



Part C to B Transition Reminders

For children referred from Part C early intervention services, who are found eligible for preschool special education, educational agencies must ensure all IEP services begin **no later than the child's third birthday**. This service start date is recorded on the IEP cover page under "IEP Effective Dates" in the **START** field. This date reflects when services begin. It is **not** the IEP meeting date, nor is it the child's third birthday.

If a child's third birthday occurs during a period when school is not in session (e.g., summer break, a weekend, or a holiday recess), the IEP team remains responsible for ensuring that the IEP is developed and in effect by the child's third birthday. An alternative start date may be implemented only if the IEP team determines and documents that a later date is appropriate. Any **IEP Outcome Beginning Date** (effective start date) that falls **after** the third birthday is considered late and requires both a noncompliance code and a Prior Written Notice (PR-01) explaining the reason for the delay. The appropriate method for documenting this circumstance is through the assignment of the applicable noncompliance code, along with a clear explanation in the Prior Written Notice (PR-01) outlining the rationale for the alternative start date.

As a reminder, an IEP is **not** required by the third birthday when a child is referred to the educational agency **45 days or fewer** before turning three.

Use of Noncompliance Codes for Part C to B Transitions

It is a common misconception that the use of a noncompliance code automatically results in an Indicator 12 finding.

When the IEP Effective Date (START date) occurs **after** a child's third birthday for an Early Intervention referral, the IEP team is required to document a noncompliance code on the IEP cover page. The educational agency must also provide supporting evidence for the selected code on the PR-01. This information is reported in Educational Management Information System (EMIS) as part of the state submission for Indicator 12.

Noncompliance codes must accurately reflect the reason for the delayed implementation of services. While some codes are considered acceptable, others, though accurate, still result in an Indicator 12 finding.

The following noncompliance codes are considered **acceptable** when accompanied by a PR-01 explaining the use of the code and will **not** result in an Indicator 12 finding:



Code 05 – Parent Choice

- When a parent chooses to delay or decline an evaluation or meeting, including when repeated and documented attempts to engage the family have been unsuccessful.
- When a parent requests to begin IEP services on an alternate start date after the child's third birthday.

Code 06 – Parent Refused Consent

- When a parent withdraws consent or the child moves during the transition process.
- When a parent repeatedly makes the child unavailable or refuses to make the child available, causing delays.
- When a parent refuses to provide consent, resulting in delayed evaluations or initial services.

Code 07 – Child's Health

- When the evaluation process or initial services must be delayed due to a child's illness or health-related concerns, including hospitalization.

Code 09 – Data Entry Error

- When the educational agency follows due process timelines, but incorrect/missing data reported in EMIS in a prior reporting period.

Always report an accurate depiction of events as they are actually occurring. A substantial proportion of Indicator 12 findings result from inaccurate descriptions of current practice or reluctance to apply the appropriate noncompliance code.