



OHIO DEPARTMENT OF HEALTH

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POLICY MEMO: #15-01

To: Public of Ohio
All Early Intervention Providers in the State of Ohio

From: Robin Bell, Help Me Grow Early Intervention Program Manager, ODH

Date: December 8, 2014

In order to fulfill the public participation requirements of the *Individuals with Disabilities Education Act, Part C for Infants and Toddlers with Disabilities* in the State of Ohio, for which the Ohio Department of Health is Lead Agency, the following is provided as a clarification of the requirements around transitioning children from Early Intervention.

Ohio Administrative Code 3701-8-04(D)(h) already requires that central coordination contractors document system referrals when they are for a child who is referred within 45 calendar days of his or her third birthday. More specifically, for a child at this age being referred to EI, the contractor shall provide information to the parent about special education preschool at the local education agency.

In addition to what is already in rule 3701-8-04, ODH will be seeking parent consent as required under 34 CFR 303.414, and if consent is provided, will refer the toddler to the State Education Agency.

Ohio Administrative Code 3701-8-07 does not currently include the requirement that for any child who is made eligible for Early Intervention more than 45, but less than 90 calendar days before their third birthday; ODH will be seeking parent consent as required under 34 CFR 303.414, and if consent is provided, will refer the toddler to the State Education Agency.

Finally, Ohio Administrative Code 3701-8-07.1(A)(5) requires that a transition [planning conference shall be held no less than ninety calendar days, but not more than nine months, prior to a child's third birthday. It also requires that for a child who is potentially eligible for special education preschool, the local education agency shall be notified of the child's potential eligibility, and with parent consent, a representative shall be invited to the transition planning conference.

In addition to what is already in rule 3701-8-07.1, meetings to develop transition plans and Transition Planning Conferences must meet the requirements that they are (a) conducted in settings and times that are convenient for the family; (b) in the native language of the family or other mode of communication used by the family, unless it is clearly not feasible to do so; and (c) invite the following individuals to participate: the parent, other family members when requested by the family, an advocate or person outside of the family, when requested by the family, service coordinator, evaluator and/or assessors, and any person who will be providing services to the child.

If you have any questions about this memo, please contact your Early Intervention program consultants by phone or email.