The Transition of Children

from

The New York State Department of Health

Early Intervention Program

to

The State Education Department

Preschool Special Education Program or

Other Early Childhood Services

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I. PURPOSE AND BACKGROUND

This memorandum provides guidance on the transition of children from the Early Intervention Program (EIP) to preschool special education programs and services, other state service delivery systems, or other early childhood services available to support children and their families. To ensure the transition process is successful for families, it is important that parents and professionals understand the requirements for transition and the services available in their communities for young children with, and without, disabilities.

The memorandum:

- briefly describes the Individuals with Disabilities Education Act (IDEA) and New York State's Administration of IDEA, including the EIP under Article 25 of the Public Health Law and preschool special education programs and services under Section 4410 of the Education Law;
- describes the components of the transition process for children transitioning from the Early Intervention Program to preschool special education programs and services, including State and federal requirements;
- identifies and describes the components of the transition process for children whose developmental status has improved significantly and who are not eligible for preschool special education programs and services and may – or may not need other early childhood services;
- describes other state service delivery systems that are available to support children with disabilities and their families;
- includes important information about resources available to help families, providers, and public officials with the transition process; and,
- provides answers to questions often asked by parents, providers, Early Intervention Officials, and school district personnel about the transition process.

INDIVIDUALS WITH DISABILITIES EDUCATION ACT (IDEA)

IDEA is the federal law that authorizes both the EIP and preschool special education programs and services. Requirements for the EIP are under Part C, and preschool special education programs and services are under Part B of IDEA. IDEA requires states to designate a lead agency responsible for administration and oversight of the EIP and requires the state education agency to oversee Part B special education services for children ages three through twenty-one years.

The Part C EIP is optional to states. States participating in the EIP, including New York, must provide for a comprehensive, statewide, interagency, multidisciplinary early intervention system for eligible infants and toddlers with special needs and their families.

Under Part B of IDEA, all states must provide for a free appropriate public education (FAPE)[1] for children with disabilities ages three through twenty-one years. Parts C and B of IDEA have specific requirements for the transition of children from the EIP to preschool special education programs and services. In addition, Part C requires that all children exiting the EIP have a transition plan to assist them and their families in transitioning from EIP services to other early childhood services as appropriate.

It is also important to note that, unlike general education for children and youth which is mandatory beginning at age five years, participation in both the Early Intervention Program and preschool special education programs and services is *voluntary* to families.

NEW YORK STATE'S ADMINISTRATION OF IDEA

Early Intervention Program

In New York State, the lead agency for the Early Intervention Program (EIP) is the Department of Health (NYSDOH). As lead agency, NYSDOH is responsible for the general administration of the EIP. In addition, Public Health Law requires the chief elected official of each municipality to designate an Early Intervention Official (EIO)[2] who is responsible for the local administration of the EIP. The EIO is responsible for ensuring that children ages birth through two years who are at risk for or have a suspected disability are identified and referred to the EIP. Primary referral sources, including health care providers, social service providers, child care providers, providers of EIP services, and a range of professionals involved in caring for young children, are required to refer children at risk for or suspected of having a disability to the EIP, unless the parent objects to a referral. For children at risk, the EIP coordinates screening and tracking to ensure that children are referred for EIP services if they experience developmental delay or disability.

For children with a suspected developmental delay or disability, the EIO must designate an initial service coordinator to assist the family in obtaining an evaluation for their child. The EIO is also responsible for ensuring an individualized family service plan (IFSP) is developed for all children who are evaluated and found eligible for EIP services, and services included in the IFSP are provided. Services provided under the EIP are designed to meet the developmental needs of children and the needs of families related to enhancing their children's development. Eligible children and their families select an

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[1] Free appropriate public education is defined in IDEA as "special education and related services that: (a) have been provided at public expense, under public supervision and direction and without charge; (b) meet the standards of the State educational agency; (c) include an appropriate preschool, elementary, or secondary school education in the involved State; and, (d) are provided in conformity with the individual education program that meets the requirements of §300.340 – 300.350 34 CFR Parts 300 and 303-§300.13.

[2] Throughout this document, the term "EIO" will be used to reference both Early Intervention Officials and their designees.

ongoing service coordinator and receive the services included in their IFSPs. There are no out-of-pocket costs to families for participation in, or services provided by, the EIP.

Preschool Special Education Program and Services

The New York State Education Department (NYSED) administers, through local school districts, preschool special education programs and services for preschool students with disabilities, ages 3 to 5 years of age. The board of education (BOE) or trustees of each school district are required, by regulation (Part 200.2(a)), to identify all students with disabilities who reside in the school district and establish a register of children who are entitled to attend public schools in the district or to attend a preschool program during the next school year. In addition, various people can refer a child to the Committee on Preschool Special Education (CPSE), such as the parent, doctor, judicial officer, designated person in a public agency, or someone from an Early Childhood Direction Center, an approved preschool program or the EIP. There are specific requirements for referral of children from the EIP to the CPSE, which will be discussed in detail in this guidance memorandum.

Individual child evaluations to determine eligibility are conducted, and the CPSE, including the parent(s) of the child, develop an Individualized Education Program (IEP) for eligible children, outlining the special education programs and services to address the child's needs.

It is important for families to understand the differences between the EIP and preschool special education. The EIP:

- focuses on enhancing the development of infants and toddlers with disabilities, and minimizing their potential for developmental delay;
- minimizes the need for special education services when children reach school age; and,
- enhances the capacity of families to meet the special needs of their infants and toddlers with disabilities.

The EIP includes a requirement to provide a service coordinator to each family and to ensure that services are provided year round.

Preschool special education focuses on children's educational needs, including:

- ensuring access to the general curriculum for all children; and,
- strengthening the role of parents and ensuring families have meaningful opportunities to participate in the education of their children at school and at home.

Appendix A, "Comparison of Early Intervention and Preschool Special Education" highlights the key elements of each program.

II. PROGRAMMATIC ELIGIBILITY FOR EARLY INTERVENTION AND PRESCHOOL SPECIAL EDUCATION

EARLY INTERVENTION PROGRAM

To be eligible for EIP services, a child must have either (1) a developmental delay consistent with the State definition of developmental delay; or, (2) a diagnosed condition with a high probability of developmental delay.

EIP regulations 10 NYCRR Section 69-4.1(g) define developmental delay as follows:

"Developmental delay means that a child has not attained developmental milestones expected for the child's chronological age adjusted for prematurity in one or more of the following areas of development: cognitive, physical (including vision and hearing), communication, social/emotional, or adaptive development.

A developmental delay for purposes of the EIP is a developmental delay that has been measured by qualified personnel using informed clinical opinion, appropriate diagnostic procedures and/or instruments and documented as:

- a 12 month delay in one functional area; or
- a 33 percent delay in one functional area or a 25 percent delay in each of two areas; or,
- if appropriate standardized instruments are individually administered in the evaluation process, a score of at least 2 standard deviations below the mean in one functional area or of at least 1.5 standard deviations below the mean in each of two functional areas."

EIP regulations at Section 69-4.3(e) define diagnosed conditions with a high probability of delay as:

- chromosomal abnormalities associated with developmental delay (*e.g.,* Down Syndrome);
- syndromes and conditions associated with delays in development (*e.g.,* fetal alcohol syndrome);
- neuromuscular disorder (*e.g.,* any disorder known to affect the central nervous system, including cerebral palsy, spina bifida, microcephaly or macrocephaly);
- clinical evidence of central nervous system (CNS) abnormality following bacterial/viral infection of the brain or head/spinal trauma;
- hearing impairment (a diagnosed hearing loss that cannot be corrected with treatment or surgery);

- visual impairment (a diagnosed visual impairment that cannot be corrected with treatment including glasses or contact lenses or surgery);

- diagnosed psychiatric conditions, such as reactive attachment disorder of infancy and early childhood; (symptoms include persistent failure to initiate or respond to primary caregivers; fearfulness and hypervigilance that does not respond to comforting by caregivers; absence of visual tracking); and,

- emotional/behavioral disorder (the infant or toddler exhibits atypical emotional or behavioral conditions, such as delay or abnormality in achieving expected emotional milestones such as pleasurable interest in adults and peers; ability to communicate emotional needs; self-injurious/persistent stereotypical behaviors).

In 1999, the NYS DOH issued guidance on diagnosed conditions with a high probability of developmental delay, including a list of conditions and their corresponding International Classification of Diseases (ICD-9) codes that should be used for eligibility purposes.

PRESCHOOL SPECIAL EDUCATION PROGRAM AND SERVICES

Education Law and regulations define a preschool student with a disability as either having a disability or disorder in one or more functional areas of development (Part 200.1(mm)), or a specific condition (Part 200.1(zz)), as follows:

A child is defined as having a disability when s/he exhibits a significant delay or disorder in one or more functional areas related to cognitive, language and communicative, adaptive, socio-emotional, or motor development which adversely affects the student's ability to learn. Such delay or disorder must be documented by the results of the individual evaluation which includes but is not limited to information in all functional areas obtained from a structured observation of a student's performance and behavior, a parental interview and other individually administered assessment procedures, and, when reviewed in combination and compared to accepted milestones for child development, indicate:

- a 12 month delay in one or more functional areas; or

- a 33 percent delay in one functional area or a 25 percent delay in each of two functional areas; or

- if appropriate standardized instruments are individually administered in the evaluation process, a score of 2.0 standard deviations below the mean in one functional area, or a score of 1.5 standard deviations below the mean in each of two functional areas.

A preschool child can be classified as a preschool student with a disability if he/she meets the criteria set forth in the current disability classifications in the Part 200 regulations:

- autism;

- deafness;
- deaf-blindness;
- hearing impairment; (not covered under the definition of deafness),
- orthopedic impairment (caused by congenital anomalies, disease, or impairments from other causes);
- other health impairments (including but not limited to heart condition, tuberculosis, sickle cell anemia, asthma);
- traumatic brain injury (acquired); and,
- visual impairment.

In order to be eligible for services under Section 4410 of the Education Law, children must have a significant developmental delay that adversely affects the child's ability to learn. A child may also be eligible if the child can be classified as having one of the above disabilities, and the disability has been shown to adversely affect the child's ability to learn.

NYSED has issued the "Guide for Determining Eligibility and Preschool Special Education Programs and/or Services for Preschool Students with Disabilities" to assist professionals and families in understanding eligibility for services under Section 4410 of the Education Law (available on the SED Web site, http://www.vesid.nysed.gov).

III. AGE ELIGIBILITY FOR EARLY INTERVENTION AND PRESCHOOL SPECIAL EDUCATION

EARLY INTERVENTION PROGRAM

Section 2541 of the Public Health Law (PHL) defines "eligible child" for the Early Intervention Program (EIP) as an infant or toddler from birth through two years of age who has a disability, *except that any toddler with a disability who has been determined to be eligible for services under Section 4410 of the Education Law and who*:

- turns three years of age on or before August 31, shall, if requested by the parent, be eligible to receive EIP services contained in an Individualized Family Service Plan (IFSP) until September 1 of that calendar year; or,
- turns three years of age on or after September 1, shall, if requested by the parent and if already receiving EIP services, be eligible to continue receiving EIP services until January 2 of the next calendar year.

This means that children in the EIP who have been determined eligible for services under Section 4410 of the Education Law before their third birthday (e.g., the day before the child turns three years of age), and who are born during the months of January through August, can, at the option of their parents, remain in the EIP until September 1st

(e.g., through August 31st) of that same calendar year. Children in the EIP who have been determined eligible for services under Section 4410 of the Education Law and who are born during the months of September through December can, at the option of their parents, remain in the EIP until January 2nd (e.g., through January 1st) of the next calendar year.

Section 2541 also provides that any toddler who is receiving preschool special education programs and services under Section 4410 of the Education Law cannot also be an eligible child under the EIP.

Under Public Health Law (PHL), a child's eligibility for the EIP ***ends as of his or her third birthday, unless the child has been referred to the CPSE and has been found eligible for services under Section 4410 of the Education Law before the date of his/her third birthday***. The last date the child is eligible to receive services under the EIP, unless the child has been found eligible for services under Section 4410 of the Education Law, *is the day before his or her third birthday*. For a child referred to the CPSE and found eligible for services under Section 4410 of the Education Law before the child's third birthday, the child's parents can choose either to transition their child to preschool special education; or, choose to have their child remain in the EIP until s/he ages out of EIP.

It is very important for parents to understand that before age three, their children must have been referred, evaluated, and found eligible by the CPSE for preschool special education programs and services, to ensure that services for their children can continue.

It is also important for parents to understand that not all children are appropriate for referral to preschool special education programs and services. Some children make such significant progress from participating in the EIP that they will not need or be eligible for services under Section 4410 of the Education Law. Early Intervention Officials, parents, service coordinators, and service providers should review the child's progress as s/he approaches age eligibility for preschool special education to determine whether the child may need services under Section 4410 of the Education Law; is no longer in need of services; or, would benefit from other early childhood services to maintain the developmental gains made in the EIP (see Section IV on Transition Procedures).

PRESCHOOL SPECIAL EDUCATION

Under Section 4410 of the Education Law and Part 200 regulations, children with disabilities may be determined eligible for preschool special education programs and services *by their third birthday or earlier*. Part 200.1(mm)(2) defines a child as eligible for services under Section 4410 of the Education Law as follows:

- If the child's birthday falls before July 1st, the child is eligible on January 2nd of the calendar year; otherwise, a child is eligible on July 1st of the calendar year. A child is a preschool child with a disability through the month of August of the school year in which the child first becomes eligible to attend school.

This means that children with birth dates between January 1 and June 30 are first eligible for services under Section 4410 of the Education Law on ***January 2*** of ***the calendar year during which they turn three years old***. Children with birth dates that fall on July 1 through December 31 are first eligible for services under Section 4410 of the Education Law on ***July 1 of the calendar year during which they turn three***.

Children with birth dates that fall on July 1 through December 31st are first eligible for services under Section 4410 of Education Law on July 1 of the calendar year during which they turn three if they require a structured learning environment of twelve months to prevent substantial regression. Services for other children who only need ten months of programs and/or services would begin on the September starting date of the approved preschool program.

CHILDREN REFERRED TO THE EIP WHEN AGE-ELIGIBLE FOR PRESCHOOL SPECIAL EDUCATION

It is strongly recommended that primary referral sources and parents of children age two and a half or older, who may have a developmental delay or disability and are not in the EIP, contact their school district CPSE to begin the CPSE process.

If a child is referred to the EIP when s/he is age-eligible for services under Section 4410 of the Education Law and has a disability or developmental delay that may impact on his/her education, the EIO may recommend to the parent that s/he refer the child directly to the CPSE rather than continue with the referral to the EIP. However, if a parent chooses to continue with the child's referral to the EIP, the EIO must designate an initial service coordinator and the service coordinator must assist the parent in the receipt of a multidisciplinary evaluation consistent with EIP requirements. The multidisciplinary evaluation must be completed and an IFSP must be developed within forty-five calendar days of the child's referral. The initial service coordinator must also explain to the parent that to ensure the child continues to receive services when s/he turns three – either through the EIP or preschool special education - the child must also be referred to the CPSE and be determined eligible for services under Section 4410 of the Education Law by her/his third birthday. If the child is found eligible for services under Section 4410 of the Education Law by the child's third birthday, the parent then has the option to transition his/her child to preschool special education programs and services, or the child may remain in the EIP until s/he ages out of EIP.

The parent must also be informed that if a child meets the eligibility criteria for the EIP but is not determined to be eligible for services under Section 4410 of the Education Law, the child's eligibility for EIP services will end at the child's third birthday. The last date that services can be delivered under the child's IFSP under these circumstances is *the day before the child's third birthday*.

IV. TRANSITION PROCEDURES

TRANSITION PLANNING FOR ALL CHILDREN

A transition plan must be developed for all children exiting the EIP, whether the child will be transitioning to programs and services under Section 4410 of the Education Law or to other early childhood services and supports. *It is very important to begin planning for transition as early as possible to ensure a successful transition for the child and family*. It is also important for parents, service coordinators, providers, and public officials to work together to:

- review the progress made by the child and family, and consider whether any services may be needed when the child exits the EIP;
- determine whether a referral is appropriate for preschool special education programs and services;
- determine whether the child and family may need services from other programs under the auspices of the NYSDOH, or services administered by other state or local agencies such as the Office of Mental Retardation and Developmental Disabilities (service coordination services, respite, etc), Office of Mental Health (children's mental health services), Office of Children and Family Services (child care services), etc.;
- ensure a transition plan is in place within required timelines to ensure continuity of services, as appropriate, for the child and family, and with parent consent, to incorporate the transition plan into the IFSP;
- develop a transition plan for the child and family, that includes steps to help the child adjust to and function in a new setting; and, procedures to prepare program staff or individual qualified personnel who will be providing services to the child to facilitate a smooth transition; and,
- identify community resources needed by and available to assist the child and family.

If a child has made such significant progress in the EIP that the child and family do not require any type of continuing services, the IFSP should include the steps that will be taken to discharge the child and family from the EIP.

TRANSITION PLANNING FOR CHILDREN FOR WHOM A REFERRAL TO PROGRAMS UNDER SECTION 4410 OF THE EDUCATION LAW IS NOT THOUGHT TO BE APPROPRIATE

Transition planning for children for whom a referral to preschool special education programs and services is not thought to be appropriate should begin at the IFSP

meeting within six months prior to the child's third birthday, or earlier, if local procedures require that transition planning for these children begin at an earlier time. The transition plan must include steps to ensure the transition is completed by the time the child exits the EIP before his/her third birthday (when the child is no longer age eligible for the EIP). The last date for services under the IFSP must be the day before the child's third birthday.

The service coordinator is responsible for assisting the parent in identifying, locating, and accessing other early childhood and supportive services that may be needed by the child and family. The service coordinator may refer the family to the Early Childhood Direction Center (ECDC) or to the Child Care Resource and Referral Program (CCRR), which may assist the family in accessing child care services. Lists of the ECDCs and CCRRs are included in Appendix B and Appendix C.

Transition Planning for Children Potentially Eligible for Preschool Special Education Services Under Section 4410 of the Education Law

There are specific requirements in State and federal law for actions that Early Intervention Officials (EIOs) and school district officials must take for toddlers in the EIP and approaching their third birthday, who may be potentially eligible for services under Section 4410 of the Education Law. Many children in the EIP, particularly those with diagnosed conditions with a high probability of developmental delay or a substantial developmental delay may meet the eligibility criteria for preschool special education programs and services (see "Programmatic Eligibility" above). The definitions of developmental delay for purposes of preschool special education programs and services eligibility and for EIP eligibility are similar (see "Programmatic Eligibility" above); however, the Committee on Preschool Special Education (CPSE) must determine the extent to which the developmental delay will affect the child's ability to learn to decide whether a child is eligible for preschool special education programs and services. Appendix D contains a chart describing the roles and responsibilities of public officials, professionals, and parents in the transition process.

Deciding Whether the CPSE Should be Notified of the Child's Potential Transition and A Transition Conference Should Be scheduled

Early Intervention Officials have explicit responsibility in the PHL for notifying school districts, with parental consent, of children's potential eligibility for services under Section 4410 of the Education Law and for arranging transition conferences for these children and their families. Children who make significant progress in EI may not need special education services, and a referral to the CPSE may not be appropriate.

All parents have the right to refer their children to the school district in which they reside for an evaluation for special education programs and services. In addition, service providers and other referral sources designated under the Education Law can directly refer a child who may be in need of special education programs and services to the child's school district.

As the child approaches the age at which s/he is first eligible for services under Section 4410 of the Education Law, the EIO, service coordinator, service providers, and parent(s) should review the progress made by the child. The following should be considered in deciding whether it is appropriate to refer a child in the Early Intervention Program for services under Section 4410 of the Education Law:

- the nature and extent of the child's disability, including whether a child has a condition that affects the child's ability to learn;
- developmental progress made by the child, and whether the child continues to experience a significant developmental delay (or delays in multiple areas) that impact the child's ability to learn;
- functional abilities and needs of the child;
- the family's perspective on the child's developmental and functional status and ability of the child to learn;
- results of any recent evaluations and ongoing assessments completed by service providers; and,
- recommendations made by the child's service providers, health care providers, specialists involved in the child's care, etc., about the child's potential need for services under Section 4410 of the Education Law.

Notice Requirements and Timeframes for the Transition Conference

Under Section 2548 of the PHL and Section 69-4.20(b) of EIP regulations, the EIO is required, with parental consent, to notify the school district in which a child resides of the child's potential eligibility for services under Section 4410 of the Education Law at least 120 days before the child is first eligible for these services. In addition, the EIO must, with parental consent, arrange for a transition conference among the EIO, service coordinator, parent, and the chair (or her/his designee) of the CPSE at least 90 days before the child is first eligible for services under Section 4410 of the Education Law, or the child's third birthday, whichever is first. If the child is already receiving, or may need additional services from another state agency (for example, if a child is in an Office of Mental Retardation and Developmental Disabilities (OMRDD) waiver program or may be eligible for services under OMRDD) it may be appropriate to invite representatives of that agency, with the parent's consent.

EIOs must obtain parental consent for the notice to the CPSE of the child's potential eligibility for services under Section 4410 of the Education Law, convening of the transition conference, and referral to the school district *in writing* and ensure these consents and all actions related to transition are documented in the child's record. It is recommended that the EIO send the referral to the CPSE with a return receipt requested.

If the EIO does not ensure that the school district is notified of the child's potential eligibility for services under Section 4410 of the Education Law, and a referral is not

made to the CPSE within the required timeframes to ensure an eligibility determination is rendered by the CPSE before the child's third birthday, the parent(s) has due process rights under the EIP. The child should continue to receive the services included in the most recent IFSP until all due process proceedings are completed. However, there are no due process rights for parents under the EIP if parents do not consent in a timely fashion to a referral to the CPSE by the EIO and do not provide timely consent to the CPSE to evaluate the child. Appendix E provides a chart with required parent consents related to the transition process and sample consent forms for key events in the transition process.

In managing the notice and transition conference requirements at the municipal level, it is permissible for the EIO to group children by the months in which their birth dates occur, as long as notices are sent and transition conferences are convened within the required timeframes. The chart in Appendix F describes eligibility and transition dates.

Under Section 4410 of the Education Law, the chair of the CPSE, or his or her designee, must participate in transition conferences arranged by the EIO for children potentially eligible for services under Section 4410 of the Education Law. The notice to the school district should request the CPSE chair or designee to participate in the conference, and should include information about the date, time, and location of the conference. The CPSE chair or designee should also be informed that s/he may participate in the conference by telephone if s/he is unable to participate in person.

