



MOVING ON

at the age of 3

A GUIDE FOR FAMILIES



ANOTHER EXCITING TRANSITION AWAITS

As the parent of a child with special needs, you may have experienced a number of challenging transitions. This book is written for parents whose child is approaching age 3 and who are preparing for this most important transition.

We begin by defining just what this particular transition is all about and what you can do to prepare for it to ensure smooth sailing for your child and your family. We also offer some tips that can equip you to participate in the transition process as a full partner with the regional center and the school district.

Until now, your child has been receiving Early Intervention services through Harbor Regional Center, and most of their needs have been met by this program. As your child approaches age 3, an exciting transition awaits – the transition out of the Early Intervention program into a world of expanded opportunities. For most children, this transition results in the child's entrance into the school system or a community based program.

WHAT IS TRANSITION?

The transition that occurs as a child approaches age 3 is a formal process required under the Individuals with Disabilities Education Act (IDEA), the federal law governing education of children with disabilities. Transition is the time when the regional center and the school system carefully assess your child to determine what, if any, specialized services your child will need in the coming years and whether they should receive those services through the school district or the regional center. Let's begin by taking a closer look at what transition means.

At age 3, one of three things **will happen for your child**:

1. Your child is found eligible for continuing regional center services. In this case, they will also be eligible for services – called special education services – through the school system. Your child will still receive service coordination from the regional center, but most of their other service needs will be met through the school.
2. Your child is found not eligible for continuing regional center services because they have pretty much caught up to their peers developmentally, but is found to be eligible to receive some specialized services through the school system. In this case, they will no longer receive service coordination through the regional center but they will receive some specialized services through the school targeted to their specific areas of development.
3. Your child is doing so well that they are found not eligible for either regional center or school services. In this case, the regional center may still recommend a preschool, insurance services or other community program.

How does transition work?

The laws governing special education and the regional center provide very strict timelines for the transition process. The timelines are based on the age of the child.

Between the age of 30-36 months, you will be invited to a Transition Planning Meeting with representatives from the regional center and the school district that will serve your child when they attend school. You are encouraged to invite specialists or therapists who have been working with your child to this meeting. You will probably find that they are more than happy to be there to help ensure that any program developed for your child is right for them.

During your Transition Planning Meeting, you will work with the team to achieve the following:

- Review the current IFSP that has been guiding your child's Early Intervention services.
- Talk about what must occur for your child to make the transition out of Early Intervention into the school or other community program.
- Decide what formal assessments need to be completed to give the regional center and the school information they will use to help you make decisions about your child's service needs.
- Decide who will do these assessments and when they will be completed.

There is no requirement that new assessments be completed. The school district may decide that assessments already completed as part of the child's Early Intervention program through the regional center – for example, psychological, language and occupational therapy assessments – are sufficient for them to make an eligibility determination and recommendations for services.

At the Transition Planning Meeting, the school representatives will also review with you the range of classroom options that may be available for your child if they are eligible to receive special education services.

When your child is 33 months old, a multi-disciplinary team from the regional center will review your child's history, the progress they have made in Early Intervention (EI), and their current level of development. They will decide whether your child will continue to be eligible for regional center services.

Before your child turns three but after the Transition Planning Meeting, the school district will invite you to an Individualized Educational Program (IEP) meeting to determine whether your child will be eligible for special education services and, if so, what types of services and supports they will need to make progress in their educational program. Your regional center Service Coordinator can help you prepare for this meeting and can be at the meeting to provide you with support upon your request.

At the age of three, your child's eligibility for continuing regional center services will be determined based upon California's Lanterman Developmental Disabilities Act. Under a new law that took effect on July 1, 2021, children between the ages of three and four who continue to show developmental delays may qualify for regional center services under the "provisional eligibility" category. If your child does not meet the eligibility criteria for either ongoing or provisional regional center services, their case will close. Your Service Coordinator will provide information regarding resources suitable to your child's needs after the age of three.

NOTE: If at age 3 your child is found to be ineligible for continuing regional center services, but you later see new areas of concern, you may come back to the regional center to request a reassessment.

You Have The Right...

