



# FACT SHEET

## EARLY CHILDHOOD EDUCATION: TRANSITIONING THROUGH EARLY INTERVENTION – BIRTH TO SCHOOL AGE

August 2024

Children who qualify for early intervention services should not experience gaps in the educational services they are entitled to receive under federal and state law as they transition through programs: Infant and Toddler Early Intervention, Preschool Early Intervention, and school-age programs. To prevent gaps in services, there are legal requirements for timelines and procedures for each of these transitions.<sup>1</sup> This fact sheet provides information on how parents can make sure their young children get the services they need when transitioning into different educational programs.

### EARLY INTERVENTION DEFINED

**Early Intervention (EI) is a free program for young children (birth to age 5) who have delays in their growth and development or have disabilities.**<sup>2</sup> Early intervention includes Infant and Toddler Early Intervention (Infant and Toddler EI) for ages 0-3 and Preschool Early Intervention (Preschool EI) (age 3 to school age).

To learn more about early intervention services, see our early intervention fact sheets:

- [Early Intervention \(EI\) Questions and Answers](#)
- [Early Interventions Step-By-Step Guide & Timelines](#)

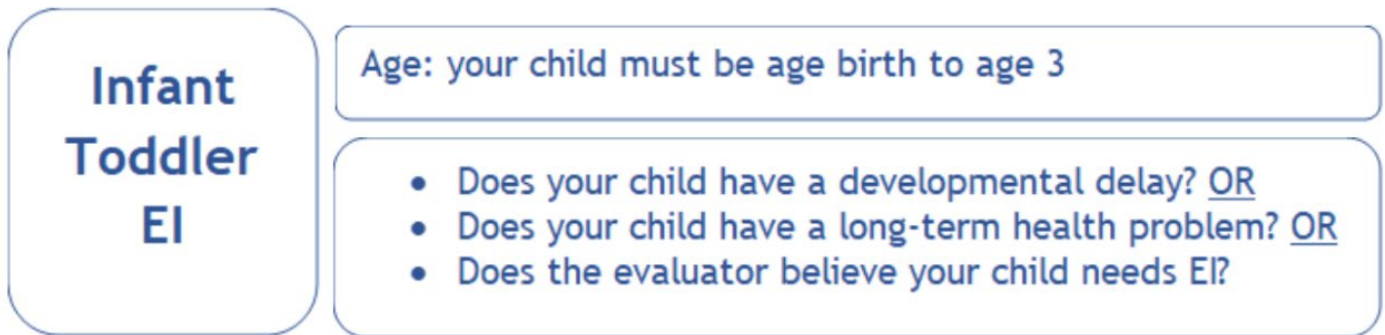
### RACIAL DISPARITIES IN EARLY INTERVENTION

The first years of a child's life are critical for development.<sup>3</sup> Across Pennsylvania, research documents significant racial disparities in access to early intervention services stemming from structural and systemic racism grounded in root causes such as lack of access to neonatal and pediatric care for Black and Brown children.<sup>4</sup> For example, eligible Black toddlers with developmental delays are **five times less likely** to receive early intervention services than their white peers.<sup>5</sup> Evidence also shows racial disparities in developmental screening and early intervention referrals, with one study focused on children with autism pointing to providers' dismissal of parents' developmental concerns and developmental screening results as providers attribute them to social rather than clinical risk for Black families compared with white families.<sup>6</sup> In addition, Black and Brown young children disproportionately experience gaps in early intervention services, which are exacerbated during transition periods.<sup>7</sup> Sadly, these racial disparities are only widening over time.<sup>8</sup> As a result, it is critical that transition timelines and procedures are complied with to ensure that Black and Brown young children and all who are eligible consistently receive required educational services and don't lose ground.

