



KENTUCKY DEPARTMENT OF EDUCATION
Capital Plaza Tower, 500 Mero Street, Frankfort, KY 40601

MEMORANDUM

To: Preschool Coordinators
Regional Training Center Directors

From: Johnny Collett, Director *JJC*
Division of Learning Services

Bill Buchanan, School Readiness Branch Manager *BB*
Division of Program Standards

Date: June 17, 2013

Re: Referrals by IDEA Part C First Steps to IDEA Part B Preschool Programs

Recently, Paula Goff of Kentucky's IDEA Part C (Part C) program (First Steps) attended a Regional Training Center (RTC) training event in Murray to discuss the new Memorandum of Understanding (MOU) between First Steps and the Kentucky Department of Education (KDE). Immediately after the meeting, Ms. Goff contacted KDE regarding information she received from preschool program directors about the referral process for children transitioning from First Steps to Part B preschool.

Based on the information KDE obtained from Ms. Goff, there appears to be some misunderstanding and inaccurate information around the process of First Steps referrals being made to IDEA Part B preschool programs. KDE is therefore taking the opportunity to clarify by detailing the transition process by which a child is referred to Kentucky's Part B preschool program.

In order to meet guidelines set forth by the federal Office of Special Education Programs (OSEP), a new MOU between the Cabinet of Health and Family Services/First Steps and KDE has been established. The MOU will take effect July 1, 2013 and will expire June 30, 2014.

The new MOU requires the following steps be taken by KDE.

KDE shall:

1. Match each child referred to it by the Kentucky Early Intervention System (KEIS) to a specific school district (based upon zip code) and provide the school district with this information.

2. Consider this to be an initial referral to Part B, which requires the district to:
 - Send a procedural safeguards notice to the child's parents; and
 - With parent approval, attend the transition conference which is initiated by KEIS.

The MOU requires school districts to do the following:

Upon receipt of the KDE list of children who may possibly transition from Part C services to Part B services, *the district shall:*

1. Determine if there are duplicate children on the list who have been previously contacted. These families will not need to be contacted again.
2. Determine (based on address) if children on the list are within district boundaries. This may be a more difficult task for areas with independent districts, so districts should collaborate to ensure that all children are being transitioned appropriately.
3. Establish contact with the child's family and send the family a procedural safeguards notice.
4. Attend the transition meeting (the "90 day meeting"), if invited, to discuss transitioning the child from First Steps to preschool. The meeting must be convened at a *mutually* agreeable time and location.
5. Document the district's participation in the transition process.

The steps listed above are the only steps required by the MOU and Kentucky law pertaining to the transition process between First Steps and Part B preschool programs. There are other steps that districts are required to do after the initial First Steps meeting, but the process listed above is all that is required of school districts during transition.

In addition, during the conversation at the Murray RTC training, several preschool programs asserted that Kentucky has an IDEA regulation stating that the Admissions and Release Committee (ARC) must not consider a referral for special education unless a completed referral form is brought to the ARC meeting. Ms. Goff was concerned by this information and contacted KDE.

KDE is advising you that:

- There is no Kentucky law requiring IDEA referral forms to be completed prior to the ARC meeting.
- Kentucky school districts have not been cited under state or federal law for bringing an incomplete referral to a meeting.

This misunderstanding may have come about as the result of a recent KDE formal complaint investigation, which concluded that a school district violated its own district policies and procedures on special education referral. The student was not a preschool student and the citation was not based on state or federal IDEA law.

KDE does not want school districts to do more than is required to comply with the new MOU and IDEA transition requirement. You are required only to comply with the MOU's transition process, by completing the steps listed above.

KDE appreciates the opportunity to clarify any misunderstanding and inaccurate information concerning Kentucky's IDEA referral process.

It is essential that RTCs and school districts receive accurate information. To that end, KDE will work directly with the RTC directors at the next KDE/RTC meeting to ensure that an efficient and effective process is in place that will enable all parties to both receive and share accurate information.

If you have further questions, please contact Sally Shepherd at 502-564-7056 (sally.shepherd@education.ky.gov).