

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-based 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 Sections 616(d) and 642 of the IDEA, 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 SPP describes how the state will improve implementation of special education and contains measurable, rigorous targets for 18 compliance-based or results-based indicators of performance. The statewide Annual Performance Report (APR) is submitted annually by states to the U.S. Department of Education and details progress toward meeting SPP targets for each indicator. It includes state performance data and narrative explanations of data, if necessary. 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 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 indicator that measures 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 IEP developed and implemented by their third birthday.

Definitions:

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

Tennessee Early Intervention Data System (TEIDS) is the information and data platform managed by the Department of Disability and Aging and TEIS for children (birth to 3 years old) receiving IDEA Part C early intervention services.

Tennessee Plans for Learning Success and Excellence (TN PULSE) is the software system managed by the TN Department of Education that is used to collect, store, and manage Part B IDEA information and data for students with disabilities ages 3-22 and students with other unique learning needs.

Note: The two data platforms are not connected, and the department has no access to TEIDS.

Early Childhood Transition (ECT)

1. *How is a timely 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. Upon being determined eligible for IDEA Part B special education and/or related services, a timely transition means that an eligible child has an individualized education program (IEP) implemented by their third birthday.

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

IDEA requires a “smooth and effective” transition from Part C to Part B services. A timely 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.

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

In addition to making sure all the procedural steps and timelines are met; LEAs can ensure a successful transition by adopting and implementing specific strategies to support families and ensure children experience a positive start to preschool. For example, LEAs may want to consider procedures to accomplish the following:

- provide an information packet or other resources to help families understand 1) TEIS and school service differences, 2) Part B terminology, requirements, and programs, and 3) the benefits of preschool inclusion and integrated services;
- empower parents/guardians throughout the transition process to share information and ideas and ask questions;
- prioritize opportunities to observe the child in natural situations and settings to inform assessments and IEP development (e.g., present levels, goals, supplemental aids and services);
- partner with parents/guardians in supporting their child and engaging in the classroom community as their child begins receiving special education and related services.

4. *What is the TEIS extended option?*

The TEIS extended services option allows current TEIS families to continue receiving early intervention services through an individualized family service plan (IFSP) beyond age three if the child is determined eligible for IDEA Part B services. See **TEIS Extended Option Overview** and **TEIS Extended Option FAQ** for more information.

Initial Referrals

5. *When is a child considered to be referred by IDEA Part C (TEIS) to IDEA Part B (LEA)?*

All children served by TEIS are considered potentially eligible for Part B services. Each month TEIS sends (with parent/guardian consent) a notification to LEAs of children 27 months or older who are currently receiving TEIS services. The purpose of this initial referral is to ensure the LEA has ample time to complete the transition process within the required timelines. All children on the notification list are officially referred to the LEA on the date the file is received. IDEA regulations require the LEA to provide the child's parent/guardian with the [Notice of Procedural Safeguards](#) upon receipt of the referral. The LEA should include a letter of introduction with the *Notice of Procedural Safeguards* and establish a process to document that this information is being sent to the parent/guardian of each referred child.

6. *What should the LEA do if a child included in the TEIS initial notification (i.e., referral file) does not reside in the LEA?*

If a child referred by TEIS does not reside in the LEA's zone of residence or has since moved, the LEA should inform TEIS of the mistake and document that action. TEIS will send the notification to the correct LEA, and the LEA of residence must send an introductory letter and the *Notice of Procedural Safeguards* to the parent.

7. *How is a "late referral" defined, addressed by TEIS and LEAs, and considered in Indicator 12 compliance reporting?*

A late referral describes a child whose ***initial referral to TEIS is less than 90 days*** before the child's third birthday.

Referral to TEIS **45-90 days** before the third birthday

- Part C (TEIS) eligibility is determined.
- An IFSP is developed for an eligible child.
- A TPC is offered to the family and may be combined with the initial IFSP meeting.
- The TEIS extended option is available *if* the child is determined eligible for IDEA Part B services.

The child will be counted as a "late referral" in Indicator 12 data, meaning the LEA will not be out of compliance if the IEP is implemented after the third birthday. However, OSEP's guidance is to complete these transitions by the third birthday or as close to the third birthday as possible.

Referral to TEIS **less than 45 days** before the third birthday

- The referral is sent to the LEA and the LEA begins child find procedures.
- Part C eligibility evaluation, IFSP, TPC, and the TEIS extended option are **not** offered.
- The LEA must send the *Notice of Procedural Safeguards* to the parent/guardian upon receipt of the referral.

The LEA must follow their child find procedures, keep detailed documentation, and ensure a Part B eligible child has an IEP implemented within 30 days of eligibility being determined.

