
Indicator 12: Part C to Part B Compliance Guidance

Under Part B of the Individuals with Disabilities Education Act (IDEA), specifically 34 C.F.R. § [300.101](#) and [300.124](#), the Mississippi Department of Education, Office of Special Education, is responsible for making a Free and Appropriate Public Education (FAPE) available to each eligible child transitioning from Part C early intervention to Part B early childhood special education programs beginning at age three. To ensure a FAPE, an Individual Education Program (IEP) must be **in effect** by the child's 3rd birthday.

Indicator 12 Compliance Measure

The IDEA SPP/APR is a vital tool to evaluate the implementation of IDEA. Specifically, Indicator 12: Part C to B Transition is a compliance measure that focuses on the percentage of children referred from Part C to Part B, found eligible for special education services, and had an IEP developed and in effect by their 3rd birthday. Compliance is determined by collecting the **date the IEP is signed**.

Additional Considerations

Why isn't compliance measured by the meeting date?

A Prior Written Notice (PWN) is provided to a parent, within a reasonable time, prior to the public agency's proposal to initiate the educational placement and special education services to provide a FAPE to a child. Unless the parent waives the timeline, proposed actions outlined in the Prior Written Notice must go into effect at least seven (7) calendar days from the date of the PWN. The date the parent(s) or guardian(s) signs the IEP is the date used to determine compliance. For example, if a meeting was held on March 23rd and the parent/guardian(s), who did not waive the timeline, signed the IEP three days later, the IEP signed date would be March 26th. The IEP would go into effect on March 26th. Keep in mind that the IEP meeting should be scheduled at least 7 days prior to the child's 3rd birthday to account for a parent's right to wait 7 days to consider the IEP.

How will compliance be met if a child turns three during the summer or a holiday break?

The development of the IEP must be completed even during summer breaks, if needed. However, the child’s IEP committee can determine when special education and related services will start and end. For example, if a child’s birthday is in June, the IEP would be developed during the summer, and the IEP would go into effect on the day it was signed prior to the child’s 3rd birthday. The IEP committee may decide to begin services on the first day of school in August. This same scenario applies to IEPs that are signed prior to weekends and holidays with services beginning after the break.

Will a district be compliant if the parent does not sign the IEP within the 7 calendar days?

Yes. If the parent does not sign the IEP within the timeline **and** the meeting was held 7 days prior to the child’s 3rd birthday, this is an allowable excuse for Indicator 12.