

# Frequently Asked Questions

## Annual Performance Report (APR) Indicator 12

### Early Childhood Transition

The Individuals with Disabilities Education Act (IDEA) requires the early identification and timely transition of children with disabilities who are referred from IDEA Part C (early intervention services) to IDEA Part B (school system services). The state educational agency (SEA) and the local educational agency (LEA) must ensure all eligible students with disabilities are provided a smooth and timely transition to early childhood special education programs and are provided a free appropriate public education (FAPE) in the child's least restrictive environment (LRE).

Pursuant to 20 U.S.C. §§ 1416(b) and 1442, the U.S. Department of Education's Office of Special Education Programs (OSEP) requires each state to develop a State Performance Plan (SPP) that evaluates the state's efforts to implement the requirements and purposes of the IDEA. The plan includes baseline data, measurable and rigorous targets, and a plan for refinement for all Annual Performance Report (APR) data indicators. As Indicator 12 is a compliance indicator with a 100 percent compliance target, OSEP expects all states to ensure that LEAs follow procedures and meet timelines for 100 percent of all children who transition from Part C to part B. This document addresses frequently asked questions about effective early childhood transition and is intended to provide information to LEAs for reporting Indicator 12 data to the Tennessee Department of Education (department).

**Indicator 12: Transition from Part C to Part B** is a compliance measure that focuses on the percent of children referred by IDEA Part C prior to age 3, who are found eligible for IDEA Part B services, and who have an Individualized Education Program (IEP) developed and implemented by their third birthday.

#### Definitions:

**Tennessee Early Intervention System (TEIS)** – the IDEA Part C program that provides early intervention services to children ages birth through age two who have disabilities or other developmental delays.

**Tennessee Early Intervention Data System (TEIDS)** – the system managed by the Department of Intellectual and Developmental Disabilities (DIDD) and TEIS that is used to track data for children (birth through age two) receiving early intervention services as they progress through Part C of the IDEA system.

**EasyIEP** – the state-wide software system managed by the TN Department of Education that is used to collect, store, and manage data collection for students with disabilities ages 3-22 as they progress through Part B of the IDEA system. All LEAs access and utilize this system to maintain student records.

### **1. How is effective early childhood transition defined?**

Early childhood transition refers to the events and processes in place for eligible children moving from IDEA Part C services to IDEA Part B services. Effective early childhood transition includes collaboration among parents/guardians, LEA preschool programming staff, and Part C early intervention staff to facilitate an informed and timely continuity of services and promote a child's successful adjustment to a new setting. Upon being determined eligible for Part B special education and related services, the effective transition will include that the eligible child has an Individualized Education Program (IEP) in place by the third birthday. The IEP must contain goals and objectives to address the child's unique needs as he or she acquires the skills needed to meet their educational needs.

### **2. Why is a timely early childhood transition important?**

As early intervention services typically end on a child's third birthday, and early childhood special education (ECSE) cannot begin until the child has been determined eligible for Part B special education and related services, LEAs must ensure a timely transition from Part C to Part B services for all eligible children. Additionally, a smooth and effective early childhood transition:

- ensures a continuation of services for the eligible child and reduces the potential for regression;
- helps to establish trust with the family and demonstrates professionalism;
- fulfills the LEA's legal responsibility to the child; and
- maintains LEA compliance for APR Indicator 12.

## **Initial Referrals**

### **3. When is a child considered to be referred by IDEA Part C (TEIS) to IDEA Part B (school system)?**

All children served by TEIS are considered *potentially eligible* for Part B services. On a monthly basis, given parental consent, TEIS notifies LEAs of children residing within the LEA who are 27 months old or older and who are currently receiving TEIS services. The purpose of this initial referral is to ensure the LEA has ample time to complete the eligibility process within the required timelines. All children on the notification list are officially "referred" to the LEA on the date the LEA receives the list. Upon receipt of this initial referral, IDEA regulations require the LEA to provide the child's parent/guardian with the [Notice of Procedural Safeguards](#). The LEA should include a letter of introduction with the *Notice of Procedural Safeguards*. The LEA should establish a process to document that the *Notice of Procedural Safeguards* were sent for each child. Data for eligible children turning three years old between July 1 and June 30 of the applicable fiscal year are reported for Indicator 12.

