

Office of Elementary and Secondary Education
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PENN*LINK

To: Intermediate Unit Executive Directors
Intermediate Unit Special Education Directors
Charter School Chief Executive Officers
Charter School Special Education Directors

From: Patricia Hozella, Director
Bureau of Special Education

Subject: Transition From Preschool Early Intervention Programs to Kindergarten or First Grade Programs in Charter Schools

This Penn*Link explains the required procedures to ensure a smooth transition from preschool Early Intervention programs to the kindergarten or first grade programs in charter schools. If parents choose to enroll their child in a charter school or complete the Intent to Register and select a charter school, then the charter school must fulfill the following responsibilities for a successful transition for the new school year.

By February 1 of each year, preschool Early Intervention programs must identify the children in their programs who are approaching the age for kindergarten or first grade. During the transition meetings in February, if parents intend to register their child with the charter school, the following options should be considered by parents and the charter school team:

- 1) Parents and the charter school can agree to adopt and implement the child's preschool Early Intervention Individualized Education Program for the new school year and, if so, the charter school would then issue the Notice of Recommended Educational Placement/Prior Written Notice indicating this recommendation.
- 2) Parents and the charter school can decide to adopt the preschool Early Intervention Individualized Education Program with revisions. The charter school and parents would discuss the proposed revisions. The charter school would then issue the revised Individualized Education Program and Notice of Recommended Educational Placement/Prior Written Notice indicating this recommendation.
- 3) Parents and the charter school will decide if a reevaluation is necessary. The charter school may conduct a reevaluation consisting of a review of existing data and information prior to the development of an Individualized Education Program. The charter school is not required to issue the Prior Written Notice and Request for Consent for Reevaluate form to obtain parental consent prior to a reevaluation limited to a review of existing data. The charter school will notify the parents in writing within a reasonable amount of time after receipt of the Intent to Register form. Charter schools may conduct a reevaluation and develop Individualized Education Programs in accordance with the timelines mandated in 22 Pa. Code Chapter 711. The charter school and the parents may agree to waive a required reevaluation that is allowed under 34 CFR §300.303(b)(2), or may agree to implement the existing evaluation or Individualized Education Program.

- 4) The charter school may notify parents using a letter/notice developed by the charter school. If the team is meeting to review existing evaluation data, the Invitation to Participate in the Individualized Education Program Team Meeting or Other Meeting notice can be used, noting that the meeting is to review data as part of a reevaluation. This review of existing data should commence within a reasonable amount of time after receipt of the Intent to Register.

The Reevaluation Report will summarize the data reviewed during reevaluation, the decision about whether additional evaluation data are needed, and a determination about the child's continued eligibility for special education services. If, through the review of existing evaluation data the Individualized Education Program team as described above determines that additional data are needed, the charter school will issue the Prior Written Notice and Request for Consent to Reevaluate Form to obtain parental consent to collect the additional data. Within 60 days of the date the charter school receives parental consent (not including summer days) to collect additional data, the parents will receive a copy of the Reevaluation Report.

- 5) Waiving the reevaluation is not part of the reevaluation process. Waiving the reevaluation is recommended by the charter school, not the Individualized Education Program team. The parents must be in agreement with the determination to waive the reevaluation. Parent signature is required on the Agreement to Waive Reevaluation form.

Within a reasonable period of time from the receipt of the signed Intent to Register form but no later than April 15, the charter school will notify parents in writing and initiate one of the options as noted above. Regardless which option is chosen, an Individualized Education Program will be implemented no later than 10 school days after its completion, in order to ensure that the special education programs of young children with disabilities are not interrupted when they transition from preschool Early Intervention programs to school-age programs.

All children currently eligible for special education in preschool Early Intervention and registered with the charter school will remain eligible for special education in their charter school unless the charter school or preschool Early Intervention program completes a reevaluation that determines the child is no longer eligible for special education. If no longer eligible for special education services, the charter school or preschool Early Intervention program must issue a Notice of Recommended Educational Placement/Prior Written Notice. If parents disagree with the Individualized Education Program offered by their charter school and initiate a due process hearing or both parties agree to mediation, children who will transition into kindergarten or school age programs must continue to receive the services described in their preschool Individualized Education Program (ensuring "status quo") pending completion of dispute resolution options of mediations or due process hearings.

It is recommended that the records of children who will be transitioning to the charter school be transferred from the preschool Early Intervention program to the charter school at the time of the transition meeting. If a transition meeting is not held, the records will be transferred upon the child being registered with the charter school or when the child is no longer receiving preschool Early Intervention services.

If you have any questions concerning the transition from preschool Early Intervention programs to kindergarten or first grade programs in charter schools, please contact Patrick Scanlon at 724.465.6535 or by email at pascanlon@pa.gov.