



BEST FOR ALL

We will set all students on a path to success.

Annual Performance Report (APR) Indicator 12 Compliance Training

IDEA APR Support Team

Division of Federal Programs and Oversight | June 2022



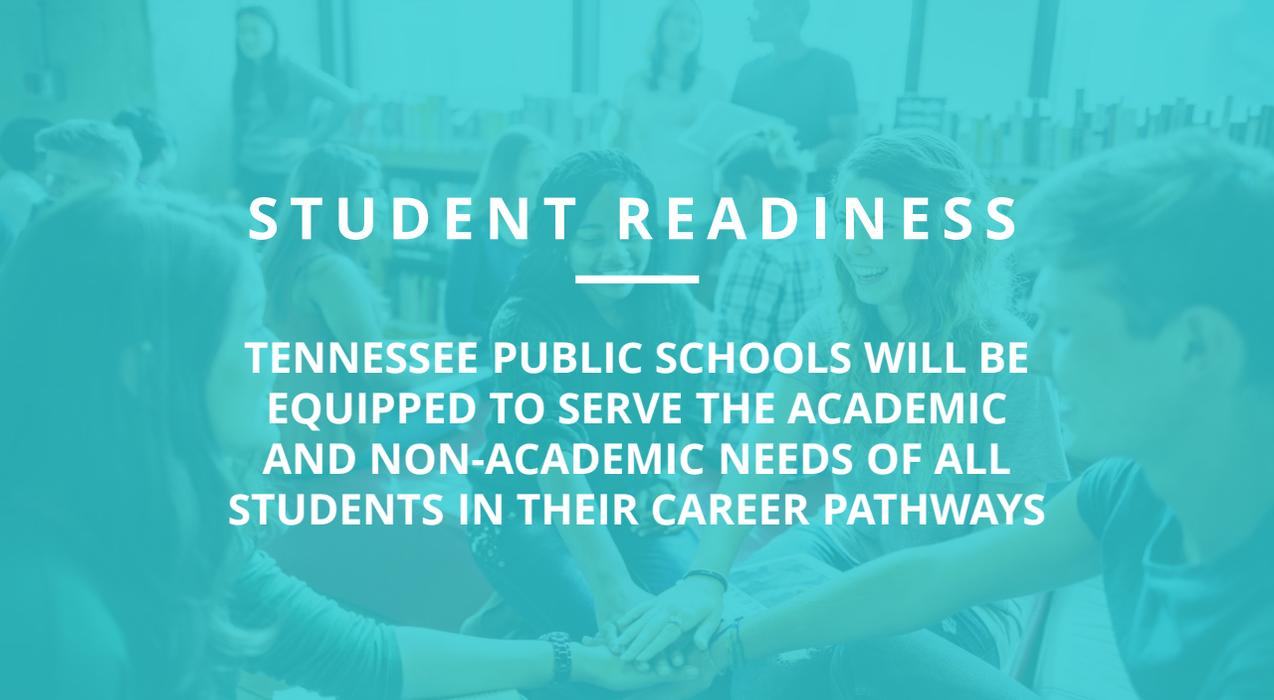
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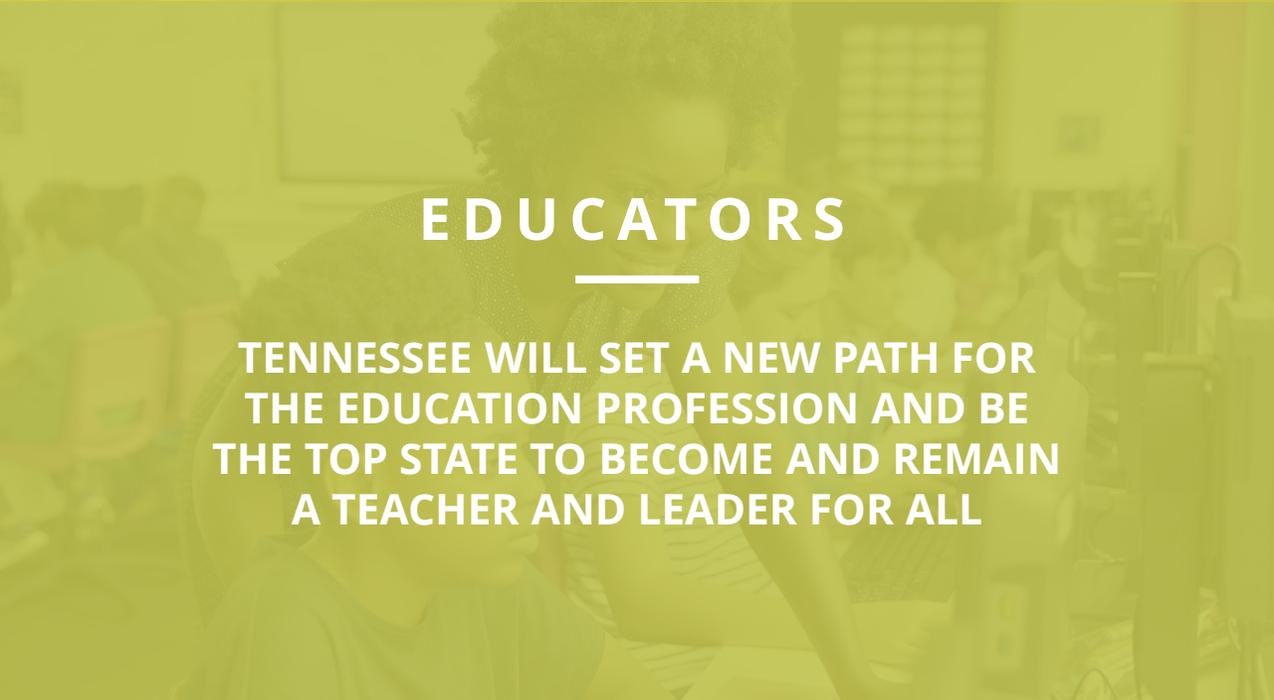
ACADEMICS

