

Roles of Early Intervention Colorado Part C Entities and Part B Special Education Administrative Units for Transition from Part C to Part B of IDEA (September 2022)

Introduction

This document replaces “Required and Permitted Roles of CCBs and AUs For Early Intervention Colorado (Part C) Implementation of Birth to Age 3 Child Find Requirements” (March 2014). [Colorado Senate Bill 21-075](#) transferred all responsibilities for Early Intervention (EI) evaluations to the lead agency for Part C of IDEA, the Colorado Department of Early Childhood (CDEC) effective July 1, 2022.

This 2022 document clarifies and updates the required activities of Early Intervention Colorado local Part C Entities (local Part C Entities), and Special Education Administrative Units (AUs) to carry out state and federal law, rules, regulations and State level agreements to ensure a smooth transition for infants and toddlers with disabilities and their families from receiving early intervention services to entering the preschool special education process. 34 C.F.R. § 303.209(a)(1)(i)

Required Activities	Responsible Entity Part C	Responsible Entity Special Education Administrative Unit
A. Late Referrals for children under three years old		
1. For a child referred to Part C less than 45 days prior to the child’s third birthday, with parental consent, Part C will refer the child directly to the child’s AU of residence. 34 C.F.R. § 303.209 (b) (iii); 12 C.C.R. 2509-10, 7.970 (D) (2)	Local Part C responsibility	
2. For a child referred directly to the AU less than 45 days prior to the child’s third birthday, the AU does not need to notify Part C and proceeds with the Part B process. 34 C.F.R. § 303.209 (b) (iii); 12 C.C.R. 2509-10, Section 7.970 (D) (2)		Special Education Administrative Unit responsibility
B. Identification of children to be referred to Administrative Unit		
1. Between 2 years 3 months and 2 years 6 months, prior to presenting the AU Notification Opt Out policy, review current assessment information to determine if a child is potentially eligible. A child who is potentially eligible is defined as: a) has not met all outcomes on his or her Individualized Family Service Plan (IFSP); and/or b) is demonstrating a delay in any developmental domain based on the expertise of a member of the IFSP team. 34 C.F.R. § 303.209 (b) (1) (i); 12 C.C.R. 2509-10, Section 7.970 (C)	Local Part C responsibility	

Required Activities	Responsible Entity Part C	Responsible Entity Special Education Administrative Unit
<p>C. Transition from Early Intervention for Children identified as Potentially Eligible for Preschool Special Education</p>		
<p>1. Explain the Part C Procedural Safeguards and AU Notification Opt Out policy to each family</p> <p>34 C.F.R. § 303.401 (d) and (e) and 303.404; 12 C.C.R. 2509-10 Sections 7.970 (A) through (B), and 7.980; C.R.S. § 22-20-118.5 (2)(b)</p>	Local Part C responsibility	
<p>2. The state developed infographic, Transitioning from Early Intervention, will be provided by EI to the parent along with the presentation of the opportunity to opt out of AU Notification.</p> <p>C.R.S. 22-20-118.5 (2)(f); State Transition Memorandum of Understanding, 7/2022 (IV)(A)(2c)</p>	Local Part C responsibility	
<p>3. The local Part C entity will share personally identifiable information with the AU on the Special Education Administrative Unit/School District Notification form, for families who have not opted out within 10 days after the date the opt out was explained, and not later than when a child is two years and six months of age; except that timely notification must occur not later than when a child is two years and three months of age if a child has a low incidence diagnosis including, but not limited to, visual impairment, including blindness; hearing impairment, including deafness; or deaf-blind.</p> <p>34 C.F.R. § 303.209 (b) (2) and 303.401 (d) and (e); 12 C.C.R. 2509-10 Section 7.970(D); C.R.S. 118.5(2)(c) ; C.R.S. 118(i)(I)</p>	Local Part C responsibility	
<p>4. The AU notification form sent by the local Part C Entity must be treated by the AU as a referral to Part B special education. All referred children are tracked and reported in the Special Education EOY data collection for federal reporting on Indicator 12.</p> <p><u>Synthesis of Key Points from the OSEP Early Childhood Transition FAQ (SPP/APR Indicators C-8, B-11 and B-12), July 2010; State Transition Memorandum of Understanding, 7/2022 (IV)(A)(2)(a)</u></p>		Special Education Administrative Unit responsibility
<p>5. A copy of the Part B procedural safeguards must be given to the parents of a child upon referral to the Part B system, which, as noted in #4 above, is the receipt of the AU notification)</p> <p>34 C.F.R. § 300.503(a)</p>		Special Education Administrative Unit responsibility
<p>6. A parent may revoke his or her choice to opt out at any time by providing written notice to Early Intervention.</p> <p>12 C.C.R. 2509-10 Sections 7.970(B)(2)</p>	Local Part C responsibility	
<p>7. If a child is determined to be eligible for Part C when the child is older than the ages described in C 3 of this document, AU notification, including evaluation information, with parental consent must occur as soon as possible and not later than ten business days after the eligibility determination.</p> <p>34 C.F.R. § 303.209(b)(1)(ii); 12 C.C.R. 2509-10 Section (D); C.R.S. § 118.5(2)(i)(II)</p>	Local Part C responsibility	

