



## Procedural Guidance for Special Education Administrative Units (AUs) related to Extended Part C

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This procedural information provides instructions and considerations for Administrative Units (AU) to implement Extended Part C in Colorado. A joint CDE and CDHS April 1, 2022, [memo](#) provides an overview of this approved policy for Colorado. The OSEP approved policy, Informed Consent for Acceptance of Extended Part C Option and a guide for parents can also be found on the CDE website under [Extended Part C](#). Part C Policies and information on Extended Part C can also be located at [Early Intervention Colorado](#), including guidance for Part C entities and service providers.

### First Year Implementation Timeline

In the first year of implementation, due to the timing of OSEP approval, parents of children with third birthdays between May 1<sup>st</sup>, 2022 through late August 2022 will receive communication directly from the state Early Intervention program about Extended Part C. This notice directs parents to local Part C and Part B contacts to learn more and access Extended Part C, as appropriate.

Children in the eligible birth date range whose parents have already participated in a transition conference should have active outreach from local systems to inform families of this policy change.

### Parent Notice and Rights

Early Intervention (EI) Service Coordinators will, through the transition planning process, ensure that families in the eligible birth date range are provided information about Extended Part C, including [A Look at Your Rights and Options after Your Child Turns Three](#). This document outlines Extended Part C, the differences between Part C and Part B services and parent rights under IDEA Part C and Part B.

### Part C Transition Conference and Extended Part C

Throughout each year, Early Intervention staff initiates the Transition Conference for children potentially eligible for Part B, collaboratively scheduled with a representative from the AU and the family. An AU representative is a required member of this Conference (34CFR 303.209(c) (1) CRS 22-20-118.5 (j)). The Transition Conference should occur between child aged 2 years 3 months and 2 years 9 months. During any Transition Conference, the AU shall share with the family: Part B eligibility definitions, state timeline and process for Part B evaluation and eligibility determination, information about IEPs and program options for special education and related services. During a Transition Conference when the child has a birthday within the Extended Part C range, the document [A Look at Your Rights and Options after Your Child Turns Three](#) must

## Eligibility Criteria for Extended Part C

Extended Part C provides a subset of children with the opportunity to continue Part C Services past their third birthday until the first day of the school year following the child's third birthday.

Parents of children who meet the following criteria must be offered Extended Part C:

- Eligible for Early Intervention Part C services; and,
- Eligible for Part B preschool special education services and have an Individual Education Program (IEP) developed; and,
- Have a birthday between May 1, 2022 (for the first year of implementation) and the beginning of the school year

[Early Intervention Colorado Extended Part C Policy and Related Guidance](#)



also be reviewed , including timelines, eligibility criteria, and process for the family to accept Extended Part C.

## Part B Requirements for Extended Part C

There are no changes to the C to B timelines related to Part B evaluation, eligibility, IEP development or the expectation of 100% compliance with the federal State Performance Plan Indicator 12. Indicator 12 measures the percent of children referred by Part C prior to age 3 who are found eligible for Part B, and who have an IEP developed and implemented by their third birthday. Indicator 12 requires that the eligibility evaluation and determination occur prior to age 3, and, for eligible children, the IEP implementation date must occur on or before the child's 3rd birthday. Please see information below for information on coding related to Extended Part C.

For children in the Extended Part C birth date range, who have been determined eligible for Part B, and the IEP meeting has occurred, the parent, after reviewing the document: [A Look at Your Rights and Options after Your Child Turns Three](#) may choose to continue to receive Early Intervention Services through their Individualized Family Service Plan (IFSP). The IEP start date for children whose parents have consented to Extended Part C should be the first day of preschool in the child's school district of residence.

A parent who elects Extended Part C does not decline the IEP, but rather agrees to delay the implementation date to the beginning of the subsequent school year. CDE recommends that the AU document the parent choice to accept Extended Part C in the Prior Written Notice within the "Other Factors Considered" section of the IEP document.

As usual, the *IEP completion date* should be filled with the date of the IEP meeting, which should occur prior to the child's 3rd birthday, as required by Indicator 12. The *IEP implementation date* should be the date anticipated to be when IEP services will begin, presumably the first day of the school year following the child's third birthday, as defined by the school district preschool calendar in the district in which the family lives. When IEP vendor software auto fills the date of IEP implementation (e.g., Frontline) please ensure staff verify and/or correct the auto fill date.

## Required Communication Between Part C and Part B

Local partners (AUs and Early Intervention) must communicate regarding eligibility for, parent interest, and parent decisions related to election of Extended Part C. Local systems are expected to develop communication methods for:

1. Early Intervention to inform the AU once they have provided families with children in the eligible birth date range [A Look at Your Rights and Options after Your Child Turns Three](#);
2. Documenting the discussion of the Option along with review of [A Look at Your Rights and Options after Your Child Turns Three](#) during the Transition Conference.
3. The AU to inform Early Intervention of the status of each child's eligibility for Part B, for all children referred to Part B transitioning from Part C.
4. The AU to inform Early Intervention once the IEP meeting has occurred and whether the family elected Extended Part C while at the meeting.
5. Early Intervention to provide the AU with a copy of a signed Informed Consent for Acceptance of Extended Part C as soon as possible and not later than ten calendar days after EI receipt of the form.
6. The AU to communicate to Early Intervention the date anticipated as the IEP implementation date, expected to be the first day of preschool.
7. When applicable, the AU to inform Early Intervention when a parent has exercised their right to challenge Part B eligibility determination through any one of three dispute resolution options: mediation, state complaint and/or due process hearing.



