their choice to continue early intervention services pursuant to Sections 635(c) and 34 CFR 303.211 and:
 - a) The Special Education Administrative Unit will obtain written consent from the parent for the initial provision of special education services as written in the Individualized Education Program. The start of these services will be the first day of the school year following their child's third birthday as defined by the school district preschool calendar in the district in which the family lives; and,
 - b) The local Part C entity will ensure that the Special Education Administrative Unit has a copy of the parent's consent to remain in Part C services as soon as possible and not later than ten calendar days after receipt of the consent.
 - 7) Individualized Family Service Plan services provided pursuant to Section 635(c) and 34 CFR 303.211 will include an educational component that promotes school readiness and incorporates pre-literacy, language and numeracy skills;
 - 8) When early intervention services are provided in accordance with Part C and 34



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CFR §303.211 to a child who is eligible for services under Section 619, the Special Education Administrative Unit is not required to provide such child with a free and appropriate public education during the time period of the extension of Part C services. [612(a)(1)(C)]

- 9) Children served pursuant to this section have the right, at any time, to receive a free and appropriate public education (as that term is defined at § 303.15) under Part B of the Act instead of early intervention services under Part C of the Act. A parent may elect to exit Part C at any time but if they elect to exit Part C, there will not be the option to re-enter Part C services at a later date; and,
- 10) The Department shall submit a report to the U.S. Department of Education, data and reports as required, including under IDEA section 618, a report on the number and percentage of children with disabilities who are eligible for extending Part C based on their birthdates, and who are eligible for services under Section 619, but whose parents choose for such children to continue to receive early intervention services under Part C until the subsequent school year following the child's third birthday.