Purposes and Content of the Transition Conference

The purposes of the transition conference are to decide whether the child should be referred to preschool special education programs and services under Section 4410 of the Education Law; review program options available to the child and family; and, develop a transition plan. There may be some circumstances under which a child is referred to the CPSE prior to the convening of a transition conference. The parent must be provided with the opportunity to participate in a transition conference even if the child has already been referred for services under Section 4410 of the Education Law.

As part of this discussion, parents should be informed about the following:

- The EIO must ensure that children who are potentially eligible for services under Section 4410 of the Education Law are referred, with parental consent, to the CPSE, of the school district in which they reside.

- The parent may also refer the child directly to the CPSE, as can service providers and other referral sources (such as health care providers) under the Education Law.

- The child must be determined eligible for services pursuant to Section 4410 of the Education Law before her/his third birthday, in order to ensure continuity of services beyond that date.

- The CPSE will contact the parent to provide information about the CPSE evaluation process following the receipt of a referral from the EIO, the parent, service provider, or any other referral source under the Education Law.

- The parent must provide consent to the CPSE to evaluate the child for the CPSE to determine the child's eligibility for services under Section 4410 of the Education Law. This consent to evaluate the child must be provided to the CPSE within sufficient time to ensure the child is evaluated and an eligibility determination is made before the child's third birthday, to ensure continuity of EIP services for the child. It is very important that the EIO explain to the parent that the CPSE must receive the consent in a timely manner in order to ensure that an eligibility determination is made by the CPSE before the child's third birthday.

- The CPSE must act within 30 school days of its receipt of the parent's consent to evaluate the child and make a recommendation to the board of education. *School days* are defined in Part 200.1(n)(1) of Education Regulations as "*any day, including a partial day, that students are in attendance in school, including students with disabilities and without disabilities, except that, during the months of July and August, school day means every day except Saturday, Sunday, and legal holidays*."

- If the parent does not complete and return the consent for the child's evaluation by the CPSE, the CPSE must follow up with the parent to ensure the parent received the request to evaluate the child and understands this request.

- The child's most recent EIP evaluation report, and other EIP evaluation and assessment records can be provided to the CPSE with parental consent and are a valuable resource for CPSE members in deciding the type and extent of evaluation needed to establish a child's eligibility for services under Section 4410 of the Education Law. Parents should be encouraged to work with their service coordinator to identify and select appropriate reports and records that may be helpful in the CPSE' s evaluation and eligibility determination process, and provide consent to transmit these records to the CPSE. It is not necessary or required that children be re-evaluated by the EIP before transitioning to preschool special education. This provision is meant to reduce unnecessary or duplicative evaluations of children.

- If the child is determined eligible for services pursuant to Section 4410 of the Education Law before her/his third birthday, the parent may transition the child to preschool special education programs and services or may choose to have the child remain in the EIP until s/he ages out.

- As with EIP services, the child's participation in preschool special education programs and services is voluntary on the part of parents.

- If no referral is made and the child is not evaluated and, therefore, no eligibility determination is made for services under Section 4410 of the Education Law before the child's third birthday, the child's and family's participation in the EIP will end at the child's third birthday. Similarly, if the parent does not sign and return

the consent to the child's evaluation to the CPSE in a timely manner, and therefore, the CPSE does not render an eligibility determination before the child's third birthday, the child's and family's participation in the EIP ends at the child's third birthday. A transition plan will be developed, which may include referral to other services (e.g., Head Start, other early childhood programs). The last day of services in the IFSP will be the day before the child's third birthday.

- If the CPSE finds that the child is not eligible for services under Section 4410 of the Education Law, the child's eligibility for the EIP will end at the child's third birthday, and a transition plan to other appropriate early childhood and supportive services will be developed. The last date for services in the IFSP will be the day before the child's third birthday.

- If the parent has signed and returned the consent to the child's evaluation to the CPSE in a timely manner, but the CPSE does not render an eligibility determination before the child's third birthday, the child's eligibility for the EIP will end at his/her third birthday. The last date for services in the IFSP will be the day before the child's third birthday. The parent has due process rights under Section 4410 of the Education Law to access preschool special education services while a determination from the CPSE is pending.

Parents have a key role in the transition of their children from the EIP to preschool special education. It is important that parents take an active role in transitioning their children from the Early Intervention Program to preschool special education programs and services under Section 4410 of the Education Law. The transition conference is an important opportunity for parents to learn about all available options and participate in the transition process. However, if parents choose not to participate in the transition conference, the EIO should notify the parent in writing of all of the above information that would otherwise be discussed at the transition conference. A sample notice is included in Appendix G.

Procedures to Refer the Child to the Committee on Preschool Special Education

A referral to CPSE is a written statement asking the school district to evaluate the child to determine if he or she needs special education services. Various people can make a referral to the CPSE including the parent, a doctor, a judicial officer, a designated person in a public agency or someone from an Early Childhood Direction Center, an approved preschool program or the EIP. Once the referral has been made, parental consent is required for the child to be evaluated.

If a determination is made at the transition conference to refer the child to the CPSE, and the parent consents to the referral, the EIO must refer the child in writing to the chairperson of the CPSE in the school district in which the child resides. If the parent does not participate in the transition conference, the EIO is still responsible for referring the child to the CPSE, with parental consent, if the EIO believes the child is potentially eligible for services under Section 4410 of the Education Law. The referral must specify the extent to which the child has received EIP services prior to the referral.

A CPSE chairperson who receives a referral must immediately notify the parent by telephone or in writing that a referral has been received and request consent for evaluation of the child. The parent's consent to the evaluation by the CPSE must be in writing and must be returned by the parent to the CPSE. In order to avoid unnecessary disruption of programs and services, it is important for parents to respond as quickly as possible with written consent to evaluate their children, to ensure an eligibility determination can be made by the CPSE before the children's third birthday.

Once written parental consent to evaluate a child has been received, the CPSE must assure that the process to determine a child's eligibility and need for special education programs and services is initiated and completed in time for children to begin receiving services on the third birthday or the first date of eligibility, whichever comes first.

If the parent does not provide consent for an individual preschool evaluation, the CPSE is required to follow-up with the parent to ensure that the parent has received and understands the request for consent. The parent should be advised by the CPSE and service coordinator that if parental consent is not given within sufficient time for an evaluation and eligibility determination by the CPSE before the child's third birthday, the child's and family's participation in the EIP will end on the child's third birthday and a transition plan will be developed, which may include referral to other services (e.g., Head Start, other early childhood services).

CPSE Evaluation Process

After a child is referred for an evaluation for special education, the parent will be asked to give written consent to have the child evaluated by an approved evaluator selected by the parent. The parent will also receive a copy of the Procedural Safeguard Notice, which provides a full explanation of their rights under IDEA, from the CPSE chair or his or her designee. Within 30 school days of receiving the parent's consent for the child's evaluation, the CPSE must be convened at a mutually convenient time and place, to review the evaluation results and to develop a recommendation regarding the preschool child's eligibility for special education programs and services. Eligibility is determined consistent with Section 200.1(mm) of the Regulations of the Commissioner of Education. For more information on eligibility determinations and parental rights, go to the "Guide for Determining Eligibility and Preschool Special Education Programs and/or Services for Preschool Students with Disabilities" (available on the SED Web site, http://www.vesid.nysed.gov).

It is important that the child's parent understand that s/he is a member of the school district CPSE for his or her child. Parents have a significant role in the evaluation of the child, in the CPSE's discussion regarding eligibility for preschool special education, and in planning and developing the child's Individualized Education Program (IEP). Parents may share information regarding the child's developmental, health, and family history as well as the child's strengths, needs, likes, dislikes, and typical behavior related to self-care, language and communication, motor skills, and social interaction with peers and adults.

It is important to note that part or all of the evaluations performed under the EIP can be provided to the CPSE with parent consent and can be used by the CPSE in making a determination as to whether a child is eligible for preschool special education programs and services under Section 4410 of the Education Law. The CPSE may determine that the evaluation is sufficient to make an eligibility determination or may require additional evaluations.

If the CPSE determines that a child is not eligible for services under Section 4410 of the Education Law, the child's eligibility for the EIP will end the day before the child's third birthday and a transition plan to other appropriate early childhood and supportive services will be developed. If parents disagree, or if the CPSE does not make a recommendation in a timely way, they should discuss their concerns with the CPSE. In addition parents or school districts may contact their Office of Vocational and Educational Services for Individuals with Disabilities (VESID) Special Education Quality Assurance Regional Offices for clarification and technical assistance (see Appendix H for contact information). If it is not possible to resolve disagreements informally, mediation may be used to work out differences in a timely way. Parents also have the right to request an impartial hearing in writing to the BOE. The decision made by the impartial hearing officer (IHO) is final, unless the parents or the school district ask for a review of the decision by a State Review Officer.

Until all proceedings have been completed, pendency for the child is an approved preschool special education program and/or services agreed to by the CPSE and the parents, appropriate to meet the needs of the child (Section 200.16(g)(3)(iv) of the Regulations of the Commissioner). In the event that the CPSE and the parents cannot agree, the IHO will determine the child's pendency placement. A child who has received Early Intervention Services and is now of preschool age may, during hearings and appeals, receive special education in the same program as the early intervention program only if that program is also an approved preschool program.

If parents believe that their school districts have violated procedures under State or federal special education laws and regulations, they may submit a written complaint to the New York State Education Department, Coordinator, Statewide Education Quality Assurance (see Appendix H). Complaints are investigated and determinations are made within sixty calendar days of receipt, unless exceptional circumstances exist with respect to the specific complaint.

If a child is found eligible for preschool special education programs and services, the parent must be informed that the child may transition to preschool special education programs and services; or, remain in the EIP on and past their third birthday until the child ages out. When the child transitions to preschool special education programs and services in his or her IEP, the CPSE is responsible for arranging for the provider(s) to deliver the preschool special education programs and services for the child.

IEPs and IFSPs for Children Found Eligible for Preschool Special Education Programs and Services Remaining in the EIP Beyond their Third Birthday

If the CPSE determines that the preschool child has a disability, the committee must recommend appropriate special education services and/or programs and develop an individualized education program (IEP) for the child in accordance with State and federal laws and regulations. An IEP must be developed for all children determined to be eligible for preschool special education programs and services, regardless of whether the parent elects to have the child transition to services under Section 4410 of the Education Law, or remain in the EIP on and after the child's third birthday. The CPSE must indicate on the IEP the date for initiation of special education programs and services, based on the agreement reached by the CPSE and the date the child is first eligible for preschool special education.

In developing the IEP, the CPSE may consider a number of special education programs or services to meet the child's individual needs. The recommendation for special education services must be implemented with consideration given to the least restrictive environment. The four educational environments are listed below, in order from least to most restrictive:

- Related services such as speech therapy, physical therapy, and occupational therapy.
- Special Education Itinerant Teacher (SEIT) - A special education teacher works with a child in a home or community setting recommended by the CPSE.
- Special Class in an Integrated Setting (SC/IS) - A class with preschool students with disabilities and their typically developing peers.
- Special Class (SC) - A class with only preschool students with disabilities.

Prior to recommending special education services in a setting that includes only preschool children with disabilities, the committee shall first consider providing special education services in a setting where age-appropriate peers without disabilities are typically found. Provision of special education services in a setting with no regular contact with age-appropriate peers without disabilities must be documented on the child's IEP and shall only be considered when the nature or severity of the child's disability is such that education in a less restrictive environment, with the use of supplementary aids and services, cannot be satisfactorily achieved.

In the CPSE process, parents have the right to express a preference for services that must be considered by the CPSE. However, the CPSE, based on the consensus of the members, must recommend appropriate programs and services for each eligible child. If the CPSE recommends different programs and services than the parents requested, the CPSE recommendation must indicate the parent's preference, and the reason why the CPSE made a different recommendation. Parents must also be given information about their due process rights to receive information about the actions that the CPSE will take, as well as ways that parents can challenge the CPSE recommendation.

At the time the IEP is developed, the CPSE (which includes a professional designated by the EIO charged with responsibility for the child transitioning from the EIP) must explain the following to the child's parent:

- The differences between the IEP and IFSP.
- The parent can choose to have their child complete the transition to preschool special education programs and services under the IEP; or, to continue to receive the services in the child's and family's IFSP, until the child is no longer age-eligible for the EIP.
- The CPSE must indicate on the IEP the date for initiation of special education programs and services based on the agreement reached by the CPSE, the date the child is first eligible for preschool special education, and whether the parent wishes to have the child transition to services under Section 4410 of the Education Law, or continue to receive services in the child's and family's IFSP until the child is no longer age-eligible for the EIP.
- The IFSP will be modified to include the date EIP services will end and the child will transition to preschool special education programs and services.
- The parent may choose, at any time, to transition the child to services under Section 4410 of the Education Law at an earlier date than the start date in the IEP.

Upon receipt of the recommendation of the CPSE, the board of education must arrange for the child to receive the recommended special education programs and services beginning with the July, September, or January starting date for the approved program. However, if the recommendation of the CPSE is made less than 30 school days prior to, or after the July, September, or January starting date, the services must be provided no later than 30 school days from the recommendation. To avoid a gap in services for those children who will continue in the EIP on and past their third birthday, the BOE must arrange for the child to receive programs and services on the date recommended by the CPSE.

CPSE Progress Reports and The Annual Review

When parents and the CPSE develop a child's IEP, they must decide how and when the parent(s) will be informed of the child's progress. Once a child transitions to preschool special education programs and services, progress reports must be provided at least as often as they are for non-disabled children in a regular education program in their school district. Progress can be reported by regular telephone calls from the child's teacher or service provider, notes and comments in a shared notebook or formal progress reports, which tell how the child is progressing toward IEP goals, and whether the child is expected to meet the goals on the IEP by the date planned.

A child's IEP must be reviewed at least once a year. If needed, parents, the school district CPSE, or the preschool program provider may also ask for a meeting at any time during the school year to discuss a child's progress or review a child's program.

V. TRANSITION FOR CHILDREN IN FOSTER CARE

All of the transition procedures described above apply to children in foster care who are in the Early Intervention Program (EIP). However, for children in foster care, the local social services commissioner responsible for the child must be involved in the transition planning process (i.e., the local social services commissioner who has the care and custody or custody and guardianship of the child). The local social services commissioner should be invited to participate in the review of IFSP to determine whether the child needs a referral for services under Section 4410 of the Education Law, and, if applicable, should be invited to participate the child's transition conference.

It is also important to note that children in foster care may, under certain circumstances, require the appointment of a surrogate parent by the EIO or Committee on Preschool Special Education (CPSE). If the EIO has appointed a surrogate parent for a child in foster care, it is possible that the CPSE will continue to have this surrogate parent represent the child, or there may be a need for the CPSE to appoint a different surrogate parent for purposes of services under Section 4410 of the Education Law. If a surrogate parent is appointed by either the EIO or the CPSE, the surrogate parent is accorded all the rights and responsibilities of the child's parent for purposes of the Early Intervention Program and preschool special education programs and services.

Appendix I includes information about the roles and responsibilities of Early Intervention Officials, service coordinators, local Department of Social Services caseworkers, and the CPSE in the transition process for children in the EIP who are also in the foster care system. The Department of Health and Office of Children and Family Services jointly developed a protocol for children in foster care and the EIP, which is available on the Department's Web site (http://www.health.state.ny.us).

VI. OTHER PROGRAMS AND RESOURCES FOR CHILDREN AND THEIR FAMILIES

In addition to the Early Intervention Program (EIP) and preschool special education programs and services, there are a number of programs administered by other State agencies that are helpful to children with special needs and their families. It is important for all professionals working with young children and their families to be informed about and help families access services available through other State agencies. Although this is particularly important when children are transitioning from the EIP to other services, it is also important for families and service coordinators to be aware of and access these other service delivery systems as needs emerge while children are receiving services from the EIP. These include:

OFFICE OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES

The Office of Mental Retardation and Developmental Disabilities (OMRDD) operates 13 Developmental Disabilities Services Offices (DDSOs) responsible for arranging and planning for the care, treatment, habilitation, and rehabilitation services to individuals with mental retardation and developmental disabilities (such as autism, cerebral palsy, seizure disorders, Down syndrome, and children with multiple disabilities). In partnership with consumers, families, staff, private providers, and local governments,

the DDSOs provide person-centered assistance to improve the quality of life of individuals and their families through the provision of housing, employment, and family support services. The list of DDSOs, including addresses and telephone numbers, can be found in Appendix J. For more information visit the OMRDD Web site at http://www.omr.state.ny.us.

Office of Mental Health

The Office of Mental Health (OMH) is responsible for developing plans, programs, and services for the care, treatment, rehabilitation, education and training of individuals with mental illness. OMH provides direct services at nineteen adult, six children's and three forensic psychiatric centers and provides fund allocation and certification of non-State-operated mental health programs. Visit the OMH Web site at http://www.omh.state.ny.us. For questions about mental health services, to find a mental health service provider, or to make a complaint, call the OMH customer relations at 1-800-597-8481.

Office of Children and Family Services

The Office of Children and Family Services (OCFS) provides operational support and policy direction to local social services districts and youth bureaus across the State and is responsible for the operation of 48 statewide residential and day placement facilities for youth. Programs and services provided through OCFS include child and adult protective, child welfare, domestic violence, pregnancy prevention, family services, youth development and delinquency prevention, juvenile justice, and after care programs. For general information contact (518) 473-7793 or visit the OCFS Web site at http://www.dfa.state.ny.us. For information about other programs for children, call 1-800-345-KIDS.

Commission for the Blind and Visually Handicapped

Located within the Office of Children and Family Services, the Commission for the Blind and Visually Handicapped (CBVH) is responsible for the administration of programs and services to legally blind individuals to enhance independence and facilitate opportunities to participate in the community. CBVH provides a range of services for individuals who are legally blind through the independent living and vocational rehabilitation provisions of the Federal Rehabilitation Act, as well as through programs serving children and older individuals who are blind. For information about CBVH, call (866) 871-3000.

Office of Alcoholism and Substance Abuse Services

The Office of Alcoholism and Substance Abuse Services (OASAS) administers a comprehensive program of prevention, intervention, and treatment services for persons addicted to alcohol and other drugs. OASAS plans, develops and regulates the State's system of alcoholism and substance abuse treatment agencies; operates 13 Alcoholism Treatment Centers; licenses and regulates local, community-based providers of inpatient, outpatient and residential services; and monitors programs to ensure quality of care and compliance with State and national standards. For more information visit

the OASAS Web site at http://www.oasas.state.ny.us. The telephone number for public information and publications is (518) 485-1768. The telephone number for information and referrals is 1-800-522-5353.

OFFICE OF ADVOCATE FOR PERSONS WITH DISABILITIES

The Office of Advocate for Persons with Disabilities (OAPwD) is a systems advocacy agency for people with disabilities. Its primary mission is to ensure that people with disabilities have every opportunity to be productive and participating citizens through: full access to emerging technology; access to up-to-date, comprehensive information on and referral to programs and services available to people with disabilities and their families; and, implementation of progressive legislation protecting the equal rights of people with disabilities. For information about OAPwD, call (800) 522-4369 or (518) 473-6005, (voice, TTY and Spanish call (518) 473-4129), electronic BBS call (800) 943-2323 or refer to the OAPwD Web site at http://www.oapwd.org.

COMMISSION ON QUALITY OF CARE FOR PERSONS WITH DISABILITIES

The Commission on Quality of Care's Advocacy Services Bureau coordinates a statewide protection and advocacy program for people with disabilities and their families. The Bureau offers training programs to help parents understand special education laws and regulations. These programs are co-sponsored by local groups. For information, call 1-800-624-4143, or visit the Commission's Web site at http://www.cqc.state.ny.us.

DEVELOPMENTAL DISABILITIES PLANNING COUNCIL (DDPC)

The New York State Developmental Disabilities Planning Council is a federally funded state agency working under the direction of the Governor. The DDPC is responsible for developing new ways to improve the delivery of services and supports to New Yorkers with developmental disabilities and their families. For information, call TDD/TTY: 1-800-395-3372 Voice: 518-486-7505, or visit the DDPC Web site at http://www.ddpc.state.ny.us.

STATE EDUCATION DEPARTMENT

State Education Department Early Childhood Direction Centers

The Early Childhood Direction Centers (ECDCs) provide information about programs and services for young children, ages birth through five, who have physical, mental, or emotional disabilities and help families obtain services for their children. For information about the ECDC in your region, refer to VESID's Web site at http://www.vesid.nysed.gov/lsn/ecdc.htm. A list of ECDCs is included in Appendix B.

Special Education Quality Assurance Regional Associates

The Regional Associates conduct Quality Assurance Reviews of public and private special education programs to determine compliance with federal and State special education laws and regulations. They also provide technical assistance to parents, school district personnel, and special education programs; and, investigate complaints alleging a public or private special education program's noncompliance with federal or state law or regulation pertaining to the education of students with disabilities. For information about the Regional Associate for your region, refer to VESID's Web site at http://www.vesid.nysed.gov/specialed/quality/qaoffices.htm. A list of Regional Associates for each region is attached in Appendix H.

DEPARTMENT OF HEALTH

In addition to the EIP, the Department of Health is responsible for a wide range of programs and services to promote and protect the health of children and adults residing in New York State. Examples of other programs and services for children and families include the Child Health Plus insurance program, maternal and child health services funded under the Title V block grant (including services for children with special health care needs), universal newborn hearing screening, vaccination information materials, school-based health centers, and the Women Infants and Children (WIC) nutrition program. For more information about the Department of Health, visit the Department's Web site at http://www.health.state.ny.us. For information regarding the Early Intervention Program call (518) 473-7016 or email to eip@health.state.ny.us.

OTHER COMMUNITY RESOURCES

There are also a variety of community resources that are helpful to all young children and their families. It is important for all professionals working with young children and their families to be informed about and help families access services available through other community resources. Although this is particularly important when children are transitioning from the EIP to other services, it is also important for families and service coordinators to be aware of and access these other service delivery systems as needs emerge while children are receiving services from the Early Intervention Program. Appendix K includes a listing of other important community resources for young children and their families.

VII. FREQUENTLY ASKED QUESTIONS AND ANSWERS ON TRANSITION

AGE ELIGIBILITY

1. **Question:** Can a child be age-eligible for the Early Intervention Program (EIP) and special education services under Section 4410 of the Education Law at the same time?

   Answer: Yes. Under IDEA and New York State Public Health and Education Law, there is overlapping age-eligibility for the EIP and preschool special education programs and services for children over the age of two years. This is to ensure that children do not experience a gap in services when transitioning from the EIP to preschool special education programs and services; and, to ensure that children have access to a free appropriate public education by their third birthday. However, under PHL, a child who is receiving services under Section 4410 of Education Law cannot be an eligible child under the EIP.

