



**Nebraska Early  
Development Network**

Babies can't wait

**Question:** Can a child transition to IDEA Part B and receive IEP services prior to the child's 3<sup>rd</sup> birthday?

**Answer:** No. Pursuant to federal regulations, early intervention services must be provided until the child's 3<sup>rd</sup> birthday and, per Nebraska statute, can be provided until August 31st of a child's third birthday. Regulations require families to make an informed decision at the IFSP Transition Conference whether the toddler will remain in early intervention/Part C services until August 31st of the toddler's third birthday or if the toddler will transition to Part B services and an Individualized Education Plan (IEP) on the toddler's third birthday.

Regulations require that the Transition Conference must be held no later than 90 days before the toddler's third birthday. Families must be provided information on the differences between Part C and Part B. Families must make an informed decision regarding their toddler remaining in Part C through August 31<sup>st</sup> or transitioning to Part B/IEP services on the 3<sup>rd</sup> birthday. This decision is documented in the Transition Plan of the IFSP.

If the parent chooses to transition the toddler on the 3<sup>rd</sup> birthday, then the IEP services cannot begin before the 3<sup>rd</sup> birthday and the IFSP/Part C services must be provided up to the 3<sup>rd</sup> birthday.

For additional technical assistance, please review the EDN TA Guidebook, Section 15, Transition Planning and Implementation:

<https://edn.ne.gov/cms/sites/default/files/u26/NETA-C-Guidebook-2024.pdf#page=80>

