

WISCONSIN OPT-OUT POLICY

Birth to 3 Program

Approved by OSEP: September 23, 2009

The Individuals with Disabilities Education Act (IDEA) section 637(a)(9)(A)(ii) requires states to have policies and procedures that ensure a smooth transition for children receiving Part C early intervention services to Part B preschool or other appropriate services. Policies and procedures also must include how the Part C lead agency will notify the state educational agency (SEA) and the local education agency (LEA) for the area in which each child resides that the child will shortly reach the age of eligibility for preschool services under Part B, as determined by state law.

The Wisconsin Birth to 3 Program ensures that each child in the Birth to 3 Program has LEA notification sent to the SEA and the LEA in which the child resides as the child closely approaches the age of eligibility for Part B services which for the State of Wisconsin is three years old. LEA notification is sent to the SEA and the LEA with the child's name, date of birth, and parent's name and contact information, unless the parents "opt out." This information is sent to the SEA and the LEA unless the parent indicates in writing on the "Opting Out of LEA Notification" form that they "opt out" of the LEA receiving identifying information. This policy and the "Opting Out of LEA Notification" form is given to the family when a child is determined to be eligible for the Birth to 3 program, after an initial individualized family service plan (IFSP) is developed. If the parent-signed "Opting Out of LEA Notification" form is not received at the county Birth to 3 Program by the time a child is 27 months old, LEA notification is sent to the SEA and the LEA when the child is 27 months old. If the child is referred to the Birth to 3 Program after 27 months of age, the family is asked to return the signed "Opting Out of LEA Notification" form within 10 days after the receipt of the "Opting Out of LEA Notification" form. If a child's initial eligibility is determined within the nine-month period before the third birthday, the county administrative agency will notify the SEA and the LEA as soon as possible after determining the child's eligibility for Part C, unless the family signs the "Opting Out of LEA Notification" form and returns it within the specified 10 days.

In addition, during the transition planning conference or meeting to determine eligibility for preschool special education services through the LEA, if the family chooses to provide consent for the transfer of additional information in the child's record, the family will sign a release that authorizes the additional information to be shared, which could include, at the family's discretion, the following:

- Services child received while in the Birth to 3 Program
- Where the Birth to 3 Program provided those services
- Exit data on child outcomes
- The developmental concerns the Birth to 3 Program has related to the child
- The Individualized family service plan
- Progress reports/plan of care
- Evaluation reports from speech therapists, occupational therapists, physical therapists, special education teachers, and others, as indicated

