

# THE TRANSITION FROM EARLY INTERVENTION TO PRESCHOOL SPECIAL EDUCATION SERVICES: AN OVERVIEW FOR FAMILIES

Prepared by the Early Childhood Direction Centers/New York City

November 2018

## HOW TO BEGIN:

Your early intervention service coordinator will speak with you about options for your child when s/he is no longer age-eligible for early intervention services. This discussion may occur at the Individualized Family Service Plan (IFSP) meeting closest to your child's second birthday and should certainly occur before your child is two and a half years old. A transition plan will then be included in your child's IFSP. One option you may select is a written referral to the New York City Department of Education (DOE) local Committee on Preschool Special Education (CPSE) to request an evaluation to determine if your child is eligible for preschool special education services. This evaluation, and any recommended preschool special education services, will be provided at no cost to you.

## AGE ELIGIBILITY:

Children who turn three between January 1<sup>st</sup> and June 30<sup>th</sup> are first age eligible for preschool special education services on January 2<sup>nd</sup> of the year they turn three. Children who turn three between July 1<sup>st</sup> and December 31<sup>st</sup> are first age eligible for preschool special education services on July 1<sup>st</sup> of the year they turn three.

In order for your child to continue to receive early intervention services past her/his third birthday, the CPSE must determine that your child meets the eligibility criteria to receive preschool special education services. This **must** occur before your child's third birthday.

If the CPSE determines that your child is not eligible for preschool special education services, your child's early intervention services will end the day before her/his third birthday.

If determined eligible for services by the CPSE, children who turn three between January 1<sup>st</sup> and August 31<sup>st</sup> may remain in early intervention until August 31<sup>st</sup> of the year they turn three. If determined eligible for services by the CPSE, children who turn three between September 1<sup>st</sup> and December 31<sup>st</sup> may remain in early intervention until December 31<sup>st</sup> of the year they turn three.

## NOTIFICATION:

90 calendar days prior to your child's first age eligibility for preschool special education services, your service coordinator will send a written notification to the CPSE of your child's potential transition to the preschool special education system. **This notification will occur unless you decline in writing (opt-out).** The service coordinator will give you the opt-out form to sign 120 calendar days before your child's first age eligibility for preschool special education services).

## TRANSITION CONFERENCE:

If you would like more information about the CPSE process and/or are unsure whether or not to refer your child to the CPSE, you can request a transition conference. Your service coordinator will arrange for a transition conference between you, the Early Intervention Official Designee (EIOD), the CPSE Administrator (a NYC DOE representative) and your service coordinator. You will need to give written consent to your

service coordinator to request a transition conference, which should occur no later than 90 calendar days before your child's first eligibility for preschool special education services. **The transition conference can take place as early as nine months before your child's third birthday and can be part of an IFSP meeting.**

#### **REFERRAL:**

If you would like to refer your child to the CPSE, your service coordinator can help you write the referral letter and then mail it to the CPSE on your behalf (certified, return receipt requested is suggested so that you have a record that the referral has been received) or you may ask your service coordinator to fax it to the CPSE. Your service coordinator can also assist you in following up with the CPSE Administrator to be certain your referral letter was received. **The referral must be made no later than 90 calendar days before your child's third birthday. Some families may choose to refer their child to the CPSE so that, if eligible, they may begin preschool special education services at the earliest possible date. In this instance, the written referral may be made as early as 120 calendar days before the date of your child's first potential preschool special education age eligibility.**

Upon receipt of your referral letter, the CPSE Administrator will immediately send you a packet of information which includes an explanation of your due process rights, the DOE *Guide to Preschool Special Education Services*, the consent for evaluation form and a list of the New York State Education Department (SED) approved preschool special education evaluation sites. When you receive the packet, you should select an evaluation site and call to schedule an appointment. Your child's current early intervention provider may or may not be an approved preschool special education evaluation site. The packet also contains a physical examination form that needs to be completed and submitted to the evaluation site you choose. If you need assistance choosing an evaluation site, you may contact your early intervention service coordinator, the CPSE Administrator or the Early Childhood Direction Center (ECDC) in your borough (contact information is located on page 5).

