

**OSEP IDEA Part C Policy Checklist**  
**Section II A 13: Part C Extension Option (July 2022)**

Under Part C of the Individuals with Disabilities Education Act (IDEA), States have the option to offer early intervention services beyond age three through the Part C Extension Option. States must indicate in Section II. A. 13 of their annual [IDEA Part C grant application](#) if they are implementing or plan to implement the IDEA Part C Extension Option. The requirements for the IDEA Part C Extension Option are set forth in IDEA Sections 632(5)(B)(ii), 635(c), 643(e) and 34 C.F.R. §§ 303.21(c), 303.209, 303.211, 303.344(h), and 303.501(d).

This OSEP policy checklist identifies the requirements for the policy required under Section II. A. 13 of the IDEA Part C grant application. As part of the Part C Extension Option, States should review and may also need to revise their policies, procedures, and interagency agreements under Sections II. A. 3a ([system of payments](#) (SOP)), II. A. 3b ([methods](#)), II. A. 9 ([transition policies and agreement](#)). These policies are subject to the public participation requirements in 34 CFR 303.208 and must be approved by OSEP before implementation.

While the Part C Extension Option is an IDEA Part C application requirement, both the State Part C Lead Agency and the Part B Section 619 State Educational Agency programs must work collaboratively and with OSEP to demonstrate commitment to, and jointly develop a policy supporting, the Part C Extension Option. The partnership between Part C and Part B Section 619 programs is critical to implementation of the Part C Extension Option.

When the appropriation for Part C exceeds \$460 million, the Department reserves funds to award State incentive grants (SIGs) to States that elect to implement the Part C Extension Option and request a SIG award. To receive a SIG award, a State must have policies approved under Section II.A. 13 of the State IDEA Part C application and must submit a separate Section III that describes how the IDEA Part C SIG award funds will be used, consistent with 34 C.F.R. §§ 303.205, 303.501(d), and 303.734. However, States' ability to offer the Part C Extension Option is not dependent on the availability or acceptance of the SIG award.

**OSEP IDEA Part C Policy Checklist**  
**Section II A 13: Part C Extension Option (July 2022)**

**Joint Policy**

Regulations	IDEA Part C Requirements	State Policy	Issues	Required Action
34 C.F.R. § 303.211	The State includes in its grant application a State policy developed and implemented jointly by the lead agency and SEA.			

**Authority and Definition to Serve Beyond Age 3**

Regulations	IDEA Part C Requirements	State Policy	Issues	Required Actions
34 C.F.R. § 303.211(a)	...parent of a child who is eligible for preschool services under Section 619 of the Act and who previously received early intervention services under Part C, may choose to continue early intervention services after the child turns three, until the child enters, or is eligible under State law to enter kindergarten or elementary school.		<i>(The State must include its authority for extending the eligibility for infants and toddlers beyond age three.)</i>	
IDEA Section 632(c) and	Definition of infant and toddler with a disability:			

**OSEP IDEA Part C Policy Checklist**  
**Section II A 13: Part C Extension Option (July 2022)**

<p><b>34 C.F.R. § 303.21(c)</b></p>	<p>Infant or toddler with a disability may include, at a State’s discretion, a child with a disability who is eligible for services under Section 619 of the Act and who previously received services under this part until the child enters, or is eligible under State law to enter, kindergarten or elementary school, as appropriate.</p>			
<p><b>34 C.F.R. § 303.211 (a)(2) and (3)</b></p>	<p>The State’s policy describes the age of the children in the cohort. The State policy <b>must</b> make clear that it has selected one of the following three options:          (i) from age three until the beginning of the school year following the child’s third birthday;          (ii) from age three until the beginning of the school year following the child’s fourth birthday; or          (iii) from age three until the beginning of the</p>		<p><i>(The State must clearly indicate what subset age range it proposes to serve under the Part C Extension Option.)</i></p>	

**OSEP IDEA Part C Policy Checklist**  
**Section II A 13: Part C Extension Option (July 2022)**

	<p>school year following the child’s fifth birthday.  (3) In no case may a State provide services under this section beyond the age at which the child actually enters, or is eligible under State law to enter, kindergarten or elementary school in the State.</p>			
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**Procedural Safeguards**

Regulations	IDEA Part C Requirements	State Policies	Issues	Required Action
<p><b>34 C.F.R. §303.211(b)</b></p>	<p>The State must notify the families of the procedural safeguards that apply. The explanation must also clarify the specific IDEA dispute resolution applicable for eligibility decisions under IDEA Part B and all other issues regarding the extension option.</p>		<p><i>(The State must make clear which procedural safeguards apply for the eligibility determination under IDEA section 619.)</i></p>	
<p><b>34 C.F.R §§303.211(b)(4) 303.211(b)(5) 303.344</b></p>	<p>The lead agency must continue to provide all early intervention</p>			

