

Q & A: New Part C Guidance November 2014

1. Is a signature required for parental rights for Part B?

At SCRED, different districts have different ways of getting parental rights to parents (due process secretary sends out with NOTM vs. case manager supplies them at IEP meeting). We should also make sure parents understand their rights per IDEA, so we have been instructing case managers to include this on their agenda (“Review of Parental Rights”) as documentation that they covered them regardless of whether they hand them a copy at the meeting or if that is mailed home ahead of time. When summarizing the parental rights, point out the following key points: [FAPE](#); [LRE](#); [Participation](#); [Notice](#); [Consent](#); [Records and Dispute](#).

The statement below has also been added to the bottom of NOTM in SpEd Forms. This is a great way to document that parental rights were sent home at time of NOTM. Then just review rights briefly at meeting (say you already received a copy in the mail), hit the highlights and see if they have any questions. Document this review of parental rights on IEP meeting agenda.

Attached: Notice of Procedural Safeguards brochure _____ **Check and initial indicates brochure enclosed**

2. When a simultaneous evaluation is completed and the IEP is written within 30 days of the child's birthday, is the start date the day the child turns 3 or the day the child actually starts services?

IEP date must be on or before child's 3rd birthday to show that the IEP was in place. Service start date should reflect the first day child will receive services.

3. If a child turns 3 during the summer, would the service start dates in the new IEP be the start of the school year or when the child turns 3?

IEP date must be on or before child's 3rd birthday to show that the IEP was in place. Service start date should reflect the first day child will receive services (first day of school).

4. How does an IFSP meet Part B standards when a simultaneous eval is completed and the child has qualified for a "big kid" label?

A child can meet the eligibility for a categorical disability under PART C or PART B. If you are simultaneously evaluating, we strongly recommend that you do this much closer to the 3rd birthday.

Evaluations and services must meet Part C timeline and due process requirements. This includes children eligible under a categorical disability (“big kid” label). The IFSP remains in effect until the child's third birthday and must include the steps and services necessary for transition to Part B or other appropriate services.

The Team may simultaneously address Part B requirements. Making this simultaneous eligibility determination requires meeting the requirements of both Part C and Part B. Therefore, the Part C evaluation will require a prior written notice (PWN) meeting Part C requirements and the results of the evaluation must be summarized in the child's IFSP. The Part B evaluation will require a PWN meeting Part B requirements and must be documented in an evaluation report meeting Part B requirements. A meeting to develop the IEP must be held within 30 days of the Part B eligibility determination. However, the resulting IEP will not be implemented until the child turns 3.

5. I have a student I am doing an initial evaluation on that will be 3 on 12/7. If we take the 45 day timeline his eval is due on 12/11. We are going to try to make that date, but we are looking at ASD and DD. Some of the checklist for ASD and the speech tests cannot be given until he is 3. do I use the 45 day timeline or can I count 30 school days from when the parent signed.

We have to apply the Part C timeline for 45 days because the child still has the protections of Part C (evaluating within 45 days of child's third birthday). Unfortunately, you will have to get the ASD assessments completed on 12/8, 12/9 or 12/10 to meet the timeline.

6. I have a student who won't be 2 years 9 months until June 1, 2015, so do I start the process before she turns 2 yrs 9 months in order to ensure that I will have the school personnel available that would need to do this type of evaluation?

You may start to consider Part B eligibility after 2 years 3 months. We recommend waiting as close as possible to the 3rd birthday, but you would be compliant to start any time after 2 years 3 months.

- FAPE
- LRE
- Participation
- Notice
- Consent
- Records
- Dispute