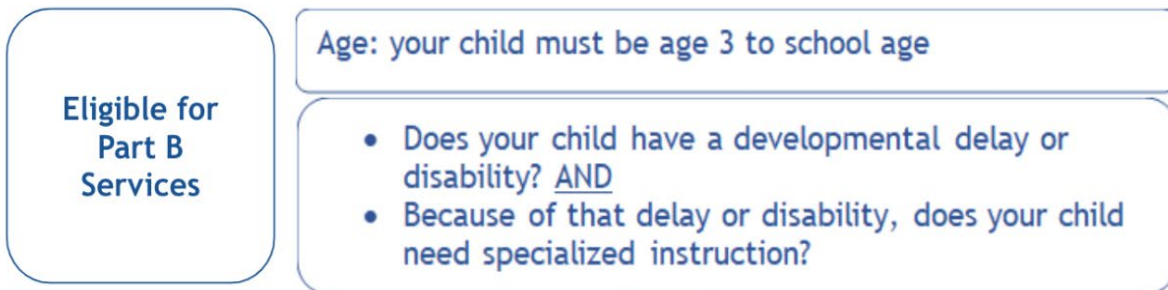
## TRANSITION FROM INFANT AND TODDLER EI (AGES 0-3)

Children from ages birth to 3 eligible for Infant and Toddler EI are provided services in the child’s natural environment focused on helping their family meet the developmental needs of their child, such as learning to sit up, walk, or talk.<sup>9</sup> Every child found eligible for Infant and Toddler EI must have an **individualized family services plan (IFSP)**.<sup>10</sup> Below is a chart showing the changes in eligibility criteria as young children transition from Infant and Toddler EI (Part C of the Individuals With Disabilities Education Act, or IDEA) to Preschool EI (Part B of the IDEA).

### → ELIGIBILITY:<sup>11</sup>



### → IS MY CHILD ELIGIBLE FOR PART B SERVICES?



The **IFSP** is replaced by an **IEP** (Individualized Education Program).

**→ TRANSITION PLAN:**

- The IFSP for a child in Infant and Toddler EI **MUST** include a **transition plan**.<sup>12</sup> The transition plan must outline the transition services the child is going to receive as they transition from Infant and Toddler EI (Part C) to Preschool EI (Part B).<sup>13</sup>
- The **transition plan** must be in place within the IFSP, at the **earliest 9 months and at the latest 90 days**, before the child’s third birthday.<sup>14</sup>
- The transition plan in the IFSP includes:<sup>15</sup>
  - Steps for the toddler with a disability to exit from the Part C program
  - Any transition services that the IFSP Team identifies as needed by that toddler based on the skills the child needs and the services and supports available in the Preschool EI system.

**→ WHAT TO EXPECT DURING A TRANSITION MEETING:<sup>16</sup>**

- At least three months before your child’s third birthday, your education team will call one or more transition meetings to discuss your child’s needs and early childhood special education program options. This meeting will discuss topics like goals, timelines, concerns, services needed in your child’s new placement, and roles of educators.
- During the meeting, the team will also determine **eligibility** for Part B preschool services.
- In the transition from EI Infant and Toddler programs to preschool special education programs, the child **MUST** have a “smooth” and “effective” transition.<sup>17</sup>

**Comparison of Early Intervention Programs**

Infant Toddler Early Intervention	Preschool Early Intervention
<ul style="list-style-type: none"> <li>• Age 0 to 3</li> <li>• Receives Part C services of IDEA</li> <li>• IFSP</li> <li>• IFSP plan transitions into IEP when child qualifies for Part B services of IDEA</li> <li>• Services are provided in the natural environment, which may be the home or early learning program</li> </ul>	<ul style="list-style-type: none"> <li>• Age 3 to 5</li> <li>• Receives Part B services of IDEA</li> <li>• IEP</li> <li>• IEP follows throughout their continued school program</li> <li>• Services are provided in the least restrictive environment, which may be the home or preschool program</li> </ul>

**PRESCHOOL EI (AGES 3-5)**

At age 3, eligible children transition from Infant and Toddler EI to Preschool EI.<sup>18</sup> When students eligible for EI services transition into preschool, their services change from Part C to Part B of the IDEA. Children eligible for Preschool EI are entitled to a program in the **least restrictive environment (LRE)** to serve their needs. This means that your child should be alongside typically developing peers in settings such as preschool, child care, or Head Start programs if the team agrees this is the appropriate setting.