### **4. What are some ways that an LEA can help ensure timely and successful early childhood transitions for children and their families?**

The transition to preschool is an important and sometimes stressful time for transitioning children and their families. In addition to making sure all the procedural steps and timelines are met, LEAs and TEIS must collaborate to support a child with disabilities and his/her family during and after this transition. LEAs can help ensure a successful transition by affording parents opportunities, resources, and information essential for meaningful participation in educational decision-making. Open, effective, and consistent communication is crucial. TEIS and the LEA should collaborate to help the family understand the differences between Part C and Part B services. The LEA may explain to the family how LEA staff will

help the child adjust to a new setting, new challenges and expectations, new routines, and new faces. To ensure parental participation, the department recommends that the LEA provide phone contact reminders prior to each meeting held with the parent/guardian. If a parent/guardian fails to attend a scheduled transition planning conference (TPC), evaluation appointment, or placement/IEP meeting, the LEA should seek to reschedule the meeting or appointment as soon as possible to allow the LEA to complete the IEP process by the child’s third birthday.

**5. What are action steps the LEA can take to have a well-coordinated transition process in place?**

As timeliness is critical to a successful transition, it is important to begin the transition process as soon as notice is provided to the LEA. To ensure the Part B eligibility process is completed within the required 60 days upon the LEA’s receipt of written consent and an IEP is developed by the child’s third birthday, LEAs are encouraged to create and manage a spreadsheet and/or Google folder. This spreadsheet or folder will list all children referred by TEIS who are turning three years old between July 1 and June 30 of the applicable fiscal year. Within EasyIEP, LEAs may run the *Initial Eligibility (60) Day Report (XLS)* by following these steps:

- a. generate a report with the dates of July 1 to June 30 of the applicable fiscal year;
- b. select the option that states, "Only show students with Initial Consent for Eligibility Determination Dates within the above date range;" and
- c. select the box to exclude students with an out-of-state transfer.



If the LEA has created a spreadsheet listing all referred children, the LEA can cross-reference the TEIS spreadsheet with column D (“DOB”) and column O (“IEP Date”) on the Initial Eligibility (60 Day) Report in EasyIEP to capture three-year-old students outside of the required transition timeline.

Additionally, LEAs should:

- a. collaborate with TEIS early intervention staff during TPCs to fully inform parents of their rights and available Part B services;
- b. develop and implement written early childhood transition procedures that facilitate communication and timeline requirements, and, most importantly, ensure a smooth and effective transition for children moving to Part B services; and
- c. develop and train relevant staff on early childhood transition procedures to ensure that the required 60-day initial evaluation (upon signed parental consent received by the LEA) and the required 30-day IEP development/implementation timelines are met by the child’s third birthday.

**6. What do the reminder symbols in Easy IEP indicate for children turning three?**

The yellow triangle (yield sign) with a three in the center indicates that the entrance Early Childhood Outcomes (ECO) data and the IEP must be finalized prior to the third birthday.

	<p>When the child's record is imported into EasyIEP™ from TEIDS, a yellow yield symbol with the number 3 is displayed indicating eligibility should be determined and, if eligible, an IEP developed by the child's third birthday.</p>
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The red stop sign with a three in the center signifies that the child is past his/her third birthday and does not have a finalized IEP in place. The red stop sign will remain in place until an action has been taken to determine eligibility.

	<p>If a child whose record imported into EasyIEP™ from TEIDS is 3 years and 1 day old without a finalized IEP, a red stop sign with the number 3 is displayed. The red stop sign will remain until an action is taken to determine the child's eligibility and, if eligible, develop the IEP.</p>
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**7. What should the LEA do if a child included in the TEIS initial notification (i.e., referral file) does not reside in the LEA?**

This situation may result if the family has moved or if the child's LEA of residence has been entered incorrectly into the TEIDS database. If a child referred to the LEA by TEIS does not reside in the LEA or has since moved, (1) The incorrect LEA should inform TEIS of the mistake. But because the child has been referred for Part B services, the incorrect LEA must also send the *Notice of Procedural Safeguards* and a letter to the family explaining that they are the incorrect LEA but that they have notified TEIS of the mistake, and (2) TEIS will send the initial notification to the correct LEA. The correct LEA should then send another copy of the *Notice of Procedural Safeguards* and a letter to the family explaining that they are the correct LEA and including an offer to convene an eligibility meeting.

