

## **Questions and Answers about Indicator 12 Data Report to the NC Department of Public Instruction**

*This document addresses frequently asked questions about reporting Indicator 12 data to the NC Department of Public Instruction (DPI). Because timeliness is critical for compliance with this Indicator it is best practice to begin the transition process early. With adequate lead time, missed appointments can be rescheduled to ensure that the process is completed in a timely manner (within 90 days) and that services can begin by the child's third birthday. It is recommended that LEAs provide a phone call reminder prior to each appointment. When parents fail to attend referral meetings, evaluation appointments, or placement/IEP meetings it is best practice for the LEA to provide parents with the opportunity for a second meeting or evaluation date as soon as possible to allow the LEA to complete the process in a timely manner.*

### **Indicator 12: Percent of children referred by Part C prior to age 3 who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.**

**1. Question:** What does the LEA report to DPI for Indicator 12 in terms of the total number of children for whom the LEA has received notification?

- **Answer:** From the CDSA notification lists received from July 1st through June 30<sup>th</sup> of the next calendar year, count all children who turn three during that timeframe. This will be the number that you report in 12a on the Indicator 12 reporting spreadsheet.

**2. Question:** When the LEA receives notification about a given child, but is not invited to the Transition Planning Conference, how should the LEA count that child on the report to DPI for Indicator 12?

- **Answer:** From the CDSA notification list of children who turn three from July 1st through June 30<sup>th</sup> of the next calendar year, count the total number of children for whom you were not invited to the Transition Planning Conference. Report these children under the exception for Indicator 12 as "children for whom parent refusal to provide consent caused delays in evaluation or initial services."

**3. Question:** When the LEA attends a Transition Planning Conference and the parents indicate that they are not interested in pursuing services, how should the LEA document this and count those children on the report to DPI for Indicator 12?

- **Answer:** At this time the Infant-Toddler Program (ITP) is revising its Written Prior Notice forms. If the old form is being used in your locality, document the parents' decision on the form and have the parents sign. If the new form is being used there will be a place for the parents to provide a signature on the ITP Written Prior Notice along with recommendations from the meeting, including what services parents reject or accept and why. Whether using the old or new form, retain this documentation in the LEA files for potential monitoring. Count these children under the exception for Indicator 12 as "children for whom parent refusal to provide consent caused delays in evaluation or initial services."

**4. Question:** When parents: a) do not invite the LEA to the Transition Planning Conference or b) refuse to pursue services at a Transition Planning Conference with the LEA in attendance -- but later change their minds and pursue a referral -- how does the LEA count those children on the report to DPI for Indicator 12?

- **Answer:** The child would have already been accounted for as explained in question 2 and entered as “children for whom parent refusal to provide consent caused delays in evaluation or initial services.” Therefore, move forward with the referral and complete the process within the 90 day timeline for Indicator 11.

**5. Question:** When a service coordinator calls to schedule a meeting after a child receiving Part C services turns 2 years, 9 months of age and wants to talk about a preschool referral, how should the LEA document this and count the child on the report to DPI for Indicator 12?

- **Answer:** The LEA must ask the service coordinator why the conference is late. Two different explanations could be allowable exceptions if the late conference resulted in the LEA not completing the process in a timely manner.
  - a. First, the first Transition Planning Conference was held without the LEA because the parents did not want the LEA to attend. The existing transition plan in the IFSP is documentation that the transition conference was held earlier. However, later the parents change their minds and want to contact the LEA. Many service coordinators then contact the LEA to schedule a second meeting. If the LEA begins the referral, evaluation, eligibility and IEP process at this point in time, but cannot accomplish a timely transition, the LEA may count the child in the exception for “children for whom parent refusal to provide consent caused delays in evaluation or initial services.”
  - b. Second, if the service coordinator explains that the parents requested that the Transition Planning Conference be held after the required due date (service coordinators must have documentation on file for this parent circumstance which is an allowable exception for Part C) and the LEA cannot complete the referral, assessment, and IEP process in a timely manner, the child may be counted in the same category as for “children for whom parent refusal to provide consent caused delays in evaluation or initial services.”

However, when the Transition Planning Conference was not conducted by the time the child turns 2 years 9 months of age, resulting in a delay of the timely provision of services, and in the absence of the above exceptions, an allowable exception for the Indicator 12 data may not be used. This child will be included in the number of children with placement delayed beyond their third birthday. This will be automatically calculated by the spreadsheet.

**6. Question:** For children who are transitioning from the Part C program and are not enrolled in the LEA, when a parent fails to show up for the initial IEP referral meeting, how should the LEA document and count this child on the state Indicator 12 report?

