



## Early Steps Extended Option Policy

### Program Definitions:

**Individuals with Disabilities Education Act (IDEA):** IDEA is a federal law that makes available Free Appropriate Public Education (FAPE) to eligible children with disabilities, including early intervention (EI) services for infants and toddlers and their families.

**Florida Department of Education (DOE):** DOE provides funding and support to all Local Education Agencies (LEAs) in Florida for all children with disabilities from age three through 21.

**Florida Department of Health (DOH):** The mission of the DOH is to protect, promote, and improve the health of all people in Florida through integrated state, county, and community efforts. DOH is the state's lead agency for IDEA Part C and administers early intervention services required in 34 CFR §303 through a program called Early Steps.

**Office of Special Education Programs (OSEP):** OSEP administers the IDEA, which authorizes formula grants to states under Part B and grants to lead agencies for the infants and families program under Part C. OSEP provides funding and oversight to Florida's IDEA Part B and IDEA Part C programs.

**Part B:** Under the federal IDEA, Part B, states are required to provide FAPE in the least restrictive environment for children with disabilities, ages 3-21. In Florida, the Part B program that serves children between ages 3-5 is called Prekindergarten Exceptional Student Education and is managed by the Florida Department of Education, Bureau of Exceptional Education and Student Services.

**Part C:** Under the federal IDEA, Part C, states provide EI services to eligible infants and toddlers, ages birth through three, and their families. In Florida, this program is called Early Steps and is managed by the Florida Department of Health.

**Part C Extended Option:** Also known as the Early Steps Extended Option, this program provides EI services to eligible children from their third birthday until the start of the school year following their fourth birthday.

### Purpose:

The purpose of the Part C Extended Option is to offer families of eligible children a choice to continue enrollment in the Part C program beyond three years old, until the beginning of the school year following their fourth birthday.

**Authority:**

The authority for extending the eligibility for infants and toddlers beyond age three is provided by:

- 34 CFR §303
- IDEA Section 632(5)(B)
- IDEA Section 639
- 34 CFR §303.21
- 34 CFR §303.209
- 34 CFR §303.211
- 34 CFR §303.400 – 303.449
- 34 CFR §303.414
- 34 CFR §303.421
- 34 CFR §303.500-521
- Section 391.3081, Florida Statutes
- Early Steps Policy Handbook

**Eligibility:**

Consistent with 34 CFR §303.211 and section 391.3081, F.S., the following criteria must be met for a child to continue receiving Early Steps Program services under the Part C Extended Option:

1. The child must be referred to Early Steps at least 45 days before their third birthday.
2. The child must be determined to be eligible for services under Part C of the federal IDEA by the Local Early Steps (LES) before the child's third birthday.
3. The child must be determined eligible for services under Part B of the federal IDEA by the Local Education Agency (LEA).
4. The family must choose to continue services through the Early Steps Extended Option by signing informed consent.
  - a. Consistent with 34 CFR §303.211, the Early Steps Program must continue to provide all EI services identified in the toddler's Individualized Family Support Plan (IFSP) beyond age three until that toddler's initial eligibility determination under Part B is made, and the family has made the program selection. This provision does not apply if the LEA has requested parental consent for the initial evaluation and the parent has not provided that consent.
    - This provision applies in the event of a Part B eligibility dispute. Consistent with 34 CFR §303.211, the Early Steps Program must continue to provide all EI services identified in the toddler's IFSP beyond age three until that toddler's Part B dispute is resolved.

**Late Referrals:**

Consistent with 34 CFR §303.209, if a toddler is referred to Early Steps fewer than forty-five (45) days before that toddler's third birthday, the child is not eligible to participate in the Early Steps Program, including the Extended Option. The LES program, with

parental consent required under 34 CFR §303.414, will refer the child to the State Education Agency (SEA) for the location in which the toddler resides.

**Services:**

Before the age of three, if a child with a current IFSP is determined eligible for services under Part B of the IDEA, the child’s family will have the following choices:

1. Continue Early Steps services under the Part C Extended Option with an updated IFSP that shall be individualized for the child and promote school readiness by incorporating an educational component into the child’s IFSP goals, such as pre-literacy, language, and numeracy skills, consistent with 34 C.F.R. § 303.211 and section 391.3081, F.S.
2. Prekindergarten Exceptional Student Education through the LEA with an Individual Education Plan (IEP) under the IDEA, Part B, Prekindergarten Exceptional Student Education Program.
3. Decline all services and choose to exit the Early Steps Program.
  - a. This option will be selected if a family chooses to access the Family Empowerment Scholarship for Students with Unique Abilities. Note: this scholarship has a separate application process, and not all eligible families may be awarded the scholarship.

Consistent with 34 C.F.R. § 303.211(b)(5), the family’s choice will be documented by parent or guardian signing informed consent within seven calendar days of notice of the child’s Part B eligibility.

**Exclusions:**

Consistent with section 391.3081, F.S., a child may not receive services under Part B while receiving services through the Part C Extended Option.

Consistent with section 391.3081, F.S., a child may not receive a state scholarship under section 1002.394, Florida Statutes while receiving services through the Part C Extended Option.

