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Bureau of Special Education Support FY'23 Memo #37

Date: June 28, 2023

To: Superintendents of Schools  
Administrators of Special Education

From: Office of the Commissioner of Education  
Division of Learner Support  
Bureau of Special Education Support

Re: Indicator 12 IDEA Part B

Pursuant to federal requirements, each year, the Bureau of Special Education Support (Bureau) is required to report on IDEA Part B Indicator 12: the timeliness of transitions from Family Centered Early Supports and Services (FCESS) to preschool special education.

In accordance with 34 CFR 300.101 (a), FAPE must be made available to all children with disabilities beginning on their 3<sup>rd</sup> birthday. This provision specifically requires that an IEP is in **EFFECT** for the child on the date of their 3<sup>rd</sup> birthday. In cases where a child turns 3 during the summer, the IEP team is still required to have an IEP effective on their 3<sup>rd</sup> birthday but can determine when to begin the services. It is important to clarify, that a delay in start of services is not the same as delaying the effective date of the IEP, there is no provision permitting the IEP team to delay the effective date of the IEP.

Data for this indicator is derived from the information entered into the New Hampshire Special Education Information System (NHSEIS) by school district personnel. Previously, the timeframe for determining compliance was based on timely transition from FCESS to preschool special education for children who turned three between July 1st - October 31st of each year.

As the Bureau has mentioned on March 9th, 16th, and 23rd of this year, per federal requirements we must change the timeframe in which we collect indicator 12 data. The timeframe during which compliance is based will now run July 1 through June 30 as per federal requirements. The data **MUST** include the entire reporting year.

**This change will go into effect beginning with the 2023-2024 reporting year.**

Details on how Indicator 12 is calculated can be found in the attached Indicator 12 Data Fact Sheet

Districts will be expected to review their Indicator 12 early childhood transition data in NHSEIS prior to the state pull of data on August 1<sup>st</sup> each year. The expected review periods are:

- **January 1 – 31:** District review and data correction for children who turned three between July 1<sup>st</sup> and December 31<sup>st</sup>.
- **April 1 – 30:** District review and data correction for children who turned three between January 1<sup>st</sup> and March 30<sup>th</sup>.
- **July 1 – 31:** District review and data correction for children who turned three between April 1<sup>st</sup> and June 30<sup>th</sup>.

Untimely districts will be notified by mid-August and districts will have until September 30<sup>th</sup> to respond with valid exceptions forms.

The final Bureau review and clarification period will run from October 1<sup>st</sup> until October 15<sup>th</sup>.

Please contact Brandy Quinn-Richards with any questions you may have at 603 271-2178 or [Brandy.A.Quinn-Richards@doe.nh.gov](mailto:Brandy.A.Quinn-Richards@doe.nh.gov)