- *To receive information about your child and your child's program.*
- *To review your child's records.*
- *To be a full partner in your child's educational program.*
- *To stand up for your child to make sure they get the services they need.*
- *To request an interpreter in your preferred language.*
- *To make recommendations about your child's program and services.*
- *To help plan for your child's future.*

Transition List

The Regional Center & Service Coordinator	The School District	You (The Parents)
Between 2 years 6 months and 2 years 9 months		
<ul style="list-style-type: none"> ■ Begin contact with potential program(s) and/or school district of child's residence; ■ Ensure that families receive information about transition; ■ Help family prepare for transition meeting. 	<ul style="list-style-type: none"> ■ Present at local Transition workshops/orientation meetings through Local Interagency Community Councils; ■ Transition contact person works with family to clarify Transition process, answer questions and address concerns. 	<ul style="list-style-type: none"> ■ Review information about the transition process: timelines, paperwork, contact people, program options; ■ Learn about parent-to-parent support opportunities; ■ Update child's medical and educational information.
Between 2 years 9 months and 2 years 11 months		
<ul style="list-style-type: none"> ■ Meet with family to develop Transition Plan in coordination with school district and other agencies; ■ Meet with family to discuss assessment results and eligibility for regional center services; ■ Graduating programs discuss child's Transition with new program. 	<ul style="list-style-type: none"> ■ Begin assessment process; ■ Develop Transition Plan with family in coordination with regional center and other agencies and programs; ■ Graduating program coordinates transition process with new program; ■ Transition contact person discusses assessment results and implications with family; ■ Transition contact person discusses planning process and Individual Education Plan (IEP) with family. 	<ul style="list-style-type: none"> ■ Attend Transition Planning Meeting; ■ Review IEP Checklist in preparation for IEP meeting; ■ Discuss assessment results with regional center Service Coordinator; ■ Explore program options available in community; ■ Discuss transition process and IEP with transition contact person, if further clarification is needed.

What is The Parent's Role in Transition?

A very important principle of IDEA is that the parents of a child with a disability should participate fully in the child's education. To encourage such participation, the law gives parents certain rights with regard to their child's education, but with these rights come corresponding responsibilities.

As a parent, you are a full partner in the process of planning for your child's transition out of Early Intervention. A key part of your role in this process is providing the planning team with information about your child's abilities, strengths and challenges, and interests. You know your child better than anyone, and the information you provide can be an effective complement to information provided by the professionals who have assessed your child and the programs and professionals who have served them. When combined, these sources of information create a more complete picture of your child, their abilities, and their needs.

Your child's educational planning should also be shaped by what you want for them. Do not hesitate to discuss with the Transition Planning and IEP teams the hopes and dreams that you have for your child. Ask them to help you understand how the educational plan that is created now can lay the groundwork for achieving them in the future.

Finally you have an important role as an advocate for your child. You should not hesitate to communicate your child's needs to school personnel and remain involved in their school program, not just at the time of the IEP meeting. Visit the school program frequently, talk to the teachers about how they are doing, and ask them how you can help support their work when your child is at home.

You Have The Responsibility...

- *To gather and maintain information about your child and their program.*
- *To ask questions when you do not understand terms or reports.*
- *To become and remain an active member of the team that plans your child's education.*
- *To base your actions on accurate information.*
- *To make recommendations about your child's program and services.*
- *To help your child achieve their goals.*

WHAT IS THE IEP PROCESS?



If the team determines that your child is eligible for special education services, you will participate in the development of an Individualized Education Program (IEP) that will guide their education for the coming year. (For more information on the IEP and related issues, ask your Service Coordinator for a copy of the HRC booklet, *Team Up with Your School: Making Special Education Work for Your Child.*)

The IEP is a written agreement between you and the school district regarding the appropriate services that will meet your child's needs. It is reviewed and revised every year, or more often if necessary.

You are encouraged to invite your regional center Service Coordinator to the IEP meeting. Your Service Coordinator knows your child and can support you at the meeting. Importantly, they can meet with you prior to the meeting to help you prepare for it. You may, in addition, invite other people, such as a child care provider or therapist who has worked with your child, or a friend who knows about special education or who will be there to support you.

What happens during the IEP Meeting?

The meeting where the IEP is written must be held at a time and place convenient for all participants, and all members of the team are expected to attend. If one or more members are unable to attend, you may ask for the meeting to be rescheduled.

Your attendance at the IEP is so important that the law requires the school to do certain things to make sure you have every opportunity to attend. They are required to keep a written record of their attempts to arrange a mutually agreed on time and place for the meeting. The IEP meeting may not be held without you if you want to attend.

The school district is also required to provide an interpreter, at no cost to you, if you need one. People attending the IEP meeting sign the IEP document to show that they participated. Your signature on the document signifies that you attended **and that you are in agreement with the IEP**. The program cannot be implemented without your approval.

If you do not agree with the IEP that is developed, you may withhold your signature. If you agree with some but not all of it, you may consent to (and sign) the parts you agree with and explain why you disagree with other parts. Alternately, you may withhold approval of a part of the IEP that you believe needs the input from a team member who did not attend. Only the parts that you agree with can be put in place and this should happen as quickly as possible.

