



Mike DeWine, Governor  
Jeff Davis, Director

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Paolo DeMaria, Superintendent of Public Instruction

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**TO:** All Providers of Early Intervention and Preschool Special Education in Ohio

**FROM:** Jody Beall, MSW, Assistant Director and Ohio's 619 Coordinator, Office of Early Learning & School Readiness, Ohio Department of Education

Nathan DeDino, JD, Ohio's Part C Coordinator, Division of Policy and Strategic Direction, Ohio Department of Developmental Disabilities

**DATE:** June 17, 2020

**RE:** Guidance on Transitioning and Serving Children with Disabilities

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This communication provides guidance and expectations for providers serving children transitioning from Part C Early Intervention to Part B special education preschool services during the state of emergency and COVID-19 pandemic.

The U.S. Department of Education, Office of Special Education Programs **has not** approved any waivers of the Individuals with Disabilities Education Act (IDEA) requirements or timelines. Given this, the Ohio Department of Education and the Ohio Department of Developmental Disabilities, in collaboration with the Ohio Association of County Boards of Developmental Disabilities developed this guidance to provide clarity to early intervention providers and school districts about how to carry out the requirements of IDEA during the state of emergency and pandemic. Specifically, this guidance addresses the following:

- Early intervention transition planning conference,
- Initial evaluation team report, and
- Initial Individualized Education Program (IEP).

### ***Early Intervention Transition Planning Conferences***

It is expected that transition planning conferences happen within the timelines established in state and federal law. Early Intervention service coordinators should attempt to coordinate virtual transition planning conferences for all children served in early intervention at least 90 days before their third birthday. Early intervention service coordination agencies should continue quarterly notifications to local educational agencies for any child served in early intervention who will be turning three within a year of the report date. The Ohio Departments of Education and Developmental Disabilities ask that all early intervention and local educational agency personnel remain diligent in communicating with one another and completing the conferences as required.

### ***Initial Evaluation Team Reports***

Both Departments understand that districts may not be able to conduct evaluations for Part B eligibility in the same manner they otherwise would if school buildings were open and operating. However, the federal government is not allowing a waiver of the timelines for initial evaluation to determine eligibility. It remains the district's responsibility to record the date of the Part C transition planning conference as the referral date to Part B and to document all communication as a result of the ordered school-building closure due to COVID-19. School personnel are required to make and document good faith efforts to complete the IDEA Part B eligibility determination processes for children entering Preschool Special Education.

Early intervention teams have a great deal of useful information about any given child, and, with parent consent, can share it with school personnel. Moreover, district personnel may participate in already occurring virtual early intervention visits with families to conduct activities related to transition, assessment, eligibility determination, initial IEP development and familiarizing families with district personnel and procedures. It is recommended that districts continue to work collaboratively with early intervention teams to obtain existing data, early intervention team observations and information to assist the evaluation team in planning for assessments and determining eligibility.

The short period of a child's preschool experience is a critical time of brain development that must be leveraged as effectively as possible. The expectation from both state agencies is that children are accepted into the education system from date of referral, information is shared between providers of early intervention and school districts and services do, in fact, occur either virtually or in ways that ensure the health and safety of children and their families.

### ***Initial Individualized Education Program (IEP)***

There is no waiver of the timeline to develop and implement an Individualized Education Program (IEP) by the child's third birthday. Local educational agency teams are expected to proceed with the writing of an IEP, based on completed Evaluation Team Reports, team discussion, and/or information available from early intervention. The IEP may look different than it would if schools were open and operating, but it can still support the child's growth and development. Families of 3-year-old children eligible for preschool special education need to be able to plan for their child's services. Given the age of these children, there is a lot of development support that adults living in the home can do while schools are closed. Families who have been put on hold because of the ordered school-building closure are losing precious time.

In Ohio, early intervention continues to end on a child's third birthday. Timelines **have not** been extended or waived nor have they become more flexible.

Ohio is fortunate to have many professionals doing their best for children and families in this uncertain time of the pandemic. The two departments extend their sincerest gratitude for all that everyone has done to adjust to working from home, considering service delivery in new ways and keeping young children and their families at the center of local decision-making.

### ***Program Contacts***

Questions about the information in this guidance or otherwise related to serving children with disabilities can be directed to the Ohio Department of Education by phone at 614-369-3765 or email at [preschoolspecialeducation@education.ohio.gov](mailto:preschoolspecialeducation@education.ohio.gov) and the Ohio Department of Developmental Disabilities at [Early Intervention@dodd.ohio.gov](mailto:Early Intervention@dodd.ohio.gov).

### ***Additional Resources***

Both the Ohio Departments of Education and Developmental Disabilities have published guidance to support local partners during the COVID-19 pandemic. Those resources are available at the links below:

- [Preschool Special Education Guidance](#)
- [Preschool Special Education Resources](#)
- [Early Intervention Guidance](#)
- [Sign up for Ohio Department of Developmental Disabilities Early Intervention Updates](#)