ALL TENNESSEE STUDENTS WILL HAVE ACCESS TO A HIGH-QUALITY EDUCATION, NO MATTER WHERE THEY LIVE



STUDENT READINESS

TENNESSEE PUBLIC SCHOOLS WILL BE EQUIPPED TO SERVE THE ACADEMIC AND NON-ACADEMIC NEEDS OF ALL STUDENTS IN THEIR CAREER PATHWAYS



EDUCATORS

TENNESSEE WILL SET A NEW PATH FOR THE EDUCATION PROFESSION AND BE THE TOP STATE TO BECOME AND REMAIN A TEACHER AND LEADER FOR ALL



Agenda



- Provide training and guidance for LEAs to ensure compliance with ***Indicator 12—Early Childhood Transition***
- Address LEA questions and concerns related to ***Indicator 12 APR*** reporting



Wordle

Fill in the blank:

- **The transition to preschool is sometimes _____
for children and their families.**

APR Indicator 12

Reporting and Compliance



Important Indicator 12 Definitions

Early Childhood (EC) Transition

- refers to the events and processes in place for eligible children moving from Part C (early intervention) services to Part B (school system) services.

Indicator 12

- is a compliance measure that focuses on the percent of children referred by Part C prior to age 3, who are found eligible for Part B services, and who have an IEP developed and implemented by their third birthday.

Office of Special Education Programs (OSEP)

- a division of the [U.S. Department of Education](#)
- OSEP provides oversight and support for entities charged with protecting the educational rights of children with disabilities from age three through twenty-one.

Indicator 12 Definitions (Cont.)

Tennessee Early Intervention System (TEIS)

- the IDEA Part C program that provides early intervention services to Tennessee children (birth to 3 years old) who have disabilities or other developmental delays.