The other parts will be subject to further discussion or **due process**. (We discuss **due process** in a later section.)



Parents' Rights In The IEP Process

- *To receive a written notice about the time and place of the meeting and who will participate.*
- *To have the meeting scheduled at a time and place that are agreeable to all participants.*
- *To attend the meeting and invite other people to attend.*
- *To present information to the IEP team and participate equally in the plan's development.*
- *To have an interpreter at the meeting, if one is needed.*
- *To receive a copy of the IEP in your preferred language.*
- *To have the IEP reviewed annually.*
- *To have the IEP put in place as soon as possible.*

What to expect in the IEP?

All IEPs address five things:

1. **Assessment** – Your child's present level of performance and functioning in areas such as academic, social, language, motor and self-help skills. These descriptions must be based on formal assessments, and they should state in plain language how your child actually performs in the different areas. What is stated should match your knowledge of your child's abilities.
2. **Goals** – The IEP contains goals and objectives that your child will work on during the year. It functions as a blueprint for the year's instruction and learning activities. Goals describe specific knowledge, skills and behaviors that your child and their teacher will be trying to achieve over the school year. Objectives are more short-term and describe the things that the child should achieve along the way as they work toward a goal. Goals and objectives should be written in easy-to-understand language, should have timelines for achievement, and it should be clear how achievement of each one will be measured.
3. **Placement** – The IEP also contains a description of your child's classroom placement and how much they will be included in the regular school program. This part of the IEP states how much time they will spend in each learning setting each day and what type of supports they will receive in that setting.
4. **Services** – Related services are the program modifications and supports that teachers, aides, etc. will receive to help them help your child. These may include services such as speech therapy, assistive technology, adaptive physical education, and extended school year. The IEP describes the type of service, when it will begin, its frequency and duration, and how long it will continue.
5. **Plan for Upcoming Reviews** – Finally, the IEP states when the plan will be reviewed and describes how it will be evaluated (how progress will be measured). The IEP is reviewed at least once a year. A "triennial" review based on a full assessment occurs every three years so the team can look closely at how your child's program has been working for them. Additionally an IEP can be requested at any time to discuss any concerns regarding your child's needs.

How Can I Prepare For The IEP Meeting?

As with many things in life, preparation is critical when it comes to your child's IEP. At the end of this document, you will find an "IEP Checklist" that you can use to guide your preparation.

On this checklist, there are quite a few things to think about and do to prepare. One of the most important things is to make sure that you have reviewed all of the assessment results that the team will use as a basis for developing the program. You should be sure to request copies of all assessments and reports so you have time to review them yourself or with someone else before the meeting. A second important thing is to think about the kinds of things that you would like your child to work on in school.

We encourage you to write out your desired goals so the team can consider them for inclusion in the IEP. Most goals fall into one of five areas:

- Academic (reading, writing, spelling, math)
- Self-help (eating, dressing, shopping)
- Motor (riding a bike, climbing stairs)
- Social/emotional (sharing, making friends)
- Vocational/pre-vocational (being on time, completing a task)

Bring your list of goals to the IEP meeting and be prepared to explain to the team why you think each one is important. Remember, the IEP is a team effort, so you should also be prepared to listen to the other team members who may have suggestions for modifying your goals or creating different ones.

You may also wish to visit some special education preschools or early childhood programs before the IEP meeting to get a better idea of what they look like and which ones provide environments that would be appropriate for your child.

What If I Don't Agree With Something In The IEP?

IDEA has special provisions – called **due process** – to protect your right to disagree with the school about your child's educational program.

These provisions are intended to ensure that you, your child, and the school are all treated fairly in attempts to settle the disagreement.

If you disagree with the IEP team about something you should attempt to work out a solution within the team. If you can't do this, you may discuss the matter with the school district's Special Education Director or a representative of the Special Education Local Planning Area (SELPA), the organization that oversees special education services for one or more school districts. If none of these things works, you may request a due process hearing. Before you do this, however, you should talk to someone who is an expert in special education law. Ask your Harbor Regional Center Service Coordinator to refer you to a specialist in special education law at HRC, or to the Client Rights Advocate assigned to support HRC families.

Due process involves a formal fact-finding meeting chaired by an independent hearing officer hired by the state's Special Education Hearing Office. The hearing officer listens to the arguments, considers the evidence, and makes a decision about the issues and what needs to be done to carry out the decision. As a parent, you have special rights with regard to a due process hearing.



How Can I Request A Due Process Hearing?