## TRANSITION FROM PRESCHOOL EI TO SCHOOL AGE

By **February 1** of each year, Preschool EI programs must identify the children in their programs who are approaching the age for kindergarten or first grade in their districts of residence and must send their parents a letter explaining the transition process.<sup>19</sup>

Within a few weeks of that February 1 date, the child's new school district will send a letter to families explaining the transition process. This letter should:

- (1) include information about your child's meeting to discuss transition to school age,
- (2) explain the parents' option to register their child in a kindergarten program or have their child remain in Preschool EI for another year, and
- (3) inform parents that their child ceases to be eligible for Preschool EI when they reach the age for first grade (or enter kindergarten, whichever occurs first).<sup>20</sup>

### WHAT TO EXPECT AT THE TRANSITION MEETING<sup>21</sup>

The Preschool Early Intervention program **MUST convene a transition meeting by the end of February** for all children approaching the age for kindergarten or first grade.<sup>22</sup> This transition meeting may need to be held earlier IF the child's school district of residence registers children for kindergarten between February 1 and the end of February.

At the transition meeting, the Preschool Early Intervention program **MUST** provide parents with the appropriate "**Intent to Register**" form for children who will be eligible for kindergarten enrollment during the following school year. This form lets parents indicate whether they intend to register their child with the school district of residence or charter school.

During this transition meeting the following options will be considered:<sup>23</sup>

1. Adopt and implement the child's Preschool Early Intervention IEP
2. Adopt the Preschool EI IEP with revisions
3. Decide if a reevaluation is necessary, and if so, obtain parental consent, or
4. Agree a reevaluation is not necessary because there is already enough data and information about the child's disability to create a new IEP for the school program.

If a parent decides to reevaluate their child, that evaluation must be completed within 60 days of the parent signing the Permission to Evaluate (PTE) form.<sup>24</sup> The IEP will be implemented **no later than 10 school days** after its completion.<sup>25</sup> This will ensure that the special education programs for young children with disabilities ARE NOT interrupted when they transition from Preschool Early Intervention programs to school-age programs.

*More information on evaluations can be found at ELC's fact sheet: [Special Education Evaluations](#).*

Children who are eligible for special education services in preschool early intervention and registered with the school district or charter school **REMAIN** eligible for special education **UNLESS** the school district, charter school, or preschool early intervention program completes a reevaluation that determines the child is no longer eligible for special education.

## ➡ WHAT IF MY CHILD IS NOT ELIGIBLE?<sup>26</sup>

If no longer eligible for special education services, the school district, charter school, or Preschool Early Intervention program must issue a Notice of Recommended Educational Placement (NOREP), which allows a parent to accept or challenge the determination of ineligibility. If a parent disagrees with the evaluation, they may challenge it through mediation or a due process hearing.

## ➡ WHAT IF I DISAGREE WITH THE IEP?<sup>27</sup>

If a parent disagrees with the IEP offered by their school district or charter school, a parent can initiate a due process hearing, or both parties may agree to mediation. All eligible children who will transition into kindergarten or school-age programs must continue to receive the services described in their preschool IEP pending completion of dispute resolution options.