Tennessee Early Intervention Data System (TEIDS)

- the system managed by TEIS used to track data for Tennessee children (birth to 3 years old) receiving early intervention services as they progress through Part C of the IDEA system.

EasyIEP Data System

- the state-wide software system managed by the TN Dept. of Education (department) used to collect, store, and manage data collection for students with disabilities ages 3-21.

APR Reporting

- OSEP requires each state to develop a **State Performance Plan (SPP)** that evaluates the state's efforts to implement the requirements and purposes of the IDEA.
- The plan includes baseline data, measurable and rigorous targets, and a plan for refinement for all **APR data indicators**.
- As Indicator 12 is a **compliance indicator** with a 100% compliance target, OSEP expects all states to ensure that LEAs follow procedures and meet timelines for 100% of children who transition from Part C to Part B services.



100%
Compliance

OSEP Exemptions for Indicator 12 Determinations

Children not determined eligible due to withdrawal of parental consent, or the child moved;

Children that did not meet the timeline because the parent repeatedly failed or refused to make the child available;

Children for whom the parent's **refusal to provide consent** caused delays in evaluation or initial services;

Children who were referred to Part C less than 90 days before their third birthdays; *or*

Children determined to be *not eligible* and whose eligibility was determined prior to their third birthdays.

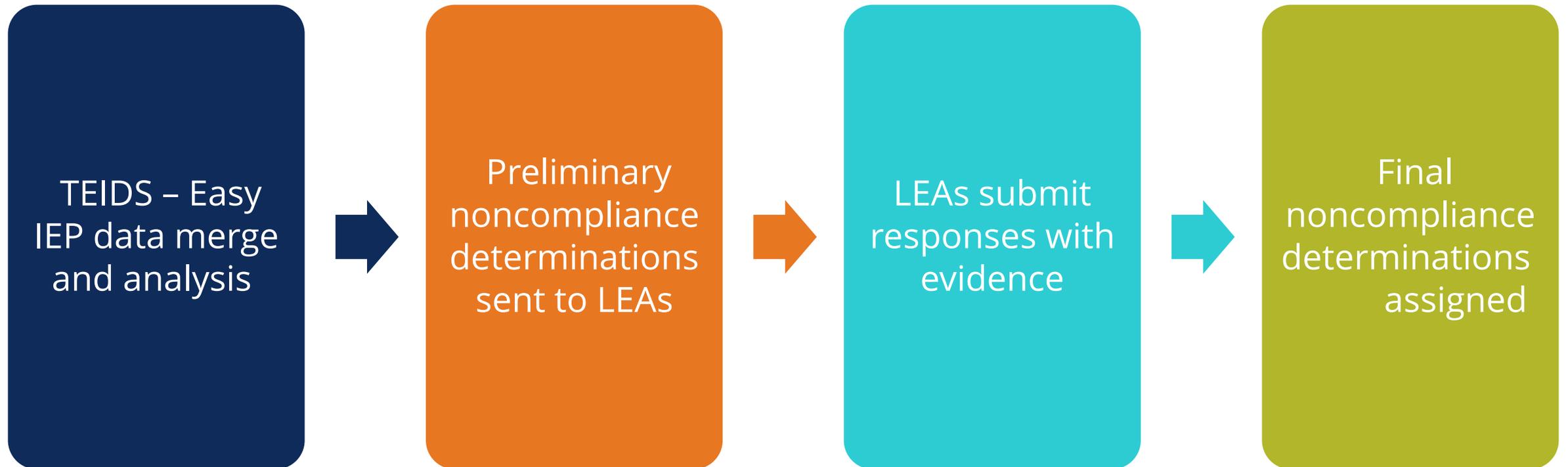
Any other reason for the development and implementation of a late IEP will result in a finding of noncompliance for Indicator 12.

How does the department determine Indicator 12 compliance?



