

**District Compliance Report**  
**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 Birthday**

(Based on 2019-20 School Year Data)

Name: XXXXXXXXXXXX

SED Code: XXXXXXXXXXXX

Date of Notification: Month, Day, Year when data are certified

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Your district was assigned to report data for the 2019-20 school year on State Performance Plan (SPP) Indicator 12, which is the percent of children referred by Part C (Early Intervention (EI)) prior to age 3, who are found eligible for Part B (preschool special education services), and who have an IEP developed and implemented by their third birthdays or in compliance with timelines established in State law. You have submitted data for this indicator through the Special Education Events template in the chain that begins with an Event Type Code EI01 (initial referral from Early Intervention to the CPSE).

Your district's report indicates that XX.X percent of children referred by the Part C, EI Program prior to age 3, who were found to be eligible for Part B, preschool special education programs and services had their IEPs developed and implemented prior to their third birthdays or in compliance with timelines established in State law. Data used to compute your compliance rate are provided below. The State target for this indicator is that 100% of children referred by Part C prior to age 3, who are found eligible for Part B will have their IEPs developed and implemented by their third birthdays or in compliance with timelines established in State law.

School districts are required to correct any noncompliance as soon as possible. The reasons reported by your district for delays in providing special education services to children transition from EI to preschool special education may assist you in addressing issues leading to noncompliance.

**Your district must take the actions identified in the section indicated by an X:**

**X** None. Your school district has a 100% compliance rate for this indicator or your school district did not have any students referred from EI or your school district did not have any eligible children that required their IEPs to be implemented by their third birthdays or all reasons for delay in implementing the IEP by the student's third birthday were in compliance with State requirements. Thank you for your efforts in ensuring timely implementation of IEPs of children referred by Part C for preschool special education programs and services.

**X** Your school district's compliance rate is less than 100%. This is notification that your school district is not in compliance with the following regulatory citation:

34 CFR §300.124 – Transition of children from the Part C program to preschool programs. By the third birthday of a child participating in early intervention programs, an IEP has been developed and is being implemented for the child.

Your district must take the following actions:

- Conduct a review of each identified student who did not receive their preschool special education services by his/her third birthday or within the timeline required by State regulations; and document that the student has since had his or her IEP developed and implemented or if not, there is a reason that is in compliance with State requirements. You must complete the student specific chart found at the end of the VR12 report for each identified student, if any, and maintain this documentation, and make it available upon request by the New York State Education Department (NYSED).

**AND**

- Conduct a review over a three consecutive month period to determine if all children who transition from Part C program to preschool special education have had their eligibility for preschool special education determined and if found eligible, had their IEPs developed and implemented by their third birthdays (except when the parent has agreed to keep their child in the EI program in accordance with State regulations). You must complete the student specific chart found at the end of the VR12 report and maintain this documentation, which must be made available for review upon request by NYSED. This will assure that the district has addressed the reasons why children transitioning from EI to preschool special education were not receiving timely special education services.

When the required documentation is complete and available for review by NYSED, you are ready to report the correction of noncompliance. You report this correction of noncompliance by submitting up to **TWO** online assurances

1. In the first assurance (**Part 1**), the district will assure that for each identified student, if any, who did not receive their preschool special education services by their third birthday or within the timeline required by State regulations, and for whom data was not already available in SIRS, the student has since had his or her IEP developed and implemented or if not, there is a reason that is in compliance with State requirements.
2. In the second assurance (**Part 2**), the district will assure that it has addressed the reasons why the children did not have their eligibility for preschool special education determined and, if found eligible, have their IEPs developed and implemented by the third birthday or within the timeline required by State regulations.

These assurances are to be provided by logging onto the PD data system at <http://pd.nysed.gov>. The Statements of Assurances will be available for your use under the 2019-20 school year heading, under “End-of-Year Verification Reports,” at the bottom of the VR12 Notification.