- **Answer:** An Invitation to Conference must be issued to parents as notice of the referral/IEP Team meeting. If the parents do not respond to the invitation, the LEA must contact the parents a second time as a reminder of the meeting and document this on the bottom of the Invitation

to Conference (second notice). After contact with the parents has been achieved in response to the second notice, but the parents fail to attend the meeting, the IEP Team can proceed with the meeting. If the IEP Team decides to proceed with the evaluation, the LEA must provide the parent with a copy of the Prior Written Notice (DEC 5) including the reason for the IEP Team's decision to proceed with the evaluation, and gain the parents' informed consent for evaluation (DEC 2). If the IEP Team decides not to proceed with the evaluation, the LEA must provide the parent with a copy of the Prior Written Notice (DEC 5) and the reason for the decision. Best practice is to have an accompanying letter stating that at any time the parent wants to pursue the referral the LEA is ready to conduct follow-up actions. The letter should also include the LEA contact information and procedural safeguards. The LEA must maintain documentation of reasonable efforts to obtain informed parental consent for the evaluation. The documentation includes:

- a. Detailed records of telephone calls made or attempted and the results of those calls;
- b. Copies of correspondence to and from parents; and/or
- c. Detailed records of visits made to the parent's home or place of employment and the results of those visits.

If parents do not respond to the invitation and cannot be reached for the second notice, the IEP Team must meet to discuss the referral. If the IEP Team recommends an evaluation, the LEA must provide the parents with the Prior Written Notice (DEC 5) including the reasons for the decision, and attempt to obtain the informed parental consent for evaluation (DEC 2). If the IEP Team decides that an evaluation is not necessary and that the process should be stopped, the LEA must send the parents a copy of the Prior Written Notice (DEC 5) with the reason for the IEP Team decisions. Best practice is to have an accompanying letter stating that at any time the parent wants to pursue the referral the LEA is ready to conduct follow-up actions. The letter should also include the LEA contact information and procedural safeguards. The LEA must maintain documentation of communication with parents as noted previously.

- For reporting data: If the transition process cannot be completed within a timely manner due to the parents failure to provide informed consent, the LEA may count this child under the exception for Indicator 12 as "children for whom parent refusal to provide consent caused delays in the *evaluation* or initial services."
- CECAS steps:
  - a. When the IEP team recommends an evaluation and the parents are invited to an evaluation appointment:
    - i. On the Special Ed Screen enter the Referral Received by School Date. This begins the 90 day timeline in CECAS.
    - ii. Enter the Referral Determination Date with Conduct Evaluation - Yes selected.
  - b. When the IEP team decides that the referral should be stopped and no further evaluation is necessary:
    - i. On the Special Ed Screen enter the Referral Received by School Date. This begins the 90 day timeline in CECAS.
    - ii. Enter the Referral Determination Date with Conduct Evaluation - No selected. This ends the 90-day timeline in CECAS.

7. For children who are transitioning from the Part C program and are not enrolled in the LEA, when parents fail to provide informed consent for evaluation, how should the LEA document this and count this child on the report to DPI for Indicator 12?
- If an IEP Team recommends an evaluation, the LEA must provide the parents with the Prior Written Notice (DEC 5) including the reasons for the decision, and attempt to obtain the informed parental consent for evaluation (DEC 2). If the parent of a child fails to respond to a request for consent for evaluation, and proper documentation has been maintained, then the LEA must meet again and document on the Prior Written Notice (DEC 5) the parent's failure to respond, and the referral should be closed. Best practice is to have an accompanying letter stating that at any time the parent wants to pursue the referral the LEA is ready to conduct follow-up actions. The letter should also include the LEA contact information and procedural safeguards.
  - If an IEP Team recommends an evaluation, the LEA must provide the parents with the Prior Written Notice (DEC 5) including the reasons for the decision, procedural safeguards, and attempt to obtain the informed parental consent for evaluation (DEC 2). If the parent of a child refuses to provide consent for the evaluation, the IEP Team must meet again and decide one of the following:
    - a. If the child is a ward of the State and is not residing with the child's parent, the LEA must follow parental consent regulations in NC 1503-1(a)(2).
    - b. The LEA may, but is not required to, pursue the initial evaluation of the child by utilizing the procedural safeguards, (including the mediation procedures NC 1504-1.7 or due process procedures under NC 1504-1.8 through 1504-1.17), if appropriate
    - c. If the LEA declines to pursue the evaluation, the LEA does not violate its Child Find responsibility (NC 1501- 2.9 and NC 1503-2.1).
  - For reporting data: If the transition process cannot be completed within a timely manner due to the parents failure to provide informed consent, the LEA may count this child under the exception for Indicator 12 as "children for whom parent refusal to provide consent caused delays in the *evaluation* or initial services."
  - CECAS steps: When the IEP team decides that the referral should be stopped
    - On the Special Ed Screen enter the Referral Received by School Date. This begins the 90 day timeline in CECAS.
    - Enter the Referral Determination Date with Conduct Evaluation - No selected. This ends the 90-day timeline in CECAS.
8. **Question:** For children who are transitioning from the Part C program and are not enrolled in the LEA, when parents repeatedly fail to make the child available for the initial evaluation, how should the LEA document and count this child on the report to DPI for Indicator 12?
- **Answer:** An Invitation to Conference (with "other" as the purpose) or appointment letter may be used as documentation of the appointment date/time, etc. The LEA must contact parents a second time as a reminder of the first evaluation appointment and document this on the bottom of the Invitation to Conference (second notice) or in the child's records. When an

evaluation appointment is missed after the second notice is provided, the LEA must maintain documentation that they provided parents with at least two different opportunities for evaluation appointments on two different days/times in order to ensure a timely process (90 days for Indicator 11 and initiation of services by the third birthday for Indicator 12).