## Data Coding and End of Year Reporting

Part B is required to report all children referred from Part C to Part B in Path 2 for Special Education [End of Year \(EOY\) Reporting](#). This includes all children for whom an AU Notification is received, regardless of whether the family is subsequently screened, evaluated, declines or never responds to repeated attempts to contact. Students are expected to be reported in the school year in which the IEP is implemented unless it is known with certainty that an IEP will never be implemented. In this latter case, the child's activity is reported in the school year in which the process stops permanently. For these reasons, **CDE anticipates very few children to be reported for Extended Part C in the EOY for 2021-2022.**

### ***2021-2022 End of Year Reporting for Extended Part C***

Most children whose families elect Extended Part C will not be reported in the 21-22 Special Education EOY Collection. Examples of C to B transitioning children whose parents choose Extended Part C and would be reported in Path 2 for EOY 21-22 may include:

- a child who moves out of the AU after choosing Extended Part C with May or June, 2022 birthdays; or
- a child who, after his/her family initially chooses Extended Part C, later opts into FAPE (after their third birthday) during the months of May-June 2022.

For this small subset of children, AU staff are instructed to use Delay Code 59 "Not Valid Other \_\_\_\_\_ (Provide explanation in exception request)." Explanation should read: "Parent chose to extend Part C services".

Code 59 should not be used for a delay in eligibility determination or IEP development for children transitioning from Part C to Part B. Because a new reporting code will not be operational until the FY22-23 EOY collection, CDE is permitting its use for Extended Part C for this reporting year only, when a parent has chosen Extended Part C and can only be reported in the 2021-2022 EY Report. Though these children will show up as out of compliance in the 2021-2022 EOY reports, CDE is using this as a workaround for this situation. AU staff should keep a list of these students for review by their Special Education Director, and submit the following note when attesting to the accuracy of their report, with the following explanation of these errors:

"The Indicator 12 percentage shown on this report is not accurate. My AU's Indicator 12 records include   #   records reported with Delay 59 for Extended Part C. I sign this report with the understanding that my Indicator 12 percentage will be recalculated at CDE to make these specific records valid."

To correct these errors, Orla Bolger, Senior Consultant with the CDE ESSU Data Team, will manually identify students reported with Delay code 59, verify the explanation/note included in their attestation, and then remove these records from the equation prior to calculating Indicator 12 compliance.

### ***2022-2023 and Beyond End of Year Reporting for Extended Part C***

Starting in the 2022-2023 collection year, there is a new, valid, delay code for Indicator 12 added for Extended Part C. This code ("41: Parent chose to extend Part C services") will be available by July 1, 2022 to be utilized only when a child's family has elected Extended Part C. It is possible that vendors may make the code available in their software prior to July 1, 2022. If AU staff have ability and access to insert code 41 prior to their vendor's timeline for implementation they may do so.

- AUs may begin using Code 41 as soon as it is available for children who will be reported in the 2022-2023 EOY.
- Code 41 cannot be used in the Data Pipeline until the 22-23 collection year.
- Delay Code 41 is not a valid delay code for a delay in the evaluation or eligibility determination.
- This new code will only be available for use when the child's birthday is within the range for Extended Part C, and the child's record must have documentation to verify that the child is continuing in Extended Part C.



For children who will be reported in the 2022-2023 EOY but need to be temporarily coded before Code 41 is available (but no later than July 1, 2022), AUs may use code 59 (NOT VALID OTHER: \_\_\_\_\_) and in the narrative write “Parent chose to Extended Part C Services”.

- Use of this code remains invalid for a delay of the evaluation or eligibility determination.
- AUs must track these children and change their delay code to 41 once the code is available, or minimally, prior to submission of the 2022-2023 EOY report.

### CDE Contacts Related to Extended Part C

Questions related to EOY Reporting and coding may be directed to:

Orla Burger, Senior Consultant,  
Data Team, State Collections, Data Pipeline and Data Queries  
Exceptional Student Services Unit  
[Bolger\\_O@cde.state.co.us](mailto:Bolger_O@cde.state.co.us)

Questions related to implementation may be directed to:

Mary Morin, Part B Child Find Specialist  
Preschool through Third Grade Office  
[Morin\\_M@cde.state.co.us](mailto:Morin_M@cde.state.co.us)

### Colorado Department of Education

Preschool Special Education, Preschool through Third Grade Office  
In collaboration with the Exceptional Student Services Unit