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<p>8. With written parental consent, additional information, including a copy of the most current assessment information, and a copy of the most current IFSP is shared with the AU. This information will be shared, as soon as practical and not later than 2 weeks prior to the transition conference.</p> <p>C.R.S. § 22-20-118.5 (2)(h); 34 C.F.R. 303.404 and 303.414; 12 C.C.R. 2509-10 Sections 7.970 (E) and 7.980 (D) (1), (3) and (4); CDE/CDEC MOU (A) (1)(g)</p>	Local Part C responsibility	
<p>9. With documented verbal or written parental consent, the local Part C entity will schedule a transition conference collaboratively with a representative of the AU and the family between 2 years 3 months and 2 years 9 months (or as soon as possible for a child referred to Part C less than 90 days prior to the third birthday).</p> <p>34 C.F.R. § 303.209 (c) and 300.124(c); 12 C.C.R. 2509-10 Section 7.970 (H) and (I); C.R.S. § 22-20-118.5(2)(j); 34 C.F.R. 300.124</p>	Local Part C responsibility	
<p>10. The administrative unit of residence shall participate in the collaboratively scheduled meetings regarding the transition planning process from early intervention to special education preschool services.</p> <p>34 C.F.R. § 300.124, E.C.E.A.: 4.03(1)(c)</p>		Special Education Administrative Unit responsibility
<p>11. Provide Prior Written Notice of the date, time and location and purpose of the transition conference</p> <p>34 C.F.R. §. 303.404; 12 C.C.R. 2509-10 Sections 7.901 and 7.980 (3)</p>	Local Part C responsibility	
<p>12. During the transition conference, the AU of residence shall share with the family: Part B eligibility definitions, state timeline and process for Part B evaluation and eligibility determination, information on the Individualized Education Program (IEP) and program options for special education and related services.</p> <p>C.R.S. § 22-20-118.5(2)(j); 34 CFR § 300.124; E.C.E.A. 4.03(1)(c); C.R.S. § 22-20-118.5(2)(j); CDE/DEC MOU (IV)(B)(2)(b)</p>		Special Education Administrative Unit responsibility
<p>13. Local Part C Entity will document transition conference decisions and required participants' signatures on the IFSP, Transition Plan page.</p> <p>34 C.F.R. 303.209 (c) (1); 12 C.C.R. 2509-10 Section 7.970 (H)</p>	Local Part C responsibility	
<p>14. Despite participation in scheduling and attempting to find a delegate, if an AU representative does not attend the mutually scheduled transition conference, the family will be contacted, and the information outlined in Section B.11 will be shared with the family no later than 10 business days from the date of the transition conference.</p> <p>E.C.E.A. 4.03(1)(c); 34 C.F.R. §300.124(c); State Transition Memorandum of Understanding between the CDEC and the CDE 7/2022 (IV)(B)(2)(c)</p>		Special Education Administrative Unit responsibility