*To learn more about your options to resolve disagreements, see ELC's fact sheet: [Resolving Special Education Disagreements](#).*

## ENTERING KINDERGARTEN OR FIRST GRADE (“AGE OF BEGINNERS”)

The “age of beginners” is defined as the minimum age a child enters the first grade.<sup>28</sup>

If your child is old enough for first grade in the upcoming school year, or you have registered your child for kindergarten, Preschool EI will end on the first day of school in your district.<sup>29</sup>

Prior to when your child enters kindergarten or first grade, the school district must have a signed **Intent to Register form** from the parent. **This form must be completed and submitted to the district or charter school no later than April 15.**

## WHAT IF THE SCHOOL DOES NOT HOLD A TRANSITION MEETING?<sup>30</sup>

If the school district does not hold a transition meeting, your child is still eligible for special education and related services when they enter kindergarten or first grade. The school should continue to implement the IEP from when your child was receiving Preschool EI. Children who will transition into kindergarten or school-age programs must continue to receive the services described in their preschool IEP (ensuring “status quo”).

if your child does not have a new IEP when they transition from Preschool EI to kindergarten or first grade, you should take the following advocacy steps:

- Contact your child’s teacher and tell them that your child was receiving Preschool EI;
- Provide the Preschool EI IEP to the school (you can provide the IEP to your child’s teacher, a counselor, a special education case manager, or the principal);
- Request an IEP meeting in writing and request it as soon as possible as the new school year starts;

- Gather any evaluations or other documents that you have regarding your child’s Preschool EI services, your child’s developmental delay or disability, or other medical documentation; and,
- Ensure that your child is receiving the required special education services based on the Preschool EI IEP while you are waiting for the meeting.

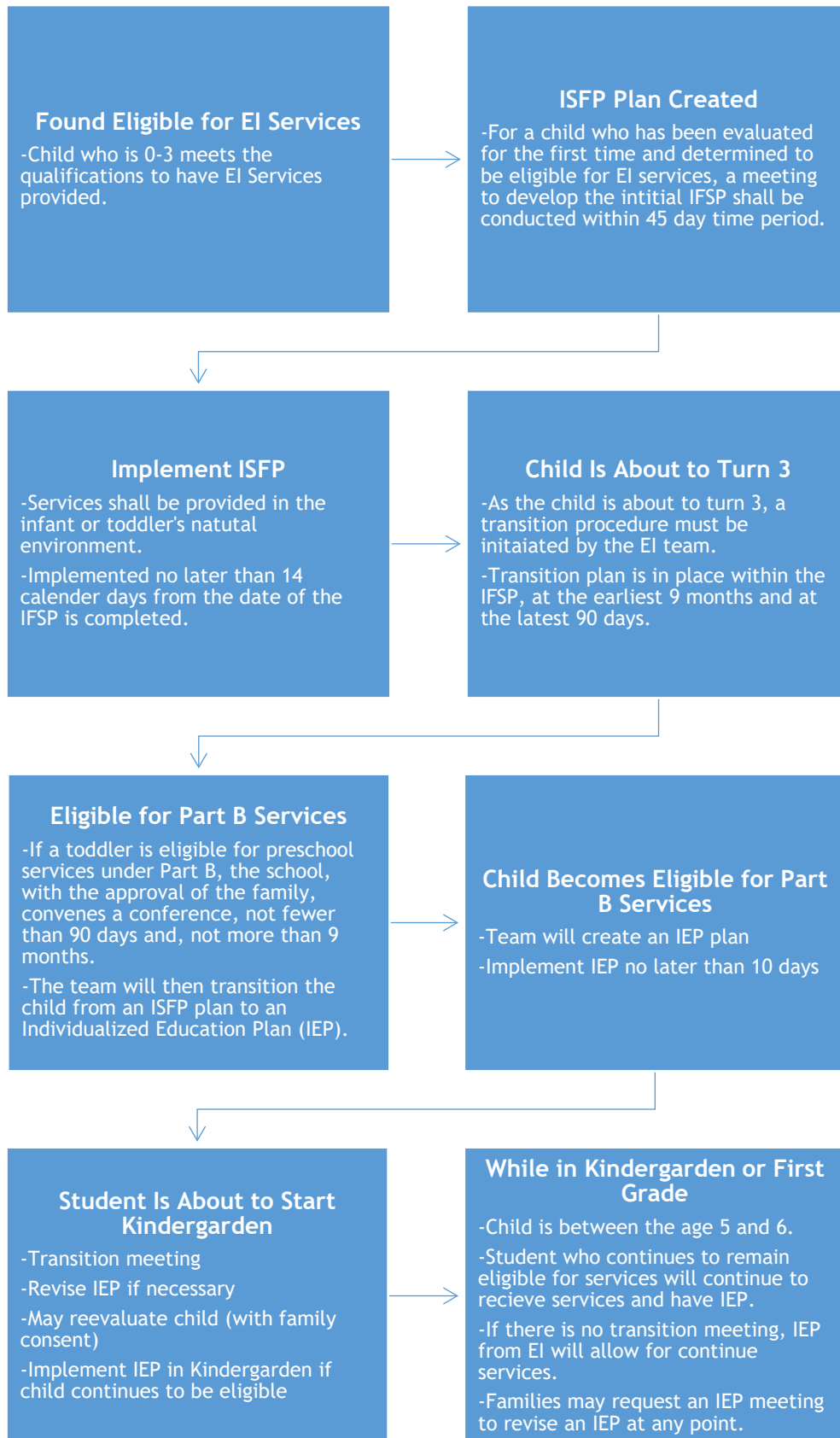
### WHAT IF MY CHILD DOES NOT RECEIVE EI OR SPECIAL EDUCATION AFTER A TRANSITION?