**Late Referral vs. Late TPC**

**8. How is a "late referral" defined and how are late referrals to TEIS considered for Indicator 12 reporting?**

A late referral describes a child whose initial referral to TEIS is less than 90 days before the child's third birthday. A late referral does not refer to a late TPC or a late notice to the LEA. OSEP does not allow a child's late referral from Part C to be deducted from APR reporting; only a child's late referral TO Part C may be considered. In most cases, late referrals are sent to the LEAs on an official *LEA Late Referral Form* from TEIS on official letterhead. Typically, the TEIS service coordinator will not request a TPC, which is not required for a child who was a late referral to TEIS. In this case, TEIS may offer the parent options to evaluate the child for Part C/TEIS eligibility, and if the child is found eligible for Part C services, to develop an *Individualized Family Service Plan* (IFSP). The LEA should contact TEIS to request evaluation information if the parent has consented to the release. Children who are late referrals to TEIS will be included in the late referral category for Indicator 12 reporting and the LEA will not be considered out of compliance when the IEP is not implemented by the third birthday, provided the LEA has made

reasonable efforts to timely complete the eligibility process. In the case of a child’s late referral to TEIS, OSEP provides guidance to complete the child’s transition by the third birthday or as close to the third birthday as possible.

**9. When a TEIS service coordinator calls to schedule a meeting after a child receiving Part C services turns 2 years, 9 months of age (i.e., after the TPC due date), how will this child be counted for Indicator 12?**

This situation is not considered a “late referral;” it is considered a “late TPC.” The LEA must document why the TPC is late. If it is a parent reason for delaying the TPC (e.g., missed appointments, a request to reschedule or a request to schedule after 2 years nine months), the LEA should document this in the EasyIEP contact log (see example screen shot below). This situation will be counted as “parent reason” with no finding *if* the LEA pursues and provides documentation of multiple attempts to complete the transition by the third birthday. Please note, OSEP allows no other exceptions. A delayed TPC for any other reason (e.g., cancellation due to weather, sickness of LEA or TEIS personnel, TEIS- or LEA-related scheduling difficulties, or school breaks) will be counted as untimely if the IEP is not developed and implemented by the third birthday for an eligible child. The LEA should work with the TEIS consultant and the parent to convene a late TPC as soon as possible, perhaps considering alternative meeting methods (i.e., meeting virtually).

Contacts							Benjamin Test
Parent Contacts							
Del	Parent Contact	District Contact	Parent Initiated	Contact Method	Contact Date	Document	
<input type="checkbox"/>	Benji Test	Early Childhood Coord	<input type="checkbox"/>	Phone	04/14/2021	-none yet-	<a href="#">Details</a>
<b>Contact Results/Notes:</b>		Left a voicemail to remind Mrs. Test about the assessments scheduled for tomorrow for Benjamin's transition from TEIS.					
<input type="checkbox"/>	Benji Test	EC Coord	<input type="checkbox"/>	Phone	04/15/2021	-none yet-	<a href="#">Details</a>
<b>Contact Results/Notes:</b>		Called Mrs. Test when testing appt. was missed. She stated that Benjamin was sick. Rescheduled for 4/29/21.					
<input type="checkbox"/>	Benji Test	EC Coord	<input type="checkbox"/>	Phone	04/27/2021	-none yet-	<a href="#">Details</a>
<b>Contact Results/Notes:</b>		Called and texted a reminder for testing on 4/29/21.					
<input type="checkbox"/>	Benji Test	EC Coord	<input type="checkbox"/>	Phone	04/29/2021	-none yet-	<a href="#">Details</a>
<b>Contact Results/Notes:</b>		Mrs. Test called at 10:00 to cancel 11:00 testing appt. She will reschedule when she knows her work schedule.					
<input type="checkbox"/>	Benji Test	EC Coord	<input type="checkbox"/>	Letter	05/04/2021	-none yet-	<a href="#">Details</a>
<b>Contact Results/Notes:</b>		Invitation to meet/get consent to start testing on 5/14/21.					
<input type="checkbox"/>	Benji Test	EC Coord	<input type="checkbox"/>	Phone	05/12/2021	-none yet-	<a href="#">Details</a>
<b>Contact Results/Notes:</b>		Called and texted a reminder for testing 5/14/21. Mrs. Test called back and asked to delay testing until the start of next school year.					
<input type="checkbox"/>	Benji Test	EC Coord	<input type="checkbox"/>	Letter	07/29/2021	-none yet-	<a href="#">Details</a>