Transition Planning Conferences

8. What is a transition planning conference (TPC) and what is required of the LEA?

A TPC is held to discuss next steps for any child served by TEIS and whose parent/guardian consents to meet with the LEA. 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 arranged and led by TEIS and must include the child's parent/guardian and an LEA representative. A TPC is designed to inform the family of available programs and services (e.g., TEIS extended option, LEA services, community resources) after a child turns age three. The LEA representative should share with the family information and resources about Part B program options, special education services, and the process and timelines for determining special education eligibility and developing and implementing an IEP.

9. If the LEA has not been invited to a TPC for a child who was included in a TEIS monthly notification, what is the LEA's responsibility?

LEAs should track the transition process and timeline for each child referred by TEIS. If the deadline for a timely TPC is approaching and the LEA has not been contacted to schedule the meeting, the LEA should contact TEIS to determine appropriate next steps to meet child find requirements. Documenting communication from TEIS that the child is no longer active with TEIS or that the parent has chosen not to transition to the LEA will meet child find obligations with no further Indicator 12 requirements.

10. If TEIS requests a TPC to be held in the summer, may the LEA delay until school resumes?

An LEA representative is required to attend a TPC if requested. Although TEIS typically schedules transition meetings prior to the end of the school year, some requests will occur in the summer. LEAs must be prepared to participate in TPCs and take any actions needed over the summer to support timely early childhood transitions.

11. How is a "late TPC" defined, what are the LEA's responsibilities, and what is the impact on Indicator 12 compliance?

A "late TPC" is a transition planning conference held less than 90 days before the third birthday of a child who is currently receiving Part C services (i.e., **the child is not a late referral to TEIS**). The LEA should work with TEIS and the family to convene a late TPC as soon as possible, considering alternative meeting methods, such as meeting virtually. The LEA must document the reason for the late TPC in TN PULSE contacts (see example below). If the transition timeline is not met (i.e., IEP by the third birthday) due to a parent reason (e.g., missed appointments, a request to reschedule or a request to schedule after 2 years nine months) the department will consider the LEA's documentation when determining Indicator 12 compliance. 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 result in an untimely transition—and Indicator 12 non-compliance—if an eligible child's IEP is not developed and implemented by the third birthday.

Contact Results/Notes

TEIS emailed 2/6/24 to request a TPC ahead of Alicia's 4/1/24 birthday. Mom declined to meet 12/1/2023 and just requested a TPC.

12. If TEIS requests a TPC within 90 days before the third birthday of a child whose closed TEIS file has recently reopened, what is the LEA's responsibility?

In this case, the LEA should document that, due to a parent reason, the TPC is untimely. The LEA should follow the same procedures described in Question 11.

13. When the LEA attends a TPC and the family indicates that they are not interested in pursuing Part B eligibility and services, how should the LEA document this, and how is this categorized for Indicator 12 compliance?

The LEA should obtain the parent's signature to document this decision and provide the parent/guardian with prior written notice (PWN). A detailed PWN includes the decision to not evaluate the child, lists the reason(s) for that decision, and states the family has been informed the TEIS extended option is not available without Part B eligibility determination. The LEA should upload the PWN, other documents and contacts in the child's TN PULSE record and inactivate the record using "transferred to regular education" as the exit reason. If the record is inactivated prior to the child's third birthday, the transition should be counted in the "parent refusal" category for Indicator 12.

14. What if the parent/guardian changes their mind and requests an evaluation, how should the LEA proceed?

Every effort should be made to complete an eligibility determination and, if eligible, ensure that an IEP is implemented by the child's third birthday. The LEA should continue to maintain the contact log and documentation in TN PULSE. If the transition timeline is not met, the department will consider this documentation when determining Indicator 12 compliance.

After the TPC

15. What is a TEIDS file and when will it be available in TN PULSE?

After a transition planning conference has been held, TEIS will release the child's record (i.e., the TEIDS file), with parent/guardian consent, for import to TN PULSE. The child is assigned a *Student ID* beginning with "TEIDS." In a *Student Search*, this may be used to help locate records for children in transition.

State ID Number	☐ Exact Match
Student ID TEIDS	☐ Exact Match

TEIDS files are imported twice a month. On the fifth day of the month, records from TPCs held the 16th through the end of the previous month are sent. On the 20th day of the month, records from TPCs held the 1st through the 15th of the current month are sent. The imported record includes a child's demographic information, TEIS referral records, and the most recent developmental testing information. The TEIDS record is intended to allow contacts to be recorded and documents to be generated to complete the transition process without enrolling the child in the LEA.

16. What should be done if a TEIDS record does not import as expected?

A message may be sent to the TN PULSE Help Desk (Zendesk) to inquire about an import. It may be necessary to contact TEIS to verify that the record has been released. The LEA must not delay timely completion of Indicator 12 requirements due to the TEIDS record not importing. It may be necessary to use paper documents and maintain a written contact log to upload once the child has a record in TN PULSE.

