



COLORADO
Department of Early Childhood



COLORADO
Department of Education

To: Early Intervention Coordinators
Part B Child Find Coordinators

From: Heidi White, Preschool Director, Colorado Department of Education
Christy Scott, Director, Early Intervention Colorado

Re: New and Ongoing Requirements Related to the Transition of Children from Part C to Part B of the Individuals with Disabilities Education Act (IDEA)

Date: June 16, 2022

This memo outlines requirements related to the smooth transition of children from Early Intervention (EI) Part C services to Part B Special Education. Changes and updates to the Administrative Unit (AU) notification timelines of children between Part C and Part B occurred with the passage of Colorado Senate Bill 21-275. This information is outlined in an Interagency Memorandum of Understanding (MOU) between the Colorado Department of Education (CDE) and the Colorado Department of Early Childhood (CDEC) effective on July 1, 2022. The completed MOU will be published and disseminated once all approvals are completed, to support coordination at the local level by fostering and encouraging collaborative implementation of IDEA Part C and Part B Preschool. We expect local systems to utilize this MOU to guide local systems. Although MOUs will not be universally required at the local level, they are encouraged. Any local MOU developed must, at a minimum, align with the expectations of this state level MOU.

The document “Required and Permitted Roles of CCBs and AUs For Early Intervention Colorado (Part C) Implementation of Birth to Age 3 Child Find Requirements” is no longer in effect and will be removed from each department’s website at the end of this month. A new document identifying each system’s requirements related solely to transition from Part C to Part B will be published to complement the information contained in this memo and required by changes to the law through Senate Bill 21-275.

Updated Timelines for Administrative Unit (AU) Notification and Transfer of Information

Administrative Unit (AU) Notification from Part C Entities (typically Community Centered Boards) of a child deemed potentially eligible for Part B services must occur 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.

Within the timelines noted above, for each child whose parent has not opted out of AU notification within the prescribed timeline and process, the state notification form ([Special Education Administrative Unit/School District Notification](#)) shall be filled out by the designated Service Coordinator and sent to the appropriate AU as official AU notification.

If a child is determined to be eligible for Part C when the child is older than the ages described above, AU notification, including evaluation information, with parental consent must occur as soon as possible and not later than fifteen calendar days after the eligibility determination. In this case the Part C system must:

1. Develop the transition plan; and,
2. Transmit the AU Notification to the appropriate AU; and

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3. Convene a transition conference to occur by 2 years 9 months, or as soon as possible after AU notification is transmitted to the AU if the child is found eligible for Part C after 2 years 9 months.

Part C Entities are required to transfer, with written parental consent, necessary information to the AU, including a copy of the most current assessment information and a copy of the most current Individualized Family Service Plan (IFSP), no later than 2 weeks prior to the Transition Conference.

AUs shall treat the notification as a referral to the Part B system and steps must be taken to initiate the evaluation to determine Part B eligibility within the IDEA Indicator 12 timelines. All AU Notifications made to the Part B system should be tracked, disposition of each notification must be documented, and reported appropriately in the special education end of year collection. All children determined eligible for Part B special education for whom an AU Notification was made must have the Individualized Education Program (IEP) implemented on or before the child's third birthday. If a child's birthday falls on a non-school day the IEP should be implemented on a school day prior to the child's third birthday.

Transition Conferences

With verbal or written parental consent, the Part C entity will schedule a transition conference collaboratively with a representative from 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). An AU representative is a required member of the Transition Conference.

During the conference, or at mutually agreed upon timelines previous to the conference, AU and Part C representatives are required to share and review with each family the jointly developed infographic *Transitioning from Early Intervention* available in [English](#) and [Spanish](#) on the CDE and Early Intervention Colorado websites.

During the transition conference, the AU of residence is required to share with the family: Part B eligibility definitions, state timeline and process for Part B evaluation and eligibility determination, information on the IEP and program options for special education and related services. The AU is expected to document attendance at the Transition Conferences in the child's record. How AUs choose to document the attendance of required participants and of information covered is at the discretion of individual AUs.

Transition Conferences are required to be scheduled collaboratively. Because of this, CDE anticipates there will be only rare instances when an AU representative is not able to attend. In those cases, the AU must contact the family and share the required information above, no later than 10 business days from the date of the transition conference. This contact with the family, and what was covered, along with an explanation of why the AU did not attend the scheduled Transition Conference should be documented in the child's record.

Late Referrals to Part C

When a child is referred to Part C less than 45 days prior to the child's third birthday, with parental consent, the child will be referred to the AU for Part B eligibility determination and not evaluated for Part C eligibility. These children are not reflected in the Part C Indicator 8 data. Because these children did not receive Part C services they are not included in the Part B Indicator 12 data.

IEP Meetings

If requested by the parent, AUs will invite an early intervention representative to attend the IEP meeting and coordinate with Part C to schedule this meeting.

Timely Transfer of Required Data

CDE and Early Intervention Colorado will work with local systems to improve methods of data collection and reporting. Jointly developed training and technical assistance, including assisting local systems to work collaboratively related to data reporting and submissions, will be provided, as needed.

Access to Joint Training

Early Intervention Colorado and CDE have and will continue to collaborate to deliver training related to components of the joint MOU and will make training available in a web based format and update as appropriate.

Dispute Resolution

The MOU outlines the following steps for resolving disputes between an AU and a Part C entities:

1. Part C Entity and AU will arrange to discuss issues and work to resolve the dispute at the local level.
2. If local parties are unable to resolve issues at the local level their respective state agency lead should be contacted within 10 business days.
3. State agency leads will work together to investigate and assist the local parties in resolving disputes, as appropriate.
4. State agency staff may implement remedies and sanctions, as needed, including requirements of local agreements, training and technical assistance from state staff, or other appropriate remedies required to effectively resolve the issues presented to the state agency.
5. State departments may apply sanctions or remedies, as required, under IDEA. Any decision issued by the state agency is binding and must be implemented by the AU and/or Part C entity.

Questions related to implementation may be directed to:

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