**10. When the LEA receives notification of a child who is referred to TEIS less than 45 days prior to his/her birthday, how should the LEA proceed?**

In the case of a child who is referred to TEIS fewer than 45 days before the child's third birthday, TEIS may refer that child directly to the LEA due to time constraints. This is not considered official notification from TEIS for APR reporting purposes and would not result in a finding for the LEA. Further, a TPC will not be held, and LEAs should initiate "child find" procedures to ensure eligibility is determined for the child within 60 days from the date of parental written consent, and an IEP is developed within 30 days of an eligibility determination. The LEA should keep detailed documentation of the transition process and events. LEAs should ensure the child has an IEP implemented without delay, within a reasonable amount of time.

## **Transition Planning Requirements**

**11. What is a Transition Planning Conference (TPC) and what is required of the LEA?**

A TPC is held to determine the next steps for any child served by TEIS who is potentially eligible to transition from Part C to Part B. This meeting is critical to ensure a timely and successful transition. Per [34 C.F.R. § 303.209\(c\)\(1\)](#), a TPC is considered timely when it is completed between nine months and 90 days before a child's third birthday. The TPC is organized by TEIS and must include the child's parent/guardian and an LEA representative. A TPC is designed to inform parents of available programs and services provided by the LEA and how eligibility is determined. The LEA representative who attends the TPC must be familiar with early childhood special education programming to explain the program and answer specific questions a parent may have. The LEA should provide resources that fully inform the parent of the Part B program options and the process for determining special education eligibility [e.g., informed consent, eligibility determination process, development of the Individualized Education Program (IEP), and timelines]. With signed parental consent, a TPC must be convened not less than 90 days (and at the discretion of all such parties, not more than 9 months) before the child is eligible for Part B preschool services to discuss any services that the child may require. LEAs are encouraged to work collaboratively with TEIS to provide all available options for the transitioning child. The TPC process provides the opportunity for the LEA and the parent/guardian to develop a collaborative relationship to ensure a positive school experience for the child.

**12. When the LEA receives a notification of a transitioning child but is not invited to the TPC that was held, what is the LEA's responsibility?**

To meet Child Find obligations, the LEA should have sent the *Notice of Procedural Safeguards* and an introductory letter to the parent/guardian upon receipt of the initial referral (i.e., the notification file) from TEIS. The LEA should document all communication and events for Indicator 12 reporting purposes. TEIS may choose to offer a non-LEA transition meeting to offer alternative options for the child.

**13. When a parent refuses LEA attendance at a TPC or refuses to pursue services at a TPC with the LEA in attendance—but later changes course and pursues a referral, how does the LEA proceed?**

A late TPC may be caused by a parent who changes his/her mind. In this case, the LEA should document that the TPC was late due to the parent's refusal. Every effort should be made to complete an eligibility determination and, if eligible, ensure that an IEP is implemented on the child's third birthday. Under any circumstances (e.g., TPC held five days before a third birthday, child's birthday is during summer months), the eligibility determination and, if eligible, IEP development should be completed within the required 90-day timeline. The LEA should continue to maintain the contact log and documentation. If the 90-day timeline is not met, the department will consider this documentation when determining Indicator 12 compliance.

**14. For a child with a closed file that is recently reopened, and TEIS requests a TPC, what is the LEA's responsibility?**

In this case, the LEA should document that, due to the parent, the TPC is untimely. The LEA should follow the same procedures listed above in Question #12.

**15. When the LEA attends a TPC and the parent indicates that he/she is not interested in pursuing services, how should the LEA document this, and how is this addressed for Indicator 12 compliance?**

The LEA should provide the parent with a prior written notice (PWN) that documents the decision to not evaluate the child and lists the reason(s) for that decision. Upon receiving the child's record in EasyIEP, the LEA should upload the PWN and inactivate the record listing "transferred to regular education" as the exit reason.

