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Texas Administrative Code

<u>TITLE 40</u>	SOCIAL SERVICES AND ASSISTANCE
<u>PART 2</u>	DEPARTMENT OF ASSISTIVE AND REHABILITATIVE SERVICES
<u>CHAPTER 108</u>	DIVISION FOR EARLY CHILDHOOD INTERVENTION SERVICES
<u>SUBCHAPTER L</u>	TRANSITION
RULE §108.1217	LEA Transition Conference

(a) The IFSP team determines whether a child is potentially eligible for special education services. The IFSP team's decision regarding a child's potential eligibility for special education services is documented in the child's record.

(b) If the parent gives approval to convene the LEA Transition Conference, the contractor must:

(1) meet the requirements in 34 CFR §303.342(d) and (e) and §303.343(a), which requires:

(A) the face-to-face attendance of the parent and the service coordinator; and

(B) at least one other ECI professional who is a member of the IFSP team who may participate through other means as permitted in 34 CFR §303.343(a)(2);

(2) send an invitation at least 14 days in advance to the appropriate representatives for the LEA which serves the area where the child resides;

(3) conduct the LEA Transition Conference at least 90 days before the child's third birthday. At the discretion of all parties, the conference may occur up to nine months before the child's third birthday; and

(4) document the date of the conference in the child's record.

(c) The contractor must conduct the LEA Transition Conference, even if the representatives for the LEA which serves the area where the child resides do not attend, and provide the parent information about preschool special education and related services, including a description of the:

(1) eligibility definitions;

(2) timelines;

(3) process for consenting to an evaluation and eligibility determination; and

(4) extended year services.

(d) The contractor is not required to conduct the LEA Transition Conference for children referred to the contractor's ECI program less than 90 days before the child's third birthday.

(e) The 14-day timeline for inviting the LEA representative may be changed by written local agreement between the LEA and the contractor. If the contractor becomes aware of a consistent

pattern of the LEA representative not attending transition conferences, the contractor must make efforts to meet with the LEA to reach a cooperative agreement to maximize LEA participation.

(f) If the parent gives approval to have an LEA Transition Conference, but does not give written consent to release records to the LEA, then the contractor may only release limited personally identifiable information to the LEA. With written parental consent, other personally identifiable information may be released to the LEA.

Source Note: The provisions of this §108.1217 adopted to be effective May 1, 2014, 39 TexReg 3445

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