If your child transitions to Preschool EI or kindergarten/first grade and does not receive the required educational services, your child is entitled to makeup educational services, or **compensatory education**.<sup>31</sup> Compensatory education is an equitable remedy, which means it is based on the idea of fairness.<sup>32</sup> Compensatory education is meant to put a child in the same position they would be in if the program had followed the transition timelines and procedures and had provided appropriate special education and supports in the first place.<sup>33</sup> Because of that, compensatory education is highly individualized and broadly flexible to meet the needs of your child.<sup>34</sup> Compensatory education can be used for a wide range of services to make your child whole.

For more information about compensatory education, including how to determine what your child is owed and how to request it, please see ELC’s fact sheet, [Your Student’s Right to Compensatory Education](#).

### TRANSITION PATHWAY<sup>35</sup>

On the next page, we summarize with a flow chart of a child’s path through the early intervention system to clarify the role of transitions.



The Education Law Center-PA (ELC) is a nonprofit, legal advocacy organization with offices in Philadelphia and Pittsburgh, dedicated to ensuring that all children in Pennsylvania have access to a quality public education. Through legal representation, impact litigation, community engagement, and policy advocacy, ELC advances the rights of underserved children, including children living in poverty, children of color, children in the foster care and juvenile justice systems, children with disabilities, English learners, LGBTQ students, and children experiencing homelessness.

ELC's publications provide a general statement of the law. However, each situation is different. If questions remain about how the law applies to a particular situation, contact ELC's Helpline for information and advice – visit [www.elc-pa.org/contact](http://www.elc-pa.org/contact) or call 267-238-6970 (Eastern and Central PA) or 412-258-2120 (Western PA) – or contact another attorney of your choice.

<sup>1</sup> 55 PA. CODE § 4226; See also 20 U.S.C. § 1419 (IDEA).

<sup>2</sup> *Early Intervention*, PA. DEP'T OF EDUC.,

<https://www.education.pa.gov/Early%20Learning/Early%20Intervention/Pages/default.aspx>.

<sup>3</sup> *Fact Sheet: Advancing Racial Equity in Early Intervention and Preschool Special Education*, EARLY CHILDHOOD TECH. ASSISTANCE CTR. (Jan. 5, 2023), [https://equity-coalition.fpg.unc.edu/wp-content/uploads/FactSheet\\_RacialEquity\\_2023.pdf](https://equity-coalition.fpg.unc.edu/wp-content/uploads/FactSheet_RacialEquity_2023.pdf).