- The department is federally required to annually report Indicator 12 data to OSEP by **Feb. 1** each year. The reporting process includes the following:
 - TEIDS data (requested from TEIS) is merged with EasyIEP records for analysis and **assignment of preliminary determinations** (i.e., timely, non-eligible, parent refusal, late referral, or untimely)
 - Preliminary noncompliance determinations are shared with LEAs
 - LEAs submit responses and supporting documentation for each determination
 - The department analyzes LEA responses to assign final compliance determinations
 - The department provides technical assistance to LEAs to ensure the resolution of all noncompliance

Indicator 12 - Determination Process



What information is needed from the LEA in response to a preliminary untimely transition determination?

- The department will send each LEA a spreadsheet listing all children who appear to have had an untimely transition to Part B services.
- The LEA must provide a written response that includes the following:
 - a detailed accounting of each child's transition status ,
 - contact log information, *and*
 - supporting documentation, if applicable



What corrective actions are required if our LEA has a finding of Indicator 12 noncompliance?



- Ensure the **resolution** of all children's records determined to be out of compliance



- Complete **training** for all personnel involved in the early childhood transition process



- Develop and receive department approval for Early Childhood Transition **Procedures**



- Demonstrate Indicator 12 **compliance** in the current school year (through department data review)

TEIS Monthly Notification



TEIS Monthly Notification

- All children served by TEIS are considered potentially eligible for Part B services.
- Monthly notification from TEIS (with parental consent):
 - is sent to the special education supervisor or designee of each LEA
 - includes name, date of birth, and parent contact information for children 27 months or older who are currently receiving TEIS services.
- LEA response:
 - provide the parent with the *Notice of Procedural Safeguards* and an introductory letter
 - maintain documentation of these actions.



Scenario – TEIS Notification Error

- I am a new supervisor and just received a TEIS monthly notification list. One child on this spreadsheet is not zoned for my LEA. What is my responsibility?
 - Immediately notify TEIS of the error
 - Send the *Notice of Procedural Safeguards* and a letter to inform the parent that they are not the correct LEA, but that TEIS will send the notification to the correct LEA
- Once TEIS has notified the correct LEA, what is that LEA's responsibility?
 - Send the child's parent another copy of the *Notice of Procedural Safeguards* and a letter explaining that they are the correct LEA and offer to convene an eligibility meeting

Transition Planning Conference (TPC)



What are the LEA's requirements at a TPC?

- Participate in the meeting
- Provide an overview of the LEA's early childhood special education program's options and services
- Explain the eligibility and IEP processes
- Discuss next steps with the child's parent
- Establish a means of effective communication and collaboration with the parent



Scenario - Child Find Responsibility

- Sally Davis was included on the March 2022 notification list, and we sent the *Notice of Procedural Safeguards* and an introductory letter to the child's parent. She is nearing her third birthday, and our LEA has not been asked to attend a TPC meeting.

✓ Yes

✗ No

Have we met our child find responsibility?

If the LEA has documented that the *Procedural Safeguards* and introductory letter have been sent, and if the LEA has consulted with TEIS and found one of the following reasons:

- Child is no longer active with TEIS,
- The parent elected to not transition to the LEA, or
- TEIS has held a non-LEA transition planning meeting,

...Then the LEA has met the child find responsibility.

Scenario – LEA Calendar is Full

- The service coordinator called me in March before Sally Davis' birthday in April. Sally's parents have changed their minds and now wish to pursue a referral to the LEA. Our calendar is full. What should we do, and will the LEA have a finding for this child?
 - Meet with the parent and TEIS to schedule a late TPC as soon as possible.
 - Consider alternative methods to hold the meeting.
 - Document in the EasyIEP contact log that the TPC is late due to a parent reason.
 - Proceed with eligibility and IEP implementation following the 60-day (eligibility) and 30-day (IEP implementation) timelines.
 - Count as “parent reason,” if the 90-day timeline is met.
 - Continue to document all attempts to reach the parent. If the 90-day timeline is *not* met, this documentation will be used for Indicator 12 reporting decisions.