- **For reporting data:** If, after documenting attempts to schedule at least two different appointments as noted above, the transition process cannot be completed within a timely manner due to the parent's repeated failure to provide the child for the evaluation, the LEA may count this child under the exception for Indicator 12 as "parent repeatedly failed or refused to produce them for the evaluation."
- **CECAS steps:** Once it has been determined that the parents are not going to make the child available, the LEA should close the record in CECAS by clicking the Record Closure button and then selecting the reason "Child not produced for evaluation" and entering a date. The date entered becomes the end of the 90-day timeline calculation in CECAS.

**9. Question:** For children who are transitioning from the Part C program and are not enrolled in the LEA, when parents fails to show up for the IEP meeting to discuss the evaluation results and, if eligible, develop the goals and objectives, how should the LEA document this and count the child on the report to DPI for Indicator 12?

- **Answer:** An invitation must be issued to the parents as notice for the eligibility determination meeting. The LEA must contact the parents a second time as a reminder of the first meeting and document this on the bottom of the invitation to conference form (second notice). The LEA must maintain documentation of reasonable efforts to obtain parental consent to provide special education and related services. The documentation includes:
  - a. Detailed records of telephone calls made or attempted and the results of those calls;
  - b. Copies of correspondence to and from parents; and/or
  - c. Detailed records of visits made to the parents' home or place of employment and the results of those visits.

If the LEA has given proper notice to the parents, the IEP Team can hold the meeting to determine whether the child is eligible, and if eligible, must develop an IEP within 30 days of the eligibility determination. The LEA must provide the parents with Prior Written Notice (DEC 5) with the reason for the IEP Team decisions and seek to obtain Consent for Initial Services (DEC 6).

- **For reporting data:** The IEP team can determine eligibility for services, and if child is found eligible the Team can develop an appropriate IEP. This meets the requirements for the timeline for both the third birthday (Indicator 12) and the 90 day timeline (Indicator 11). Indicator 12 and 11 compliance is measured with the plan date of the IEP (DEC 5 date) and not the start date of the IEP (after the consent for services is obtained).
- **CECAS steps:**
  - a. On the Special Ed screen the LEA must enter the Evaluation Purpose (Initial), the Eligibility Determination Date, Eligible (Yes or No), and if eligible, the Primary Disability.

- b. If an IEP is developed, the LEA must complete the Plans screens or close/verify a CECAS DEC4 form. This will populate the Initial Placement Date that ends the 90-day timeline in CECAS.
- c. If the LEA seeks parental consent (DEC 6) to provide services, the LEA must enter the response in the Consent for Placement Date and Consent for Placement Given fields on the Special Ed screen.

**10. Question:** For children who are transitioning from the Part C program and are not enrolled in the LEA and whose parents move after the initiation of the referral, how should the LEA document this and count the child on the report to DPI for Indicator 12?

- **Answer:** If the family has moved, it is the LEA's responsibility to send the documentation to the new LEA upon request. It would be prudent to provide the parents with a copy of all paperwork and the evaluation report prior to the move. This situation falls into the Indicator 12 reporting exception of "children who moved into or out of the LEA during transition from Part C."

**11. Question:** When the LEA receives notification of a child who is referred to the Infant-Toddler Program less than 90 days prior to his/her birthday and the LEA cannot complete the transition process in a timely manner, how should the LEA document and count this child on the report to DPI for Indicator 12?

- **Answer:** The Infant-Toddler Program Prior Written Notice Form (both old and new) requires documentation of the date a child is referred to the ITP program. This date is often listed on the IFSP as well. LEAs must keep a copy of the ITP Written Notice Form as documentation of the late referral. The child can be included in the allowable exception "children who were referred to Part C less than 90 days before their third birthday." The LEA should begin the referral process with the parents and complete the process within the 90 day timeline for Indicator 11.

**12. Question:** For children who are transitioning from the Part C program and are not enrolled in the LEA, what is the start of the 90 day timeline for Indicator 11?

- **Answer:** Evaluations must be conducted, eligibility determined, and for an eligible child, the IEP developed, and placement completed within 90 days of receipt of the written referral (DEC 1 or parent written referral).