#### **DUE PROCESS RIGHTS:**

Federal and New York State law guarantee that parents of children who are receiving or being evaluated for special education services have legal rights. These due process rights are included in the packet of information from the CPSE Administrator. They will be explained to you in more detail **before** you sign consent to have your child evaluated for the first time. **Do not sign the consent form before your first in-person meeting with the evaluation site.** If you have any questions about your rights, you can ask the evaluation site staff member who is explaining the system to you, the CPSE Administrator or the ECDC in your borough.

#### **FOSTER CARE:**

Unless their rights have been terminated, surrendered, or limited, a child's birth or adoptive parents have sole authority to make special education decisions for their child. When a child is in foster care and the child's birth parents cannot be located after reasonable efforts, the CPSE administrator must appoint a surrogate parent for the child. If this is the case, the child's foster parent can serve as his or her surrogate parent. When the birth parents' rights have been terminated, surrendered, or limited, the child's foster parent can sign consent for the child. If questions arise about who can sign consent for a child in foster care, the CPSE administrator and preschool special education evaluation site should contact the child's foster care agency case worker to determine the status of the parent's rights.

#### **EVALUATION:**

As a parent, it is your responsibility to select an evaluation site from the list in the packet and promptly call to schedule an appointment with the site you choose. The consent for evaluation form must be brought with you to your first meeting at the evaluation site. After your due process rights have been explained to you, if you wish to have your child evaluated, you must sign the consent form. In some instances, the CPSE

administrator may be the person to obtain written consent from you. You may withdraw your consent for evaluation, in writing, at any point during the evaluation process, **before** the Individualized Education Program (IEP) is developed. During your first meeting with the evaluation site representative, you will be asked questions to determine if your child's evaluation needs to be conducted in a language(s) other than English. Prior to the evaluation, a representative of the CPSE may also contact you to determine the language for the evaluation.

Your child's evaluation will consist of a social history interview with you, a psychological evaluation and a physical examination (in most instances you will be given a form to be filled out by your child's pediatrician). If you cannot have the form completed, the evaluation site will assist in arranging for a physical examination at no cost to you. Other evaluations may be performed, if needed, to determine if your child has an educational disability. Examples of additional evaluations include, but are not limited to, speech, occupational or physical therapy evaluations. If your child's behavior interferes with learning, you may request a Functional Behavioral Assessment (FBA). With your permission, the preschool evaluation site will determine if your child's most recent evaluations from early intervention can be used. You may also submit any other evaluations of your child. In addition, an observation of your child by a member of the evaluation team will occur. Once they are completed, the evaluations will be forwarded by the evaluation site to the CPSE Administrator.

The CPSE Administrator will then review the material and schedule a CPSE meeting to develop an Individualized Education Program (IEP). Prior to the CPSE meeting, the evaluation site may review with you the results of the evaluations. The CPSE Administrator will mail to you a summary of the evaluations, in your dominant language, and notification of the date and time of your child's CPSE meeting. **You have the right to receive a copy of the complete evaluations prior to the CPSE IEP meeting.** If you wish to have copies of the evaluations, you should request them in writing from the evaluation site. If you want to participate in the meeting, but are not able to attend on the scheduled date and/or time, you must inform the CPSE Administrator of your desire to attend the meeting and request to have the meeting rescheduled. **Otherwise, the meeting may take place without you.** The meeting is required to take place within 60 calendar days from the date you signed the consent to evaluate form.

#### **INDIVIDUALIZED EDUCATION PROGRAM (IEP) MEETING WITH THE CPSE TEAM MEMBERS:**

At the CPSE IEP meeting it will be determined, based on the results of the evaluation, what, if any, services your child is eligible to receive. Present at this meeting with you are the required members of the CPSE team: a general education teacher, a special education teacher or related service provider, the CPSE Administrator and a professional who can interpret the instructional implications of the evaluation results. At your written request, the CPSE Administrator will invite your child's early intervention service coordinator to participate in the meeting. A CPSE Parent Member (the parent of another child who is receiving special education services) can also attend the meeting if you, or another member of the CPSE, request their attendance in writing 72 hours prior to the meeting. If you require an interpreter at the meeting, you may request one in writing 72 hours in advance. If you wish, you may bring other individuals with you (i.e., a friend, a family member, a representative of the evaluation site, an advocate, your child's physician, etc.) to the meeting. You will be asked to sign an IEP attendance sheet at the beginning of the meeting; you may request a copy for your records.