   Under Public Health Law (PHL), children are age-eligible for the EIP from birth through two years of age, unless the child has been determined eligible for services under Section 4410 of the Education Law before the child's third birthday. If a child is determined eligible for services under Section 4410 of the Education Law before his or her third birthday, the parent may choose to have the child continue to receive EIP services until he/she ages out, or transition the child to preschool special education programs and services.

   The specific date when a child is first eligible for preschool special education programs and services depends upon the month during which a child is born.

2. **Question:** If a child currently receiving EI services is in the process of receiving an evaluation under Section 4410 and turns three, may the child continue to receive EI services on and after his/her third birthday?

   Answer: No. The amended Public Health Law is explicit. A child who is not determined eligible for Section 4410 programs and/or services before his/her third birthday may not continue to receive EI services after his/her third birthday. Please refer to page 16 for information on parents' due process rights under the Education Law.

3. **Question:** If the CPSE does not determine that a child is eligible before his or her third birthday, and then the CPSE determines the child eligible for special education programs and services ***after*** the child has already turned three years of age, can the child return to the EIP and resume the services included in his or her previous IFSP? Alternatively, if a child exits the EIP while eligibility for services under Section 4410 of the Education Law is pending, and the child is subsequently found eligible for these services, can the child re-enter the EIP and continue in the EIP until s/he is no longer age-eligible?

Answer: No. If the child turns three years of age, and the CPSE has not rendered a determination as to whether the child is eligible for services under Section 4410 of the Education Law, the child's eligibility for the EIP ends at his or her third birthday. In this case, it is recommended that the concern be discussed with the CPSE or directed to the appropriate Special Education Quality Assurance Office (see Appendix H). The child may not re-enter the EIP at or after his or her third birthday. Similarly, if a child exits the EIP while eligibility for services under Section 4410 of the Education Law is pending, and the child is subsequently found eligible for these services after the child's third birthday, the child cannot re-enter the EIP.

As always, to address areas of disagreement, or when the CPSE has not acted within the required timeframes, under Education Law, parents may pursue their due process rights to mediation, an impartial hearing, or a sixty-day State complaint (see page 16).

4. **Question:** What should the Early Intervention Official (EIO) do if a child is referred to the EIP when s/he is age-eligible for services under Section 4410 of the Education Law?

   Answer: If a child is referred to the EIP when s/he is age eligible for services under Section 4410 of the Education Law, the EIO should recommend to the parent that the child be referred directly to the CPSE of the school district in which the family resides. However, if a parent chooses to continue with the referral to the EIP, an initial service coordinator must be assigned and the service coordinator must assist the parent in the receipt of a multidisciplinary evaluation for the child consistent with the EIP requirements. The parent should be informed that the transition process must also be initiated, including notice to the school district, arranging for a transition conference and evaluation of the child by the CPSE to determine the child's eligibility for services under Section 4410 of Education Law. The parent should be informed that if the child is not referred, evaluated, and found eligible for preschool special education programs and services before the child's third birthday, the child's eligibility for the EIP will end when the child turns three years old.

NOTIFICATION AND REFERRAL

5. **Question:** Can the notification to the CPSE of a child's potential eligibility for services under Section 4410 of the Education Law also serve as the referral to the CPSE?

   Answer: There is nothing in Public Health or Education Law to prohibit the notification of a child's potential eligibility for services under Section 4410 of the Education Law from also serving as the referral, as long as the notice is clearly identified as a referral and the notice includes all the information required by the CPSE to be considered a referral.

6. **Question:** Must a school district/CPSE accept all referrals of age-eligible children?

   Answer: Yes. Under the Education Law, the CPSE is required to accept and act upon referrals of age-eligible children. This includes requesting consent to evaluate the child, follow-up with parents who do not provide consent to ensure they understand the request, and completing an eligibility determination and, if appropriate, an IEP within required timeframes.

7. **Question:** Is it each county's responsibility to establish a policy regarding the specific age for children to be referred to the CPSE?

   Answer: No. Each county and New York City must adhere to the requirements in Public Health and Education Law regarding age-eligibility requirements and the timeframes for notice to the school district, convening of a transition conference, and eligibility determinations. However, counties may develop procedures consistent with State laws and regulations and Department of Health and State Education Department policies.

8. **Question:** Must the Early Intervention Official (EIO) notify school districts and arrange transition conferences **EXACTLY** 120 days and 90 days, respectively, prior to the child's potential eligibility for services under Section 4410 of the Education Law?

   Answer: No. EIP regulations require the notice be **AT LEAST** 120 days prior to the child's potential eligibility for services under Section 4410 of the Education Law; and, the transition conference to be convened **AT LEAST** 90 days prior to a child's potential eligibility for services under Section 4410 of the Education Law or the child's third birthday, whichever is first. To manage notice and transition conferences at the municipal level, it is permissible for the EIO to notify school districts and arrange for transition conferences during the month or quarter in which a child's birth date falls, as long as the notice is sent and the transition conference is convened within the timeframes required in regulations and within sufficient time for the CPSE to render an eligibility determination before the child's third birthday.

9. **Question:** At what age must the school district CPSE accept a referral for preschool special education?

   Answer: In order for a child to receive preschool special education by their third birthday or on the first day of their eligibility for preschool special education (whichever comes first), the referral must be accepted in time to allow the CPSE to provide a recommendation to the board of education within thirty school days of receipt of written consent by the parent for the individual evaluation of the child.

10. **Question:** What information must be included in the referral to the CPSE?

    Answer: The referral to the CPSE must be made in writing and must include the following information: the name of and contact information for the child and the

child's parent or person in parental relation; the reasons for the referral, including, with parent consent, any records upon which the referral is based that may be in the possession of the person submitting the referral; a written description of the child's participation in EIP services; and, the extent of parental contact or involvement prior to the referral.

TRANSITION CONFERENCE

11. **Question:** Should a transition conference be arranged for all children exiting the EIP?

    Answer: A transition conference should only be arranged, with parental consent, for children potentially eligible for services under Section 4410 of the Education Law. Please refer to pages 10 and 11 for criteria to be considered in identifying these children.

12. **Question:** Who must participate in the transition conference?

    Answer: The EIO is responsible for convening the transition conference with the parent, service coordinator, and chair of the CPSE or his or her designee.

13. **Question:** Is the CPSE chairperson or a designee required to participate in the transition conference to review the child's program options?

    Answer: Yes. Pursuant to Section 4410(3)(f) of the Education Law, the Chairperson of the CPSE of the local school district in which the child resides or his or her designee must participate in the conference.

14. **Question:** Who else should participate in the transition conference?

    Answer: With the parent's consent, representatives of other service delivery systems, with whom the child and family are currently involved or from whom the child may need services (such as OMRDD or OCFS) should be invited to participate in the transition conference.

15. **Question:** Can required participants in the transition conference participate by telephone conference call?

    Answer: Yes. The transition conference must be convened in a location that is mutually convenient to the participants. It is permissible for participants to participate in the conference by telephone.

16. **Question:** What is the role of the CPSE chairperson or the designee at the transition conference?

    Answer: The CPSE Chairperson or the Chairperson's designee must participate in the conference with the parent(s) and the EI Service Coordinator to support the child's potential transition to preschool special education and to ensure that the

parent is fully informed of the special education or other early childhood program options, including but not limited to nursery school, day care or Head Start programs. The CPSE Chairperson can provide information and respond to the parent(s) questions or concerns regarding the CPSE process including children's eligibility for services, timelines from referral to provision of preschool special education programs and services, and/or the provision of transportation services for the child.

17. **Question:** Can the Early Intervention Official (EIO) be the CPSE chairperson's designee?

    Answer: No. The EIO cannot act as the designee of the CPSE chairperson. Since the EIO represents the county at the transition conference and at meetings of the CPSE, the EIO cannot be designated to serve in this role as a representative of the school district. Qualifications for the designee of the CPSE Chairperson at the transition conference are not established by state law or regulation. It is appropriate for a member of the CPSE (Section 200.3(a)(2) Regulations of the Commissioner) who is knowledgeable about the transition process and is experienced in reviewing the needs of children transitioning from early intervention to represent the child's school district as the appointed designee of the CPSE Chairperson.

TRANSITION PLAN

18. **Question:** Is a transition plan required for all children exiting the EIP, or only those children who will transition to services under Section 4410 of the Education Law?

    Answer: Yes. A transition plan must be developed for all children exiting the EIP, regardless of whether the child is transitioning to services under Section 4410 of the Education Law or to other early childhood and supportive services. However, the CPSE chairperson or his or her designee only participates in transition planning for children potentially eligible for preschool special education programs and services.

19. **Question:** When should the transition planning process begin?

    Answer: Because children are in the EIP for a short time, it is appropriate to begin transition planning as early as possible. For children potentially eligible for services under Section 4410 of the Education Law, transition planning must be initiated in accordance with requirements in PHL in this document. For children for whom a referral to the CPSE is not appropriate, a transition plan should be developed at the IFSP meeting within six months prior to the child's third birthday.

20. **Question:** If a parent does not wish to have and does not consent to a transition conference, but does consent to notification and referral to the school district and to an evaluation by the CPSE, when is the transition plan developed and who is responsible for development of the plan?

    Answer: If the parent does not wish to have and does not consent to a transition conference, transition planning should begin at the IFSP meeting closest to the date

when the EIO is required to notify the school district of the child's potential transition. Transition planning should continue in any subsequent meetings (e.g., the first meeting of the CPSE) that include discussions about the child's transition to services under Section 4410 of the Education Law. The transition plan, when completed, is incorporated into the IFSP with parental consent.

21. **Question:** What are the required components of the transition plan?

    Answer: The transition plan must include procedures to prepare the child and family for changes in service delivery, including steps to help the child adjust to and function in a new setting or with a new service provider; and, procedures to prepare program staff or individual qualified personnel who will be providing services to the child to facilitate the smooth transition. With parent consent, the transition plan should be incorporated into the IFSP.

CPSE EVALUATION PROCESS

22. **Question:** If a child is currently receiving EI services and has recently been evaluated in the EI system, what is the process and time frame for the decision to be made as to which specific evaluation components the approved preschool evaluator must complete?

    Answer: A CPSE Chairperson who receives a referral must immediately notify the child's parent(s) that a referral has been received and must request consent for evaluation of the preschool student. In addition, with the consent of the parents, approved evaluators and committees must be provided with the most recent evaluation report for a child in transition from early intervention programs. Nothing prohibits an approved evaluator or the CPSE from reviewing other assessments or evaluations to determine if those assessments fulfill the requirements of State law and regulations for determining eligibility for services under Section 4410 of the Education Law. As part of an initial evaluation, if appropriate, and as part of any reevaluation, a group that includes the CPSE and other qualified professionals, must review existing evaluation data on the student including evaluations and information provided by the student's parents, current classroom-based assessments and observations, and observations by teachers and related service providers. The group may conduct its review without a meeting. On the basis of that review and input from the student's parents, the CPSE and other qualified professionals, must identify what additional assessment data are needed. Discussion about existing EI evaluations should be part of the transition conference. The CPSE must complete its evaluation of the child and provide a recommendation to the board of education within 30 school days of receipt of the parental consent for evaluation.

    Parents have the right to choose which records and reports, if any, are transmitted to the CPSE. Parents have the right to sign either a general release or selective release, which specifies by name or category those individuals to whom information may be disclosed.

23. **Question:** Who is responsible for transmitting appropriate evaluations, assessments, IFSPs, and other pertinent records from the Early Intervention Program to the CPSE?

    Answer: The service coordinator is responsible for reviewing information concerning the transition procedure with the parent and obtaining parental consent for the transfer of appropriate records, including evaluations, assessments, IFSPs, and other pertinent records. Parents should be encouraged to share appropriate records with the CPSE, since the purpose of this requirement is to reduce the need for unnecessary or duplicative evaluations of the child. However, a parent is not required to consent to the release of some or all of these reports.

24. **Question:** Is the Early Intervention Official (EIO) required to attend the initial and subsequent CPSE meetings for a child transitioning from the EIP to preschool special education programs and services?

    Answer: There is no requirement in Public Health Law (PHL) or regulation that an EIO attend CPSE meetings for children transitioning from the EIP to preschool special education programs and services. The EIO is responsible for convening the transition conference, with parental consent. If the transition conference is combined with the first meeting of the CPSE, the EIO must attend this combined meeting. The EIO does have a responsibility to ensure a smooth transition for children receiving EIP services to preschool or other appropriate services.

    Section 4410(a)(2) of the Education Law requires that "the appropriately licensed or certified professional designated by the agency that has been charged with the responsibility for the preschool child pursuant to applicable federal laws relating to early intervention services shall attend all meetings of the committee conducted prior to the child's initial receipt of services pursuant to this section." This professional may be the municipal EIO, service coordinator, or a professional from the agency that has knowledge of the child's status, services received, and progress.

TRANSITION FROM THE EIP TO PRESCHOOL SPECIAL EDUCATION PROGRAMS AND SERVICES

25. **Question:** What happens when a child currently receiving EIP services is eligible for preschool special education programs and services, but continues in the EIP and makes significant progress so that the Early Intervention Official (EIO) believes the child may not require preschool programs and services?

    Answer: The CPSE, and not the EIO, is responsible for determining whether a re-evaluation is necessary to determine the child's eligibility for preschool special education programs and services. If the EIO has reason to believe that the eligible child has made significant progress, the EIO should work with the service coordinator in securing parental consent to forward additional records such as

recent assessments and progress notes to the CPSE. The EIO should ensure that the service coordinator transmits additional records to the CPSE.

26. **Question:** If a child receives services in community or home-based settings under the EIP, can s/he continue to receive services in these settings when s/he transitions to services under Section 4410 of the Education Law?

    Answer: Yes. The continuum of services available under Section 4410 of the Education Law includes services in community and home-based settings and on-site at approved provider locations, if recommended by the CPSE.

27. **Question:** Can a child continue to receive services from their EIP provider when s/he transitions to services under Section 4410 of the Education Law?

    Answer: Only if the Early Intervention provider(s) is also approved to provide services under Section 4410 of the Education Law.

28. **Question:** Are service coordination services provided to families under Section 4410 of the Education Law?

    Answer: No. There is no requirement under the Education Law to provide service coordination services to children and families eligible for services under Section 4410 of the Education Law. However, when a child's IEP includes two or more related services only, the board of education must designate one of the service providers to coordinate the provision of services. If the IEP includes special education itinerant services (SEIT) and one or more related services, the SEIT provider is responsible for the coordination of services.

29. **Question:** How can families find out about the programs and services available under Section 4410 of the Education Law?

    Answer: There are a number of ways families can access information about services available under Section 4410 of the Education Law. Service coordinators are responsible for informing families about the transition process, including programs and service options available under Section 4410 of the Education Law and for linking families to services in the community needed by the child that are not available under the EIP or under Section 4410 of the Education Law. In addition, an important purpose of the transition conference is to review program and service options available to the child and family when the child transitions to preschool special education. The State Education Department's publication, *Special Education in New York State for Children Ages 3-21: A Parent's Guide,* is also an important source of information for families. Parents may also be referred to the Early Childhood Direction Center (ECDC) serving the county in which the family resides (see Appendix B).

30. **Question:** Are parents required to provide information about private insurance to the CPSE?

Answer: No. There is no requirement for use of private insurance for services under Section 4410 of the Education Law. There is a requirement that insurance information be provided to the Early Intervention Official for purposes of reimbursement of EIP services.

31. **Question:** If the CPSE determines that a child currently in the EIP is eligible for 4410 programs and services, what date does the CPSE recommend to the board of education for the initiation of services?

    Answer: At the time that the CPSE meets to find the child eligible for preschool special education, the CPSE and parent(s) should discuss and agree upon the timeframe for transition. The specific date of initiating the child's preschool special education program and services will depend upon whether the parent elects to have the child continue in the Early Intervention Program or to transition the child to services under Section 4410 of the Education Law. The CPSE must indicate on the IEP the date for initiation of special education, based on the agreement reached by the CPSE and the child's first date of eligibility for preschool special education. The IFSP should be modified to include the last date of EIP services, which should be based on the date when preschool special education services will begin.

32. **Question:** If a parent chooses to have the child remain in the EIP until s/he is no longer age-eligible for the EIP, does the EIP have to provide additional services included in the IEP (if any) that are not considered EIP services and not included in the child's IFSP?

    Answer: No. The EIP is only responsible for providing the EIP services included in the child's IFSP. If the parent wishes the child to receive additional services included in the child's IEP, the parent must transition the child to preschool special education programs and services included in the child's IEP.

33. **Question:** A child who was never in the EIP is referred to and evaluated by the CPSE. The CPSE finds the child eligible for preschool special education programs and services and develops an IEP. Services in the IEP are not delivered in a timely manner. Under these circumstances, can the child be referred to the EIP, if s/he is still age eligible for the EIP?

    Answer: No. If a child is determined eligible for preschool special education programs and services, and the programs and services are not provided in a timely manner, the parent may follow procedures outlined on pages 15 and 16 related to resolving concerns with the CPSE process.

34. **Question:** If the CPSE, with parent consent, reviews the child's EIP evaluation(s) and assessment(s) and determines additional evaluations and/or assessment data (e.g., physical examination, psychological evaluation) is required by the CPSE to determine eligibility for services under Section 4410 of the Education Law, are such evaluations paid for under the EIP under DOH, or preschool special education under NYSED?

Answer: Any additional evaluations and/or assessment data required by the CPSE to determine eligibility for services under Section 4410 of the Education Law are the fiscal responsibility of the county/NYC Department of Education.

35. **Question:** Must all required members of the CPSE be present to determine whether a child who is in the EIP and who is turning 3 is eligible for preschool special education programs and services?

    Answer: Yes. In order for the eligibility determination to be valid, all required members of the CPSE must participate in the CPSE meeting where eligibility is determined and the IEP is developed. Please refer to pages 15 - 17 of this document for detailed requirements for the CPSE evaluation, eligibility, and IEP process.

36. **Question:** Must all the components of the IEP required under Part 200 of the Regulations of the Commissioner of Education be developed at the time a child is determined eligible for preschool special education programs and services?

    Answer: Yes. An IEP, which includes all required components, must be completed *at the time the child is found eligible* for preschool special education programs and services. In addition, the CPSE is responsible for explaining to the parent(s) the differences between the IEP and the IFSP (see pages 16 through 18 of this document for procedures that should be followed).

37. **Question:** Should a child over age 3, who is initially found eligible for preschool special education programs and services, and whose parent(s) have decided the child should remain in the EIP, be discharged from the EIP, if the CPSE re-evaluates the child and finds the child not eligible?

    Answer: Yes. Only those children who are eligible for preschool special education programs and services can remain in the EIP beyond their third birthday. If the child's eligibility status for preschool special education programs and services changes while the child is in the EIP, the child is no longer eligible to remain in the EIP and must transition out of the program.

APPENDIX A - COMPARISON OF EI AND PRESCHOOL SPECIAL EDUCATION

Program Components

Program Area	Early Intervention	Preschool Special Education
Purpose	Provides family centered services to meet the developmental needs of eligible children.	Provides special education and related services to meet the educational needs of identified preschool students with disabilities.
Lead Agency Responsible for the State Program	New York State Department of Health (DOH)	New York State Education Department (NYSED)
Eligible Children	Eligible children are infants and toddlers ages birth through age two years who, through a multidisciplinary evaluation, are identified as having a developmental delay or a diagnosed physical or mental condition that has a high probability of resulting in developmental delay and meet the eligibility criteria established by the Department. Children who are found eligible for services under Section 4410 of the Education Law by their third birthdays can remain in the EIP until they age out under Section 2541(8) of the Public Health Law.	Eligible preschool students with disabilities ages three to five. A preschool student with a disability is identified because of mental, physical or emotional reasons, based on the results of an individual evaluation which is provided in the student's native language, not dependent on a single procedure and administered by a multidisciplinary team. (Section 200.1(mm)(1-2) of the Regulations of the Commissioner of Education)
Service Coordination	The EIO designates an initial service coordinator to assist the family in the child's evaluation and IFSP development. The parent selects an ongoing service coordinator who is responsible for implementation of the	When a child's IEP includes two or more related services only, the board of education must designate one of the service providers to coordinate the provision of services. If the IEP includes special education itinerant services (SEIT) and one or more related services, the SEIT provider is responsible for the coordination of services.

Program Area	Early Intervention	Preschool Special Education
	IFSP, coordinates services, and assists the family in accessing other services and supports.	
Cost to Families	No out-of-pocket costs to families. Third party insurance is billed if the insurer is subject to New York State Insurance Law.	No out-of-pocket costs to families. The use of third party payment (using Medicaid or private insurance) is at the discretion of parents.
Service Availability	Services must be available all year.	Services must be available 180 days during the ten-month school year and at least 30 school days during July and August (when 12-month extended school year services are recommended for eligible children by the CPSE).
Evaluation	The multidisciplinary evaluation must include: - An evaluation/assessment of the child's level of functioning in the following developmental domains: physical development, including vision and hearing; communication development; cognitive development, social/emotional development; and, adaptive development. - A review of pertinent records related to the child's current health and medical status, with parental consent. - A parent interview about the family's resources, priorities and concerns related to the child's development and developmental progress. - An assessment of the child's unique needs in each developmental domain. - An evaluation of the	The individual evaluation must include: - a physical examination - an individual psychological evaluation - a social history - an observation of the student - other appropriate assessments as necessary to ascertain the factors which contribute to the suspected disabilities - a functional behavioral assessment for a student whose behavior impedes his or her learning or that of others.

Program Area	Early Intervention	Preschool Special Education
	transportation needs of the child. At the family's option, a family assessment may be conducted.	
Evaluators	Parents choose an evaluator from a list of providers approved by the NYSDOH to provide early intervention evaluations.	Parents choose an evaluator from a list of evaluators approved by the NYSED to provide preschool special education evaluations.
Written Plan of Services	Individualized Family Service Plan (IFSP). A written plan is developed jointly by the IFSP team, which includes the parent, Early Intervention Official, service coordinator, evaluator, and other participants invited by the parent.	Individualized Education Program (IEP). A written statement of the programs and services to meet the individualized needs of a preschool student with a disability, that is developed at a meeting of the Committee on Preschool Special Education (CPSE), which includes the child's parent, a regular education teacher, a special education teacher, parent member, the CPSE chairperson, an individual who can interpret instructional implications of the evaluation results and other persons having knowledge or special expertise regarding the child.
Review of Individual Programs	IFSP outcomes must be reviewed at six-month intervals and more frequently if needed. The IFSP must be evaluated annually to determine the degree to which progress toward achieving the outcomes is being made and whether or not there is a need to amend the IFSP to modify or revise the services being provided or the anticipated outcomes.	Progress in meeting IEP goals must be reviewed by the CPSE at least annually. The CPSE, with the parent(s), describes in the IEP measurable goals, including short-term and long-term goals, and the manner and schedule for the parent(s) to be informed of the students' progress, at least as often as parents are informed of non-disabled students' progress.
Services	Services designed to meet the developmental needs of eligible children and the needs of families related to their children's development, including but not limited to, special	Special education programs including special education itinerant teacher services, special classes in an integrated setting and special classes and/or related services. Related services include, but are not limited to physical therapy, occupational therapy, and speech therapy.

