
 <p style="text-align: center;"><b>POLICIES AND PROCEDURES</b></p> <p style="text-align: center;">State of Tennessee Department of Intellectual and Developmental Disabilities</p>	<p>Policy #: 60.7.4</p>	<p>Page 1 of 9</p>
<p>Policy Type: Administrative/Community</p>	<p>Effective Date: March 19, 2024</p>	
<p>Approved by:</p>  <hr/> <p>Brad Turner, Commissioner</p>	<p>Distribution: A/B</p>	
<p>Subject: TEIS EXTENDED OPTION</p>	<p>Supersedes: 60.7.4 (10/15/22)</p> <p>Last Review or Revision: 9/30/23</p>	

- I. **AUTHORITY:** 20 U.S.C.A. § 1439; IDEA Section 639; 34 Code of Federal Regulations (C.F.R.) § § 303.211; C.F.R. § § 303.400-303.449; Tennessee Code Annotated (“T.C.A.”) § § 4-3-2708, 33-1-303, 49-10-702.
- II. **PURPOSE:** The purpose of this policy is to provide guidance for the process for a family to choose the Tennessee Early Intervention System (“TEIS”) Extended Option to receive early intervention services through an Individualized Family Service Plan (“ISFP) beyond age three (3) which promotes school readiness and incorporates pre-literacy, language, and numeracy skills until the beginning of the school year following the child’s fifth (5<sup>th</sup>) birthday.
- III. **APPLICATION:** This policy applies to all Department of Intellectual and Developmental Disabilities (“Department”) workforce members and families who interface with the TEIS program.
- IV. **DEFINITIONS:** For the purpose(s) of this policy, the following definitions apply:
  - A. **Continuity of Operations Plan (“COOP”)** shall mean an emergency preparedness plan which provides planning and guidance to Department workforce members who must implement the plan to ensure continuity of the essential functions under all threats and conditions.
  - B. **Part C of the IDEA (“Part C”)** shall mean the section of the Individuals with Disabilities Education Act (“IDEA”) which requires participating States to ensure infants and young children with disabilities and their families receive early intervention services. In Tennessee, the Part C program is the TEIS.

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- C. **Tennessee Early Intervention Systems (“TEIS”)** shall mean the program that provides early intervention services for **infants and** young children with disabilities from and their families through Part C of IDEA.
- D. **Workforce Member(s)** shall mean all persons whose conduct, in the performance of work for a covered entity or business associate, is under the direct control of such covered entity or business associate, whether or not such persons are paid for such work by the covered entity or business associate. Thus, employees, trainees, interns, students, contract workers, and volunteers are all part of the Department’s workforce.
- V. **POLICY:** Consistent with 34 C.F.R. §303.211, “State option to make services under this part available to children ages three (3) and older”, TEIS, under the Department as the State Lead Agency (“SLA”), adopts the following procedures.
- VI. **PROCEDURES:**
  - A. Children Eligible under the TEIS Extended Option
    - 1. Children with determined eligibility for early intervention services through TEIS at least forty-five (45) days prior to age three (3) who are also determined eligible for Part B, 619 preschool special education services.
    - 2. Families may choose the continuation of Part C early intervention services beyond the child’s third (3<sup>rd</sup>) birthday through the TEIS Extended Option, which shall include an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills, until the beginning of the school year following the child’s fifth(5<sup>th</sup>) birthday.
    - 3. TEIS will ensure the continuation of all early intervention services identified on the child’s IFSP beyond age three while any eligibility determination for Part B, 619 preschool special education services is being made, consistent with 34C.F.R. §303.211(b)(4). If the Local Education Agency (LEA) has requested parental consent for the initial evaluation and the parent has not given consent for the Part B evaluation by the child’s third birthday, all TEIS services will be terminated. NOTE: At any time, a family may pursue their child’s eligibility for Part B, 619 preschool special education services through their LEA.
    - 4. In accordance with 34C.F.R. §303.302, 34 C.F.R. §303.211(b)(7), children under the age of three (3) who experience a substantiated case of trauma due to exposure to family violence (as defined in Section 320 of the Family Violence Prevention and Services Act) shall, upon parental consent, be referred to the early intervention system for evaluation for early intervention services.
  - B. Provision of a Free Appropriate Public Education (“FAPE”)
    - 1. Tennessee requires all children and youth identified and found eligible for IDEA Part B special education services have the right to receive a free appropriate public education (“FAPE”).