**OSEP IDEA Part C Policy Checklist**  
**Section II A 13: Part C Extension Option (July 2022)**

<p><b>303.342(e)</b></p>	<p>services identified in the toddler with a disability's IFSP under §303.344 (and consented to by the parent under § 303.342(e)) beyond age three until that toddler's initial eligibility determination under Part B of the Act is made under §300.306. This provision does not apply if the LEA has requested parental consent for the initial evaluation under §300.300(a) and the parent has not provided that consent.</p> <p>The lead agency must obtain informed consent from the parent of any child with a disability for the continuation of early intervention services. Consent must be obtained before the child reaches three years of age, where practicable.</p> <p>Parent notice should provide an explanation</p>			
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**OSEP IDEA Part C Policy Checklist**  
**Section II A 13: Part C Extension Option (July 2022)**

	<p>that clarifies the specific IDEA dispute resolution applicable for eligibility decisions under IDEA Part B and all other issues regarding the extension option.</p> <p>A description of parental rights which specifies parental rights to elect to receive FAPE under Part B services at any time. State must clarify that if a child exits from the IDEA Part C extension option to receive FAPE under IDEA Part B, the child cannot return to IDEA Part C.</p>			
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**Written Notification to Parents**

<b>Regulations</b>	<b>IDEA Part C Requirements</b>	<b>State Policies</b>	<b>Issues</b>	<b>Required Actions</b>
<p><b>34 C.F.R. §303.211(b)</b></p>	<p>An explanation of the differences between Part B and Part C (types of services, location of service). This must include an explanation of service coordination and the core IDEA Part C services</p>		<p><i>(The description should also address extended school year or ESY services under Part B Section 619 or preschool services.)</i></p>	

**OSEP IDEA Part C Policy Checklist  
Section II A 13: Part C Extension Option (July 2022)**

	<p>as well as note that IDEA Part C services are provided to the child and family which is not the case for IDEA Part B services.</p> <p>The State must include an explanation of FAPE in the LRE and early intervention services in natural environments which include the home and community settings with nondisabled peers.</p>			
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**IFSP**

<b>Regulations</b>	<b>IDEA Part C Requirements</b>	State Policies	Issues	Required Actions
<p><b>34 C.F.R. §§303.344(d) and 303.211(b)(2)</b></p>	<p>Services provided that promote school readiness and incorporate preliteracy, language, and numeracy skills and that IFSP content requirements reflect these are included on the IFSP.</p>			
<p><b>34 C.F.R. §§303.211 and 303.209</b></p>	<p><i>Applicability of transition requirements.</i> (1) The transition requirements in paragraphs (b)(1)(i) and (b)(1)(ii), (c)(1), and (d) of this section apply to</p>			

**OSEP IDEA Part C Policy Checklist**  
**Section II A 13: Part C Extension Option (July 2022)**

	<p>all toddlers with disabilities receiving services under this part before those toddlers turn age three, including any toddler with a disability under the age of three who is served by a State that offers Part C extension §303.211.</p> <p>(2) In a State that offers services under §303.211, for toddlers with disabilities identified in §303.209(b)(1)(i), the parent must be provided at the transition conference conducted under paragraph (c)(1) of this section:</p> <p>(i) An explanation, consistent with §303.211(b)(1)(ii), of the toddler's options to continue to receive early intervention services under this part or preschool services under section 619 of the Act.</p> <p>(ii) The initial annual notice referenced in §303.211(b)(1).</p>			
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**OSEP IDEA Part C Policy Checklist**  
**Section II A 13: Part C Extension Option (July 2022)**

	(3) For children with disabilities age three and older who receive services pursuant to §303.211, the State must ensure that it satisfies the separate transition requirements in §303.211(b)(6)(ii).			
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**System of Payments**

<b>Regulations</b>	<b>IDEA Part C Requirements</b>	State Policy	Issues	Required Actions
<b>303.211(b)(1)(ii)(C)</b> <b>34 C.F.R. §§ 303.520</b> <b>and 303.521</b>	Possible costs, if any, that apply or a statement that makes clear to parents that they are not responsible for out-of-pocket costs. The policy must also clarify what parts (public insurance/benefits, private insurance and/or family fees) of the State's system of payments on file for IDEA Part C apply.		<i>(The State must explain the differences if any due to the State's system of payments and may need to revise its SOP policy.)</i>	

**OSEP IDEA Part C Policy Checklist**  
**Section II A 13: Part C Extension Option (July 2022)**

**Data Reporting Requirements**

Regulations	IDEA Part C Requirements	State Policy	Issues	Required Actions
<p><b>34 C.F.R. §§ 303.205 303.211 (c) and 303.501</b></p>	<p>Reporting requirement. If a State includes in its application a State policy described in paragraph (a) of this section, the State must submit to the Secretary, in the State's report under §303.124, the number and percentage of children with disabilities who are eligible for services under Section 619 of the Act but whose parents choose for their children to continue to receive early intervention services under this part.</p>			