Program Area	Early Intervention	Preschool Special Education
	instruction, physical therapy, occupational therapy, speech therapy, social work, family counseling, family training, family support groups, psychological services, vision services, and nutrition services, as agreed to by participants in the IFSP meeting.	
Where	In natural environments, which include the child's home and settings where children under three years of age are typically found including day care centers, and family day care homes.	In the least restrictive environment (LRE) where age-appropriate peers without disabilities are typically found in a setting as close as possible to the student's home.

APPENDIX B - EARLY CHILDHOOD DIRECTION CENTERS

The Early Childhood Direction Centers (ECDCs) provide information about programs and services for young children, ages birth through five, who have physical, mental or emotional disabilities and help families obtain services for their children.

THE ECDCS PROVIDE INFORMATION ABOUT:

- preschool programs
- transportation
- medical, educational, and social services
- evaluation and assessment services
- funding
- parent education programs and resources
- day care
- the State's early intervention system

SERVICES INCLUDE:

- matching the needs of children with available services
- assisting parents in obtaining services
- following up to ensure that children receive services
- coordination of services between agencies
- education of parents of preschool children with disabilities

Western Region

- **Buffalo**
  Service Area: Allegany, Cattaraugus, Chautauqua, Erie, Niagara, Orleans Counties

  Early Childhood Direction Center
  Robert Warner Direction Center
  936 Delaware Avenue
  Buffalo, New York 14209
  Phone: (716) 888-1450 or 1-800-462-7653
  Fax: (716) 888-1456
  E-mail: vrubin@kaleidahealth.org

- **Rochester**
  Service Area: Chemung, Genesee, Livingston, Monroe, Ontario, Seneca, Schuyler, Steuben, Wayne, Wyoming, Yates Counties

  Early Childhood Direction Center
  East Main Street
  Suite 240
  Rochester, New York 14605
  Phone: (585) 399-4617 or 1-800-462-4344
  Fax: (585) 271-4228
  E-mail:
  Mike_Reif@boces.monroe.edu

Central New York Region

- **Syracuse**
  Service Area: Cayuga, Cortland, Herkimer, Jefferson, Lewis, Madison, Oneida, Onondaga, and Oswego Counties

  Early Childhood Direction Center
  Syracuse University
  805 So. Crouse Avenue
  Syracuse, New York 13244-2280
  Phone: (315) 443-4444 or 1-800-962-5488
  Fax: (315) 443-4338
  E-mail: ecdc@syr.edu

Southern Tier Region

- **Binghamton**
  Service Area: Broome, Chenango, Delaware, Otsego, Tioga, and Tompkins Counties

  Early Childhood Direction Center
  Endicott Learning Center
  23 Jackson Avenue
  Endicott, New York 13760
  Phone: (607) 786-8524 or 1-800-552-0150
  Fax: (607) 786-8530
  E-mail: ecdc@btboces.org

North Country

- **Franklin-Essex (Northern Region)**
  Service Area: Clinton, Essex, Franklin, Hamilton, and St. Lawrence Counties

  Early Childhood Direction Center
  Franklin-Essex-Hamilton BOCES
  Adirondack Education Center
  711 NYS Route 3
  Saranac Lake, New York 12983
  Phone: (518) 891-1330
  Fax: (518) 891-6043
  E-mail: mdunn@mail.fehb.org

Capital District

- **Albany**
  Service Area: Albany, Columbia, Fulton, Greene, Montgomery, Rensselaer, Saratoga, Schenectady, Schoharie, Warren, and Washington Counties

  Early Childhood Direction Center
  Capital Region BOCES
  Maywood Elementary School
  1979 Central Avenue
  Albany, New York 12205
  Phone: (518) 464-6356
  Fax: (518) 464-6369
  E-mail:
  maydom.po.eburns@gw.neric.org

Mid-Hudson Region

- **Kingston**
  Service Area: Dutchess, Orange, Sullivan, and Ulster Counties

  Early Childhood Direction Center
  25 Webster Street
  Kingston, New York 12401-5823
  Phone: (845) 338-6755
  Fax: (845) 338-6791
  E-mail: ecdckgn@int1.mhrcc.org

- **Westchester**
  Service Area: Putnam, Rockland, and Westchester Counties

  Early Childhood Direction Center
  Children's Rehabilitation Center
  317 North Street
  White Plains, New York 10605
  Phone: (914) 597-4056
  Fax: (914) 597-4053
  E-mail: speretz@chcsnet.org

Long Island

- **Nassau**
  Service Area: Nassau County

  Early Childhood Direction Center
  Variety Child Learning Center
  47 Humphrey Drive
  Syosset, New York 11791-4908
  Phone: (516) 364-8580
  Fax: (516) 921-2354
  E-mail: nassauecdc@vclc.org

- **Suffolk**
  Service Area: Suffolk County

  Early Childhood Direction Center
  99 Hollywood Drive
  Smithtown, New York 11787
  Phone: (631) 863-2600
  Fax: (631) 863-2082
  E-mail: ecdcsuffolk@ddiinfo.org

New York City

- **Manhattan**
  Service Area: New York (Manhattan)

  Early Childhood Direction Center
  New York Presbyterian Hospital
  435 East 70th Street, Suite 2A
  New York, New York 10021
  Phone: (212) 746-6175
  Fax: (212) 746-8895
  E-mail: mrubinst@nyp.org

- **Brooklyn**
  Service Area: Kings (Brooklyn)

  Early Childhood Direction Center
  UCP of NYC, Inc.
  SHARE Center
  160 Lawrence Avenue
  Brooklyn, New York 11230
  Phone: (718) 437-3794
  Fax: (718) 436-0071
  E-mail: ksamet@ucpnyc.org

- **Queens**
  Service Area: Queens

  Early Childhood Direction Center
  Queens Center for Progress
  82-25 164th Street
  Jamaica, New York 11432
  Phone: (718) 374-0002 Ext. 465
  Fax: (718) 969-9149
  E-mail:cwarkala@queenscp.org

- **Bronx**
  Service Area: Bronx

  Early Childhood Direction Center
  2488 Grand Concourse
  Room 405
  Bronx, New York 10458
  Phone: (718) 584-0658
  Fax: (718) 584-0859
  E-mail: ecdcbronx@yahoo.com

- **Staten Island**
  Service Area: Richmond (Staten Island)

  Early Childhood Direction Center
  Staten Island University Hospital
  Spring Building
  1034 Targee Street, Room 107
  Staten Island, New York 10304
  Phone: (718) 390-4737
  Fax: (718) 390-4874
  E-mail: Lkennedy@siuh.edu

APPENDIX C - CHILD CARE RESOURCE AND REFERRAL CENTERS

Child Care Resource and Referral Centers (CCR&Rs) are resource and referral agencies that work toward improving the availability and quality of child care, and serve as a referral service for parents seeking child care. Listed below are the 49 Child Care Resource & Referral Centers (CCRRs) available throughout New York State. CCR&Rs are listed alphabetically by the counties they serve:

ALBANY/RENSSELAER/ SARATOGA/SCHENECTADY
Capital District Child Care Coordinating Council
91 Broadway
Menands, NY 12204-2728
Dianne Meckler, Patricia Skinner
Phone: (518) 426-7181 x 327, x 311
Fax: (518) 426-9649
E-mail: dmeckler@cdcccc.org
Web site: www.cdcccc.org

ALLEGANY/WYOMING
ACCORD Corporation
44 Main Street P.O. Box 486
Belfast, NY 14711
Phone: (585) 365-2157 / (800) 498-2277
Fax:(585) 365-2749
Web site: www.accordcorp.org

BROOME
Family Enrichment Network
29 Fayette Street, P.O. Box 880
Binghamton, NY 13902-0880
Phone: (607) 723-8313 x 835
Fax: CCR&R Office (607) 771-0387
Business Center (607) 723-6173
E-mail: bbccdc@aol.com
Web site: www.familyenrichment.cc

CATTARAUGUS
ACCORD Corporation
124 North Union Street Suite 315
Olean, NY 14760
Phone: (716) 373-4480 / (800) 648-4474
Fax: (585) 365-2749
E-mail: accordinfo@accordcorp.org

CAYUGA
Child Care Council of the Finger Lakes, Inc.
17 E. Genesee St. 4th Floor Suite 5
Auburn, NY 13021
Phone: (315) 255-6994
Fax: (315) 258-9249
E-mail: info@cccfl.org
Web site: www.cccfl.org

CHAUTAUQUA
Chautauqua Child Care Council
CAP Agency-Chautauqua Opportunities, Inc.
560 West 3rd Street
Jamestown, NY 14701
Phone: (716) 664-4999 / (800) 424-4532
Fax: (716) 664-9992
E-mail: chauccrr@netsync.net

CHEMUNG
Chemung County Child Care Council, Inc.
571 East Market St. Suite 205
Elmira, NY 14901
Phone: (607) 734-3941
Fax: (607) 737-7293
E-mail: rkrusen@exotrope.net

CHENANGO
Chenango County Child Care Coordinating Council
19 Eaton Avenue
Norwich, NY 13815
Phone: (607) 336-2809
Fax: (607) 336-5827
E-mail: cccccc@mkl.com

CLINTON
Child Care Coordinating Council of the North Country, Inc.
184 US Oval, P.O. Box 2640
Plattsburgh, NY 12901
Phone: (518) 561-4999
Fax: (518) 561-6956

Additional Contact for Clinton County:
Joint Council for Economic Opportunity
54 Margaret Street
Plattsburgh, NY 12901
Phone: (518) 561-6310
Fax: (518) 562-2947

COLUMBIA/GREENE
Child Care Council of Columbia & Greene Counties
160 Fairview Avenue
Fairview Plaza Suite 207
Hudson, NY 12534
Phone: (518) 822-1944 / (800) 494-1944
Fax: (518) 822-8233

CORTLAND
The Cortland Area Child Care Council, Inc.
111 Port Watson Street
Cortland, NY 13045-3157
Phone: (607) 753-0106
Fax: (607) 753-0119
E-mail: caccc@baka.com
Web site: www.cortlandchildcare.org

DELAWARE
Delaware Opportunities, Inc.
Child and Family Development Division
47 Main Street
Delhi, NY 13753
Phone: (607) 746-2165 / (607) 746-2840
Fax: (607) 746-6269

DUTCHESS
Child Care Council of Dutchess Inc.
70 Overocker Road
Poughkeepsie, NY 12603
Phone: (845) 473-4141
Fax: (845) 473-4161
E-mail: dccdc@idsi.net
Web site: www.childcaredutchess.org

ERIE
The Child Care Coalition of the Niagara Frontier, Inc.
2635 Delaware Avenue
Buffalo, NY 14216
Phone: (716) 877-6666
Fax: (716) 877-6205

ESSEX
Adirondack Community Action Program
P.O. Box 848
Elizabethtown, NY 12932
Phone: (518) 873-3207 / (800) 784-8289
Fax: (518) 873-6845
E-mail: margez@northnet.org

FRANKLIN: SEE CLINTON

FULTON/MONTGOMERY
Fulton Community Action Agency, Inc.
Child Care Resources and Referral
1200 Amsterdam Riverfront Center
Amsterdam, NY 12010
Phone: (518) 842-5713
Fax: (518) 842-2219
E-mail: children@superior.net

GENESEE
Orleans Community Action Committee (OCAC)
Child Care Resource & Referral (CCR&R)
5073 Clinton Street Road
Batavia, NY 14020
Phone: (585) 343-7727 / (800) 716-7727
Fax: (585) 343-8307

GREENE: SEE COLUMBIA

HAMILTON: SEE WARREN

HERKIMER: SEE ONEIDA

JEFFERSON/LEWIS
The Jefferson/Lewis Child Care Project
Community Action Planning Council
518 Davidson Street
Watertown, NY 13601
Phone: (315) 782-8475
Fax: (315) 788-8251

LIVINGSTON
The Child Care Council, Inc.
5604 Big Tree Road
P.O. Box 670
Lakeville, NY 14480
Phone: (585) 346-6050 / (800) 754-6317
Fax: (585) 346-6058

MADISON: SEE ONEIDA

MONROE
The Child Care Council, Inc.
595 Blossom Rd., Suite 120
Rochester, NY 14610
Phone: (585) 654-4721 / (800) 743-5437
Fax: (585) 654-4746
E-mail: bmattle@childcarecouncil.com
Web site: www.childcarecouncil.com

MONTGOMERY: SEE FULTON

NASSAU
Child Care Council of Nassau, Inc.
925 Hempstead Turnpike Suite 400
Franklin Square, NY 11010-3636
Phone: (516) 358-9250 x 10
Fax: (516) 358-9287
E-mail: childcare@childcarenassau.org
Web site: www.childcarenassau.org

NEW YORK CITY
Child Care, Inc.
322 Eighth Avenue, 4th Fl.
New York, NY 10001
Phone: (212) 929-7604 x 3010, x 3016
Fax: (212) 929-5785
E-mail: info@childcareinc.org
Web site: www.childcareinc.org

Child Development Support Corporation
352-358 Classon Avenue
Brooklyn, NY 11238
Phone: (718) 398-2050 x 8405
Fax: (718) 230-0112

Asian Child Care Resource & Referral of the Chinese-American Planning Council, Inc.
365 Broadway, Ground Floor
New York, NY 10013
Phone: (212) 941-0030
Fax: (212) 226-5351
Email: cpcaccr@juno.com

Committee for Hispanic Children & Families
140 West 22nd Street, Suite 301
New York, NY 10011
Phone: (212) 206-1090
Fax: (212) 206-8093
Email: vramos@chcfinc.org

Day Care Council of New York, Inc.
12 West 21st Street, 3rd Floor
New York, NY 10010
Phone: (212) 206-7818
Fax: (212) 206-7836
E-mail: dcc12w21@cs.com
Web site: www.dccnyinc.org

NIAGARA
Community Child Care Clearinghouse of Niagara
1521 Main Street
Niagara Falls, NY 14305
Phone: (716) 285-8572 / (800) 701-4-KID
Fax: (716) 285-9693
E-mail: ccrrniagara@prodigy.net

ONEIDA
Mid-York Child Care Coordinating Council
143 W. Dominick Street
Rome, NY 13440
Phone: (315) 339-8450
Fax: (315) 339-8454
E-mail: scm@mycccc.org

ONONDAGA
Child Care Council of Onondaga County
3175 E. Genesee Street Suite 5
Syracuse, NY 13224
Phone: (315) 446-1220 x 310
Fax: (315) 446-2010
E-mail: ccs@childcaresyracuse.org
Web site: www.childcaresyracuse.org

ONTARIO/YATES
Child & Family Resource Center of
Ontario & Yates Counties, Inc.
100 East Main Street
Penn Yan, NY 14527
Phone: (315) 536-1134 / (800) 881-5786
Fax: (315) 536-9918
E-mail: cfrc@juno.com

ORANGE
Child Care Council of Orange County, Inc.
30 Matthews Street, Suite 104
Goshen, NY 10924
Phone: (845) 294-4012
Fax: (845) 294-4045
E-mail: children@magiccarpet.com

ORLEANS
Orleans Community Action Committee
(OCAC)
Child Care Resource and Referral (CCR&R)
123 Ensign Avenue
Medina, NY 14103
Phone: (585) 798-1613
Fax: (585) 798-1587

OSWEGO
Oswego County Child Care Council, Inc.
157 West First Street
Oswego, NY 13126
Phone: (315) 343-2344
Fax: (315) 343-0442

OTSEGO
Catholic Charities of Delaware & Otsego
Counties
9-15 South Main Street
Oneonta, NY 13820
Phone: (607) 432-0061 / (607) 432-7308
Fax: (607) 431-9303

PUTNAM
Putnam County Child Care Council, Inc.
2 Mahopac Plaza Suite 250
Mahopac, NY 10541
Phone: (914) 621-5619 / (914) 621-5617
Fax: (914) 621-5629

RENSSELAER: SEE ALBANY

ROCKLAND
Child Care Resources of Rockland, Inc.
235 North Main Street
Spring Valley, NY 10977-4108
Phone: (845) 425-0009
Fax: (845) 425-5312
E-mail: childcareresources@ucs.net
Web site: www.childcarerockland.org

SARATOGA: SEE ALBANY

SCHENECTADY: SEE ALBANY

SCHOHARIE
Schoharie County Community Action
Program
795 East Main St.
Cobleskill, NY 12043
Phone: (518) 234-2568
Fax: (518) 234-3507
E-mail: sccapinc@midtel.net

SCHUYLER
Schuyler County Child Care Coordinating
Council
310 West Main Street
PO Box 312
Montour Falls, NY 14865
Phone: (607) 535-7964
Fax: (607) 535-8942

SENECA
Child Care Council of the Finger Lakes, Inc.
10 State Street
Seneca Falls, NY 13148
Phone: (315) 568-0945
Fax: (315) 568-0978
E-mail: seneca@cccfl.org
Web site: www.cccfl.org

ST. LAWRENCE
St. Lawrence Child Care Council
318 Ford Street
Ogdensburg, NY 13669
Phone: (315) 393-6474
Fax: (315) 394-6809
E-mail: slccc@northnet.org

STEUBEN
Steuben Child Care Project
c/o Pro Action of Steuben and Yates
117 East Steuben Street
Bath, NY 14810
Phone: (607) 776-2126 / (800) 553-2033
Fax: (607) 776-4873
E-mail: sccp@proactioninc.com

Additional Contact for Corning area:
Nonnie Hood Parent Resource Center
300 Civic Center Plaza
Suite 210
Corning, NY 14830
Phone: (607) 936-3837
Fax: (607) 936-1273

SUFFOLK
Child Care Council of Suffolk, Inc.
60 Calvert Avenue
Commack, NY 11725-3228
Phone: (631) 462-0303
Fax: (631) 462-1617
E-mail:
resourcereferral@childcaresuffolk.org
Web site: www.childcaresuffolk.org

SULLIVAN
Sullivan County Child Care Council, Inc.
7 Community Lane
P.O. Box 864
Liberty, NY 12754
Phone: (845) 292-7166
Fax: (845) 292-1755
E-mail: email@scchildcare.com
Web site: www.scchildcare.com

TIOGA
Tioga Child Care Resource and Referral
228 Main Street
Owego, NY 13827
Phone: (607) 687-6721
Fax: (607) 687-6721 (Call first to fax)

TOMPKINS
Day Care and Child Development Council of Tompkins County, Inc.
609 West Clinton Street
Ithaca, NY 14850
Phone: (607) 273-0259
Fax: (607) 273-3141
E-mail: daycare@daycarecouncil.org
Web site: www.daycarecouncil.org

ULSTER
Child Care Council of Ulster County
c/o Family of Woodstock, Inc., P.O. Box 3516
Kingston, NY 12402
Phone: (845) 331-7080
Fax: (845) 331-0526
E-mail: daycare@ulster.net
Web site:
www.familyofwoodstockinc.org/childcare.html

WARREN/WASHINGTON/HAMILTON
Southern Adirondack Child Care Network
383 Broadway
Fort Edward, NY 12828
Phone: (518) 746-2349
Fax: (518) 746-2331
E-mail: saccn@capital.net

WASHINGTON: SEE WARREN

WAYNE
The Child Care Council, Inc.
1173 East Union Street
Newark, NY 14513
Phone: (315) 331-5443 / (800) 201-6402
Fax: (315) 331-5271

WESTCHESTER
Child Care Council of Westchester, Inc.
470 Mamaroneck Avenue
White Plains, NY 10605
Phone: (914) 761-3456 x 102
Fax: (914) 761-1957
E-mail: childcare@cccwny.org
Web site: www.ChildCareWestchester.org

WYOMING: SEE ALLEGANY

APPENDIX D - ROLES AND RESPONSIBILITIES IN THE TRANSITION PROCESS TO PRESCHOOL SPECIAL EDUCATION PROGRAMS AND SERVICES

Designated Staff	Role(s) and Responsibilities in the Transition Process
Early Intervention Official/Designee	
	Decides, in consultation with parents, service coordinators, and service providers, whether it is appropriate to notify the CPSE of the child's potential eligibility for services under Section 4410 of the Education Law. Obtains parental consent for the notice.
	With parent consent, notifies the CPSE of the child's potential eligibility for services under Section 4410 of the Education Law. The notice must be provided at least 120 days prior to the date the child is first age-eligible for preschool special education.
	With parent consent, arranges for a transition conference among the service coordinator, parent, and CPSE chair or designee, at least 90 days prior to the date the child is first age-eligible for preschool special education.
	If a parent chooses not to participate in a transition conference, notifies the parent in writing of the steps that must be taken to have the child evaluated by the CPSE; and, that the child's eligibility for the EIP will end on the child's third birthday, unless the child is evaluated and found eligible for services under Section 4410 of the Education Law before the child's third birthday.
	If parent chooses not to participate in a transition conference, but would like their child referred to the CPSE, with parental consent, refers the child to the CPSE.
	With parent consent, refers the child to the CPSE following the transition conference.
	With parent consent, and when applicable, notifies the CPSE of the parent's decision to have the child remain in the EIP until the child is no longer age-eligible for the EIP.
	Ensures that a transition plan is developed for all children exiting the EIP.
Service Coordinator	Is knowledgeable about services under Section 4410 of the Education Law.
	Attends the transition conference.
	When applicable, helps to ensure the transition from the Early Intervention Program to the CPSE is smooth and seamless.

