

Evaluation Procedures and Determination of Eligibility for Children in Transition from Part C to Prekindergarten Programs for Children with Disabilities

Several questions regarding the evaluation of children in transition from the Individuals with Disabilities Education Act (IDEA), Part C, Infants and Toddlers Early Intervention Program, to the IDEA, Part B, Prekindergarten Program for Children with Disabilities, have been identified by school district staff. The purpose of this technical assistance paper (TAP) is to provide guidance regarding requirements related to the evaluation and placement of children in transition from Part C to Part B.

DETERMINATION OF ELIGIBILITY

- 1. May school districts use existing screening and evaluation information previously obtained by the Part C Early Intervention Program to determine eligibility for a prekindergarten program for children with disabilities?**

Yes. For children birth through age five, Rule 6A-6.03026(3)(b), Florida Administrative Code (FAC), entitled, “Special Programs for Prekindergarten Children with Disabilities,” states that “existing screening and evaluation information available from agencies that previously served the child and family shall be used, as appropriate,” to meet the eligibility criteria of special programs. The purpose of this provision of rule is to minimize the need for the comprehensive reevaluation of very young children and to encourage the use of existing information to complete portions of the initial evaluation process, if such information is **current and appropriate**.

- 2. If such evaluation information is current, appropriate, and sufficient for determining eligibility for a prekindergarten program for children with disabilities, must new evaluations be conducted?**

No. In such a circumstance, additional evaluations do not need to be conducted.

- 3. Are there definitions for “current” and “appropriate”?**

No. There are no specific criteria or time frames that define the terms “current” and “appropriate.” Because young children develop at a very rapid rate, it is of critical importance that existing information be carefully reviewed to determine if it represents an accurate assessment of the child’s current functioning level. Consequently, in many instances testing and other data that were obtained six to twelve months prior to this

Paper Number: FY 2000-1

Revised June 2000

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review may not reflect the child's current functioning and new data may need to be collected through various means, including additional testing. Professional judgement, knowledge about the individual child and input from the child's parents must be considered when making the decision to use existing testing data to determine eligibility.

4. Given the circumstance described in question #2, what procedures must the school district follow?

Section 300.533(a) Title 34 of the Code of Federal Regulations (Title 34) requires, as appropriate, in circumstances of initial evaluation and for all reevaluations that existing information be reviewed. This review must be conducted by a group, consistent with the requirements for the individual educational plan (IEP) team, including the child's parents and qualified professionals, as appropriate. Such a group could review the available evaluation information provided by the Part C program and determine that no new evaluation data are needed. Federal regulations state that this review may be conducted without a meeting. If this review is not conducted in the context of a meeting, there must be documentation of the review process, including the names of individuals participating. As part of the IEP team, the parent must be invited to be a participant in this review process. The school district is also required to obtain parent input in this review process in the event that no meeting is conducted. The school district would then convene a staffing committee meeting to determine eligibility based on the available evaluation information. The staffing committee must include at least three professionals and the parent.

School districts may want to utilize the Part C transition planning meeting for the purpose of conducting the review of existing information.

5. Must a child transitioning from Part C to Part B who was served as a child with a developmental delay under Part C meet the initial eligibility criteria for programs for children with developmental delay, ages three through five?

Yes. In this circumstance, the child must meet the initial eligibility criteria as specified in Rule 6A-6.03027, FAC. School districts also have the flexibility to use eligibility criteria specified in other program rules, as appropriate.

6. Must professionals who conducted Part C evaluations have specific credentials in order for those evaluations to be used in determining eligibility for the Prekindergarten Program for Children with Disabilities?

Yes. School districts should confer with Part C evaluation personnel to ensure that the credentials of the individuals conducting the evaluation conform to the following requirements:

- Rule 6A-6.0331(1)(a), FAC, states, in part, "Tests of intellectual functioning shall be administered and interpreted by a professional person qualified in accordance with Rule 6A-4.0311, FAC, or licensed under Chapter 490, Florida Statutes."
- Rule 6A-4.0331, FAC, provides the requirements for certification in school psychology by the Florida Department of Education. Chapter 490, Florida Statutes, provides the requirements for licensure by the Department of Health, Division of Quality Medical Assurance, for psychologists and school psychologists.
- Rule 6A-6.0331(1)(b), FAC, states, in part, "The district's evaluation procedures shall provide for the use of valid tests and evaluation materials, administered and interpreted by trained personnel, in conformance with instructions provided by the producer of the tests or evaluation materials."

If the evaluations were not conducted by personnel meeting these requirements, the school district must conduct an evaluation of the child.

PARENTAL CONSENT

7. **If the school district does not conduct any additional evaluations to determine eligibility for the Prekindergarten Program for Children with Disabilities, how would the district establish the date for a future reevaluation?**

In the event the school district does not conduct any additional evaluations and instead uses existing evaluation information from the Part C program, **the date of the specific evaluation(s) used** by the district to establish eligibility for the Prekindergarten Program for Children with Disabilities would then be used to establish the date for reevaluation. If the eligibility determination was based on data from several evaluations conducted on different dates, **the date of the oldest evaluation** would be used to establish the reevaluation date. This reevaluation must be conducted within three years of the date of the oldest evaluation used. For example, if a cognitive evaluation was conducted on September 1 and a speech evaluation on September 10, September 1 would be used to establish the date for reevaluation. A reevaluation, however, may be conducted at any time in response to the request of a parent or teacher, or if other circumstances warrant a reevaluation.

8. **Is parent consent required to review existing screening and evaluation information?**

No. Section 300.505(a)(3)(i) of Title 34 states that “parental consent is not required before reviewing existing data as part of an evaluation or a reevaluation.” However, the Part C program would be required to obtain consent from the parent prior to releasing records and reports to the school district.

9. **In the event the existing information is not sufficient to make a determination of eligibility, and additional evaluations must be conducted, must parent consent be obtained to conduct additional evaluations?**

Yes. Parent consent must be obtained by the school district for the purpose of conducting any evaluation. Section 300.505(a)(i) of Title 34 states, “informed parent consent must be obtained before conducting an initial evaluation or reevaluation.” If the school district has never provided services (either directly or through a contract with another agency), consent for initial evaluation would be obtained; if the school district has previously served the child, consent for reevaluation would be obtained.

10. **For the child served by the Part C program, must written consent for placement be obtained following determination of Part B eligibility and prior to the receipt of special education and related services?**

Yes. When parents sign consent for services for their birth through two-year-old child, they are consenting to the provision of “early intervention services.” At the time of transition at age three, parents are asked to provide consent for the provision of “special education and related services.” Since the content of prior written notice requirements and the procedural safeguards differ between Part C and Part B, the school district must obtain written consent prior to placement of a child in the Part B Prekindergarten Program for Children with Disabilities. Consent must be obtained in all circumstances, including those circumstances in which the school district has provided Part C early intervention services to the child. The exception to this requirement would be the case of a child who will turn three during the school year, and whom the school district elected to serve prior to the child’s third birthday under Part B and provide with a free appropriate public education (FAPE). In this circumstance, consent for placement under Part B would have already been obtained, and it would not be necessary to obtain another consent for placement on the child’s third birthday.