17. When a child moves during the transition period, which LEA is accountable for Indicator 12 compliance?

The LEA that participated in the TPC is responsible for resolving the transition by the child's third birthday.

18. For a transitioning child who moves out of an LEA's zone after the TPC, how should the initial LEA resolve the transition?

The LEA should document the child's move out of the LEA's zone of residence in the TN PULSE contact log, including how the LEA was informed that the child has moved. The LEA should complete the following steps to resolve the transition:

- send a PWN stating that an evaluation will not be provided due to the move out of the district,
- upload all documentation to the child's record and inactivate the record as "moved, known to be continuing," and
- communicate with the receiving district to help complete the child's transition.

If the record is resolved and inactivated before the child's third birthday, the transition should be counted as a "parent refusal" for Indicator 12 reporting purposes.

19. For a transitioning child who moves to another LEA after a TPC was held, what is the transfer LEA's responsibility?

If a TPC has already been held in the previous LEA, the new LEA should send the *Notice of Procedural Safeguards* and an introductory letter to the parent/guardian and schedule a meeting to continue the transition process. The LEA should request a transfer of the child's TN PULSE record and reach out to the initial LEA for any current evaluation information that may be available. Although the transfer LEA is not responsible for Indicator 12 compliance, the child's transition should be completed in a timely manner.

IDEA Part B Eligibility and Initial IEPs

20. 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 TN PULSE with the exit reason "parent withdrawal, refusal of services." A PWN must be sent to the parent that details the reasons the LEA cannot complete the initial evaluation. Provide the LEA's contact information should the parent/guardian want to request their child be evaluated in the future. The department recommends that the LEA sends the *Notice of Procedural Safeguards* with the PWN by certified mail.

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

LEAs may choose to conduct preliminary screenings before a comprehensive evaluation takes place. However, a screener cannot replace a comprehensive evaluation and may not be used to determine eligibility or delay the transition process.

22. What is the LEA's responsibility if a parent repeatedly fails to make their child available for the initial evaluation after giving consent, and how is this addressed for Indicator 12?

The LEA should maintain documentation that multiple opportunities to evaluate were provided. Contact the parent by multiple means (e.g., phone, email, text, letter, invitation) and multiple times throughout the transition. Record all contact attempts and responses, including any missed meetings and rescheduled dates. If attempts to evaluate the child remain unsuccessful, hold an eligibility meeting and create an "Eligibility Report – Not Eligible." Prior to the third birthday, mail the *Notice of Procedural Safeguards*, the non-eligibility report, and a PWN to the parent. The PWN should include all attempts to contact the parent and details that the child was determined not eligible because the LEA was unable to evaluate the child. The Indicator 12 transition resolution category is "not eligible" if completed by the third birthday.

23. If a TPC is held 6-9 months before a child's third birthday, is it okay to wait to evaluate so that the skills reflected in the assessment data better support determining eligibility?

It is okay to wait until closer to a child's third birthday to begin the evaluation, but the LEA must ensure meeting all required timelines such as completing the evaluation within 60 days of receiving parental consent and developing and implementing an IEP by an eligible child's third birthday. Consider any benefits and disadvantages of waiting to evaluate.

24. When a child's third birthday is in the summer, should Part B services begin when school resumes?

For a child who turns three when school is not in session, the IEP team must determine on an individualized basis if the child qualifies for Extended School Year (ESY) or needs other IDEA services to receive FAPE. Summer services must be considered even if the child has not yet attended school.

25. If a child's third birthday occurs during a weekend or holiday break, what is the start date of the IEP and when do services begin?

The IEP begin date is the child's third birthday. The service's start date is the date that the child begins receiving IDEA services when school resumes.

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

If the TEIS evaluations are current, they may be used as a component of Part B eligibility determination. The LEA is responsible for evaluating *all* areas of suspected disability. The evaluation should be comprehensive and include information from a variety of sources. An Eligibility/IEP team meeting must be convened with all required participants in attendance.

27. How is a transition resolved when a child is determined not eligible?

The LEA must create a non-eligibility report and a detailed PWN within TN PULSE. The LEA should ensure that the contact log is updated, and any other pertinent documentation is uploaded. Provide the parent/guardian with the non-eligibility report and PWN. If non-eligibility has been determined prior to the child's third birthday the Indicator 12 transition resolution category is "not eligible." The child's TN PULSE record does not need to be inactivated.