The evaluations will be reviewed to determine if your child meets the eligibility criteria that have been established by the New York State Education Department. Eligibility criteria for preschool special education services are similar to the eligibility criteria for early intervention services. **However, the types and amount of services recommended may be different from the early intervention services your child receives.** If your child does not meet the eligibility criteria, an IEP will not be developed and her/his early intervention services will end on the day before your child's third birthday. If you disagree with the eligibility determination, you may make a request in writing to the CPSE Administrator for an additional evaluation/s. If your child is deemed eligible to receive preschool special education services s/he will be classified as a **Preschool Student with a Disability** and an IEP will be developed. The IEP will include short and long term goals and objectives, recommended preschool special education services and adaptive equipment (if needed). If transportation is needed, including any special transportation requirements, it **must** be documented on the IEP.

The meeting will include a discussion about how your child's needs can be met in the least restrictive environment (LRE). A recommendation will be made for preschool special education services based on the SED's approved service models that are described below. If your child is recommended to receive related services (RS) and/or special education itinerant teacher services (SEIT), and you want your child to attend an early childhood education program (i.e., childcare, Head Start, 3-K, nursery school, etc.), it is your responsibility to locate, enroll and pay for (if there is a fee) the early childhood program. The recommended related services and/or special education itinerant teacher services will be provided at no cost to you. At the meeting, a discussion will occur about whether your child requires services for either a ten or twelve month school calendar. In addition, as part of this meeting, the Child Outcome Survey form (which includes information on your child's development) will be reviewed with you. The CPSE Administrator will provide you with a copy of your child's IEP. You will also be provided with a Notice of Recommendation form which lists the services and programs recommended in the IEP.

## **CONTINUUM OF SERVICES FOR PRESCHOOL CHILDREN WITH DISABILITIES:**

The level of service that appropriately meets your child's special education needs will be discussed during the IEP meeting. Following is a brief description of the options that are currently available in New York State; they are listed in order of what is considered the least restrictive to the most restrictive environments:

**Related Services (RS)** are services provided by an appropriately certified or licensed professional. Examples include, but are not limited to, speech therapy (ST), physical therapy (PT), occupational therapy (OT), audiology, counseling services, parent counseling and education, school social work, vision education services and hearing education services. If two or more related services are recommended, the CPSE Administrator will designate one of the related service providers as the coordinator.

**Special Education Itinerant Teacher (SEIT)** services are provided by a certified special education teacher who travels to your child to provide services. The SEIT is an employee of an SED approved preschool special education program. If SEIT services and one or more related services are recommended, the SEIT serves as the coordinator of all the services. SEIT services must be provided at least two hours per week.

**Related Services** and **SEIT** may be provided at a location including, but not limited to, an approved or licensed pre-kindergarten, Head Start program, childcare location, therapist's office or your home.

**Special Class in an Integrated Setting (SCIS)** is provided by an SED approved preschool special education program and includes both children with and without disabilities. The classroom staff includes at least one special education teacher and one paraprofessional; other early childhood education teachers and paraprofessionals may also work in the classroom. Each child in this type of program receives services for a minimum of 2 1/2 hours per day. Children approved for a special class in an integrated setting may also receive related services as part of their program.

**Special Class (SC)** is provided by an SED approved preschool special education program. All the children in this type of class are classified as preschool children with disabilities. Each child in this type of program receives services for at least 2 1/2 hours per day. Children approved for a special class may also receive related services as part of their program.

**Residential Program** is a special education program that is provided for a minimum of five hours per day, five days a week by an SED approved preschool special education program within a residential twenty-four hour a day setting. Children approved for a residential program may also receive related services. Placement in a residential program must be approved by the New York State Commissioner of Education.

## **APPROVAL OF PRESCHOOL SPECIAL EDUCATION SERVICES:**

At the CPSE meeting, if you agree with the recommendations, you will be asked to sign the consent for services form. Depending how close the meeting is held to the last possible age-out date from early intervention, more than one option may be offered for the preschool start date. If your child is determined eligible to receive preschool special education services, you may choose instead to continue your child's early intervention services until s/he ages out of the early intervention system. You will be asked to sign a form

indicating your choice. If you choose this option, the CPSE may have to meet again, closer to the designated preschool start date, to determine if the recommended services are still appropriate. **Your child may not receive early intervention and preschool special education services at the same time.**

