

BRAZOS INDEPENDENT SCHOOL DISTRICT SPECIAL EDUCATION OPERATING PROCEDURES: Ages 0-5

Brazos ISD Board Policy along with these *Special Education Operating Procedures* constitute the Policies and Procedures of Brazos ISD, designed to be consistent with the State policies and procedures developed pursuant to the IDEA. Brazos ISD *Special Education Operating Procedures* are not to be for the purpose of creating a requirement that is not otherwise imposed by the Individuals with Disabilities Education Improvement Act (“IDEA”), together with its implementing federal regulations, state statutes and rules, as they shall from time to time be amended, and shall not be construed to create a higher standard than that established by IDEA. These *Special Education Operating Procedures* will be posted on Brazos ISD’s website. These *Special Education Operating Procedures* should be interpreted consistent with the IDEA. Brazos ISD’s *Special Education Operating Procedures* are reviewed and updated, as needed, on at least an annual basis. Brazos ISD will make timely changes to policies and procedures in response to IDEA amendments, regulatory or rule changes, changes to state policy, or new legal interpretation as are necessary to bring Brazos ISD into compliance with the requirements of IDEA. Brazos ISD maintains systems to ensure that all students with disabilities residing in the District, including students with disabilities attending non-public schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and provided a free appropriate public education. Brazos ISD maintains systems to ensure that students with disabilities and their parents are afforded the procedural safeguards required under the IDEA (and its implementing federal regulations, state statutes and rules) including with respect to the confidentiality of records and personally identifiable information.

What are the District’s obligations to children transitioning from IDEA Part C Early Intervention Services (EIS) to IDEA Part B Early Childhood Special Education (ECSE)?

Brazos ISD coordinates with [Texas Health and Human Services Commission \(THHSC\)](#)¹ or its local designees—the Early Intervention Agency—to notify parents or guardians of children in the District who are at least 3 years of age but younger than 6 years of age and who are potentially eligible for enrollment in Brazos ISD’s IDEA Part B Early Childhood Special Education (ECSE) program of the availability of the program.² Additionally, at least 90 days before the 3rd birthday of a child with a disability under Part C EIS, who may be eligible for preschool special education and related services under Part B, the Early Intervention Agency—must notify the District that the child will shortly reach the age of eligibility for Brazos ISD’s ECSE program.³ Brazos ISD is an appropriate contact to receive such notice.

If a child is potentially eligible for Brazos ISD’s ECSE program, with family approval, a transition conference will be convened by the Early Intervention Agency, with an invitation to the District,

¹ 34 C.F.R. § 303.22

² Tex. Ed. Code § 29.009

³ 34 C.F.R. § 303.209(b)(1)(i); [Early Childhood Transition FAQs](#) (OSEP 2009).

not fewer than 90 days and not more than 9 months before the child's 3rd birthday, to discuss any potential special education and related services the child could receive from the District.

If the Early Intervention Agency determines that the child is eligible for [Early Intervention Services \(EIS\)](#) more than 45 but less than 90 days before the child's 3rd birthday and if that child may be eligible for ECSE services under Part B, the Early Intervention Agency, as soon as possible after determining the child's eligibility, must notify Brazos ISD that the child on his 3rd birthday will reach the age of eligibility for the District's ECSE program.⁴ Brazos ISD is an appropriate contact to receive such notice.

Brazos ISD shall ensure that an IEP is in effect for an IDEA B eligible child with a disability who had previously received IDEA Part C services by the child's 3rd birthday while complying with the procedures in **the District's Evaluation Procedure Operating Procedure**. If a child's 3rd birthday occurs during the summer, the student's ARD committee shall determine the date when services will begin.⁵

If Brazos ISD knows that a child served in Part C via an *Individualized Family Service Plan* (IFSP) developed by the Early Intervention Agency and referred to IDEA Part B will turn 3 over the summer and that appropriate Brazos ISD personnel won't be available to conduct evaluations and hold ARD committee meetings during the summer, Brazos ISD shall ensure that required activities such as conducting the evaluations, and convening the ARD committee meeting occurs before the end of the school year.⁶

When the Early Intervention Agency provides notification to Brazos ISD of a potentially eligible child fewer than 90 days before the student's 3rd birthday, the Early Intervention Agency must provide a written explanation to the District stating the reason for the delay. Brazos ISD is an appropriate contact to receive such notice. If notification is given between 45-89 days before the student's 3rd birthday, Brazos ISD shall ensure that eligibility is determined as soon as possible.

If a student with a disability was served under IDEA Part C via an *IFSP*, the student's IFSP may serve as the IEP of a child with a disability aged 3 through 5 (or, at the discretion of the state educational agency, a 2-year-old child with a disability who will turn age 3 during the school year), if the IFSP was developed in accordance with ARD committee procedures, is consistent with state policy, and agreed to by Brazos ISD and the student's parents or guardians.⁷

If a student's IFSP was incorrectly developed by the Early Intervention Agency and Brazos ISD and the parent or guardian agree to use the IFSP in lieu of an IEP, Brazos ISD shall modify the IFSP so that it meets the requirements for an IEP.⁸

While IDEA Part B requires coordination to assure the continuity of services, it does not compel Brazos ISD to provide all the same services in an IEP that were in a student's IFSP.

⁴ 34 C.F.R. § 303.209 (b)(1)(ii).

⁵ 34 C.F.R. § 300.101

⁶ [Early Childhood Transition FAQs](#) (OSEP 2009)

⁷ 34 C.F.R. § 300.323 (b)(1); 20 USC § 1414 (d)(2)

⁸ 34 C.F.R. § 300.323 (b); U.S. Department of Education, 71 Fed. Reg. 46679 (2006)

Demonstrations of this procedure's implementation may include, but are not limited to, examples such as:

- Forms
- IFSP meetings reports
- ARD committee meeting reports
- Transition plans
- TEAL-related documents