## Data for Indicator #12

	Number of Children
1. Number of children who were served in Part C and referred to Part B for eligibility determination.	
2. Number of those referred determined to be NOT eligible and whose eligibilities were determined prior to their third birthday.	
3. Number of those found eligible who had an IEP developed and implemented by their third birthday.	
4. Number of children for whom delays in determination of eligibility or delays in implementing the IEP were caused by reasons that are in compliance with State requirements.	
a) Of students listed in 4, Number of Children for whom IEP developed and parents chose to continue their child in Early Intervention Program (EIP) and transition to preschool special education after the child became three years of age	
b) Of students listed in 4, Number of Children for whom the Board of Education of school district arranged for the full implementation of the child's IEP, within 30 school days of the CPSE recommendation, however the program's starting date and/or days of operation were after the child's 3rd birthday	
c) Of students listed in 4, Number of Children not included in 4a or 4b (Line 4 minus line 4a minus Line 4b)	
5. Number of children for whom delays in determination of eligibility or delays in implementing the IEP were caused by reasons that are NOT in compliance with State requirements.	
6. Number of children for whom there was missing data or inaccurate data	
7. Compliance Rate [(Line 3 plus Line 4a plus Line 4b) divided by (Line 1 minus Line 2 minus Line 4c) *100]	

### Reasons provided by the school district or Students Whose Data are Missing or Inaccurate:

Reasons in Compliance with State Requirements	Number of Students
Reasons NOT in Compliance with State Requirements	

Please contact your Special Education Quality Assurance Office (SEQA) (<http://www.p12.nysed.gov/specialed/quality/qaoffices.htm>) for assistance in addressing any issues of noncompliance.

If you have questions regarding the data and procedures included in this report, please submit your questions to SEDCAR at [datasupport@nysed.gov](mailto:datasupport@nysed.gov).

## District Assurance of Correction of Noncompliance

### 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 Birthday

**Part 1: Documentation of Correction of Noncompliance for Individual Students:**

The child’s third birthday was before August 31, 2020, but the date the IEP was implemented was not available in the Special Education Events data submitted through the Student Information Repository System (SIRS) for students listed in the chart below. The reason for the delay in implementing the IEP for each student was determined to not be in compliance with State requirements. The district is required to complete the following chart with data in all columns to indicate that these students’ IEPs have since been implemented and if not, there are reasons that are in compliance with State requirements. This information is subject to verification by the New York State Education Department (NYSED). The district is required to maintain these data and make them available upon request by NYSED. Once this chart is completed, please read and submit **Part 1** of the assurance to NYSED.

Student’s Local ID	Student’s Date of Birth	Date of Referral to CPSE	The State will provide data for these columns if available.				Date IEP was Implemented. If not implemented, the reasons why.
			Date of Receipt of Parent Consent to Evaluate	Date of CPSE Meeting to Determine Eligibility	If determination was not made, the reasons why	If student determined eligible, the reasons why IEP not Implemented	
760474645	mm-dd-yyyy	mm-dd-yyyy					
897467934	mm-dd-yyyy	mm-dd-yyyy					
790264600	mm-dd-yyyy	mm-dd-yyyy					
743764973	mm-dd-yyyy	mm-dd-yyyy					

**Part 2: Documentation of Correction of Noncompliance for All Students:** A school district with a compliance rate that is less than 100% is required to maintain documentation in the chart below for a three consecutive month period of time, and record that period in the first row. The data chart must document that all students' who were referred from Part C (Early Intervention) to Part B (preschool special education) for determination of eligibility had their eligibility determined and if found eligible, had their IEPs implemented by their third birthdays and if not, the delays were caused by reasons that are in compliance with State requirements. The consecutive three month time period must be within one year from the date of notification and between the months of September and June. Also, school districts must include data for **all** children (not a sample) who are referred from Part C within the three month period. The district is required to maintain these data and make them available upon request by NYSED. Once the chart is complete, please read and submit the assurance for Part 2 below the chart to NYSED.

This district's compliance rate for Indicator 12 was less than 100% and is maintaining data in this chart to document correction of noncompliance. The children listed in this chart were referred from Part C (Early Intervention) prior to their 3<sup>rd</sup> birthday for determination of eligibility for Part B (preschool special education) and if found eligible, had their IEP developed and implementation of their 3<sup>rd</sup> birthday and if not, there are reasons that are in compliance with State requirements.

**The three-month time period is: --/--/---- to --/--/----**

<b>Student's Local ID</b>	<b>Student's Date of Birth</b>	<b>Date of Referral to CPSE</b>	<b>Date of Receipt of Parent Consent to Evaluate</b>	<b>Date of CPSE Meeting to Determine Eligibility</b>	<b>Outcome of Evaluation (indicate "student determined eligible" or "student determined not eligible") or if determination was not made, the reasons why.</b>	<b>Date IEP was Implemented. If not implemented, the reasons why.</b>

Blank copies of this form may also be printed from [http://www.p12.nysed.gov/sedcar/files/word/vr12\\_part2assurance\\_blank.doc](http://www.p12.nysed.gov/sedcar/files/word/vr12_part2assurance_blank.doc) of correction of noncompliance for Indicator 12.