

Transition Guidance: From *tiny-k* to Part B Services for Children with Summer Birthdays

Scenario #1

A child has his/her third birthday on June 1. The child was determined eligible for Part B special education and related services by the Part B evaluation team on or before the child's third birthday. An IEP was written for the child on May 10 with initiation of Part B special education and related services at the beginning of the school year following the child's third birthday. Extended school year services during the summer after the child's birthday (at any time from June 1 to the beginning of the school year) were **not** determined to be necessary by the Part B IEP team.

In this scenario, the *tiny-k* program would serve the child until the child's third birthday on June 1. The *tiny-k* team would then have the option to serve the child on an IFSP until the initiation date of the IEP at the beginning of the school year following the child's third birthday if the *tiny-k* team believes the need for continued *tiny-k* services exists. This requires an IFSP review and changes need to reflect that services will extend past the third birthday. Funding of these services is the responsibility of the *tiny-k* program. Funding by *tiny-k* is possible because in Kansas, *tiny-k* programs have the option to serve a child with a summer birthday beyond the third birthday until the beginning of the next school year when Part B special education and related services begin.

Please note the following:

- The child is determined eligible for Part B special education and related services by the Part B evaluation team and an IEP is developed on or before the child's third birthday. If the child has a summer birthday the IEP indicates that Part B special education and related services will be initiated no later than the beginning of the school year following the child's third birthday.
- *tiny-k* is not obligated to serve a child beyond the third birthday. This is an option available to the *tiny-k* team only if the child is determined to be eligible for Part B services.
- An exit COSF rating would still need to be completed by the third birthday and entered into OWS. Exit from the ITS database would occur when the child actually exits from the program.

Scenario #2

A child has his/her third birthday on June 1. The child is determined eligible for Part B special education and related services by the Part B evaluation team and an IEP is developed on or before the child's third birthday. The IEP team determines extended school year services during the summer **are** necessary to enable the child to benefit from his/her education. Specific services for the extended school year are described in the IEP, and may not include all services for which the child has been determined eligible in the IEP for the coming year.

The *tiny-k* program would continue to serve the child to June 1 on the current IFSP. Part B service providers would provide extended school year services during the summer

as designated in the IEP. However, since Part B service providers are not always available in the summer, Part B could contract for *tiny-k* service providers after June 1 to provide the extended school year services described in the IEP. Funding for extended school year services is a Part B responsibility in this situation as *tiny-k* service providers would be providing Part B extended school year special education and related services for the child through a contractual agreement. The child is no longer in a *tiny-k* program.

SUMMER BIRTHDAYS

***tiny-k* Programs will ensure:**

- *Services may be provided in accordance with the existing IFSP to children and families until the implementation date specified on the IEP; and*
- *Once the IEP has been implemented, the child is no longer eligible for Part C services and Part C funds cannot be used to serve the child.*

LEAs will ensure:

- *Once eligibility is determined and an IEP developed, a child may begin Part B services anytime during the school year he/she turns three. If the decision to begin Part B services before age three occurs, the transition team proceeds through the IEP process and placement is determined. Once a child begins Part B services, he/she is no longer eligible for Part C services and Part C funds cannot be used to serve the child.*
- *If a child turning age three during the summer (which is defined by Part B as the day after the last day of school) is determined to be eligible for Part B, and has an IEP in place with special education services to begin the following school year, the child can continue to be served on an IFSP by the Part C program during the summer until the IEP is implemented at the beginning of the next school year.*
- *If a child turns age three before the end of the school year and it is determined by the IEP team that it is in the best interest of the child for the child to be served by Part C providers on a Part B IEP in the child's home until the beginning of the next school year, the LEA can contract with *tiny-k* Programs to provide those services to the child to assure a smooth transition;*
- *If a child turns age three during the summer and the IEP team determines the need for extended school year (ESY), the Part B team may provide the ESY services or may decide that it is in the best interest of the child to be served by *tiny-k* providers on an IEP until the next school year. The LEA can choose to contract with the local *tiny-k* Program to p. 9-10 provide Part B ESY services to the child in order to minimize disruption to the family and to assure a smooth transition; and*
- *If a child's third birthday occurs during the summer, the child's IEP team will develop the IEP and determine the date when services under the IEP will be implemented, which must occur no later than the first day of school the following school year. It is only the implementation of the IEP that may be delayed. LEA's will begin Part B services on the date specified on the IEP. (State of Kansas State-level Interagency Memorandum of Agreement, 2012, P. 9-10)*