



Memorandum

ECI Document Number: FY23-ND-014

To: ECI Program Directors
Chief Executive Officers

From: Meghan Young
Director of Early Childhood Intervention Services

Date: January 24, 2023

Subject: Correction to Additional Requirement for Part B Transition Actions

In response to questions received regarding FY23-ND-013, Texas Health and Human Services (HHS) Early Childhood Intervention (ECI) would like to clarify the additional requirement required for Part B transition actions. Please disregard FY23-ND-013, dispersed on January 20, 2023. The following information has been corrected:

The Texas Education Agency (TEA) has requested a change to the current Memorandum of Understanding (MOU) between TEA and the Health and Human Services Commission (HHSC) regarding Transition services. The requested change would require Early Childhood Intervention (ECI) programs include the date a child was determined eligible for Individuals with Disabilities Education Act (IDEA) Part C services in the notification sent to the local education agency (LEA) informing the LEA that a child is potentially eligible for early childhood special education services under IDEA Part B. HHSC has agreed to the change and will be modifying the MOU accordingly.

All ECI programs are now required to include the date a child was initially determined eligible for IDEA Part C services in the information shared with LEAs when notifying them of a child's potential eligibility for Part B. Per 26 TAC §350.1211(b), this notification does not require written parental consent, but the parent must be given the opportunity to opt out of LEA notifications, as described in 26 TAC §350.1213. This change should be implemented as soon as possible, but no later than March 1, 2023. The Required Elements and sample form for the LEA notification will be revised in the coming weeks.

If you have any questions, please contact your assigned Performance Specialist.