

POLICY ADVISORY

Parents' Rights and Roles in Planning for Transition to Preschool

Your child is about to turn 3 years old and has been in an early intervention program. What are your rights in planning for his transition to preschool?

Under the IDEA law, when your child turns 3, he “ages out” of early intervention services (Part C of the law), and “ages into” preschool services (Part B of the law). This movement is called transition.

Many of the important decisions about your child’s transition to preschool are made in IFSP meetings, particularly those that take place before he turns 3 years old. These meetings are called transition planning meetings, or transition conferences.

IFSP stands for Individualized Family Service Plan. IEP stands for Individualized Education Program.

(Note: We reference to and provide the exact citation for the appropriate sections of IDEA as contained in the United States Code, e.g., Title 20, United States Code, Section.)

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Parents' rights in early childhood transition planning

- IDEA gives the IFSP team as a whole — and not any one member — the authority to make all decisions about your child's transition plan. As a member of your child's IFSP team, you have the right to be involved in making all of these decisions. [20 USC Sec. 1436\(a\)\(3\)](#).
- You may decide for your child to not receive any of the services offered in his IFSP without losing the other services. [20 USC Sec. 1436\(e\)](#). However, once he enters preschool, you must accept or reject his IEP as a whole. [20 USC Sec. 1414\(a\)\(1\)\(D\)](#).

Requirements in planning for transition

- While the exact policies and procedures required for early childhood transition planning differ from state to state, all states require that transition planning be part of the child's IFSP. [20 USC Sec. 1436\(a\)\(3\)](#).
- Transition planning in the IFSP must consider the transition services your family needs. [20 USC Sec. 1437\(a\)\(9\)\(A\)\(i\)](#).
- The IFSP must also describe appropriate transition services, [20 USC Sec. 1436\(a\)\(3\)](#); identify the person who will implement the plan and coordinate your child's transition, [20 USC Sec. 1436\(d\)\(7\)](#); and include the steps necessary for him to leave the early intervention program to enter preschool or receive services, [20 USC Sec. 1436\(d\)\(8\)](#).
- Your child's early childhood agency must notify his local school that he soon will be eligible for Part B services. [20 USC Sec. 1437\(a\)\(9\)\(A\)\(ii\)\(I\)](#). Some states may require your permission to refer your child for special education services. [OSERS letter to Mary Elder, 2004](#).
- If your child will attend preschool, his early childhood agency must set up a transition conference between you and someone from the preschool to discuss the services your child will receive. This transition conference must happen at least 90 days before he becomes eligible for preschool. [20 USC Sec. 1437\(a\)\(9\)\(A\)\(ii\)\(II\)](#).
- If your child will not be eligible for preschool, reasonable efforts must be made to set up a meeting between you and any relevant service providers. [20 USC Sec. 1437\(a\)\(9\)\(A\)\(ii\)\(III\)](#).
- The school must prepare an IEP for your child by the time of his third birthday.

Services under Part B (ages 3-5)

- As you consider transition, consider whether you are satisfied with the plan for your child's services in the IFSP; with the consent of the preschool, you may use your child's IFSP as the IEP for preschool services. [20 USC Secs. 1401\(3\)\(B\) and 1414\(\(d\)\(2\)\(B\)](#).
- Whether you continue to use the IFSP for your child's plan or create a new IEP, your child becomes entitled to a free appropriate public education, and has rights to special education and related services, as set out in an Individualized Education Program (IEP). [20 USC Sec. 1414\(d\)](#).
- The IEP must describe the special education, related services, and supplementary aids and services your child will receive. [20 USC Sec. 1414\(d\)\(1\)\(A\)\(i\)\(IV\)](#).
- Related services are those that your child requires in order to benefit from special education. They include transportation, developmental, corrective, and other supportive services, including speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy services, recreation and therapeutic recreation, social work services, school nurse services, counseling services, orientation and mobility services, and medical services for diagnostic purposes only. [20 USC Sec. 1402\(26\)](#).
- Note that the related services are limited in that they must be “required” to enable your child to benefit from special education; the “necessity” test is strict and often narrowly interpreted by the local educational agency so as to maximize the use of its staff and conserve its resources.
- Supplementary aids and services are the supports provided in regular education classes or other education-related settings to enable your child to be educated, to the maximum extent appropriate for your child, with children who do not have disabilities. [20 USC Sec. 1402\(33\)](#).

Action Steps

- Attend and participate actively in the transition planning meetings; if you “sleep” on your rights, you may lose them.
 - Insist that all of the necessary agencies send representatives who are qualified to make decisions.
 - Ask for them to be held soon enough before transition that you be sure you and the practitioners have plenty of time to plan thoroughly.
 - Consider whether you want your child to retain the early intervention services or to proceed to pre-school special education services, related services, and supplementary aids and services.
 - Identify the special education and related services you believe are most critical to your child and the ones that are less critical to your child and insist on the former and consider some flexibility on the latter.
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Beach Center on Disability

The University of Kansas

1200 Sunnyside Avenue, 3111 Haworth Hall • Lawrence, Kansas 66045

Telephone: 785.864.7600 • TTY: 785.864.3434

www.beachcenter.org