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2. FAPE means all special education and related services that:
  - a. Are provided at public expense, under public supervision and direction, and at no cost to the parent(s);
  - b. Meet the standards of the Tennessee Department of Education;
  - c. Include an appropriate preschool program, elementary school, or secondary school education; and
  - d. Are provided in conformity with an Individualized Education Plan ("IEP").

C. Annual Notification – TEIS Extended Option

1. Consistent with 34 C.F.R. § 303.211 (b)(1), the SLA shall ensure that parents of children served under Part C are provided an annual notice by their child's third (3rd) birthday. This notice shall be shared with the family at initial and annual IFSP meetings and also be posted on the SLA's website.
2. The annual notice shall include:
  - a. A description of the rights of parents to elect to receive services for their child who is eligible for Part B 619 preschool special education services through the TEIS Extended Option with an IFSP; and
  - b. An explanation of the differences between the early intervention services provided through an IFSP under IDEA Part C and the Part B, 619 preschool services provided through an IEP under IDEA Part B, including:
    - (1) Information confirming that all of the IDEA Part C procedural safeguards apply, including the confidentiality, consent, dispute resolution and other provisions in IDEA Section 639 and 34 C.F.R. §§ 303.400–303.449;
    - (2) Types of services and the locations at which the services are provided; and
    - (3) Possible out-of-pocket costs to the family, which shall be none.
3. If the family chooses to continue early intervention services through an IFSP, the child's IFSP shall be revised by the IFSP Team to include an educational component that TEIS Extended Option Policy addresses pre-literacy, language, and numeracy skills in accordance with 34 C.F.R. § 303.211(b)(2).

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4. If the child is determined eligible for preschool special education services and the child's parent does not choose the TEIS Extended Option, the child will be referred to the LEA and the IEP Team for the development of an IEP to address the child's special education and related service needs.
5. Once a parent makes the choice, through written notification to TEIS, to terminate early intervention services through an IFSP and pursue Part B, 619 preschool special education services through an IEP, the choice to return to TEIS services through an IFSP is not available.

D. Transition before Age Three

1. For children to be considered under the TEIS Extended Option, such children must receive transition services consistent with 34 C.F.R. § 303.209 and transition outcomes must be included as part of the IFSP. Transition notification and the planning conference shall occur in a timely manner.
2. TEIS shall inform each affected LEA of all potentially eligible children approaching the age of three (3) on a monthly basis, unless the family has opted out of notification to the LEA in accordance with the LEA/SEA Notification Opt-Out Policy.
3. At the Transition Planning Conference, which is held with parental consent, no earlier than nine (9) months and no later than three (3) months prior to the child's third (3rd) birthday, the family will participate in a discussion of the TEIS Extended Option through an IFSP and Part B, 619 special education preschool services through an IEP. TEIS and the LEA are required to provide the parents a Family Notification, which is a written explanation that explains the differences between the service delivery models used for services through an IFSP and through an IEP.
4. A Part B representative from the LEA must be invited to attend and is expected to participate in the Transition Planning Conference.
5. The LEA shall convene an IEP team meeting for the purpose of determining eligibility for Part B 619 special education preschool services in a timely manner such that eligibility must be determined before the child's third (3rd) birthday.
6. If a child is determined eligible for Part B 619 special education preschool services, the parent must choose to:
  - a. Continue services through the TEIS Extended Option through an IFSP, including an educational component;