<sup>4</sup> Natalie Slopen et al., *Racial and ethnic inequities in the quality of paediatric care in the USA: a review of quantitative evidence*. 8 RACISM AND CHILD HEALTH IN THE USA 147 (Lancet Child Adolescent Health, 2024), <https://www.thelancet.com/series/racism-child-health-USA>.

<sup>5</sup> 55 PA. CODE § 4226; See also 20 U.S.C. § 1419 (IDEA).

<sup>6</sup> *Fact Sheet: Advancing Racial Equity in Early Intervention and Preschool Special Education*, EARLY CHILDHOOD TECH. ASSISTANCE CTR. (Jan. 5, 2023), [https://equity-coalition.fpg.unc.edu/wp-content/uploads/FactSheet\\_RacialEquity\\_2023.pdf](https://equity-coalition.fpg.unc.edu/wp-content/uploads/FactSheet_RacialEquity_2023.pdf).

<sup>7</sup> Emily Feinberg et al., *The impact of race on participation in part C early intervention services*, 32 J DEV BEHAV PEDIATR. 284 (2011), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3138901/>; see also Hannah Guevara, *Report Highlights Unequal Access to Special Education Services*, FIRST FIVE YEARS FUND (2023), <https://nieer.org/research-library/states-early-intervention-early-childhood-special-education>

<sup>8</sup> *Fact Sheet: Advancing Racial Equity in Early Intervention and Preschool Special Education*, EARLY CHILDHOOD TECH. ASSISTANCE CTR. (Jan. 5, 2023), [https://equity-coalition.fpg.unc.edu/wp-content/uploads/FactSheet\\_RacialEquity\\_2023.pdf](https://equity-coalition.fpg.unc.edu/wp-content/uploads/FactSheet_RacialEquity_2023.pdf).

<sup>9</sup> *Preparing for Transition from Early Intervention to an Individualized Education Program*, PACER CTR. (2012) <https://media.pacer.org/php/php-c158.pdf>.

<sup>10</sup> Cong. Rsch. Serv., *The Individuals with Disabilities Education Act (IDEA), Part C: Early Intervention for Infants and Toddlers with Disabilities* (2019), <https://files.eric.ed.gov/fulltext/ED597894.pdf>; see also 20 U.S.C. § 1432(5)(a).

<sup>11</sup> See 55 PA. CODE § 4226.22(a); 34 C.F.R. § 300.8(b); 22 PA. CODE § 14.101.

<sup>12</sup> See 55 PA. CODE § 4226.74(8).

<sup>13</sup> 34 C.F.R. § 303.209 (d); 20 U.S.C.A. § 1419; 20 U.S.C.A. § 1412.

<sup>14</sup> 34 C.F.R. 303.209 § (d)(2).

<sup>15</sup> See 55 PA. CODE § 4226.74(8).

<sup>16</sup> Cong. Rsch. Serv., *The Individuals with Disabilities Education Act (IDEA), Part C: Early Intervention for Infants and Toddlers with Disabilities* (2019), <https://files.eric.ed.gov/fulltext/ED597894.pdf>; see also Part B, Section 619; see also Ann Connelly, *Transitions of Families From Early Intervention to Preschool Intervention for Children With Disabilities*, 10 YOUNG EXCEPTIONAL CHILD. (2007),

[https://journals.sagepub.com/doi/pdf/10.1177/109625060701000302?casa\\_token=KXiXA-gKCOAAAAAA:P5nECHQGzL-qu0Eczx4IDByQ8NHjQDYu5hpT3Eu\\_a7d33utNN12yEbYsdKp\\_lpBupR0mV\\_qkybHh7A](https://journals.sagepub.com/doi/pdf/10.1177/109625060701000302?casa_token=KXiXA-gKCOAAAAAA:P5nECHQGzL-qu0Eczx4IDByQ8NHjQDYu5hpT3Eu_a7d33utNN12yEbYsdKp_lpBupR0mV_qkybHh7A).