**Annual Written Notice – Extended Option:**

Consistent with 34 CFR §303.211, the LES Program shall ensure that parents of children served under Part C are provided an annual notice by their child’s third birthday. The annual notice shall be shared at the child’s transition conference and posted on the state Early Steps website. It will include:

- A description of the rights of parents to elect to receive FAPE under Part B, Prekindergarten Exceptional Student Education services at any time;

- however, if a child exits from the IDEA Part C Extended Option to receive FAPE under Part B, the child cannot return to IDEA Part C.
- An explanation of the differences between the EI services provided through an IFSP under Part C and the preschool services provided through an IEP under Part B including:
    - Information about the procedural safeguards that apply, pursuant to IDEA Section 639, 34 CFR §303.400 – 303.449, and 34 CFR §300.500-537.
    - Explanation of service coordination and the core IDEA Part C services as well as the differences between the family focus in Part C versus the educational focus of Part B, Prekindergarten Exceptional Student Education.
    - Explanation of the differences between services in the natural environment and FAPE and the least restrictive environment.
    - Possible costs to the family.
  - If the parent chooses to continue EI services through an IFSP, the child's IFSP shall be revised to promote school readiness by incorporating an educational component into the child's IFSP goals, such as pre-literacy, language, and numeracy skills.
  - If the child is determined eligible for Part B services and the child's family does not choose the Part C Extended Option, with parental consent required in 34 CFR §303.414, the child will be referred to the LEA for the development of an IEP to address the child's special education and related service needs.
  - Once a parent provides written notification to the Early Steps Program that they wish to terminate EI services through an IFSP and pursue services through an IEP, the choice to return to services through an IFSP is not available.

**Procedural Safeguards:**

Consistent with 34 CFR §303.421, all privacy related policies outlined in the Early Steps Policy Handbook (Component 8 Procedural Safeguards) are applicable to the Part C Extended Option. Additional information is provided in the Annual Notice to families regarding the dispute resolution process for eligibility decisions under Part B and all other issues regarding the Part C Extended Option.

**System of Payment:**

Consistent with 34 CFR §303.500-521 and Section 1.4.5 of the Early Steps Policy Handbook, funding for the Extended Option will follow the Early Steps system of payments policies:

- Private/commercial insurance (with consent)
- Medicaid (with consent)
- Community funding
- Other state program funds
- Other federal program funds (State Incentive Grant)
- Federal IDEA Part C funds

The Early Steps Extended Option will be provided at no cost to families, and will be funded using the following as available:

- State appropriation
- IDEA Part C funds
- Public benefits and/or insurance
- Private insurance

**Transition to Education:**

As part of the IFSP for each child served under the Part C Extended Option, a local program office shall include steps for a child to transition to Part B or other programs by the beginning of the school year following the child’s fourth birthday.

Consistent with 34 CFR §303.209(f), the transition requirements in 34 CFR §303.209 apply to all toddlers with disabilities receiving services under this part before those toddlers turn age three, including any toddler with a disability under the age of three who is served by a state that offers services under 34 CFR §303.211.

Consistent with 34 CFR §303.209 and 34 CFR §303.211, not more than 9 months and not fewer than 90 days before the beginning of the school year following the fourth birthday of a child enrolled in the Part C Extended Option, the local program office shall initiate transition planning to ensure the child’s successful transition from the Part C Extended Option to a school district program under Part B or to another program as part of an IFSP.

Specifically, the LES Program shall:

1. Notify the Florida Department of Education and the appropriate LEA that the eligible child is exiting the Part C Extended Option, unless the child’s parent or legal guardian has opted out of such notification; and
2. Upon approval by the child’s parent or legal guardian, convene a transition conference for the parent or legal guardian to discuss options for and availability of services. The LES must ensure a local school district representative is invited to attend with sufficient notice.

- a. At the request of the family or the local education agency, the LES will participate in the development of an IEP if the child is found eligible for Part B.
3. Consistent with 34 CFR §303.209(f), at the transition conference conducted under 34 CFR §303.209(c)(1), provide the parent:
  - a. An explanation, consistent with 34 CFR §303.211(b)(1)(ii), of the toddler's options to continue to receive EI services under this part or preschool services under section 619 of the Act.
  - b. The initial annual notice referenced in 34 CFR §303.211(b)(1).
4. Consistent with 34 CFR §303.404, provide parents with notice of procedural safeguards as required.

For families who choose the Part C Extended Option, pursuant to 34 CFR §303.211(b)(3), a parent of a child with a disability may at any time choose to terminate their child's participation in the Part C Extended Option and receive FAPE. Once a parent makes the choice to terminate EI services through the Part C Extended Option and to pursue services through an IEP, the choice to return to services through an IFSP is not available. The parent or guardian's decision to terminate EI will be documented by signing an informed consent and furnished to Early Steps.

Once the family chooses to leave the Early Steps Extended Option, the LES must notify the LEA if the family has given consent to share information. Part B may choose to conduct a new evaluation to determine services a child is eligible for at that time, if any.

If a family chooses to exit the Part C Extended Option before the beginning of the school year following the child's fourth birthday, the LEA, in conjunction with the local program office, must notify the child's parent or legal guardian of his or her rights under Part B of the federal IDEA.

### **Accountability and Data Reporting:**

#### **State Reporting Requirements**

The DOE shall provide to the DOH the data necessary for the evaluation of the Early Steps Program and the Part C Extended Option, including, but not limited to:

- For each child referred from Part C to Part B, the outcome of the eligibility determination.
- The number and percentage of children who are referred to either program (Part C Extended Option or Part B, Prekindergarten Exceptional Student Education) and who elected to receive services under Part B. The number and percentage will be obtained through LEA reporting in the Early Steps Data System.

The Early Steps Program will report the Extended Option data in the Early Steps Annual Report and State Plan.

**Federal Reporting Requirements**

The Early Steps Program will report the number and percentage of families who are eligible for services under Part B, Prekindergarten Exceptional Student Education, but whose parents choose to continue to receive EI services in the annual application to OSEP.

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