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- b. Receive Part B, 619 Special Education Preschool services through an IEP as a student with a disability in accordance with 34 C.F.R. § 300.324 and no longer receive and/or be eligible for Part C services through an IFSP with TEIS; or
  - c. Decline all services available under the IDEA.
- 7. If the parent chooses the TEIS Extended Option, the parent must provide informed written consent to share eligibility information, consistent with IDEA Section 635(c), to the LEA that their child will continue services through the TEIS Extended Option.
- 8. If the parent chooses the TEIS Extended Option, the decision is documented in writing by the family and stored in the child's electronic early intervention record/file.
- 9. The Part C Service Coordinator shall ensure early intervention services identified on a child's IFSP include an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills when a parent chooses the TEIS Extended Option.
- 10. If the parent chooses to receive Part B, 619 special education preschool services through an IEP, the LEA shall:
  - a. Develop an IEP, in accordance with 34 C.F.R. § § 300.320 through 300.324;
  - b. Inform the parent that, once they make the choice through written notification to TEIS, to terminate early intervention services through an IFSP and pursue services through an IEP, the choice to return to services through an IFSP is not available; and
  - c. Ensure the IEP is in effect on the child's third (3rd) birthday, consistent with 34 C.F.R. § 300.124.
- 11. A child who is referred to TEIS between ninety (90) and forty-five (45) days prior to the third (3rd) birthday, who is determined eligible under Part C for TEIS, is also eligible for the TEIS Extended Option.
  - a. The SLA will determine Part C eligibility and, if eligible, the SLA will hold an IFSP meeting to develop an IFSP and provide the Part B, 619 service delivery options, and request parental consent to refer the child to the LEA for Part B eligibility to be determined.
  - b. Upon parent consent, the LEA will determine Part B eligibility upon receiving the referral and notify the SLA of the determination.

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- c. The SLA will continue to provide Part C services until Part B eligibility is determined.
- 12. If a child is referred to TEIS after forty-five (45) days prior to the third birthday, the SLA refers the child to the LEA for Part B eligibility to be determined and the child is not eligible to participate in the TEIS Extended Option.
- 13. At any time after the TEIS Extended Option is implemented, a parent may choose to terminate participation in Part C and choose to receive Part B, 619 special education preschool services through an IEP.
  - a. The parent must notify TEIS in writing of their choice to terminate IFSP services under the TEIS Extended Option.
  - b. Once a parent makes the choice, through written notification to TEIS, to terminate early intervention services through an IFSP and pursue services through an IEP, the choice to return to services through an IFSP is not available.
  - c. TEIS will notify the LEA of the decision of the parent to request services through an IEP.
  - d. Re-determining eligibility for a child whose parent chooses to terminate IFSP services under the TEIS Extended Option and initiate services through an IEP, prior to the start of the school following the child's fifth (5th) birthday, is not required, but an LEA may conduct additional assessments as needed to develop an IEP.
  - e. Upon notice of receiving written notification from TEIS that the parent chose to terminate early intervention services under an IFSP, the LEA will convene a meeting of the IEP team (which includes the parent) to develop the IEP, determine the location of the services to be provided, and determine implementation of the IEP.
  - f. The date on which the parent provides consent for the initial provision of special education and related services by signing the IEP is the implementation date; IEP services may begin on the implementation date, or as soon as possible following development of the IEP, as agreed upon by the IEP team and stated on the IEP document.
  - g. At the request of the parent, the TEIS Service Coordinator or other representatives of the Part C system, must be invited to attend the IEP team meeting referenced in 13.e. above.
  - h. Informed written consent must be obtained for the initiation of 619 special education and related services under Part B.

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- i. In order to ensure a seamless delivery of services and with parental consent, the SLA continues to provide early intervention services under the TEIS Extended Option until the IEP services are to begin or until the beginning of the school year following the child's fifth (5th) birthday, whichever occurs first.