If, however, you do not choose for your child to remain in early intervention until the last possible age-out date, the CPSE Administrator can authorize the preschool special education services to begin no later than 30 school days from the day the IEP is developed. This must also be within 60 school days from when you signed the consent to evaluate form. If you did not attend the CPSE meeting, the consent for services form will be sent to you by mail. **Services may not begin without your written consent.**

If you do not agree with the recommendations and you cannot resolve the issue at the CPSE meeting you may request, in writing, mediation and/or an impartial hearing. An impartial hearing, in contrast to mediation, is a more formal and legally binding process. If you need additional information on mediation and the impartial hearing process you may contact the CPSE Administrator, the Early Childhood Direction Center in your borough, or one of the organizations listed on the following page.

**WE HOPE THIS MATERIAL IS USEFUL TO YOU. IF YOU HAVE ANY QUESTIONS ABOUT THE INFORMATION INCLUDED IN THIS BOOKLET, OR ABOUT SERVICES FOR YOUR CHILD, PLEASE CONTACT THE EARLY CHILDHOOD DIRECTION CENTER IN THE BOROUGH WHERE YOU RESIDE.**

The **Early Childhood Direction Centers (ECDC)**, funded by the New York State Education Department, provide free confidential information, referral and support for families and professionals about services for young children with suspected or diagnosed developmental delays or disabilities. In New York City there is an Early Childhood Direction Center in each borough.

<http://www.p12.nysed.gov/specialed/techassist/ecdc/home.html>

#### **BRONX**

Early Childhood Direction Center  
Bronx Independent Living Services  
4419 Third Avenue, Suite 2C  
Bronx, NY 10457  
**347-271-8159**  
[maura@bils.org](mailto:maura@bils.org)  
[www.ecdcbronx.org](http://www.ecdcbronx.org)

#### **BROOKLYN**

Early Childhood Direction Center  
ADAPT Community Network (formerly UCP of NYC)  
160 Lawrence Avenue  
Brooklyn, NY 11230  
**718-437-3794**  
[ksamet@adaptcommunitynetwork.org](mailto:ksamet@adaptcommunitynetwork.org)  
[www.adaptcommunitynetwork.org/ecdc](http://www.adaptcommunitynetwork.org/ecdc)

#### **MANHATTAN**

Early Childhood Direction Center  
New York Presbyterian Hospital  
409 East 60th Street, #3-312  
New York, NY 10022  
**212-746-6175**  
[ecdc@nyp.org](mailto:ecdc@nyp.org)  
<http://nyp.org/ecdc>

#### **QUEENS**

Early Childhood Direction Center  
Queens Centers for Progress  
81-15 164th Street  
Jamaica, NY 11432  
**718-215-1299**  
[cwarkala@queenscp.org](mailto:cwarkala@queenscp.org)  
[www.ecdcqueens.org](http://www.ecdcqueens.org)

#### **STATEN ISLAND**

Early Childhood Direction Center  
Staten Island University Hospital  
242 Mason Avenue, 1<sup>st</sup> Floor  
Staten Island, NY 10305  
**718-226-6670**  
[lkennedy30@northwell.edu](mailto:lkennedy30@northwell.edu)  
<http://www.siu.edu/ecdc>

In New York City, the following agencies also provide information, referral and advocacy assistance to families of children with special needs:

Advocates for Children of New York  
866-427-6033 (education help line, toll free)  
<http://www.advocatesforchildren.org>

Parent to Parent of New York State  
800-405-8818  
<http://www.parenttoparentnys.org/offices/new-york-city>

INCLUDEnyc  
212-677-4660 (resource line)  
<http://www.includenyc.org/>

Sinergia, Inc.  
212-643-2840  
<http://www.sinergiany.org>

United We Stand of New York  
718-302-4313  
<http://www.uwsofny.org>

The New York State Education Department Special Education Parent Centers provide information and training. <http://www.p12.nysed.gov/specialed/techassist/parentcenters.htm>

Bronx, Brooklyn, Manhattan, Queens  
212-677-4650  
<https://www.includenyc.org/content/programs>

Staten Island  
718-494-4872  
<http://www.parenttoparentnys.org/Regional/statenisland.htm>

Information about preschool special education services can be found on the NYC Department of Education website.

<https://www.schools.nyc.gov/special-education/preschool-to-age-21/moving-to-preschool>