Designated Staff	Role(s) and Responsibilities in the Transition Process
	Explains the differences between the EIP and preschool special education programs and services available under Section 4410 of the Education Law, the CPSE process, and differences in eligibility between the two programs.
	With parent consent, provides information to the CPSE on what programs and services the child received under the EIP.
	With parent consent, incorporates the transition plan into the IFSP.
	With parent consent, transfers relevant evaluation records to the CPSE.
	May participate in the initial CPSE meeting as the licensed or certified professional from the EIP.
Municipality Representative Serving As A Member of the CPSE	As a member of the CPSE, is knowledgeable about services under Section 4410 of the Education Law and Part 200 Regulations of the Commissioner of Education, the CPSE process, evaluation tools, and best practices in special education programs and services.
	Maintains a list of certified or licensed professionals to deliver related services.
	Shares information on availability of related service providers as per county list.
	Ensures families understand the role of the county in the CPSE process.
	Reviews evaluation material before CPSE meetings.
	Acts as a resource regarding appropriate paperwork (System to Track and Account for Children-STAC and evaluation forms) and timelines for submission of paperwork to SED, the county, school districts, boards of education and provider agencies.
	Communicates with and support the other participants in the CPSE meeting.
	Participates in the development of the IEP for the child.
	Provides information on transportation and arranges payment for services.
Chairperson of the Committee on Preschool Special Education (CPSE) or his or her designee, on behalf of or with the CPSE	Receives notification of child's potential transition to preschool special education.
	Participates in the transition conference to discuss program options, and determine whether a referral is needed due to the child's potential eligibility for preschool special education programs and services.
	Receives a written referral requesting an evaluation of a child suspected of having a disability.

Designated Staff	Role(s) and Responsibilities in the Transition Process
	Provides a procedural safeguards notice to the parents, at a minimum: - upon the initial referral for evaluation - upon each notification of an IEP meeting - upon reevaluation of the child - upon receipt of a request for an impartial hearing.
	Provides a list containing a description of each preschool program which has been approved by the Commissioner to provide evaluations, and is located within the county in which the preschool student resides and adjoining counties, or within the City of New York and adjoining counties.
	Requests and receives written parent consent for a child to be evaluated by the approved evaluator selected by the parent.
	Arranges for the timely evaluation of a child transitioning from the EIP.
	With parental consent, receives and reviews recent evaluation and assessment reports from the EIP.
	Facilitates a meeting of the CPSE to review the results of the evaluation and determine whether the student is eligible for preschool special education programs and services.
	Facilitates the Committee's development of the IEP, including any transportation arrangements for the student to and from the recommended special education programs and services, when appropriate.
	Forwards a written report of the CPSE recommendation to the BOE, parent and municipality in which the preschool student resides including: a statement of the reasons why less restrictive placements were not recommended, when the recommendation is for the provision of special education services in a setting with no regular contact where age-appropriate peers without disabilities are found.
	Arranges for the provider(s) to deliver the preschool special education programs and services for the child when the child transitions to preschool special education programs and services in his or her IEP.
	Conducts the annual review of each preschool student's IEP.

Designated Staff	Role(s) and Responsibilities in the Transition Process
	Declassifies a preschool student who no longer requires special education, or makes a referral to the CSE for evaluation of children who may continue to need special education programs and/or services as a school-age student.
Approved SED Evaluator	Understands federal and state regulations.
	Maintains current knowledge base of criterion and norm-references tests and their reliability and validity with respect to preschool children.
	• Evaluates preschool children suspected of having a disability when selected by the parent, including: with parent consent, and with the CPSE, reviews most recent evaluation report or other assessment or evaluation of a child in transition from the EIP to determine if there is a need for additional evaluations and identify which evaluation components may be needed. • contacts parent to arrange evaluation of child. • with parental consent, conducts the individual evaluation of the preschool student.
	Prepares a report of the assessment and/or evaluation, with a summary portion on a form required by the Commissioner of the State Education Department.
	Describes evaluation results in easy to understand language.
	Transmits the documentation of the evaluation to all members of the CPSE, including the preschool student's parent(s) and to the person designated by the municipality in which the preschool child resides.
	At the request of the preschool student's parent(s) or the school district, participates in the CPSE meeting to review the evaluation report and develop a recommendation to the board of education regarding the preschool student's eligibility and need for special education programs and services.
	Assists in the development of the IEP.
	Answers questions related to the evaluation process.
	Completes a reevaluation of one or more of the evaluation components upon request, following the initial CPSE meeting.

Designated Staff	Role(s) and Responsibilities in the Transition Process
Parent Member of CPSE (The parent of a child with a disability who resides in the school district or a neighboring school district whose child is enrolled in a preschool or elementary level education program. The parent member may not be employed or under contract with the school district or the municipality.)	Participates in the CPSE meeting, unless the child's parent requests the additional parent member not participate.
	Supports the parent of the preschool student suspected of having a disability.
	Assists in ensuring that the parent understands the CPSE process and feels comfortable.
	Asks questions to assist parents in understanding the discussion at the CPSE meeting.
	Knows Least Restrictive Environment (LRE) policies, placement options and community services.
	Participates in the discussions involving eligibility, IEP development and LRE considerations.
	Shares personal experiences as appropriate.
Parent of Child Transitioning	Makes sure all parent concerns are addressed.
	Becomes informed about and is encouraged to participate in the transition conference and/or the transition process.
	Becomes informed about the differences between the Early Intervention Program and preschool special education, including the differences in services and eligibility.
	Makes timely decisions and provides timely consents for notice and referral to the school district, if appropriate, to ensure the child is evaluated and eligibility for services under Section 4410 of the Education Law is determined prior to the child's third birthday.
	Works with the service coordinator to identify and consent to the transmittal of EIP evaluation records to the CPSE, to assist in the CPSE evaluation and eligibility determination process.
	Makes informed decision about whether a CPSE-eligible child will remain in the EIP or begin CPSE services at the child's third birthday.

APPENDIX E - SUMMARY OF PARENT CONSENTS FOR THE TRANSITION PROCESS AND SAMPLE PARENT CONSENT FORMS

Parent Consent Requirement	Date Requested	Date Received
Written consent to notify the school district in which the child resides of the child's potential eligibility for services under Section 4410 of the Education Law (notification must be completed at least 120 days prior to the date the child is first eligible for such services). 10 NYCRR 69-4.20(b)		
Written consent for the Early Intervention Official to arrange for a transition conference (the transition conference must be convened at least 90 days prior to the date the child is first eligible for services under Section 4410 of Education Law or the child's third birthday, whichever is first). 10 NYCRR 69-4.20(b)(3)		
Written consent to refer the child to the Committee on Preschool Special Education, in the school district where the child resides.		
Written consent for evaluation of the child by the CPSE. Part 200.5(b)(1)(i)		
Written consent to allow the service coordinator to forward evaluation and other EIP records for review by the CPSE, to assist in completion of the child's evaluation by the CPSE. 10 NYCRR 69-4.20(b)(2) [3]		
Written consent to incorporate the transition plan into the IFSP. 10 NYCRR 69-4.20(a)(2)(iii)		
Written consent for the IEP. Part 200.16(g)(7)(Part 200.5(b)(1)(ii)		
If the child will continue in the EIP, written consent to continue the services in the IFSP until the child is no longer age eligible, or until the date at which the parent elects to transition the child, if earlier. 10 NYCRR 69-4.11(a)(8)		
Written consent to notify the school district that the child will remain in the EIP until the child ages out. 10 NYCRR 69-4.20(d)		
Written consent to transmit EIP records to providers of preschool special education programs and services, at the time the child transitions to these services. 10 NYCRR Section 69-4.17(c)(5) [4]		

[3] Parents have the right to sign either a general release or selective release, which specifies by name or category those individuals to whom information may be disclosed.

[4] Parents have the right to choose which records and reports, if any, are transmitted to the CPSE.

Appendix E

SAMPLE CONSENT FORM
<NAME OF COUNTY> - EARLY INTERVENTION PROGRAM

CONSENT FORM FOR TRANSITION NOTICE

DATE:	
Child's Name Last First	EI #:
Name of Parent/Legal Guardian: Last First	Phone No.
Home Address:	School District:
Service Coordinator:	Phone No.
Early Intervention Official/Designee:	Phone No.
CPSE Chair:	Phone No.

Please Read

I understand that to ensure my child continues to receive services on and after his/her third birthday, s/he must be referred to, evaluated by, and before his/her third birthday, found eligible for preschool special education programs and services by the Committee on Preschool Special Education of my local school district (the district in which my child resides).

I understand that as of my child's third birthday, my child will no longer be eligible for the Early Intervention Program unless s/he has been found eligible for preschool special education programs and services. **EIP services will end the day before my child turns three years old**.

Consent to Notify the School District

☐ **I give my consent to the <Name of County> Early Intervention Program** to notify my school district that my child may be eligible for preschool special education programs and services.

☐ **I do NOT give the <Name of County> Early Intervention Program consent** to notify school district that my child may be eligible for preschool special education programs and services under Section 4410 of the Education Law**. I understand that my child must be referred to, evaluated by, and before the day s/he turns three years of age, be found eligible by the CPSE for services, to continue to receive Early Intervention Program services on and after s/he turns three years of age.**

Parent Name Parent Signature Date

Appendix E

SAMPLE CONSENT FORM
<NAME OF COUNTY> - EARLY INTERVENTION PROGRAM

CONSENT FORM FOR TRANSITION CONFERENCE

DATE:	
Child's Name: Last First	EI #:
Name of Parent/Legal Guardian:	Phone No.
Home Address:	School District:
Service Coordinator:	Phone No.
Early Intervention Official/Designee:	Phone No.
CPSE Chair:	Phone No.

Please Read

I understand that to ensure my child continues to receive services on and after his/her third birthday, s/he must be referred to, evaluated by, and, before his/her third birthday, found eligible for preschool special education services the Committee on Preschool Special Education of my local school district (the district in which child resides).

I understand that as of my child's third birthday, my child will no longer be eligible for the Early Intervention Program unless s/he has been found eligible for preschool special education programs and services. **EIP services will end the day before my child turns three years old**.

Consent to Convene a Transition Conference

☐ **I give my consent to the <Name of County> Early Intervention Program** to arrange a transition conference, which will include the EIO, my service coordinator, and chairperson of the CPSE or his/her designee, to discuss my child's referral to the CPSE, program and service options, and develop a transition plan. I also consent to the following agency(ies) or individual(s) attending: _____ _____.

☐ I do NOT wish to have the <Name of County> Early Intervention Program convene a transition conference. I understand that my child must be referred to, evaluated by, and, before the day s/he turns three years of age, be found eligible by the CPSE for services, to continue to receive Early Intervention Program services on and after s/he turns three years of age.

_____

Parent Name Parent Signature Date

Appendix E

SAMPLE CONSENT FORM
<NAME OF COUNTY> - EARLY INTERVENTION PROGRAM

CONSENT FORM FOR REFERRAL TO THE COMMITTEE ON PRESCHOOL SPECIAL EDUCATION

DATE:	
Child's Name: Last First	EI #:
Name of Parent/Legal Guardian:	Phone No.
Home Address:	School District:
Service Coordinator:	Phone No.
Early Intervention Official/Designee:	Phone No.
CPSE Chair:	Phone No.

Please Read

I understand that to ensure my child continues to receive services on and after his/her third birthday, s/he must be referred to and evaluated by the Committee on Preschool Special Education of my local school district (the district in which my family resides).

I understand that as of my child's third birthday, my child will no longer be eligible for the EIP unless s/he has been found eligible for services under Section 4410 of the Education Law. **EIP services will end the day before my child turns three years old**.

CONSENT FOR REFERRAL TO THE COMMITTEE ON PRESCHOOL SPECIAL EDUCATION

☐ I give my consent to <Name of County> Early Intervention Program to refer my child to the CPSE of the school district in which my child resides for an evaluation to determine whether s/he is eligible for preschool special education programs and services.

☐ **I do NOT give** the <Name of County> Early Intervention Program my consent to refer my child to the CPSE of the school district in which my child resides for an evaluation to determine whether s/he is eligible for preschool special education programs and services. **I understand that my child must be referred to, evaluated by, and, before the day s/he turns three years of age, be found eligible by the CPSE for services, to continue to receive Early Intervention Program services on and after s/he turns three years of age**. **I understand that I may directly refer my child for an evaluation by the CPSE, and that other individuals may also refer my child to the CPSE. I understand that if I choose to refer my child directly, I must refer my child within enough time (CPSE is required to make decisions within 30 school days from receipt of referral) for the CPSE to decide whether my child is eligible for services under Section 4410 of the Education Law by the day before s/he turns three years old if I want my child to continue to receive Early Intervention Program services on and after s/he turns three years of age.**

Parent Name Parent Signature Date

Appendix E

SAMPLE FORM
<NAME OF COUNTY> - EARLY INTERVENTION PROGRAM

CONSENT FORM FOR TRANSMITTAL OF EIP EVALUATIONS AND RECORDS TO THE CPSE

DATE:	
Child's Name: Last First	EI #:
Name of Parent/Legal Guardian: Last First	Phone No.
Home Address:	School District:
Service Coordinator:	Phone No.
Early Intervention Official/Designee:	Phone No.
CPSE Chair:	Phone No.

Please Read

I understand that the CPSE may use evaluation reports and other EIP records, which I may choose to share, as part of the CPSE evaluation process. I decide what records to share, if any. If I consent to share these records, the CPSE will review them and will decide if other evaluations are necessary to decide if my child is eligible for preschool special education programs and services. I understand that if the CPSE asks for more evaluations, I will be asked for my consent to evaluate my child. I understand that if I do not consent to evaluations asked for by the CPSE, and my child is not evaluated by the CPSE and is not determined eligible for preschool special education programs and services by my child's third birthday, EIP services will end the day before my child turns three years old.

Consent to Transmit EIP Evaluation and Program Records to the CPSE

☐ **I give my consent to the <Name of County> Early Intervention Program** to transmit the attached list of EIP reports and records to the CPSE of the school district in which my child resides.

☐ **I do NOT give the <Name of County> Early Intervention Program consent** to transmit EIP records and reports to the CPSE to the school district in which my child resides**. I understand that my child must be referred to, evaluated by, and, before the day s/he turns three years of age, be found eligible by the CPSE for services, to continue to receive Early Intervention Program services on and after s/he turns three years of age.**

Parent Name Parent Signature Date

APPENDIX F – ELIGIBILITY AND TRANSITION DATES

MONTH IN CALENDAR YEAR CHILD TURNS 3 YEARS ***ELIGIBILITY FOR 4410 MUST BE ESTABLISHED BEFORE THE DATE IN THIS MONTH WHEN THE CHILD TURNS 3***	**DATE CHILD FIRST ELIGIBLE FOR 4410 SERVICES**	**NOTICE TO CPSE AT LEAST** ***120 DAYS BEFORE CHILD IS FIRST ELIGIBLE FOR 4410 SERVICES***	**Transition Conference Convened** ***At least 90 Days Before the Child is First Eligible for 4410 Services***	****LAST MONTH RECOMMENDED FOR REFERRAL TO CPSE TO ENSURE ELIGIBILITY DETERMINATION BEFORE AGE THREE*** **(APPROXIMATELY 90 DAYS BEFORE CHILD TURNS THREE)**	**LAST DATE FOR A CHILD** ***FOUND ELIGIBLE FOR 4410 SERVICES*** **TO RECEIVE EIP SERVICES**
(Born January 1-June 30) January February March April May June	Year Turning 3 January 2nd	Preceding Calendar Year September 2nd	Month in *Preceding* Calendar Year October 1st	*Note: Referrals must be made in time to ensure eligibility determination before age 3* October *Preceding* Year November *Preceding* Year December *Preceding* Year January *Year Turning 3* February *Year Turning 3* March *Year Turning 3*	*Year Turning 3* August 31st
(Born July 1-August 31) July August	*Year Turning 3* July 1st	*Year Turning 3* March 1st	*Year Turning 3* April 1st	April *Year Turning 3* May *Year Turning 3*	*Year Turning 3* August 31st
(Born September 1-December 31) September October November December	*Year Turning 3* July 1st	*Year Turning 3* March 1st	*Year Turning 3* April 1st	June *Year Turning 3* July *Year Turning 3* August *Year Turning 3* September *Year Turning 3*	*Year After Turning 3* January 1st

*Date mentioned by law, with the exception of the last month for referral. Although by law, the CPSE must act within 30 school days of referral, 90 days is recommended to ensure adequate processing time. Some localities may require transition process steps for example, referral to be placed at an earlier time, to insure timely determination of eligibility by the CPSE.

APPENDIX G - SAMPLE TRANSITION NOTICE

<Name of County> - Early Intervention Program

TRANSITION NOTICE

Dear <Name of Parent or Legal Guardian>:

Your child will turn three years old soon, and may be eligible for preschool special education. If your child is found eligible for preschool special education, you have two choices:

- Your child can start preschool special education on January 2nd <July 1st>; <Sept. 1st> **OR**.
- Your child can stay in EIP services until August 31st <January 1st>, and start preschool special education in September <January>.

It is possible that your child will *not* meet the criteria for preschool special education. In this case, your child's EIP services will end the day before your child turns three years old. Your service coordinator will help you plan the next steps for your family.

Only the Committee on Preschool Special Education (CPSE) of your local school district can decide if your child is eligible for preschool special education.

This notice tells you about the steps you, the Early Intervention Program, and the CPSE must take to find out if your child meets the criteria for preschool special education. These steps include:

- informing the CPSE your child might be eligible for preschool special education;
- meeting, if you choose to do so, with your Early Intervention Official or Designee, service coordinator, and CPSE chair or designee (this meeting is optional);
- referring your child to the CPSE; and
- having your child evaluated by the CPSE.

If your child is not evaluated by the CPSE and is not found eligible for services by the CPSE before your child turns three years old, your child's EIP services will end *the day before your child turns three years old*.

Please read this carefully. Your service coordinator can answer any questions you may have.

Remember, the CPSE must decide if your child is eligible *before your child turns three years old,* to be sure that your child gets the services s/he needs.

TRANSITION NOTICE –Steps To Transition

- The Early Intervention Program (EIP) must tell your school district that your child may be eligible for preschool special education programs and services. You will be asked to give your consent for this step. The EIP can only take this step with your consent.

- The Early Intervention Official or Designee (EIO/D) must give you the chance to meet with the EIO/D, your service coordinator, and the chairperson of the CPSE (or his/her designee). If your child is already receiving, or may need additional services from another state agency, it may be appropriate to have a representative from that agency attend as well. This meeting is called a transition conference.

- You decide if you would like a transition conference. You will be asked to give your consent to the EIP for this conference to take place. ***If you would like a conference, your consent is needed for the EIO/D to arrange the conference***.

- The conference must take place at a time and location good for all participants. The conference can take place by telephone.

- The main goals for the transition conference are to:
    - talk about your child's referral to the CPSE and CPSE evaluation process;
    - answer any questions you may have;
    - review the options for your child and family; and,
    - develop a transition plan.

- If you choose not to have a transition conference, the EIO/D still can refer your child to the school district CPSE.
    - You will be asked for your consent to refer your child. The EIO/D can only take this step with your consent.
    - Your consent will be needed in enough time for all other steps to be taken, and for the CPSE to make a decision about your child's eligibility for preschool special education services before your child's third birthday.
    - **Otherwise, EIP services will end the day before your child's third birthday.**

- You can directly refer your child to the CPSE in your school district. In addition, your child's service provider, health care provider, or other person concerned about your child can refer your child to the CPSE in your child's school district. If you directly refer your child, or someone else refers your child, your child must be evaluated by the CPSE, and the CPSE must make a decision about your child's eligibility for preschool special education programs and services *before your child turns three years old*. ***Otherwise, EIP services will end on the day before your child's third birthday***.

- Once your child is referred, the CPSE will contact you to tell you about how to get your child evaluated. ***The CPSE will ask for your consent to evaluate your child***.

- **Sign and return the consent form *right away.*** The CPSE must have enough time after they get your consent to evaluate your child and decide whether your child is eligible for preschool special education before your child turns three. The CPSE will contact you to arrange for your child's evaluation.
- If you do not sign and return the consent to evaluate your child, the CPSE will contact you to be sure you received and understood the materials.
- Just as you are a member of your IFSP team, you will also be a member of the CPSE ***for your child***.
- The CPSE must make a decision, and provide a recommendation to the board of education, within ***30 school days*** of getting your consent to evaluate your child. Since your child's EIP services will end on the day before his or her third birthday unless the CPSE decides your child is eligible for preschool special education before your child turns three, it is very important that you return the consent to let the CPSE evaluate your child with enough time for the CPSE to make a decision.
- Your child's EIP records can be used by the CPSE to decide how to evaluate your child. Your service coordinator will work with you to identify evaluation reports and records from the EIP that may be helpful. Your child may not need additional evaluations for the CPSE to make a decision. Your service coordinator ***will need your consent*** to provide the CPSE with EIP evaluation reports and records that may be helpful.
- If you give consent to provide EIP records to the CPSE, and the CPSE decides an additional evaluation is needed, the CPSE will ask for your consent to evaluate your child. Your consent will be needed for the CPSE to evaluate your child and decide if your child is eligible for preschool special education.

- ❑ If your child is eligible for preschool special education, an individual education plan (IEP) will be developed for your child.
  - The CPSE will explain the differences between your child's IEP and IFSP.
  - You can choose to begin preschool special education programs and services, or, to stay in the EIP until your child ages out of the EIP.
  - If you decide to have your child stay in the EIP, you can choose to leave the EIP and start your child in preschool special education programs and services at any time.
  - A transition plan for your child will be made.
- ❑ If your child is *not* eligible for preschool special education, EIP services will end the day before your child turns three years old.
  - A transition plan for your child will be made.
  - If your child and family need other services, the plan will include these services, and steps to help you get these services.

Due Process Procedures

- ❑ If you disagree with the CPSE, or if you sent in your consent to have the CPSE evaluate your child with enough time for the CPSE to make a decision on whether your child is eligible for preschool special education services before your child turns

three, and the CPSE does not complete its work on time you have due process rights under the Education Law. You can:

- Contact your VESID Special Education Quality Assurance Regional Office for clarification or technical assistance.
- Ask for a mediation or impartial hearing on the CPSE decision, or if they did not make a decision on time.
- Your child has the right to get the services you agree on with the CPSE, while you are waiting for a final decision to be made.
- If you and the CPSE cannot agree about the services needed by your child, an impartial hearing officer will decide what services your child must receive during this time.

- If you gave your consent to the EIO to notify the school district and refer your child to the CPSE but the EIO does not notify the school district and refer your child to the CPSE, you have due process rights under Public Health Law, including mediation and impartial hearing. However, these due process rights are only available ***if YOU gave the EIP consent in time to***:

  - inform the school district of your child's potential eligibility for preschool special education;
  - arrange for a transition conference (unless you tell the EIP you do not want a transition conference); and
  - refer your child to the CPSE with enough time for the CPSE to make a decision, before your child turns three, on whether your child is eligible for preschool special education services.