E. Transition after Age Three, under the TEIS Extended Option

1. Children served under the TEIS Extended Option must receive transition services consistent with 34 C.F.R. § 303.209 and § 303.211(b)(2), and transition notification and the planning conference shall occur in a timely manner. Transition outcomes are included on the IFSP for any eligible child receiving services through TEIS.
2. TEIS shall inform each affected LEA of all children within six (6) months of the fifth (5th) birthday of every child participating in the TEIS Extended Option on a monthly basis, unless the family has opted out of providing the LEA with the child's personally identifiable information in accordance with the LEA/SEA Notification Opt-Out Policy.
3. Within six (6) months and no later than thirty (30) days prior to the first day of school after the child's fifth (5th) birthday, the LEA shall convene an IEP team meeting to develop the IEP, determine the location of services to be provided, and determine when IEP services will be initiated in accordance with 34 C.F.R. § 300.320–300.324. Re-determining eligibility for a child transitioning at age five (5) is not required, but an LEA may conduct additional assessments as needed to develop an IEP.
4. If requested by the parent, the TEIS service coordinator or other representatives of the Part C system must be invited to attend the IEP team meeting.
5. The LEA must obtain informed written consent for the initiation of 619 special education and related services under Part B.
6. The IEP must be in effect no later than the first day of the school year following the child's fifth (5th) birthday. IEP services will begin on the date(s) stated on the IEP document.
7. TEIS is required to continue to provide IFSP services under the TEIS Extended Option until the date on which services through an IEP begin or the first day of school after the child's fifth (5th) birthday, whichever comes first.

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F. Service Delivery

1. For the TEIS Extended Option, TEIS shall ensure that the IFSP process and document is consistent with the requirements described in 34 C.F.R. § 303.344, including:
  - a. Child assessment provided on an ongoing basis to identify the child's unique strengths and needs and the services appropriate to meet those needs; and
  - b. Family assessment conducted with parent permission to identify the resources, priorities and concerns of the family, and the supports and services necessary to enhance the family's capacity to meet the developmental needs of the child.
2. The educational component shall be individualized for the child, promote school readiness, and incorporate pre-literacy, language, and numeracy skills.
3. TEIS shall ensure that the child's IFSP Team when developing the IFSP for a child served under the TEIS Extended Option reviews and considers the content for an educational component included on the IFSP to reflect:
  - a. What a preschool child should know and be able to do;
  - b. Strategies for supporting the individual child's progress towards meeting expectations established as important for all preschool children, including adapting and modifying early childhood curricula, and the use of evidence-based instructional practices;
  - c. Family training in supporting readiness opportunities which are developmentally appropriate, recognizing the uniqueness of each family situation, and providing knowledge of expectations for school readiness; and
  - d. Use of assessment practices meeting requirements outlined in IDEA Sections 632 (5)(B)(ii)(I) and 635(c) and 34 C.F.R. § § 303.211(b)(2), 303.321(c), 303.344.
4. TEIS shall ensure that early intervention services shall be provided:
  - a. To the maximum extent appropriate, in natural environments, including the home and community settings, such as, but not limited to, private and public early childhood programs, Head Start, libraries, and family and center-based childcare settings, in which children without disabilities participate; and

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b. In a setting other than a natural environment, such as special centers, only if early intervention cannot be achieved satisfactorily in a natural environment and as determined by the child's IFSP Team.

G. Funding: Funding for the TEIS Extended Option may include:

1. Federal IDEA Part C funds;
2. Federal IDEA Part B funds (611 and 619);
3. Federal and State Medicaid funds;
4. Local/State funds; and
5. Additional federal grant funds, as available. No out-of-pocket fees will be charged to families of eligible children.

H. Monitoring: The Department has the responsibility under federal law to have a system of general supervision that monitors the implementation of Part C of IDEA, including implementation of the TEIS Extended Option. Monitoring activities for the TEIS Extended Option are outlined in the Part C Monitoring Procedures document.

I. Reporting: TEIS will report to the Secretary of the U.S. Department of Education the following information as part of the annual data collection required under 34 C.F.R. § 303.124:

1. A report on the number and percentage of children with disabilities who receive services through the Extended Option (i.e., who are eligible for services under Section 619 but whose parents choose for such children to continue to receive early intervention services under Part C).
2. All data required under Part C of the IDEA by TEIS including data reporting under IDEA sections 616, 618 and 642. This includes reporting data on an annual basis for the applicable Federal fiscal year on child count, settings, and dispute resolution under section 618 of the IDEA and the state performance plan/annual performance report data under sections 616 and 642 of the IDEA.

VII. **REVISION HISTORY:** October 15, 2022.

VIII. **ATTACHMENTS:** None.