You should request a hearing in writing. In your letter, include your child's name and address, your name, address and telephone number, and the reason you are requesting the hearing. The school district can give you the name and address of the state agency to which you should send your letter. Alternatively, you can find the address on the following web site: www.cde.ca.gov/sp/se. * You should also send a copy of the letter to the school district.

Now let's take a closer look at the timeline and procedure for completing due process.

Within three days of the school district receiving your request, they will tell you about free or low-cost legal services available in the area.

Within 15 days of receiving your request, the school district must convene a meeting with you and the relevant members of the IEP team who have specific knowledge of the facts related to your complaint. This meeting is called a "resolution session." At this meeting, you will have a chance to discuss your complaint and give the school district an opportunity to resolve it to the satisfaction of both parties. As stated, this meeting is mandatory unless both you and the school district agree in writing to waive it or unless both parties agree to use the mediation process (see below).

Within 30 days, if the resolution session has not resulted in an agreement, a formal hearing will take place. It usually takes place at the school district offices. Hearings are generally open to the public, but you or the school district may request that yours be closed. Both sides may submit documents and select witnesses to support their position. Each party must give documents and witness lists to the other party at least five days before the hearing. These lists should also be submitted to the Special Education Hearing Office at least seven days before the hearing.

Within 45 days, the hearing officer issues a written decision and mails it to you and the school. Either the parent or the school district may ask for an extension to these timelines. In fact, in most cases, extensions **are** requested, and the process takes longer than 45 days.

Parents' Due Process Rights

- *To have the hearing occur within a specific period of time after the written request is received.*
- *To be represented by an attorney and to be informed about free or low-cost legal services available to you.*
- *To voluntarily attend a mediation conference prior to the hearing, in an attempt to find a resolution to the disagreement.*
- *To have the due process hearing held at a time and place reasonably convenient to you.*
- *To have the hearing conducted by an impartial hearing officer.*
- *To present evidence, question, cross-examine, and require the attendance of witnesses.*
- *To prevent the introduction of evidence that has not been disclosed to you at least five days before the hearing.*
- *To obtain a word-for-word record of the proceedings at the hearing.*
- *To obtain a written report of the findings and decision of the hearing officer.*
- *To appeal the final decision to the State Superintendent of Public Instruction.*
- *To file a lawsuit in state or federal court if the issue is still not resolved to your satisfaction.*

Mediation – At any time during the process described above, you and the school district may agree to a mediation hearing. Both sides must agree for this to occur. A trained mediator sent by the state will meet informally with you and the school district in an attempt to resolve the disagreement. The mediator has no power to force either side to do anything, but only tries to help the two parties reach an agreement.

What Happens At The Hearing?

It's a good idea to prepare an outline or written plan for presenting your case. You will need to state clearly what issue or issues you want the hearing officer to make decisions on. Only issues relating to the IEP and provision of a free and appropriate public education may be raised at this kind of hearing.

You may decide to have another person – called an advocate – represent you or plead your case. An advocate may be an attorney, but does not have to be.

Evidence may be in the form of oral testimony by you or a witness or written documents. If the issues are complicated, you should consider providing the hearing officer with a written statement setting forth the facts of the case, the issues to be decided, and your reasons for requesting a certain decision.

A Final Note

The transition process may seem complicated to you as you finish reading this booklet, but your regional center Service Coordinator is available to simplify the process for you. Your Service Coordinator will provide you with information, tell you where you can find more information, and be with you at the planning meetings. With their help and preparation on your part, you will be equipped to make good decisions for your child.

As you embark on the transition process, there are a few simple but important things that you should not lose sight of:

- Transition is a process; it does not happen overnight.
- The success of transition depends on an entire team of professionals and parents.
- You are an important member of the team.
- It is OKAY to disagree.
- You are the expert when it comes to your child.

My IEP Checklist

Things to do before the IEP meeting:

- Notify my regional center Service Coordinator about the meeting.
- Invite to the meeting specialists working with my child or other people who can support or advocate for my child.
- Notify the district of the names of the people I am inviting.
- Sign and return the written notification of the IEP meeting.
- Request a copy of assessments or any reports done by the school district or meet with specialists to discuss the results of assessments. *(Leave enough time for careful review.)*
- Learn about the preschool education and related services provided by the school district.
- Investigate other early childhood programs, services and activities available in the community that the IEP team might consider.
- Make a list of my child's abilities, strengths and needs.
- Think about short-range and long-range goals that I would like the team to consider for my child.
- Gather copies of developmental and medical history, psychological and other therapy reports, other regional center records, etc.





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