APPENDIX H - STATE EDUCATION DEPARTMENT REGIONAL ASSOCIATES

NEW YORK STATE EDUCATION DEPARTMENT
VESID SPECIAL EDUCATION QUALITY ASSURANCE

WESTERN REGIONAL OFFICE

NYS Education Department
VESID Special Education Quality Assurance
2A Richmond Avenue
Batavia, NY 14020
(585) 344-2002, ext. 420
(585) 344-2442 (fax)

HUDSON VALLEY REGIONAL OFFICE

NYS Education Department
VESID Special Education Quality Assurance
1950 Edgewater Street
Yorktown Heights, NY 10598
(914) 245-0010
(914) 245-2952 (fax)

CENTRAL REGIONAL OFFICE

NYS Education Department
VESID Special Education Quality Assurance
State Office Building
333 East Washington Street, Suite 527
Syracuse, NY 13202
(315) 428-3287
(315) 428-3286 (fax)

LONG ISLAND REGIONAL OFFICE

NYS Education Department
VESID Special Education Quality Assurance
The Kellum Educational Center
887 Kellum Street
Lindenhurst, NY 11757
(631) 884-8530
(631) 884-8540 (fax)

EASTERN REGIONAL OFFICE

NYS Education Department
VESID Special Education Quality Assurance
Room 1623 One Commerce Plaza
Albany, NY 12234
(518) 486-6366
(518) 486-7693 (fax)

NEW YORK CITY OFFICE

NYS Education Department
VESID Special Education Quality Assurance
55 Hanson Place, Room 545
Brooklyn, NY 11217-1580
(718) 722-4544
(718) 722-2032 (fax)

APPENDIX I - TRANSITION ROLES AND RESPONSIBILITIES FOR CHILDREN IN FOSTER CARE

Transition Planning for All Children in Foster Care

EI Ongoing Service Coordinator:

- Explains transition process to parent/surrogate parent and LDSS Foster Care Caseworker.
- Sets up a meeting to discuss the transition plan to preschool or other early childhood services.
- Participates in the IFSP and other meetings to discuss and plan for transition.
- If applicable, includes in the IFSP steps to be taken supporting the potential transition. The plan for transition should include procedures to prepare the child and family for changes in service delivery or to other appropriate early childhood and supportive services.
- Reviews information concerning the transition process with the parent/surrogate parent and LDSS Foster Care Caseworker.
- Links the child and parent/surrogate parent to other community services the child is potentially eligible for.
- Obtains parental consent for the transfer of appropriate evaluations, assessment, IFSP, and other pertinent records.

LDSS Foster Care Caseworker:

- Coordinates with the EI Ongoing Service Coordinator and the parent/surrogate parent on the referral process.
- Notifies the EIO/D and EI Ongoing Service Coordinator that the referral has been made.
- Attends the IFSP meeting and transition conference meeting.
- Documents the foster care record with the child's plan for transition from the EIP and discharge activities.
- In coordination with EI Ongoing Service Coordinator, facilitates the child's transition from the EIP as necessary.

For children potentially eligible for the Preschool Special Education Program

EIO/Designee:

- Discusses with the parent/surrogate parent the transition process.
- Notifies the LDSS Foster Care Caseworker and parent/surrogate of procedures to determine whether the child is eligible for services under Section 4410 of the NYS Education Law, which serves children ages 3-5 years with disabilities and developmental delay.
- Coordinates with the LDSS Caseworker to work with the parent/surrogate parent to develop a transition plan.
- For children referred to the CPSE, obtains parent/surrogate consent to transfer evaluations, assessments, IFSPs and other pertinent early intervention records to the CPSE.

- Arranges for a transition conference, with parent/surrogate consent, with the service coordinator, the parent/surrogate parent, and the chairperson of the committee on preschool special education or designee to review the child's program options and to establish a transition plan, if appropriate.
- Invites the local social services commissioner/designee to participate in the transition conference.

Board Of Education/CPSE:

- CPSE requests written consent from the parent to conduct the individual evaluation.
- The board of education (BOE) must adhere to the Regulations of the Commissioner of Education Part 200, in the appointment of a surrogate parent to act in place of parents or guardians when a student's parents or guardians are not known, or when after reasonable efforts, the board of education can not discover the whereabouts of a parent or, the student is a ward of the State. The BOE appoints from the list of surrogate parents kept by the Board.
- With parental consent, the chairperson of the CPSE or designee participates in a transition conference with the parent/surrogate parent, service coordinator, to review program options for the child. (Note: the transition conference may also be an IFSP meeting and may be combined with the initial CPSE meeting.)

APPENDIX J - DEVELOPMENTAL DISABILITIES SERVICES OFFICES (DDSOS)

Office of Mental Retardation and Developmental Disabilities (OMRDD) operates 13 Developmental Disabilities Services Offices (DDSOs) responsible for providing such programs in one or more counties. These offices seek to provide specially designed person-centered assistance to each individual with developmental disabilities as requested by that person or by his or her family.

Western New York DDSO
Serving Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, & Orleans Counties

Main Office
1200 East & West Road
West Seneca, NY 14224
Phone: (716) 674-6300
Fax: (716) 674-7488

Satellite Offices:
216 East Main St.
Batavia, NY 14020
Phone: (585) 343-4474
and
700 West State Street
Olean, NY
Phone: (716) 373-1577

Finger Lakes DDSO
Serving Chemung, Livingston, Monroe, Ontario, Schuyler, Seneca, Steuben, Wayne, Wyoming & Yates Counties

Administrative Offices & Developmental Center
620 Westfall Road
Rochester, NY 14620
Phone: (800) 797-7650 & (585) 461-8500
Fax: (585) 461-8576

Central New York DDSO
Serving Cayuga, Cortland, Herkimer, Lewis, Madison, Oneida, Onondaga, & Oswego Counties

Rome Administrative Office
Box 550
101 West Liberty Street
Rome, NY 13442
Phone: (315) 336-2300
Fax: (315) 339-5456

Syracuse Administrative Office
PO Box 1024, 800 South Wilbur Avenue
Syracuse, NY 13204
Phone: (315) 473-5050
Fax: (315) 473-5053

Broome DDSO
Serving Broome, Chenango, Delaware, Otsego, Tioga, & Tompkins Counties

Administrative Offices & Developmental Center
249 Glenwood Road
Binghamton, NY 13905
Phone: (607) 770-0211 & (607) 770-0255
Fax: (607) 770-4491

Sunmount DDSO
Serving Clinton, Essex, Franklin, Hamilton, Jefferson, & St. Lawrence Counties

Administrative Offices & Developmental Center
2445 State Route 30
Tupper Lake, NY 12986
Phone: (518) 359-3311
Fax: (518) 359-2276

Capital District DDSO
Serving Albany, Fulton, Montgomery, Rensselaer, Saratoga, Schenectady, Schoharie, Warren, & Washington Counties

Main Office (Schenectady)
Oswald D. Heck Developmental Center
500 Balltown Road
Schenectady, NY 12304
Phone: (518) 370-7370
Fax: (518) 370-7401

Taconic DDSO
Serving Columbia, Dutchess, Greene, Putnam, & Ulster Counties

Administrative Offices & Developmental Center
Taconic Developmental Center
26 Center Circle
Wassaic, NY 12592
Phone: (845) 877-6821
Fax: (845) 877-9177

Hudson Valley DDSO
Serving Westchester, Orange, Rockland, & Sullivan Counties

Main Office
Administrative Building
2 Ridge Road
PO Box 470
Thiells, NY 10984
Phone: (845) 947-6000
Fax: (845) 947-6004

Long Island DDSO
Serving Nassau & Suffolk Counties

Administrative Offices
45 Mall Drive
Suite 1
Commack, NY 11725
Phone: (631) 493-1704
Fax: (631) 493-1865

Community Office
415-A Oser Avenue
Hauppauge, NY 11788
Phone: (631) 434-6000
Fax: (631) 434-6040

Metro New York DDSO
Serving Bronx & Manhattan Counties

Administrative Offices
75 Morton Street
New York, NY 10014
Phone: (212) 229-3000
Fax: (212) 924-0580

Metro NY DDSO Bronx Division
2400 Halsey Street
Bronx, NY 10461
Phone: (718) 430-0700
Fax: (718) 430-0745

Serving Queens County

Administrative Offices & Developmental Center
Hillside Complex
80-45 Winchester Boulevard
Building #12
Queens Village, NY 11427
Phone: (718) 217-4242
Fax: (718) 217-4724

Howard Park Unit
155-55 Crossbay Boulevard
Howard Beach, NY 11414
Phone: (718) 217-4242
Fax: (718) 641-8290

Brooklyn DDSO
Serving Kings County

Administrative Offices & Developmental Center
888 Fountain Avenue
Brooklyn, NY 11208
Phone: (718) 642-6000 (days)
Phone: (718) 642-6151 (evenings)
Fax: (718) 642-6282

Community Services Administration
888 Fountain Avenue
Building 1
Brooklyn, NY 11208
Phone: (718) 642-8651
Fax: (718) 642-8683

Staten Island DDSO

Serving Richmond County
1150 Forest Hill Road
Staten Island, NY 10314
Phone: (718) 983-5200
Fax: (718) 983-9768

Satellite Office
930 Willowbrook Road
Staten Island, NY 10314
Phone: (718) 983-5415
Fax: (718) 983-5277

Institute for Basic Research in Developmental Disabilities
1050 Forest Hill Road
Staten Island New York 10314-6330
Phone: (718) 494-0600 & (718) 494-5117
Fax: (718) 494-0833 & (718) 698-3803

APPENDIX K - OTHER PROGRAMS AND RESOURCES FOR YOUNG CHILDREN AND THEIR FAMILIES

SPECIAL EDUCATION TRAINING AND RESOURCE CENTERS (SETRCS)

SETRCs provide coaching and technical assistance to school districts based on the district's needs. There are 42 SETRC offices located throughout the state at each of the BOCES (except Western Suffolk BOCES) and in five major cities in the state. Many of the SETRCs have resource centers housing materials on a variety of topics related to disabilities that can be borrowed.

Albany Capital Region BOCES SETRC Maywood School 1979 Central Avenue Albany, NY 12205 Phone:(518) 464-6356 Fax:(518) 464-6369	**Auburn** Cayuga-Onondaga BOCES SETRC 5890 South Street Road Auburn, NY 13021 Phone:(315) 253-0361 Fax:(315) 255-3859
Bath Steuben-Allegany BOCES SETRC Bath High School - Room 438 25 Ellas Avenue Bath, NY 14810 Phone:(607) 776-6327 Fax:(607) 776-6398	**Binghamton** Broome-Delaware-Tioga BOCES SETRC 435 Upper Glenwood Road Binghamton, NY 13905-1699 Phone:(607) 763-3362 Fax:(607) 763-3474
Broadalbin Hamilton-Fulton-Montgomery BOCES SETRC 14 School Street Broadalbin, NY 12025 Phone:(518) 883-6510 Fax:(518) 883-6509	**Buffalo** Buffalo City SETRC 85 Military Road Buffalo, NY 14207 Phone:(716) 871-6074 Fax:(716) 871-6055
Castleton Questar III BOCES SETRC 10 Empire State Blvd. Castleton, NY 12033 Phone:(518) 477-8771 Fax:(518) 479-3230	**Cheektowaga** Erie I BOCES SETRC 1050 Maryvale Drive Cheektowaga, NY 14225 Phone:(716) 630-4240 or (716) 630-4721 Fax:(716) 630-44716

Elmira Schuyler-Chemung-Tioga BOCES SETRC Instructional Support Center Bldg. 11 459 Philo Road Elmira, NY 14903 Phone:(607) 739-3581 x2455 Fax:(607) 795-5310	**Elmsford** Westchester 2 BOCES SETRC Instructional Services Department 2 Westchester Plaza Elmsford, NY 10523 Phone:(914) 345-8500 Fax:(914) 347-7304
Fairport Monroe 1 BOCES SETRC 15 Linden Park Fairport, NY 14625 Phone:(585) 249-7024 Fax:(585) 218-6267	**Fort Edward** Washington-Saratoga-Warren-Hamilton- Essex BOCES SETRC 27 Glik Road Saratoga Springs, NY 12866 Phone:(518) 746-3820 Fax:(518) 746-3823
Fredonia Erie 2 Chautauqua-Cattaraugus BOCES SETRC LoGuidice Center D Building Fredonia, NY 14063 Phone:(716) 672-4371 x2057 or x22057 Fax:(716) 672-2368	**Herkimer** Herkimer-Fulton-Hamilton-Otsego BOCES SETRC 352 Gros Boulevard Herkimer, NY 13350-1499 Phone:(315) 867-2082 Fax:(315) 867-2087
Ithaca Tompkins-Seneca-Tioga BOCES SETRC 555 Warren Road Ithaca, NY 14850 Phone:(607) 257-1551 x276 Fax:(607) 266-0611	**LeRoy** Genesee Valley BOCES SETRC 80 Munson Street LeRoy, NY 14482 Phone:(585) 344-7545 Fax:(585) 344-7538
Liberty Sullivan BOCES SETRC 6 Wierk Avenue Liberty, NY 12754 Phone:(845) 292-0082 x131 Fax:(845) 292-8694	**Mexico** Oswego BOCES SETRC County Route 64 Mexico, NY 13114 Phone:(315) 963-4320 Fax:(315) 963-4369
Monroe Orange-Ulster BOCES SETRC Harriman Learning Center 163 Harriman Heights Road Monroe, NY 10950 Phone:(845) 781-4363 x10788 Fax:(845) 774-8358	**Newark** Ontario-Seneca-Yates-Cayuga-Wayne BOCES SETRC 131 Drumlin Court Maple Bldg. Newark, NY 14531 Phone:(315) 332-7500 Fax:(315) 332-7380

New Hartford Oneida-Herkimer-Madison BOCES SETRC Box 70 Middle Settlement Road New Hartford, NY 13413 Phone:(315) 793-8614 Fax:(315) 736-4427	**New Paltz** Ulster BOCES SETRC Instructional Services 175 Route 32 North New Paltz, NY 12561 (845) 255-1402 x1374 Fax:(845) 255-3836
New York New York City SETRC Central Office 52Chambers Street, Room 2-08 New York, NY 10007 Phone:(212) 374-0339 Fax: (212) 374-5901	**Norwich** Delaware-Chenango BOCES SETRC 6678 County Road 32 Norwich, NY 13815 Phone:(607) 335-1320 Fax:(607) 336-8201
Norwood St. Lawrence-Lewis BOCES SETRC Learning Resource Center 7229 State Highway 56 Norwood, NY 13668 Phone:(315) 353-6175 Fax:(315) 353-2978	**Olean** Cattaraugus-Allegany-Erie-Wyoming BOCES SETRC 1825 Windfall Road Olean, NY 14760 Phone:(716) 376-8224 Fax:(716) 376-8448
Plattsburg Clinton-Essex-Warren-Washington BOCES SETRC Box 455 Plattsburg, NY 12901 Phone:(518) 561-0100 x309 Fax:(518) 561-5624	**Poughkeepsie** Dutchess BOCES SETRC 900 Dutchess Turnpike Poughkeepsie, NY 12603 Phone:(845) 486-4840 x3023 Fax:(845) 483-3648
Rochester Rochester City SETRC Central Administrative Offices 131 West Broad Street Rochester, NY 14614 Phone:(585) 262-8710 Fax:(585) 262-8611	**Sanborn** Orleans-Niagara BOCES SETRC Conference Center 4124 Saunders Settlement Road Sanborn, NY 14132 Phone:(716) 731-4176 or 1-800-836-7510 Fax:(716) 731-2148
Saranac Lake Franklin-Essex-Hamilton BOCES SETRC Adirondack Educational Center 711 State Route 3 Saranac Lake, NY 12983 Phone:(518) 891-1330 Fax:(518) 891-6043	**Spencerport** Monroe 2 - Orleans BOCES SETRC 3599 Big Ridge Road Spencerport, NY 14559 Phone:(585) 352-2443 Fax:(585) 352-2659

Stamford Otsego-Northern Catskills BOCES SETRC Cyr Center Stamford, NY 12167 Phone:(607) 652-1240 Fax:(607) 652-1264	**Syracuse** Onondaga-Cortland-Madison BOCES SETRC PO Box 4774 Syracuse, NY 13221 Phone:(315) 433-2645 Fax:(315) 431-8495
Syracuse Syracuse City SETRC Teacher Center 1153 W. Fayette Street - 2nd Floor Syracuse, NY 13204 Phone:(315) 435-4685 Fax: (315) 435-4218	**Verona** Madison-Oneida BOCES SETRC 4937 Spring Road PO Box 168 Verona, NY 13478 Phone:(315) 361-5827 Fax:(315) 361-5595
Wantagh Nassau County BOCES SETRC Rosemary Kennedy School 2850 North Jerusalem Road Wantagh, NY 11793 Phone:(516) 396-2989 Fax:(516) 396-2986	**Watertown** Jefferson-Lewis-Hamilton-Herkimer-Oneida BOCES SETRC Arsenal Street Road 20104 NYS Route 3 Watertown, NY 13601 Phone:(315) 779-7100 Fax:(315) 779-7109
West Hampton Beach Eastern Suffolk BOCES SETRC West Hampton Beach Center De Feo Bldg. 215 Old Riverhead Road West Hampton Beach, NY 11978 Phone:(631) 288-7186 Fax:(631) 288-5868	**West Nyack** Rockland BOCES SETRC 65 Parrott Road - Bldg. #10 West Nyack, NY 10994 Phone:(845) 627-4726 Fax:(845) 623-3343
Yonkers Yonkers City SETRC Yonkers Public Schools Annex 1109 North Broadway Yonkers, NY 10701 Phone:(914) 376-8689 Fax:(914) 964-5361	**Yorktown Heights** Putnam-North Westchester BOCES SETRC 200 BOCES Drive Yorktown Heights, NY 10598 Phone:(914) 248-2289 Fax:(914) 248-2288

BILINGUAL SPECIAL EDUCATION RESOURCES NETWORK

Staff development, technical assistance and tuition assistance for teachers working with children and students with disabilities who speak a language other than English in grade levels from pre-kindergarten through grade 12.

Albany
Capital Region BOCES SETRC
Maywood School
1979 Central Avenue
Albany, NY 12205
Phone: (518) 464-6355
Fax: (518) 464-6369
E-mail: EChernof@gw.neric.org

Brooklyn
Bilingual Psychological and Educational Assessment Support Center (Brooklyn College)
2900 Bedford Avenue
1105 James Hall
Brooklyn, NY 11210
Phone:(718) 951-5876
Fax:(718) 951-4816
Graciela Elizalde-Utnick, Co-director
E-mail: gutnick@brooklyn.cuny.edu
Web site:
www.qc.edu/ECP/bilingualcenter/

Buffalo
Buffalo City SETRC
85 Military Road
Buffalo, NY 14207
Phone:(716) 871-6074
Fax:(716) 871-6055

Flushing
Bilingual Psychological and Educational Assessment Support Center (Queens College)
65-30 Kissena Boulevard
Flushing, NY 11367
Phone:(718) 997-5234
Fax:(718) 997-5248
E-mail: lopez@cedx.com
Web site:
www.qc.edu/ECP/bilingualcenter/

New York
Teacher Center SETRC Staff
52 Broadway, 18th Floor
New York, NY 10004
Phone:(212) 475-3737
E-mail: llaviena@nycboe.net

Rochester
Rochester City SETRC
131 West Broad Street
Rochester, NY 14614
Phone:(585) 262-8710
Fax:(5856) 262-8611
E-mail: lourdes.odell@rcsdk12.org

Syosset
Early Childhood Direction Center
47 Humphrey Drive
Syosset, NY 11791
Phone:(516) 364-8580
Fax:(516) 921-2354
E-mail: nausaecdc@vclc.org

Syracuse
Syracuse City SETRC
1153 W. Fayette Street - 2nd Floor
Syracuse, NY 13204
Phone:(315) 435-6527
Fax:(315) 435-4218
E-mail: cjohns44@scsd.us

West Hampton Beach Center
Eastern Suffolk BOCES SETRC
215 Old Riverhead Road
West Hampton Beach, NY 11978
Phone:(631) 288-7186
Fax:(631) 288-5868
E-mail: esilva@esboces.org

West Hampton Beach Center (cont'd)
Bilingual Special Education Intensive Teacher Institute
350 Martha Avenue
Bellport, NY 11713
Phone:(631) 286-6522
Fax:(631) 286-6556
E-mail:
jsperlin@esbocess.org (Resource Specialist)

Yonkers
Yonkers City SETRC
1109 North Broadway
Yonkers, NY 10701
Phone:(914) 376-8689
Fax:(914) 964-5361
E-mail:
mtorp@yonkerspublicschools.org

RESOURCES FOR CHILDREN WITH VISION IMPAIRMENTS/HEARING LOSS

New York State Technical Assistance Project (NYSTAP) for children/youth who are Deafblind
Teacher College Columbia University
Box 223
525 West 120th Street
New York, NY 10027
FAX: 212-678-3462
TTY: 212-678-3879
E-mail:
nystap@exchange.tc.columbia.edu

Williston, VT
Northeast Regional Resource Center
Learning Innovations/West End
20 Winter Sport Lane
Williston, VT 05495
Phone:(802) 951-8216
Fax:(802) 951-8222
E-mail: lucyely@aol.com

New York State School for the Blind
24 Richmond Ave.
Batavia, New York 14020-1499
(585) 343-5384
Toll free – 1-877-697-7382
http://www.vesid.nysed.gov/specialed/nyssb

The New York State School For The Deaf
401 Turin Street
Rome, NY 13440
TDD: 315-337-8489
http://www.vesid.nysed.gov/specialed/nyssd/

TRAID PROJECT, NYS OFFICE OF ADVOCATE FOR PERSONS WITH DISABILITIES

Through a federal grant from the National Institute on Disability and Rehabilitation Research (NIDRR), the Office of Advocate for Persons with Disabilities (OAPwD) provides statewide coordination of assistive technology activities for people with disabilities, fosters development of state and federal policies and programs to enhance availability of assistive technology, provides information, training, technical assistance and advocacy on how to obtain and use assistive technology services and devices.

The TRAID project, in collaboration with the NYS Department of Health Early Intervention Program, provides partial funding to 13 regional TRAID centers (RTCs), which have equipment loan lending libraries for infants and toddlers with disabilities and their families. The Project also operates and maintains the TRAID-IN Equipment Exchange program, which is a service for individuals who are looking to sell, donate or obtain used assistive devices for people with disabilities.