**16. For a transitioning child who moves from one LEA to another LEA, and a TPC was held with the previous LEA, what is the current LEA's responsibility?**

If a TPC has already been held in the previous LEA, this situation would not be considered a "late TPC" and the LEA where the TPC was held would be responsible for Indicator 12 compliance. The new LEA should send the *Notice of Procedural Safeguards* and an introductory letter to the parent and attempt to continue the transition and evaluation process. The LEA should offer to convene an eligibility team meeting to determine next steps and to inquire of any current evaluative information regarding the child.

**17. For a transitioning child who moves after the TPC, or moves before an evaluation can be completed, how should the initial LEA document this?**

The LEA should document the information on the EasyIEP contact log, including how the LEA was informed that the child had moved, and should then inactivate the record as "moved, known to be continuing" so that the new LEA can request a record transfer from the EasyIEP help desk. This child will be counted as a "parent reason" for Indicator 12 reporting purposes.

If the child has an Initial Consent for Evaluation but moves before an evaluation is completed, the LEA should inactivate the student by listing, "Moved, known to be continuing." The LEA should document such events using the "Contacts" tab in EasyIEP or, at minimum, a hard copy documentation of the

contact with the family (e.g., conversations with family, attempts to contact). The LEA should keep detailed documentation for a possible Indicator 12 response need.

**18. For a transitioning child whose parent refuses to provide informed consent for an initial evaluation, how should the LEA document this?**

The LEA should offer to evaluate the child by documenting multiple communication attempts through different methods over a period of time. If the LEA cannot obtain parental consent for an evaluation, the child's record should be inactivated in EasyIEP with an exit reason listed as "parent withdrawal, refusal of services." Additionally, a PWN should be sent to the parent that includes detailed reasons why the LEA cannot complete the initial evaluation. The PWN should also list LEA contact information if the parent later chooses to have the child evaluated. The department recommends that the LEA sends the *Notice of Procedural Safeguards* with the PWN by certified mail.

## IDEA Part B Eligibility

**19. Should LEAs conduct screenings for children who are transitioning from Part C to Part B services?**

LEAs may choose to conduct preliminary screenings if time allows before a formal evaluative process takes place. However, LEAs must not use screening procedures to delay the transition and eligibility process for any child.

**20. For a transitioning child whose parent repeatedly fails to make the child available for the initial evaluation, how is this addressed for Indicator 12?**

To ensure a timely transition process, the LEA should maintain documentation that it provided the parent with multiple opportunities for evaluation appointments. An EasyIEP-generated meeting invitation or an appointment letter may be used as documentation. With a contact log and other documentation (e.g., invitations) of meeting attempts, the LEA may inactivate the TEIDS record as "parent withdrawal/refusal of services." For Indicator 12, this would be counted as a "parent reason."

**21. Given that young children change rapidly during the early years, if the LEA receives an early referral from Part C (at least six to nine months in advance of the child's third birthday), is it advisable for the LEA to delay the initial evaluation of the child until closer to the child's birthday?**

Ultimately, the LEA must ensure that the evaluation and IEP timelines are met. As child development can change and progress rapidly, the LEA should consider any benefits and disadvantages for the child in either beginning the process early or delaying the process to closer to the child's third birthday.

**22. If the LEA receives notice of a child with a late spring or summer third birthday, may the LEA delay an evaluation or, if eligible, special educational services for the child until school resumes in the fall?**

No, a child transitioning from Part C to Part B services during the late spring or summer months cannot be denied services over the summer months due to school not being in session or for lack of regression documentation. These decisions are individualized decisions made by the IEP team, not TPC team decisions. LEAs must ensure that the 60-day initial evaluation and the 30-day IEP timelines are met by the child's third birthday. For a child who turns three years old during the summer months, during the IEP team meeting, the IEP team must determine if the child qualifies for any Extended School Year (ESY)

services, including drop-in services, to avoid skill regression over the summer months. The IEP team must consider what services may be needed to provide the child with a FAPE, including considerations for the child's disability, degree of impairment, skill retention, and rate of progress. The team cannot refuse ESY services due to a lack of regression documentation.

**23. *If a child's third birthday occurs during a weekend or a holiday break, may the LEA wait until school resumes to begin providing special education services?***

Yes. After the development of the IEP for a transitioning child, the IEP services start date can be flexible but must begin within a reasonable period of time. For example, if the child's third birthday falls during a holiday break, the IEP date would be listed as the child's third birthdate; however, the services start date would be listed in the IEP as the date that the child begins receiving necessary services when school resumes. In these cases, the PWN must include such details regarding IEP creation and implementation date variances.