Scenario - Late TPC: Non-Parent Reason

- Our transition coordinator was out due to a family emergency. The rescheduled TPC is only 78 days before Logan's third birthday. How will this impact our LEA Indicator 12 data?
 - A delayed TPC for a non-parent reason (e.g., cancellation due to weather, sickness of LEA or TEIS personnel, TEIS- or LEA-related scheduling difficulties) will be counted as untimely if the IEP is not developed and implemented by an eligible child's third birthday.

Late TPC vs. Late Referral

A **late TPC** describes a child who has been receiving TEIS services with a TPC requested after the child turns two years, and nine months of age.

- Use the EasyIEP contact log to document the reason for a late TPC
- Pursue and provide documentation of all activities to complete the transition by the child's third birthday
- Respond to Indicator 12 inquiries with contact log and documentation if untimely

A **late referral** describes a child whose initial referral to TEIS is less than 90 days before a child's third birthday.

- Receive the official *LEA Referral Form* from TEIS
- Begin the referral process with the child's parent
- Contact TEIS for information on a Part C evaluation and/or Individualized Family Service Plan (IFSP)
- Report as a "late referral" for Indicator 12

Scenario - Child Moves to Your LEA

- The TEIS service coordinator who serves our area informed me of a recent addition to her caseload. A TPC has been held but in another LEA. What is our responsibility?
 - The LEA attending the TPC is responsible for Indicator 12 compliance.



Please respond True or False.

- **However**, the receiving LEA must continue the transition process by completing all the following:
 - send the *Notice of Procedural Safeguards* and introductory letter to the child's parent;
 - offer to convene an eligibility meeting;
 - inquire about current evaluation information; **and**
 - request a transfer of the child's record in EasyIEP

Child Moves Away from Your LEA

- The LEA should:
 - Document in the EasyIEP contact log (details of when the child moved and how you were notified)
 - Inactivate the child's record as "moved, known to be continuing"
 - Upload all relevant documentation
 - Communicate with the receiving district to help complete the transition
- In this case, *if* the child's record has been inactivated, it would be counted as a "parent reason" for Indicator 12 reporting purposes.

IDEA Part B Eligibility



Scenario - Parent Declines LEA Services

- Billy's family participated in a TPC on March 10, 2022. Billy has made progress through early intervention services. His parents do not have any concerns related to his development and education and do not wish to pursue LEA services at this time. How do we document that this transition has been completed?
 - Maintain documentation (e.g., TPC meeting notes, form the parent signs)
 - Use a PWN to describe the reasons why an evaluation will not be completed (e.g., Billy's parents have no concerns and have decided not to request an evaluation).
 - Upload the PWN and inactivate the TEIDS record in EasyIEP by indicating a "transfer to regular education"
- This child's record will be counted as a "parent reason" for Indicator 12 purposes.

Scenario - Missed Evaluation Meeting

- We attended a TPC with the Smith family four months before Alex's third birthday with a plan to meet in one month to get signed consent and begin the evaluation process. The family was unable to attend the first scheduled meeting. We tried to call the parent four times to reconnect and schedule a meeting with no response. What should we do next?



Which of these actions should the LEA take?

- a. Attempt other forms of contact and keep a detailed contact log
- b. Maintain documentation (e.g., meeting invitations, appointment letters)
- c. Use a PWN to explain why an evaluation will not be conducted
- d. Send a PWN and the *Notice of Procedural Safeguards* by certified mail to the parent
- e. All the above

Scenario - Delaying an Initial Evaluation

- If the TPC is held 6-9 months before the child's third birthday, is it okay to delay an initial evaluation so that evaluation data will be collected closer to the child's third birthday?

Yes No Please respond Yes or No.

- The LEA must ensure that the evaluation and IEP timelines are met.
- The LEA should consider any benefits and disadvantages of beginning the evaluation process closer to the child's third birthday.