For more information please contact:
518-473-4609 (voice); 518-473-4231 (TTY) or 800-522-4369 (voice / TTY/Spanish-NY only) or 518-473-6005 (FAX) or write to:
TRAID Project, NYS Office of Advocate for Persons with Disabilities
1 ESP-Suite 1001
Albany, NY 12223-1150

Adirondack Regional Technology Ctr.
SUNY Plattsburgh
101 Broad Street, Sibley Room 323
Plattsburg, NY 12901
(800) 388-0199 (VOICE/TTY)
(518) 564-2328 (FAX)
Counties served: St. Lawrence, Franklin, Clinton, & Essex

AIM, ILC
271 East First Street
Corning, NY 14830
(607) 962-8225 X 23 (VOICE/TTY)
(607) 937-5125 (FAX)
Counties served: Steuben, Schuyler, Chemung, Cattaraugus, Allegany, & Chautauqua

Capital Region TRAID Ctr. Glens Falls Independent Living
71 Glenwood Ave.
Queensbury, NY 12804
(518) 792-3537 VOICE
(518) 792-0505 TTY
(518) 792-0979 FAX
mtraid@gflic.com
http://www.gfilc.com
Counties served: Warren, Washington, Saratoga, Albany, Greene, Schenectady, Rensselaer, Schoharie, & Columbia

Center For Assistive Technology
University At Buffalo
301 Kimball Tower
3425 Main Street
Buffalo, New York 14214
(716) 829-3141(VOICE/TTY)
(800) 628-2281 (VOICE/TTY)
(716) 829-3217 (FAX)
http://www.cat.buffalo.edu/index.php
Counties served: Niagara, Erie, Orleans, Genesee, & Wyoming

Central New York TRAID Ctr.
ENABLE
1603 Court St.
Syracuse, NY 13208
(315) 455-7591 x 206 (VOICE/TTY)
(315) 455-1794 (TTY)
(315) 455-1230 (FAX)
Counties served: Oswego, Onondaga, Cayuga, Madison, Cortland, & Tompkins

Genesee-Finger Lakes TRAID Project
Rochester Ctr. for Independent Living
1641 East Ave.
Rochester, NY 14610
(585) 442-6470 (VOICE/TTY)
(585) 271-8558 (FAX)
Web site:www.rcil.com
Counties served: Monroe, Wayne, Livingston, Ontario, Yates, & Seneca

Lower Hudson Valley Technology Ctr.
Westchester Institute For Human Development
Cedarwood Hall
Valhalla, NY 10595
(914) 493-1317 (VOICE)
(914) 493-1204 (TTY)
(914) 493-1973 (FAX)
Web site:
http://www.nymc.edu/wihd/at/at_techcenter.html
Counties served: Rockland & Westchester

Mohawk Valley/Leatherstocking TRAID Ctr. at UCP In Utica
1020 Mary St.
Utica, NY 13501
(315) 724-6907 (VOICE/TTY)
(315) 896-2717 (FAX)
E-mail: traid@ucp-utica.org
Counties served: Jefferson, Lewis, Oneida, Hamilton, Herkimer, Fulton, & Montgomery

Nassau/Suffolk TRAID Ctr.
380 Washington Ave.
Roosevelt, NY 11575-1899
(516) 378-5089 (VOICE/TTY)
(516) 378-0357 (FAX)
Suffolk site: (631) 232-3203
Counties served: Nassau & Suffolk

Southern Tier Independence Ctr.
24 Prospect Ave.
Binghamton, NY 13901
(607) 724-2111 (VOICE/TTY)
(607) 722-3600 (FAX)
E-mail: traid@stic-cil.org
Counties served: Tioga, Broome, Chenango, Otsego, & Delaware

Ulster-Sullivan CO-OP for Assistive Technology
250 Tuytenbridge Rd.
POB 1488
Kingston, NY 12402
(845) 336-7235 x 129 (VOICE)
(845) 336-4055 (TTY)
(845) 336-7248 (FAX)

Satellite Office

The Center for Discovery
Box 840 Benmosche Road
Harris, NY 12742
(845) 794-1400 X 1837 (VOICE)
(845) 791-2035 (FAX)
Counties served: Ulster, Sullivan, Orange, Dutchess, & Putnam

Technology Resources Center
United Cerebral Palsy of NYC
120 East 23rd. Street, 5th. Floor
New York, NY 10010-4519
212-979-9700 X 279 (VOICE)
212-475-0842 (TTY)
212-260-7469 (FAX)
Web site:www.ucpnyc.org

Satellite Office
160 Lawrence Avenue
Room B10
Brooklyn, NY 11230
(718) 436-7979 X710 (VOICE)
(718) 854-5656 (TTY)
(718) 436-0071 (FAX)

HEAD START AND EARLY HEAD START

Head Start and Early Head Start are comprehensive child development programs that serve children from birth to age 5, pregnant women, and their families. They are child-focused programs and have the overall goal of increasing the school readiness of young children in low-income families.

THE HEAD START - STATE COLLABORATION OFFICES
The purpose of the Head Start-State Collaboration grants is to create a visible partnership at the state level to support the development of multi-agency and public/private partnerships.

Mr. Robert Frawley, Director
New York Head Start-State Collaboration Office
New York State Council on Children and Families
5 Empire State Plaza, Suite 2810
Albany, NY 12223-1553
Phone 518-474-6294
Fax 518-473-2570
E-mail: bob.frawley@ocf.state.ny.us

Early Head Start National Resource Center
ZERO TO THREE - National Center for Infants, Toddlers and Families
2000 M. Street, NW, Suite 200
Washington, DC 20036
Phone (202) 638-1144
Fax (202) 638-0851

Finding a local Head Start or Early Head Start Program

To find a local Head Start or Early Head Start program in your area, use the on-line national Head Start Program Search Tool at:
http://www.acf.hhs.gov/programs/hsb/hsweb/index.jsp.
Use the Search Tool to browse through the list of Head Start programs in your state. Then contact the listed programs closest to your community, even if they are some distance away. These are the main program offices, which can tell you if there is a Head Start center in your area. Many of the organizations found in the Search Tool operate additional Head Start centers that are not listed, so there may be a program closer to your home than it appears. If you need more help to find a Head Start or Early Head Start program in your area, call the Head Start Information and Publication Center toll-free at: 1-866-763-6481.

PARENT SUPPORTS

Parent Training and Information Centers are a federally funded program through the United States Department of Education, Office of Special Education Programs. The program is charged with providing IDEA Training, Technical Assistance, Information and Referral, and Limited Educational Advocacy to parents and professionals.

The Advocacy Center
590 South Avenue
Averill Court
Rochester, NY 14620
585-546-1700
585-546-7069 FAX
1-800-650-4967 (NY only)
E-mail: blackwell@advocacycenter.com
Web site: www.advocacycenter.com
Statewide except for NY City

Advocates for Children of NY
151 West 30th Street, 5th Floor
New York, NY 10001
212-947-9779
212-947-9790 FAX
E-mail: aespada@advocatesforchildren.org
Web site: www.advocatesforchildren.org
Five boroughs of New York City

Resources for Children with Special Needs, Inc.
116 East 16th St., 5th Floor
New York, NY 10003
212-677-4650
212-254-4070 FAX
E-mail: info@resourcesnyc.org
Web site: http://www.resourcesnyc.org
New York City (Bronx, Brooklyn, Manhattan, Queens, Staten Island)

Sinergia / Metropolitan Parent Center
15 West 65th Street, 6th floor
New York, NY 10023
212-496-1300
212-496-5608
E-mail: dlash@sinergiany.org
Web site: www.sinergiany.org
New York City & Long Island

Parent Centers provide programs and services for parents/families of children with disabilities in New York. The Parent Centers are administered by NYSED/VESID. The parent centers offer a **wide range of services** including:

- Outreach to parents of children with special needs with particular emphasis on minority and underserved families, immigrant families, foster parents, families living in homeless shelters and others as needed.
- Seminars and training sessions for parents on such topics as due process, communicating with school district personnel, and negotiating the special education system.
- Training programs for parents on becoming confident, effective advocates on behalf of themselves, their children and other parents.
- Support groups for mothers, fathers and siblings of children with disabilities.
- Meetings for local residents regarding over-representation of minority children in special education programs in neighborhood school districts.
- Provision of parent "matches," information and support for parents of children with rare or low incidence disorders.
- Dissemination of relevant written materials in English and Spanish with a particular focus on the distribution of information about local services and how to access them.

Advocates for Children of New York, Inc.
(Spanish Assistance Available)
151 West 30th Street - 5th floor
New York, NY 10001
(212) 947-9779

Parent to Parent New York, Inc.
NYS Institute for Basic Research
1050 Forest Hill Road
Staten Island, NY 10314
(718) 494-5122

Resources for Children with Special Needs, Inc.
(Spanish Assistance Available)
116 East 16th Street
New York, NY 10003
(212) 677-4650

Sinergia
(Spanish Assistance Available)
15 West 65th Street – 6th floor
New York, NY 10023
(212) 496-1300

Long Island Parent Center
(Spanish Assistance Available)
Kellum Street Learning Center
887 Kellum Street
Lindenhurst, NY 11757
(631) 884-1848
Fax: (631) 884-1830

Parent Network of WNY at the Wilson Parent Center
1000 Main Street
Buffalo, NY 14202
(716) 332-4173
Website: http://www.parentnetworkwny.org

PARENT TO PARENT OF NEW YORK STATE

Provides emotional support and information to parents of children with disabilities or special health care needs. Parent to Parent of New York State in conjunction with OMRDD is also educating families across NYS about Medicaid Service Coordination.

Parent to Parent of NYS - Statewide Office
500 Balltown Rd.
Schenectady, NY 12304
518-381-4350 or 1-800-305-8817
E-mail: info@parenttoparentnys.org

Adirondack Office
Parent to Parent of NYS
PO Box 753
Canton, NY 13617
1-800-603-6778
315-379-1538
FAX: 315-379-1539
E-Mail: adirondack@parenttoparentnys.org
Serving Clinton, Essex, Franklin, Hamilton, & St. Lawrence

Capital District Office
Parent to Parent of New York State
500 Balltown Road
Schenectady, NY 12304
1-800-305-8817
518-381-4350
FAX: 518-382-1959
E-Mail:
capitaldistrict@parenttoparentnys.org
Serving Albany, Columbia, Fulton, Greene, Montgomery, Rensselaer, Saratoga, Schenectady, Schoharie, Warren, & Washington

Finger Lakes Office
Parent to Parent of NYS
The Advocacy Center
590 South Avenue
Averill Court
Rochester, NY 14620
585-546-1700 ext. 244
Fax: 585-223-2481
E-mail: fingerlakes@parenttoparentnys.org
Web site: www.advocacycenter.com
Serving Livingston, Monroe, Ontario, Seneca, Wayne, & Yates

Hudson Valley Office
Parent to Parent of NYS
The Family Connection
WIHD / Cedarwood Hall, Room A-106
Valhalla, NY 10595
1-800-305-8816
914-493-1343
FAX: 914-493-8066
E-Mail: elizabeth@parenttoparentnys.org
E-Mail: laura@parenttoparentnys.org
Serving Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, & Westchester

Long Island Office
Parent to Parent of NYS
45 Mall Drive
Commack, NY 11725
1-800-559-1729
631-493-1716
631-493-2403
FAX: 631-493-2397
E-Mail:
Lead Coordinator and Education Advocate:
mailto:colleen@parenttoparentnys.org
Local Coordinator, Nassau County:
rosemary@parenttoparentnys.org
Local Coordinator, Suffolk County:
barbara@parenttoparentnys.org
Serving Nassau & Suffolk

New York City Office
Parent to Parent of New York State
75 Morton Street
New York, NY 10014
1-800-405-8818
212-299-3188 or 212-741-5545
FAX: 212-229-3183
E-mail: ellen@parenttoparentnys.org
isabel@parenttoparentnys.org
marybeth@parenttoparentnys.org
Serving the Five Boroughs, Staten Island

North Central Office
Parent to Parent of New York State
Exceptional Family Resources
1065 James Street
Syracuse, NY 13203
(315) 478-1462
1-800-305-8815
FAX: 315-478-1467
E-mail: northcentral@parenttoparentnys.org
Serving Cayuga, Cortland, Herkimer, Jefferson, Lewis, Madison, Oneida, Onondaga, & Oswego

South Central Office
Parent to Parent of NYS
The Family Resource Center
46 Oneida Street
Oneonta, NY 13820
1-800-305-8814
607-432-0001
FAX: 607-432-5516
E-mail: pam@parenttoparentnys.org
The Family Resource Network Web site:
http://www.geocities.com/familyrn
Serving Broome, Chenango, Delaware, Otsego, Tioga, & Tompkins

Western Regional Office
Parent to Parent
1200 East & West Road
Building 16, Room 1-131
West Seneca, New York 14224
1-800-305-8813
716-517-3448
FAX: 716-517-2385
E-mail: lorraine@parenttoparentnys.org
Serving Allegany, Cattaraugus, Chautauqua, Chemung, Erie, Genesee, Niagara, Orleans, Schuyler, Steuben, & Wyoming

APPENDIX L - COMMON ABBREVIATIONS FOR TRANSITION TERMS

The following are abbreviations for terms that are addressed in this memorandum.

CPSE Committee on Preschool Special Education is a multidisciplinary team established in accordance with the provisions of Section 4410 of the Education Law.

DOH Department of Health

ECDC Early Childhood Direction Centers is a network of 15 state funded projects which provide information and assistance to parents and professionals regarding programs and services for children from birth to age five who may have a disability or delay in their development.

EIP Early Intervention Program

EIO/D Early Intervention Official/Designee is the person that the county or New York City has appointed to be responsible for the Early Intervention Program in that county.

EI/SC Early Intervention Service Coordinator is an approved individual who works in partnership with the family by providing assistance and services that help the family to coordinate and obtain their rights under the Early Intervention Program and services agreed upon on the IFSP.

IEP Individualized Education Program is a written statement developed, reviewed and revised by the CPSE (or the Committee on Special Education (CSE) for school-age students). The components of the program to be provided are identified to meet the unique educational needs of a student with a disability, ages 3-21.

IFSP Individualized Family Service Plan is a written plan for the child's and family's services in the Early Intervention Program that the family develops with a team of qualified personnel and Early Intervention Official.

NYSED New York State Education Department is the lead agency to administer the statewide preschool special education program.

VESID The Office of Vocational and Educational Services for Individuals with Disabilities within the New York State Education Department has responsibility for meeting the needs of people with disabilities from early childhood through adulthood, including oversight of special education services for students with disabilities ages 3 through 21.

APPENDIX M - RELEVANT SECTIONS OF PUBLIC HEALTH LAW

Definition of Eligible Child – Public Health Law Section 2541(8)

(a.) "Eligible child" means an infant or toddler from birth through age two who has a disability; provided, however, that any toddler with a disability who has been determined to be eligible for program services under section forty-four hundred ten of the education law and:
   - (i) who turns three years of age on or before the thirty-first day of August shall, if requested by the parent, be eligible to receive early intervention services contained in an IFSP until the first day of September of that calendar; or
   - (ii) who turns three years of age on or after the first day of September shall, if requested by the parent, and if already receiving services pursuant to this title, be eligible to continue receiving such services until the second day of January of the following calendar year.

(b.) Not withstanding the provisions of paragraph (a) of this subdivision, a child who receives services pursuant to section forty-four hundred ten of education law shall not be an eligible child.

Transition Plan – Public Health Law Section 2548

To the extent that a toddler with a disability is thought to be eligible for services pursuant to section forty-four hundred ten of education law, the early intervention official shall notify in writing the committee on preschool special education of the local school district in which an eligible child resides of the potential transition of such child, and, with parental consent, arrange for a conference among the service coordinator, the parent, and the chairperson of the preschool committee on special education or his or her designee at least ninety days before such child would be eligible for services under section forty-four hundred ten of education law to review the child's program options and to establish a transition plan, if appropriate. If a parent does not consent to a conference with the service coordinator and the chairperson of the preschool committee on special education or his or her designee to section forty-four hundred ten of the education law, and the child is not determined to be eligible by the committee on preschool special education for such services prior to the child's third birthday, the child's eligibility for early intervention program services shall end at the child's third birthday.

APPENDIX N - SECTION 69-4.20 EARLY INTERVENTION REGULATIONS

Section 69-4.20 Transition Planning

(a) A transition plan shall be developed for every child transitioning from the Early Intervention Program to programs under Education Law, Section 4410, and/or to other early childhood services.

(1) All meetings to discuss the transition plan must be at a time and place mutually convenient to all participants.

(2) The transition plan shall include procedures to prepare the child and family for changes to service delivery, including:

(i) steps to help the child adjust to and function in a new setting;

(ii) procedures to prepare program staff or individual qualified personnel who will be providing services to the child to facilitate a smooth transition; and

(iii) with parental consent, the service coordinator shall incorporate the transition plan into the Individualized Family Service Plan.

(b) At least 120 days prior to the child's potential eligibility for services under the Education Law, Section 4410, the Early Intervention Official, with parental consent, shall provide written notification to the Committee on Preschool Special Education of the local school district in which an eligible child resides of the potential transition of the child.

(1) For children in the care and custody or custody and guardianship of the commissioner of the local social services district, the Early Intervention Official shall notify the local commissioner of social services or designee of the child's potential transition.

(2) The service coordinator shall review information concerning the transition procedure with the parent and obtain parental consent for the transfer of appropriate evaluation, assessments, Individualized Family Service Plans, and other pertinent records.

(3) With parent consent, the Early Intervention Official shall convene a conference with the parent, service coordinator, and the chairperson of the Committee on Preschool Special Education or designee, at least 90 days prior to the child's eligibility for services under Education Law, Section 4410,

or no later than 90 days before the child's third birthday, whichever is first to review program options and if appropriate, establish a transition plan.

(i) The local social services commissioner may participate in the conference for children in the care and custody or custody and guardianship of the social services commissioner.

(ii) The conference may be combined with the initial meeting of the Committee on Preschool Special Education pertaining to the child.

(c) For children thought not to be eligible for programs under Education Law, Section 4410, the service coordinator shall assist the parent in development of a transition plan to other appropriate early childhood and supportive services. The service coordinator shall assist the parent in identifying, locating, and accessing such services.

(d) With parental consent, the Early Intervention Official shall notify the Committee on Preschool Special Education of those children potentially eligible for transition to the preschool special education program but whose parents have selected to continue with EIP services for the specified period of eligibility for the Early Intervention Program.

APPENDIX O - EXCERPTS FROM PART 200 REGULATIONS OF THE COMMISSIONER OF EDUCATION

Part 200.1(mm) - Definitions

Preschool student with a disability is a preschool child as defined in Section 4410(1)(i) of Education Law who is eligible to receive preschool programs and services, is not entitled to attend the public schools of the school district of residence pursuant to Section 3202 of the Education Law and who, because of mental, physical, or emotional reasons, has been identified as having a disability and can receive appropriate educational opportunities from special programs and services approved by the Department. Eligibility as a preschool students with a disability shall be based on the results of an individual evaluation which is provided in the student's native language, not dependent on a single procedure, and administered by a multidisciplinary team in accordance with all other requirements as described in Section 200.4(b)(1) through (5) of this Part.

(1) Commencing July 1, 1993, to be identified as having a disability a preschool student shall either:

(i) exhibit a significant delay or disorder in one or more functional areas related to cognitive, language and communicative, adaptive, socio-emotional or motor development which adversely affects the student's ability to learn. Such delay or disorder shall be documented by the results of the individual evaluation which includes but is not limited to information in all functional areas obtained from a structured observation of a student's performance and behavior, a parental interview and other individually administered assessment procedures, and when reviewed in combination and compared to accepted milestones for child development, indicate:

(a) 12-month delay in one or more functional area(s); or

(b) a 33 percent delay in one functional area, or a 25 percent delay in each of two functional areas; or

(c) if appropriate standardized instruments are individually administered in the evaluation process, a score of 2.0 standard deviations below the mean in one functional area; or a score of 1.5 standard deviations below the mean in each of two functional areas; or

(ii) meet criteria set forth in paragraph (1), (2), (3), (5), (9), (10), (12) or (13) of subdivision (zz) of this Section.

(2) Commencing July 1, 1991, in the calendar year in which such preschool student becomes three years of age, a student shall be first eligible for preschool programs and services on January 2nd of such calendar year, if the student's

birthday falls before July 1st, otherwise a students shall be first eligible on July 1st of the calendar year; except that a student who, as of his or her third birthday, is already receiving services pursuant to Section 236 of the Family Court Act or its Successor, or Section 4204-a of the Education Law, may, if the parent so chooses, continue to receive such services through August 31st of the calendar year in which the student first becomes eligible to receive services pursuant to Section 4410 of the Education Law. A student shall be deemed to be a preschool student with a disability through the month of August of the school year in which the student first becomes eligible to attend school pursuant to Section 3202 of the Education Law.

Section 200.1(zz) of the Regulations of the Commissioner

(zz) Student with a disability means a student with a disability as defined in Section 4401 (1) of Education Law, who has not attained the age of 21 prior to September 1st and who is entitled to attend public schools pursuant to Section 3202 of the Education Law and who, because of mental physical or emotional reasons, has been identified as having a disability and who requires special services and programs approved by the department. The terms used in this definition are defined as follows:

(1) *Autism* means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age 3, that adversely affects a student's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environment change or change in daily routines, and unusual responses to sensory experiences. The term does not apply if a student's educational performance is adversely affected primarily because the student has an emotional disturbance as defined in paragraph 4 of this subdivision. A student who manifests the characteristics of autism after age 3 could be diagnosed as having autism if the criteria in this paragraph are otherwise satisfied.

(2) *Deafness* means a hearing impairment that is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a student's educational performance.

(3) *Deaf-blindness* means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for students with deafness or students with blindness.

(5) *Hearing impairment* means impairment in hearing, whether permanent or fluctuating, that adversely affects the child's educational performance but that is not included under the definition of *deafness* in this Section.

(9) *Orthopedic impairment* means a severe orthopedic impairment that adversely affects a student's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.), and impairments from other causes (e.g., cerebral palsy, amputation, and fractures or burns which cause contractures).

(10) *Other health-impairment* means having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems, including but not limited to a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, diabetes, attention deficit disorder or attention deficit hyperactivity disorder or tourette syndrome, which adversely affects a student's educational performance.

(12) *Traumatic brain injury* means an acquired injury to the brain caused by an external physical force or by certain medical conditions such as stroke, encephalitis, aneurysm, anoxia or brain tumors with resulting impairments that adversely affect educational performance. The term includes open or closed head injuries or brain injuries from certain medical conditions resulting in mild, moderate or severe impairments in one or more areas, including cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem solving, sensory, perceptual and motor abilities, psychosocial behavior, physical functions, information processing, and speech. The term does not include injuries that are congenital or caused by birth trauma.