**24. *Can evaluations from Part C be used to determine a child's eligibility for Part B services?***

Yes, if the TEIS evaluations are current and the appropriate LEA personnel review and concur with the information, the evaluations may be used for Part B eligibility determination. Remember that the LEA is responsible for evaluating *every* area of a suspected disability, and the evaluation should be comprehensive and include information from a variety of sources. The child's eligibility is determined by the IEP/eligibility team upon review of all components of the assessments. **Part B Eligibility determinations and placement/services decisions are not made at the transition planning conference. An Eligibility/IEP team meeting must be convened with all required participants in attendance.**

**25. *What should the LEA do if the child is found not eligible for Part B services?***

The LEA must create an Eligibility Report ("not eligible") document and inactivate the student in EasyIEP by listing, "transferred to regular education." This document, along with a detailed PWN, must be provided to the parent. Within EasyIEP, the LEA should ensure that the contact log is updated and the Eligibility Report, PWN, and any other pertinent documentation is uploaded.

**26. *For a transitioning child, when the parent refuses to attend an eligibility meeting to discuss the evaluation results, how should the LEA document this, and how is this addressed for Indicator 12?***

LEAs must provide parents multiple opportunities to meaningfully participate in the decision-making process during an initial evaluation for special education services. Reasonable efforts must be made to contact parents through a variety of methods, including phone calls, emails, certified letters, and home or work visits ([34 C.F.R. § 300.322](#)). The contact outcomes should be documented on the contacts page in EasyIEP and listed on finalized invitations.

If the parent refuses multiple attempts to meet with the LEA, the LEA should proceed with convening the IEP team meeting to determine the child's eligibility. Upon review of all evaluation data:

- a. If the team determines that the child *does not* meet the standards to be identified as a student with a disability and multiple attempts to solicit the parent's participation have failed, then the team may determine non-eligibility and create an Eligibility Report ("not eligible"). The PWN must list the

reason(s) why the LEA is refusing to identify the student as a student with a disability, including any data that supports that determination. The PWN must list all attempts to include the parent and when/how this information will be explained and delivered to the parent. Copies of the non-eligibility report, PWN, and the *Notice of Procedural Safeguards* must be sent to the parent; ***or***

b. If the team determines that the child does meet the eligibility standards to be identified as a student with a disability and multiple attempts to solicit the parent's participation have failed, then the team may determine eligibility and create an eligibility report indicating that the parent is declining services. The PWN must include how the eligibility standards were met. The PWN must also include all attempts to include the parent and when/how this information will be explained and delivered to the parent. Copies of the eligibility report, PWN, and procedural safeguards must be provided to the parent.

As a reminder, pursuant to [34 C.F.R. § 300.300](#) and [TN SBE Rule 0520-01-09-.04](#), signed parental consent is required for initial evaluations and reevaluations and for the initial provision of special education and related services. The IEP team may make an eligibility determination without parental consent, but **the LEA may not begin the initial provision of special education and related services until signed parental consent is received.**

The LEA should be prepared to provide this documentation to the department as evidence of resolution for APR Indicator 12 reporting purposes.

***27. If a transitioning child is a foster child and the LEA is unable to get parental consent for evaluation from the biological parent, who retains educational rights and how should the LEA proceed?***

If the transitioning child is a ward of the State and the LEA is unable to identify or locate the child's parent after making a reasonable effort, the LEA must appoint a surrogate parent in accordance with 34 C.F.R. 300.519 and TN SBE Rule 0520-01-09-.20. Once a surrogate parent is appointed, the surrogate parent serves as the student's parent for the purpose of giving consent for an initial evaluation.