Scenario - Summer Birthday

- If the LEA receives notice of a child with a summer third birthday, may the LEA delay special education services for an eligible child until school resumes in the fall?



Please respond in the chat Yes or No.

- Services cannot be denied over the summer months due to school not being in session or for lack of regression documentation.
- Individualized decisions are made by the IEP team, *not* the TPC team.
 - IEP team considers services needed to address the child's disability and degree of impairment
 - If a child turns three years old over the summer months, the IEP team determines if he/she qualifies for Extended School Year (ESY) and/or other required services.

Early Childhood Event Dates

- A transition planning conference was held for Ben on Sept. 18, 2021. His third birthday is Jan. 1, 2022, which is during a time school is not in session. His evaluations are completed, and the team met on Dec. 10, 2021, and determined he is eligible for special education services. An IEP was developed and signed by the team on that same day. The team determines that Ben's IEP services will begin immediately when school resumes after the break on Jan. 10, 2022.



Please respond in the chat.

- Based on the scenario, what dates should be listed for the following events?
 - Eligibility Date: **12/10/21**
 - IEP Event (Meeting) Date: **12/10/21**
 - Current IEP Begin Date: **1/01/22**
 - Current IEP End Date: **12/09/22**
 - IEP Services Begin Date: **1/10/22**

TEIS Evaluation Data



When TEIS or the parent provides the LEA with current and appropriate evaluation data for a child, what should the LEA not do?

- a. Incorporate the evaluation data into LEA evaluation information
- b. Evaluate for all areas of suspected disability
- c. Determine the child eligible upon receiving the TEIS/parent-provided data
- d. Review information from a variety of sources

Scenario - Missed Eligibility Meeting

- Taylor's parents missed the first scheduled date for an eligibility meeting with our LEA. We scheduled a second meeting at a time convenient for the parents, but they still did not attend. Taylor's third birthday is quickly approaching.



In this situation, can the LEA convene an IEP meeting to determine eligibility without the parent(s)' participation?

Missed Eligibility Meeting

- Ensure the parent had multiple opportunities to meaningfully participate (e.g., invitation to meeting)
- Maintain a contact log with outcomes of each contact, reminder, and meeting attempts (e.g., phone call, email, certified letter, home/work visit)
- Convene the IEP team to determine eligibility upon review of all evaluation data



Eligibility Meeting Without a Parent

If the child does not meet the standards to be identified as a student with a disability:

- Determine eligibility
- Create an Eligibility Report – Not Eligible
- Write PWN listing reasons including data, attempts to include the parent, and how/when the information will be explained to the parent
- Provide copies of eligibility report, PWN, and *Notice of Procedural Safeguards* to parent

If the child does meet the eligibility standards to be identified as a student with a disability:

- Determine eligibility
- Create an Eligibility Report – indicate that the parent declines services
- Write PWN including how eligibility standards were met, attempts to include the parent, and how/when the information will be explained to the parent
- Provide copies of eligibility report, PWN, and *Notice of Procedural Safeguards* to parent

Wrap Up





Successful Early Childhood Transition

- What are some ways to help ensure a successful preschool transition for children with disabilities and their families?



Please respond in the chat.

Early Childhood Special Education Webpage

- As a reminder, this presentation is intended to supplement the early childhood special education resources and training modules that are posted on the department's website. For more information, please visit the [Early Childhood Special Education \(ECSE\) webpage](#).