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15. The AU will communicate to the local Part C Entity the outcome of the Part B eligibility determination. 20 U.S.C. 1418 (a)(1)(C)-Section 618 of the IDEA		Special Education Administrative Unit responsibility
16. State Transition Memorandum of Understanding between the CDEC and the CDE 7/2022 (IV)(E)		
17. When requested by the parent of the child, the AU shall coordinate with the local Part C entity to schedule the initial IEP meeting to ensure a smooth transition. 34 C.F.R.§.300.321(f); E.C.E.A. 5.01(6)		Special Education Administrative Unit responsibility
18. For each child determined eligible for Part B services, begin a Free and Appropriate Public Education in the Least Restrictive Environment with an IEP on or before the third birthday unless the child qualifies for and the family has chosen the Extended Part C Option. 34 C.F.R §300.101(b)(1-2), 300.124(b); E.C.E.A. 4.03(1)(c) and 5.01(1)(a)(ii) and (6); 34 C.F.R.§ 300.211		Special Education Administrative Unit responsibility
19. Local Part C Entity shall exit a child from early intervention services when the parent elects to begin IDEA Part B preschool special education services provided through an Individualized Education Program prior to the child’s third (3rd) birthday. 12 C.C.R. 2509-10 Section 7.970(J)	Local Part C responsibility	
D. Extended Part C Option This section applies only to transitioning children who have third birthdays within the range established annually by EI Colorado and CDE and communicated by August 1 of each year for the following year.		
1. Parents are provided with the document “A Look at your Rights and Options after Your Child Turns Three” during the transition process. 34 C.F.R.§ 303.211 (b)(1). 12 C.C.R. 2509-10 Sections 7.970 (K)(2)(c)	Local Part C responsibility	
2. Eligibility for Special Education is determined, and an IEP is developed prior to the child’s 3rd birthday. 34 C.F.R.§ 303.211(a) (1), 34 C.F.R.§300.124(b), 12 C.C.R. 2509-10 Sections 7.970 (K)(4)		Special Education Administrative Unit responsibility
3. The local Part C Entity must obtain, before a child reaches three years of age, where practicable, and after the development of the IEP, informed consent for the acceptance of Extended Part C Option when a parent chooses to extend Part C services beyond age three. 34 C.F.R.§ 303.211(b)(1) and (5); 12 C.C.R. 2509-10 Sections 7.970(K)(5)	Local Part C responsibility	Special Education Administrative Unit Permitted
4. The local Part C Entity will ensure that the AU has a copy of the parent’s consent to remain in Part C services as soon as possible and not later than ten (10) calendar days after receipt of the consent. 12 C.C.R.§ 2509-10 Sections 7.970 (K)(5)(b)	Local Part C responsibility	

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<p>5. The local Part C entity will update the IFSP providers pursuant to this section to include educational outcomes that promote school readiness and incorporate preliteracy, language, and numeracy skills.</p> <p>34 CFR §303.344(d), 303.211(b) (2)</p>	Local Part C responsibility	
<p>6. For children within the established Extended Part C age range, the local Part C Entity must continue to provide all early intervention services identified in the IFSP (and consented to by the parent) beyond age three until that toddler's initial eligibility determination under Part B is made. This provision does not apply if the AU has requested parental consent for the initial Part B evaluation and the parent has not provided that consent.</p> <p>303.211(b)(4), 303.342(e), 300.300(a); 12 C.C.R. 2509-10 Sections 7.970(K)(2)(b)</p>	Local Part C responsibility	
<p>7. The local Part C entity will ensure that parents are aware that they may elect to have their child exit Part C and receive FAPE at any time after age three and are aware that if the parent elects to exit Part C there is no option to re-enter Part C services at a later date.</p> <p>34 C.F.R. §303.15, 303.211(b)(3); 12 C.C.R. 2509-10 Sections 7.970 (J) and (K)(8)</p>	Local Part C responsibility	

Key to References:

- The **Code of Federal Regulations** (C.F.R.), Title 34, Parts 300, 301, and 303 published by the Office of the Federal Register, refers to the Individuals with Disabilities Education Act Regulations
- The **Colorado Revised Statute** (C.R.S) refers to Colorado law. References contain three numbers that identify that statute’s specific title, article, and section. For example, C.R.S. 22-20-118 tells the searcher that 22 is the title, 20 is the article, and 118 is the section
- **Code of Colorado Regulations** (C.C.R.) refers to State of Colorado Rules and Regulations. Regulations under the Colorado Department of Education authorized by the State Board of Education for the **Exceptional Children’s Education Act Rules** (E.C.E.A) are part of the Code of Colorado Regulations (C.C.R.), 301-8 and are referenced above as E.C.E.A.
- **State Transition Memorandum of Understanding between the CDEC and the CDE 7/2022** refers to the State of Colorado State Transition Memorandum of Understanding: Infants and Toddlers with Developmental Disabilities and Their Families Transitioning from Early Intervention Services to Part B Special Education Services in Accordance with the Individuals with Disabilities Education Act (IDEA) of 2004 Colorado Department of Early Childhood Colorado Department of Education

Further information and procedural guidance can be located on the Colorado Department of Early Childhood Colorado Department of Education departmental websites:

[EI Colorado Reports and Policies](#)

[CDE's Child Find and Preschool Special Education Resources and Guidance.](#)

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