***28. What are the LEA's requirements for reporting Indicator 12 data?***

Pursuant to the IDEA, the department is required to monitor and ensure LEA compliance and resolution of noncompliance for all early childhood transitions from Part C to Part B services. A measure of 100 percent Indicator 12 compliance is required for every child who is timely referred from Part C to Part B. The OSEP requires states to report annually on the percentage of children referred by Part C and determined eligible for Part B services who have an IEP in place by the third birthday. As such, LEAs are required to annually report this data to the department. The data is used to calculate and report on the percentage of children who have an IEP developed by their third birthday. The OSEP recognizes that there are reasons that referred children may not have IEPs in place by the third birthday and allows the following exceptions when making Indicator 12 determinations:

- Children not determined eligible due to withdrawal of parental consent, or the child moved;
- Children that did not meet the timeline because the parent repeatedly failed or refused to make the child available;
- Children for whom the parent refused to provide consent caused delays in evaluation or initial services;

- Children who were referred to Part C less than 90 days before their third birthdays; or
- Children determined to be *not* eligible and whose eligibility was determined by their third birthdays.

All other reasons for development and implementation of a late IEP result in a finding of noncompliance for Indicator 12.

**29. How does the SEA (department) collect, process, and report Part B APR data regarding early childhood transition (Indicator 12) compliance?**

The department must collect, process, and federally report Indicator 12 noncompliance data by February 1 of each year. In order to fulfill this statutory requirement, the department requests TEIS to provide early childhood transition data from their data system (TEIDS). **The department has no access to TEIDS records.** After TEIS provides the TEIDS data to the department, the data is merged with data in EasyIEP for children who had a TPC and who turned three years old that fiscal year. The department analyzes this data to assign preliminary transition determinations (i.e., timely, untimely, late referral, parent refusal, or non-eligibility determination) and to identify those records needing resolution. Any preliminary noncompliance determinations are then shared with the LEAs with a request to provide responses and additional data needed to make final Indicator 12 determinations and to support LEA compliance. Once the final compliance determinations are made, the department submits all APR indicator data to OSEP by February 1 each year.

**30. What information is needed by the SEA (department) in response to preliminary LEA untimely transition determinations?**

The department sends each LEA a spreadsheet listing all children who appear to have an untimely transition determination. The LEA responds by providing the department with a written explanation along with relevant contact logs and supporting documentation.

**31. How does the department use LEA feedback for Indicator 12 data to finalize the Indicator 12 noncompliance determinations that are reported to OSEP each year?**

The department analyzes the LEA response and supporting documentation to make final noncompliance determinations that are then submitted to OSEP each year as required. If the LEA fails to provide sufficient documented evidence supporting that the parent repeatedly delayed the transition process or the child was relocated to another LEA, a final untimely transition determination will result.

The department will provide technical assistance (TA) to LEAs to ensure resolution of all noncompliance. Resolution means either the child was evaluated and determined to be eligible with an implemented IEP, or they were found ineligible for special education services (e.g., non-eligibility report), or the record was inactivated for an appropriate reason (e.g., parent refusal) with supporting documentation provided.

**32. For LEAs with Indicator 12 noncompliance determinations, what corrective actions might be required?**

The SEA must ensure procedures are in place for a smooth transition from TEIS to the LEA. Findings of noncompliance are issued if an LEA does not have an acceptable documented reason for an untimely

early childhood transition. When a finding is issued for Indicator 12, the LEA is required to implement a plan of corrective action. For LEAs with Indicator 12 findings, corrective plan requirements include:

- ensuring the resolution of all children’s records determined to be out of compliance,
- completing training for all personnel involved in the early childhood transition process,
- developing and attaining approval of an Early Childhood Transition Plan, *and*
- demonstrating compliance through an Indicator 12 data pull (will occur quarterly at the state level and be reviewed for monthly correction for 100% compliance. Upon evidence that compliance is met, the correction will be documented).

If an LEA does not correct identified noncompliance in a timely manner (within one year from department notice of noncompliance), the SEA must report to OSEP on whether the noncompliance was subsequently corrected and what actions the SEA has taken to ensure resolution of all children’s records that were determined to be out of compliance.

### **33. Who do I contact when I have early childhood transition questions?**

#### **For APR technical assistance, contact:**

- **Heather Anderson** | Director of IDEA APR Support Program  
[Heather.Anderson@tn.gov](mailto:Heather.Anderson@tn.gov)  
(615) 804-0299
- **Colleen Van Dyke** | East TN IDEA APR Support Consultant  
[Colleen.VanDyke@tn.gov](mailto:Colleen.VanDyke@tn.gov)  
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- **Dolly Gerregano** | Middle TN IDEA APR Support Consultant  
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