(13) *Visual impairment including blindness* means impairment in vision that, even with correction, adversely affects a student's educational performance. The term includes both partial sight and blindness.

Part 200.16

Educational programs and services for preschool students with disabilities, as defined in Section 200.1 (mm) of this Part, shall be provided in accordance with this Section, and those other applicable provisions of this Part that are not inconsistent with this Section. Where other provisions of this Part are made applicable to preschool students with disabilities, *committee on special education* shall mean a committee on preschool special education; *student* shall mean a preschool student with a disability; and *programs* shall mean preschool programs.

(a) *Eligibility.* A preschool student with a disability shall be eligible for special education services and programs pursuant to Section 4410 of the Education Law provided that the student has a disability as defined in Section 200.1 (mm) of this Part.

(b) *Procedures for referral, evaluation, individualized education program development, placement and review.* (1) Referral.

(i) A preschool student suspected of having a disability shall be referred in writing to the chairperson of the district's committee on preschool special education. Such referral may be made by the persons specified in Section 200.4(a)(1)(i) through (v) of this Part or by professional staff members of:

(a) an Early Childhood Direction Center (ECDC);

(b) preschool programs approved pursuant to Section 4410 of the Education Law; or

(c) programs providing special instruction to children birth to three years of age approved by the lead State agency as designated by the Governor to administer Federal funds for such programs.

(ii) If a referral is received by a professional staff member of the school district, it shall be forwarded to the chairperson of the committee on preschool special education immediately upon its receipt by such staff member.

(iii) A referral shall specify the extent to which the preschool student has received any services prior to referral.

(iv) A committee chairperson who receives a referral shall immediately notify the parent pursuant to paragraphs (g) (1) and (2) of this Section that a referral has been received and shall request consent for evaluation of the preschool student.

(v) In the event that consent for an individual evaluation is not provided, the committee shall implement the district's practices and procedures for the purpose of ensuring that parents have received and understand the request for consent.

(c) *Individual evaluation*. (1) Upon the consent and selection by the parent of an approved program with a multidisciplinary evaluation component to conduct an individual evaluation, as defined in Section 200.1(aa) of this Part, the board shall arrange for such evaluation by the service provider selected by the parent. In addition, with the consent of the parents, approved evaluators and committees shall be provided with the most recent evaluation report for a child in transition from programs and services provided pursuant to title two-a of article 25 of the Public Health Law. Nothing herein shall be construed to prohibit an approved evaluator or the committee from reviewing other assessments or evaluations to determine if such assessments or evaluations fulfill the requirements of this Part.

(2) The individual evaluation shall be conducted in accordance with Section 200.4(b) of this Part. The summary report shall include a detailed statement of the preschool student's individual needs, if any. The summary report shall not include a recommendation as to the general type, frequency, location and duration of special education services and programs that should be

provided; shall not address the manner in which the preschool student can be provided with instruction or related services in the least restrictive environment; and shall not make reference to any specific provider of special services or programs. Reports of the assessment and/or evaluation and a summary portion of the evaluation shall be provided to the members of the committee on preschool special education and to the person designated by the municipality in which the preschool student resides so as to allow for a recommendation by the committee to be made to the board within thirty school days of the receipt of consent. An approved evaluator shall provide the parent with a copy of the statement and recommendation provided to the committee. Such statement and recommendation including the summary evaluation shall be provided in English and when necessary, in the native language of the parent or other mode of communication used by the parent unless it is not feasible to do so.

(3) Prior to making any recommendation that would place a child in an approved program owned or operated by the same agency which conducted the initial evaluation of the child, the committee may exercise its discretion to obtain an evaluation of the child from another approved evaluator.

(4) For school years 1994-95 and thereafter, if the approved evaluator finds that the student requires evaluations beyond those previously authorized by the committee during the school year, or requires a reevaluation of any component, the committee must provide written authorization prior to the approved evaluator conducting the evaluation. The chairperson of the committee shall notify, at least five business days prior to the date of the evaluation, the representative of the municipality and other members of the committee of such request. The representative of the municipality or other members of the committee may request a meeting of the committee to determine the need for such an evaluation.

(5) Prior to the committee meeting, the committee shall provide the parent with a copy of the summary report of the findings of the evaluation in accordance with paragraph (2) of this subdivision. Upon request of the parent, the committee shall provide copies of all written documentation to be considered by the committee in the development of the preschool student's individualized education program.

(6) For purposes of eligibility and continuing eligibility determinations, the committee must provide a copy of the evaluation report and the documentation of determination of eligibility to the parent.

(7) If the parent disagrees with the evaluation, the parent may obtain an independent evaluation at public expense in accordance with Section 200.5(g) of this Part and to the extent authorized by Federal law and regulation.

(8) The committee shall forward a request for approval of reimbursement of the cost of evaluations, on a form prescribed by the commissioner, to the

appropriate municipality in which the preschool student resides within 30 days of the date of the committee meeting at which the evaluation was reviewed. The committee must also send a copy of such form to the approved evaluator or, in the alternative, may provide a copy of the form available for inspection and photocopying by the approved evaluator.

(d) *Recommendation*. Individualized education program (IEP).

(1) The committee on preschool special education shall provide a recommendation to the board of education within 30 school days of the date of the receipt of consent.

(2) If the preschool student has been determined to be ineligible for special education, the recommendation shall indicate the reasons the student was found to be ineligible. A copy of such recommendation shall be provided to the parent consistent with the prior notice requirements in Section 200.5(a) of this Part.

(3) If the committee determines that the preschool child has a disability, the committee shall recommend approved appropriate services and/or special programs and the frequency, duration, location and intensity of such services including, but not limited to, the appropriateness of single services or half-day programs based on the individual needs of the preschool child. The committee shall first consider the appropriateness of providing (i) related services only; or (ii) special education itinerant services only; or (iii) related services in combination with special education itinerant services; or (iv) a half-day preschool program as defined in Section 200.1 of this Part; or (v) a full-day preschool program. If the committee determines that the child demonstrates the need for a single related service, such service shall be provided as a related service only or, where appropriate, as a special education itinerant service. The recommendation shall be developed in accordance with Section 200.4(d)(2), (3) and (4) of this Part provided that subparagraphs (iv), (viii), (ix) and (xiii) of paragraph (2) shall not apply. In addition, the recommendation for special education programs and services for a preschool student with a disability shall:

(i) identify an appropriate program and/or service selected from the lists of preschool programs and services established pursuant to Section 4410 of the Education Law;

(ii) indicate the recommended program option from those options set forth in this Section;

(iii) if the recommendation is for one or more related services selected from the list maintained by the municipality, or itinerant services, indicate the child care location arranged by the parent or other site, at which each service shall be provided;

(iv) prior to recommending the provision of special education services in a setting which includes only preschool children with disabilities, the committee shall first consider providing special education services in a setting where age-appropriate peers without disabilities are typically found. Provision of special education services in a setting with no regular contact with age-appropriate peers without disabilities shall be documented on the child's IEP and shall only be considered when the nature or severity of the child's disability is such that education in a less restrictive environment with the use of supplementary aids and services cannot be achieved satisfactorily;

(v) define the extent to which the preschool student's parents will receive parent counseling and training as defined in Section 200.1(kk) of this Part, when appropriate; and

(vi) only be made for a program which uses psychotropic drugs if such program has a written policy pertaining to such use. The parent of a student for whom such a recommendation is made must be provided with a copy of such written policy at the time such recommendation is made.

(4) The committee's recommendation shall be developed at a meeting of the committee on preschool special education in accordance with Section 200.4(d)(4) of this Part and Section 4410 of the Education Law. To the extent possible, any meeting of the committee shall be held at a site mutually convenient to the members of the committee and the parent of the preschool student, including but not limited to the worksite of the evaluator, the municipal representative on the committee, or the chairperson of the committee. The committee's recommendation shall be developed following a review of information presented by the preschool student's teacher(s) and/or the parent, the evaluation results provided by the approved program, results of other evaluations, and any other appropriate information provided by an agency charged with responsibility for the student. However, if the committee determines that a child requires a structured learning environment of 12 months duration to prevent substantial regression, the committee shall include in its recommendation a statement of the reasons for such recommendation as part of the IEP document.

(5) In developing its recommendation for a preschool student with a disability to receive programs and services, the committee must identify transportation options for the student and encourage parents to transport their child at public expense where cost-effective.

(6) A written report of the recommendation, including the results of the evaluation, shall be forwarded to the board, the parent of the preschool student and to the municipality in which the preschool student resides. Such report shall include the reasons for such recommendation, including

a statement of the reasons why less restrictive placements were not recommended, when the recommendation is for the provision of special education services in a setting with no regular contact where age-appropriate peers without disabilities are found and shall include all statements provided by the parent. If the recommendation of the committee differs from the expressed preference of the parent with respect to the frequency, duration or intensity of services, or with respect to more or less restrictive settings, the report shall include the reasons why the committee recommended a different program or service other than that preferred by the parent.

(7) In the event that the parent does not choose to participate in the development of such recommendation, the committee shall forward its recommendation to the board of education and the parent as otherwise required in accordance with Section 200.4(d)(5) of this Part.

(e) *Provision of services for preschool students with disabilities.* (1) Upon receipt of the recommendation of the committee, the board of education shall arrange for the preschool student with a disability to receive such programs and services commencing with the July, September or January starting date for the approved program, unless such services are recommended by the committee less than 30 school days prior to, or after, such appropriate starting date selected for such preschool student, in which case, such services shall be provided no later than 30 school days from the recommendation of the committee. If the board disagrees with the recommendation of the committee, it shall send the recommendation back to the committee with notice to the parent and the committee including a statement of the board of education's reasons and that the recommendation will be sent back to the committee with notice of the need to schedule a timely meeting to review the board's concerns and to revise the IEP as deemed appropriate.

(2) The board of education shall notify the parent, the commissioner, the appropriate municipality and the preschool program or related services provider selected to provide the services of its approval. If the individualized education program (IEP) includes two or more related services, where possible, the board shall select from the list maintained by the municipality pursuant to Section 4410(9) of the Education Law, such related services providers that are employed by a single agency for the provision of such services. The board shall provide each related service provider with a copy of the individualized education program and the name and location of each related service provider. The board shall designate one of the service providers to coordinate the provision of the related services. If the IEP includes special education itinerant services and one or more related services, the special education itinerant service provider shall be responsible for the coordination of such services.

(i) A statement of the reasons for such determination shall be provided to the parent and the municipality.

(ii) If the board's determination is different from the parent's preference or the recommendation of the committee, the board shall provide the parent and the municipality with the reasons the board determined to provide a different program.

(3) Upon receipt of the written notification of the approval by the board of education of the committee's recommendation, the municipality shall contract with the designated preschool program provider in a manner approved by the commissioner, pursuant to Section 4410 of the Education Law.

(4) The board shall notify the parent, the appropriate municipality and the commissioner of its actions on behalf of a preschool student with a disability:

(i) if, based upon the recommendation of the committee, the board approved the preschool student's program or services;

(ii) if, based upon the recommendation of the committee the board approves that such program or services must be terminated because the preschool student with a disability has moved out of the school district; or

(iii) if, based upon the recommendation of the committee the board approves that a new municipality is responsible to contract with the provider for the same special education program and services because the preschool student with a disability has moved to a different municipality within the school district. The board shall issue a new written notice of determination for the same special education service or program effective the next school day which shall become the responsibility of the new municipality in which such student resides.

(5) When a preschool student currently placed by another school district in an approved program moves into a new district, if the approved program is within a reasonable distance of such student's new school district of residence, the board of education shall issue a notice of determination to continue such program if the board approves the committee's recommendation that the program is appropriate to the student's needs.

(f) *Annual review.* The individualized education program (IEP) of each preschool student with a disability shall be reviewed and, if appropriate, revised periodically but not less than annually in accordance with Section 200.4 (f)(1) through (3) of this Part. In any such meeting of the committee, the professional who participated in the evaluation shall upon request of the parent or committee, attend and participate at such meeting.

(g) *Procedural due process.* (1) Prior notice of initial evaluation, review or reevaluation of a preschool student with a disability shall be made in accordance with Section 200.5(a)(1) through (4) and (5)(i), (ii), and (vii) of this Part.

(i) A procedural safeguards notice shall be provided in accordance with Section 200.5(f) of this Part, at a minimum:

(a) upon initial referral for evaluation;

(b) upon each notification of an IEP meeting;

(c) upon reevaluation of the child; and

(d) upon receipt of a request for an impartial hearing.

(2) In addition to the requirements of paragraph (1) of this subdivision, the notice shall, for parents of preschool students referred to the committee for the first time, request parental consent to the proposed evaluation and advise the parent of the right to consent or withhold consent to an initial evaluation of the student or to the initial provision of special education services to a student who has not been previously identified as having a disability. Such notice shall also:

(i) include a list containing a description of each preschool program which has been approved by the commissioner to provide evaluations, and is located within the county in which the preschool student resides and adjoining counties, or, for students residing in the City of New York, within the City of New York and adjoining counties, and the procedures which the parent should follow to select a program to conduct an evaluation;

(3) In addition to the requirement of subparagraph (i) of this subdivision, the procedural safeguards notice shall also:

(i) indicate that during the pendency of any proceedings conducted pursuant to this Part, those preschool students with disabilities who are receiving special education programs or services pursuant to Section 4410 of the Education Law shall remain in the then current education placement of such preschool student until all such proceedings have been completed, except as otherwise provided in Section 200.5(l) of this Part. Nothing in this subparagraph shall require that a student with a disability remain in a preschool program for which he or she is no longer eligible pursuant to Section 4410 of the Education Law during the pendency of any proceeding brought pursuant to this Part;

(ii) indicate that during the pendency of any proceedings conducted pursuant to this Part on behalf of a preschool student not described in subparagraph (i) of this paragraph, if the commissioner or local board of education and the parent(s) or legal guardian agree, the preschool student may receive those special education programs and services approved pursuant to this Section until all such proceedings have been completed;

(iii) indicate that if the parent does not provide consent for initial evaluation or the initial provision of special education services, no further action will be taken by the committee on preschool special education until such consent is obtained; and

(iv) indicate that a preschool student who received services pursuant to Section 236 of the Family Court Act or its successor during the previous year may continue to receive, from the provider of such services, preschool special education programs and services in an approved program appropriate to the needs of such student until all proceedings have been completed.

(4) Notice of meetings. The meeting notice shall be provided in accordance with Section 200.5(c) of this Part. In addition, such notice shall inform the parent of the opportunity to address the committee in person or in writing.

(5) Notice upon recommendation. Prior notice of the recommendation of the committee on preschool special education shall be provided to the board of education and to the parent of the preschool student in accordance with Section 200.5(a) of this Part. The notice upon recommendation shall indicate that, in the event that the parent does not provide consent for the initial provision of special education services, no further action will be taken by the committee on preschool special education until such consent is obtained.

(6) Board of education notice. The board of education shall notify the parent of the preschool student of its determination of placement pursuant to Sections 200.2(d) and Section 200.5(a) of this Part.

(7) Consent to initial evaluation or initial placement. Written consent of the parent, as defined in Section 200.1(l) of this Part, is required in accordance with Section 200.5(b) of this Part.

(8) Mediation. The board of education shall ensure that mediation sessions are available to the parent of a preschool child to resolve disputes in accordance with Section 4404-a of the Education Law and Section 200.5 (h) of this Part.

(9) Impartial hearings. Impartial hearings shall be conducted in accordance with Section 200.5 (i) of this Part, provided that the decision of the impartial hearing officer shall be rendered, in accordance with Section 4410 of the Education Law, not later than 30 days after the receipt by the board of a request for a hearing or after the initiation of such hearing by the board.

(10) Appeal to a State review officer. Decisions of impartial hearing officers shall be subject to the review of a State review officer of the State Education Department in accordance with Section 200.5 (j) of this Part.

(11) State Complaints. State complaint investigations shall be conducted in accordance with Section 200.5(k) of this Part.

(12) Surrogate parents. Surrogate parents shall be appointed in accordance with Section 200.5(m) of this Part.

(13) Confidentiality of personally identifiable information. Personally identifiable data, information or records pertaining to a preschool student with a disability shall be maintained in accordance with Section 200.2(b)(6) of this Part.

(h) *Continuum of services.* (1) Provision of services. A preschool student with a disability shall be provided with special education programs and services in accordance with Section 200.6(a) of this Part.

(2) Staffing requirements. All professional staff who provide or supervise special education programs and services shall be appropriately licensed or certified in accordance with Section 200.6(b)(3) through (5) of this Part.

(3) Special education programs and services. Special education programs and services shall be provided as follows:

(i) Related services shall be provided in accordance with Section 200.6 (e) of this Part. Such services shall be provided by an approved provider or, as authorized by Section 4410 of the Education Law, such services shall be provided at a site determined by the board, including but not limited to an approved or licensed prekindergarten or head start program; the work site of the provider; the student's home; a hospital; a state facility; or a child care location as defined in Section 4410 of the Education Law. If the board determines that documented medical or special needs of the preschool student indicate that the student should not be transported to another site the student shall be entitled to receive related services in the preschool student's home;

(ii) Special education itinerant services as defined in Section 4410 (1) (k) of Education Law are services provided by a certified special education teacher of an approved program on an itinerant basis at a site determined by the board including but not limited to an approved or licensed prekindergarten or head start program; the student's home; a hospital; a State facility; or a child care location as defined in Section 4410 of the Education Law. If the board determines that documented medical or special needs of the preschool student indicate that the student should not be transported to another site, the student shall be entitled to receive special education itinerant services in the preschool student's home. Such services shall be for the purpose of providing specialized individual or group instruction and/or indirect services to preschool students with disabilities. Indirect services means consultation provided by a certified special education teacher to

assist the child's teacher in adjusting the learning environment and/or modifying their instructional methods to meet the individual needs of a preschool student with a disability who attends an early childhood program. An early childhood program, for purposes of this paragraph, means a regular preschool program or day care program approved or licensed by a governmental agency in which a child under the age of five attends. Special education itinerant services shall be provided to a preschool student with a disability for whom such services have been recommended as follows:

(a) the service shall be recommended by the Committee on Preschool Special Education and shall be included in the student's Individualized Education Program;

(b) the level of this service should not be less than two hours per week;

(c) the total number of students with disabilities assigned to the special education teacher should not exceed 20;

(d) related services shall be provided in addition to special education itinerant services, in accordance with the student's IEP;

(e) in the event that the board selects a special service or program that will be provided in the preschool student's home or another care setting to which the parent has made or subsequently makes arrangements, no transportation shall be indicated.

(iii) Special classes shall be provided on a half-day or full-day basis pursuant to Sections 200.1 (p), (q) and (v) of this part and in accordance with Section 200.6 (g)(2) and (3) or Section 200.9(f)(2)(x) of this Part and shall assure that:

(a) the chronological age range within special classes serving preschool students with disabilities shall not exceed 36 months, except that, upon application and documented educational justification to the commissioner, approval may be granted for variance from the special class chronological age range;

(b) the maximum class size shall not exceed 12 preschool students with at least one teacher and one paraprofessional assigned to each class; and

(c) such services shall be provided for not less than two and one half hours per day, two days per week;

(iv) in-state residential special education programs and services shall be provided to each preschool student with a disability for whom

such services have been recommended for a minimum of five hours per day, five days per week. Placement in such residential programs shall be approved by the commissioner in accordance with Section 200.6 (i) of this Part;

(v) 12-month special services and/or programs shall be provided to eligible preschool students with disabilities consistent with their individual needs, as specified in their individualized education programs. Preschool students with disabilities may be considered for such special services and/or programs in accordance with their need to prevent substantial regression if they are:

(a) preschool students whose management needs are determined to be highly intensive and require a high degree of individualized attention and intervention; or

(b) preschool students with severe multiple disabilities, whose programs consist primarily of habilitation and treatment; or

(c) preschool students whose special education needs are determined to be highly intensive and require a high degree of individualized attention and intervention or who have severe multiple disabilities and require primarily habilitation and treatment in the home; or

(d) preschool students whose needs are so severe that they can be met only in a seven-day residential program; or

(e) preschool students who are not described in clauses *(a)* through *(d)* of this subparagraph whose disabilities are severe enough to exhibit the need for a structured learning environment of 12 months duration to prevent substantial regression as determined by the preschool committee on special education.

(vi) The commissioner may grant a waiver from any requirement in Sections 200.1, 200.6, and 200.16 of this Part, upon a finding that such waiver will enable a preschool program, as defined in Section 200.1 (nn) of this Part, to implement an innovative special program that is consistent with State law, applicable Federal requirements and all other sections of this Part, and will enhance student development and/or increase opportunities for preschool students with disabilities to interact with students without disabilities.

(a) Except as otherwise provided in clause (c) of this subparagraph, any preschool program as defined in Section 200.1 (nn) of this Part shall submit an application for a waiver at least 60 days in advance of the proposed starting date of the program. Such application shall be in a form prescribed by the commissioner.

(b) Except as otherwise provided in clause (c) of this subparagraph, any preschool program as defined in Section 200.1 (nn) of this Part granted a waiver shall submit an annual report to the commissioner regarding the operation and evaluation of the program no later than 30 days after the end of each school year for which a waiver is granted.

(c) Any preschool program as defined in Section 200.1 (nn) of this Part granted a waiver for three consecutive school years may be granted a permanent waiver, upon a finding by the commissioner that the program has resulted in improved student achievement and/or enhanced opportunities for preschool students with disabilities to interact with students without disabilities and is consistent with State law and Federal requirements and all other Sections of this Part. A preschool program as defined in Section 200.1 (nn) of this Part that is granted a permanent waiver shall not be required to submit an annual application or an annual report. A permanent waiver shall continue until terminated in accordance with clause (d) of this subparagraph.

(d) The commissioner may terminate a waiver granted pursuant to this subdivision upon a finding that the program has not met its stated objectives or upon a finding that the program is no longer consistent with any requirement of State or Federal law or provision of this Part not specifically waived in the approval granted pursuant to this subdivision. The commissioner shall provide at least 30 days notice of a proposed termination. The district, school or agency shall be afforded the opportunity to submit a written response to the proposed termination which addresses any deficiencies, provided that such response shall be submitted no later than 5 business days prior to the date of the proposed termination.

(vii) Nothing herein shall be construed to prevent the committee from recommending or the board from selecting a special service or program for July and August, or the frequency, location or duration of a special service or program, which is different in type or intensity than the service or program that the child is provided between the months of September and June.