28. 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 with multiple opportunities to meaningfully participate in the decision-making process during an initial evaluation of special education services. Reasonable efforts must be made to reach parents/guardians through a variety of methods, including phone calls, emails, certified letters, and home or work visits ([34 CFR § 300.322](#)). All contact attempts and results should be included on the contacts page in the child's TN PULSE record 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 child does not meet eligibility standards to be identified as a student with a disability and multiple attempts to solicit the parent's participation have failed, the school should convene the IEP team to determine eligibility. If upon review of all evaluation data, the team determines that the child does not meet the standards to be identified as a student with a disability, then the team may determine non-eligibility and create a non-eligibility report. Within the PWN, the team should detail the reason(s) why the LEA is refusing to identify the student as a student with a disability, and what data 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 child does meet eligibility standards to be identified as a student with a disability and multiple attempts to solicit the parent's participation have failed, the school should convene the IEP team to determine eligibility. If upon review of all evaluation data, the team determines that the child does meet the standards to be identified as a student with a disability, then the team may determine eligibility and create an eligibility report indicating that the parent is declining services. The PWN must include what 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 *Notice of Procedural Safeguards* must be provided to the parent.

Pursuant to [34 CFR 300.300](#) and [TN SBE Rule 0520-01009-.04](#), signed parental consent is required for initial evaluations and reevaluations, initial provision of special education and related services, and functional behavior assessments.

If completed prior to the child's third birthday, the Indicator 12 reporting category is "not eligible."

29. *If the parent/guardian has not yet completed enrollment requirements, how should the LEA proceed?*

The LEA cannot require enrollment paperwork to be completed by the parent/guardian to proceed through the early childhood transition process.

30. *If a transitioning child is a foster child or a ward of the State and the biological parent retains educational rights, how should the LEA proceed?*

If the transitioning child is a ward of the State and is not residing with the child's parent, the LEA must continue transition procedures as required using the following guidance:

- a. the LEA must follow parental consent regulations in [34 C.F.R. §300.300](#) and [TN SBE Rule 0520-01-09-.20](#);
- b. the LEA may, but is not required to, pursue the initial evaluation of the child by utilizing the procedural safeguards, (including the mediation procedures under [34 C.F.R. §300.506](#) or due process procedures under [34 C.F.R. §300.507](#), if appropriate); and
- c. if the LEA declines to pursue the evaluation, the LEA does not violate its child find responsibility ([TN SBE Rule 0520-01-09](#)).

31. *When should a surrogate parent be appointed for a child with a disability?*

If 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 [34C.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.

APR Reporting and Compliance

32. *What are the transition resolution categories for reporting Indicator 12 data?*

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. The department annually reports the following for Indicator 12:

- A. Number of children who have been served in Part C and referred for Part B eligibility determination
- B. Number of children determined not eligible prior to third birthday
- C. Number of children with an IEP developed and implemented by the third birthday
- D. Number of children for whom parent refusal to provide consent caused delays
- E. Number of children who were a late referral to TEIS less than 90 days before third birthday
- F. Number of children whose family chose TEIS extended services

If a child's record does not include evidence of IEP implementation or other resolution (i.e., Category B-F) by the child's third birthday, the LEA is noncompliant for Indicator 12.

33. How does the department make Indicator 12 compliance decisions?

The department requests TEIS data which is merged with data in TN PULSE for children who had a TPC and who turned three years old in the federal fiscal year (July 1 to June 30). The department assigns preliminary transition determinations (i.e., timely IEP, not eligible, late referral, parent refusal, TEIS extended option, or untimely). Any preliminary untimely determinations are then shared with the LEA with a request to provide responses and additional information needed to make final Indicator 12 determinations.

34. What information is needed by the department in response to preliminary LEA untimely transition determinations?

The department sends each LEA a spreadsheet listing all children who have a preliminary untimely transition. The LEA responds with a transition resolution category and provides additional information. Student records MUST be appropriately and accurately updated in TN PULSE, including all parent contacts. All relevant documentation related to the student's transition must be uploaded.

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

When a finding is issued for Indicator 12, the LEA is required to complete the following corrective actions:

- Ensure all staff involved in the early childhood transition process complete required training, either assigned by the department or offered through the Special Education Conference.
- Develop or revise a written early childhood transition plan (ECTP) that outlines the LEA's procedures to ensure timely, compliant transitions from Part C to Part B.
- Ensure the resolution of each child's record. A record is considered resolved when:
 - the child has an active IEP,
 - the child was determined to be not eligible, or
 - the record was properly inactivated in TN PULSE for an allowable reason; and
 - the IDEA Data team has verified and confirmed resolution with the LEA.
- Demonstrate ongoing early childhood transition compliance.
 - The department will monitor implementation throughout the year.
 - Any new findings must be corrected in TN PULSE.
 - This review and correction cycle will continue until the LEA achieves 100% systemic compliance.

For questions and support, contact:

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