

Potentially Eligible Communication Tools and Resources

Birth to 3 Program Operations Guide

Chapter 11 Transitions

11.2.3 Wisconsin Opt-Out Policy

Parents have the right to “opt out” of having their child’s information shared with the Department of Public Instruction and the local school district. In order to opt out of LEA and SEA notification/referral process, a parent must sign and return the Opting Out of LEA and SEA Notification form (F-00169) to the local Birth to 3 Program by the time their child is 27 months old. If parents choose to opt out of LEA and SEA notification, the LEA and SEA are not provided any information on the child participating in the Birth to 3 Program. This includes LEA and SEA notification at 27 months, referral to the LEA and SEA, and the transition planning conference. Parents have a right to reverse their decision to opt out of LEA and SEA notification at any time up to their child’s third birthday. In order to reverse their decision to opt out of LEA and SEA notification, the parent must fill out a new Opting Out of LEA and SEA Notification form (F-00169) and indicate their intent to reverse their original decision. Local Birth to 3 Programs must discuss the LEA and SEA notification and referral process and opt out policy with parents at the time of initial IFSP development. The local Birth to 3 Program must provide the Opting Out of LEA and SEA Notification (F-00169) and the Wisconsin Opt-Out Policy to parents during initial IFSP development. Additionally, it is recommended that families be informed of the upcoming LEA notification process at an IFSP meeting close to the child’s second birthday.

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11.2.4 Referrals after 27 Months of Age

When a child is determined eligible for the Birth to 3 Program after 27 months of age, the local Birth to 3 Program must notify the LEA and SEA as soon as possible that the child will shortly reach the age of eligibility for preschool special education services, unless a parent signs the Opting Out of LEA and SEA Notification (F-00169) form and returns it to the local program within 10 days of the initial IFSP meeting. The process for LEA and SEA notification, LEA and SEA referral, and the parental right to opt out of notification is also detailed in DMS Memo 2018-04: Local Education Agency (LEA) and State Education Agency (SEA) Notification and Parental Right to Opt Out of Notification.