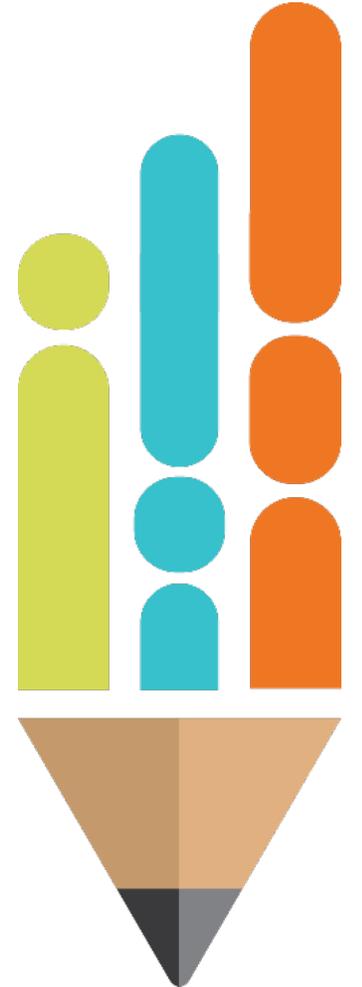


Indicator 12 Resources

- [FAQ: Indicator 12 – Early Childhood Transition](#)
- [Early Childhood Technical Assistance Center \(ECTA\)](#)
- [Indicator 12: Early Childhood Transition](#) Webinar
- [AnLar](#) Tennessee's Technical Assistance Network (TN-TAN)

Contacts

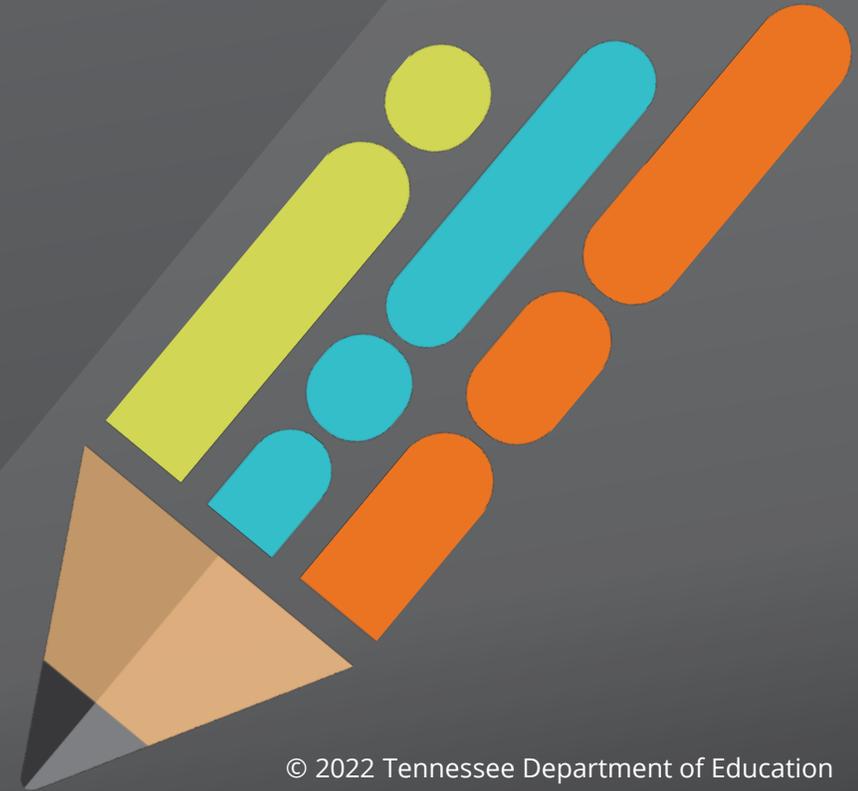
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- [APR Support Team Divisional Map](#)



Please Share your Feedback:

https://stateoftennessee.formstack.com/forms/apr_indicator_12_early_childhood_transition_training_feedback

STUDENT OUTCOMES



Fraud, Waste or Abuse

Citizens and agencies are encouraged to report fraud, waste, or abuse in State and Local government.

NOTICE: This agency is a recipient of taxpayer funding. If you observe an agency director or employee engaging in any activity which you consider to be illegal, improper or wasteful, please call the state Comptroller's toll-free Hotline:

1-800-232-5454

Notifications can also be submitted electronically at:

<http://www.comptroller.tn.gov/hotline>

Thank You!