<sup>17</sup> 20 U.S.C. § 1412(a)(9).

<sup>18</sup> 34 C.F.R. § 303.209.

<sup>19</sup> *Early Intervention Transition: Preschool Programs to School-Aged Program*, PA. DEP'T OF EDUC. (2009), <https://www.pa.gov/agencies/education/resources/policies-acts-and-laws/basic-education-circulars-becs/purdons-statutes/early-intervention-transition-preschool-programs-to-school-aged-programs>.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*; see also 34 C.F.R. 303.209 (c)(1).



<sup>22</sup> *Early Intervention Transition: Preschool Programs to School-Aged Program*, PA. DEP'T OF EDUC. (2009), <https://www.pa.gov/agencies/education/resources/policies-acts-and-laws/basic-education-circulars-beecs/purdons-statutes/early-intervention-transition-preschool-programs-to-school-aged-programs>.

<sup>23</sup> *Id.*

<sup>24</sup> 34 C.F.R. § 300.301(c)(1).

<sup>25</sup> 22 PA. CODE § 14.131 (a)(5).

<sup>26</sup> *Early Intervention Transition: Preschool Programs to School-Aged Program*, PA. DEP'T OF EDUC. (2009), <https://www.pa.gov/agencies/education/resources/policies-acts-and-laws/basic-education-circulars-beecs/purdons-statutes/early-intervention-transition-preschool-programs-to-school-aged-programs>.

<sup>27</sup> *Id.*

<sup>28</sup> 22 PA. CODE 14 §14.101 (“Age of beginners is defined as the minimum age established by each school district's board of directors for admission to the school district's first grade under 22 Pa. Code 14 §14.101. A transition, without interruption in program, and with appropriate procedural protections, is required under 20 U.S.C. §1419 (IDEA).”).

<sup>29</sup> *The Transition Process From Early Intervention to School-Age Programs: Guidelines to Support Parent*, PATTAN, [https://www.pattan.net/getmedia/d1ce66e4-4aba-4c2d-b174-dcdc854ce033/Trans\\_EI2Schoolage0517](https://www.pattan.net/getmedia/d1ce66e4-4aba-4c2d-b174-dcdc854ce033/Trans_EI2Schoolage0517) (accessed August 21, 2024).

<sup>30</sup> *Early Intervention Transition: Preschool Programs to School-Aged Program*, PA. DEP'T OF EDUC. (2009), <https://www.pa.gov/agencies/education/resources/policies-acts-and-laws/basic-education-circulars-beecs/purdons-statutes/early-intervention-transition-preschool-programs-to-school-aged-programs>.

<sup>31</sup> See *Miener By & Through Miener v. State of Mo.*, 800 F.2d 749, 754 (8th Cir. 1986) (asserting that compensatory education is the appropriate remedy for a student denied FAPE).

<sup>32</sup> See *Garcia v. Bd. of Educ. of Albuquerque Pub. Schs.*, 520 F.3d 1116, 1128 (10th Cir. 2008) (explaining that “a district court may grant equitable relief to remedy a demonstrated violation of IDEA,” but it “may also choose to withhold relief despite a demonstrated . . . statutory violation if it has a valid basis in equity for doing so).

<sup>33</sup> See *Reid ex rel. Reid v. D.C.*, 401 F.3d 516, 518 (D.C. Cir. 2005) (compensatory education should “aim to place disabled children in the same position they would have occupied but for the school district's violations of IDEA”).

<sup>34</sup> See *Office of Special Educ. Programs, Opinion Letter* (Apr. 19, 2018) (state educational agencies can order compensatory education whenever they determine that such relief is appropriate, based on the particular facts of a student's case).

<sup>35</sup> See 55 PA. CODE § 4226.22(a); 34 C.F.R. § 300.8(b); 22 PA. CODE § 14.101; 55 PA. CODE §§ 4226.72, 75(a)-(b).