



Federation for Children with Special Needs
**Turning Three: Moving from
 Early Intervention to Special Education**
 Parent Training and Information Center

"No matter what type of connection you are seeking, the Federation is here to help."

Contact our Information Center/new language line to access our Information Specialists in 250 languages.
 Register today for a training or orientation at <https://fcsn.org/news/#calendar>.
 Continue to [support the Federation](#), no amount is too small.



FEDERATION FOR CHILDREN WITH SPECIAL NEEDS



Our Mission

The Federation for Children with Special Needs promotes quality education, parent participation and access to quality health care services for all children, especially those with disabilities.

The PTIC is funded by the U.S. Department of Education under IDEA. The purpose of PTIC is to help parents learn about their rights and how to use them, how to communicate effectively with school personnel, participate in education decision making and learn about their children's disabilities and educational needs.



Workshop contents were developed under a grant from the US Department of Education. However, the contents do not necessarily represent the policy of US Department of Education; you should not assume endorsement by the federal government.



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The contents of this workshop were developed under grants from the US Department of Education, the Massachusetts Department of Public Health, and US Department of Health Resources Services Administration. However, the contents do not necessarily represent the policy of US Department of Education; you should not assume endorsement by the federal government.



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Attending a FCSN Workshop



To ensure that everyone feels safe and comfortable participating in this workshop, please...

- Maintain confidentiality and respect the privacy of participants
- Use family friendly language and explain acronyms
- Respect multiple viewpoints and stay open to new ideas – be curious!
- Make room for everyone to be part of the conversation
- Keep questions general so all can benefit from the conversation

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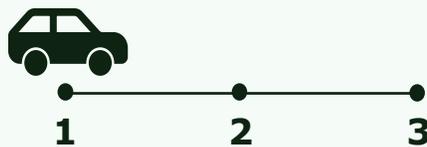


Workshop Agenda

1. What are the systems involved in transition from Early Intervention?
What are similarities and differences between early intervention (EI) and early childhood special education?
2. What are the transition steps from early intervention to early childhood special education services?
3. What is the special education process and how is eligibility decided, once the child turns age 3?
What are your options with the outcome of the Individualized Education Program (IEP) meeting?



Your Journey: Part 1



What are the systems involved in transition from early intervention (EI)?

What are similarities and differences between early intervention (EI) and early childhood special education?



Continuing the Journey: Best Practices in Early Childhood Transition

Transition from early intervention (EI) is a journey.

We hope this three-part workshop supports your travel from EI to your child's next destination.



Continuing
The
Journey

Best Practices in Early Childhood Transition

A Guide for Families

Source: <https://bit.ly/2TFnS1L>



What are Differences Between EI and Special Education?

Early Intervention is FAMILY centered; lots of parent engagement; once found eligible for EI, an Individualized Family Service Plan (IFSP) is developed

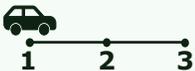


EI applies to the child from birth to age 3

Special Education laws and procedures only apply once the child turns 3



Special Education is CHILD focused; parents help develop the Individualized Education Program (IEP) in the Team meeting; parents can volunteer in school, join PTO & SEPAC



Who is Eligible for Services in MA?

Early Intervention:

- For infants and toddlers with developmental delays, certain medical diagnoses, and those at-risk ages birth to 3



Special Education:

- For children from age 3 up to age 22 who need specialized instruction to make effective progress and/or related services to access the curriculum
- Age appropriate, developmental milestones
- Only children with specific disabilities listed in the law are eligible

Not all children eligible for EI will be eligible for Special Education.



Consider one difference between EI and special education.

At what age is your child eligible for EI?

At what age might your child be eligible for special education?



Your Journey: Part 2



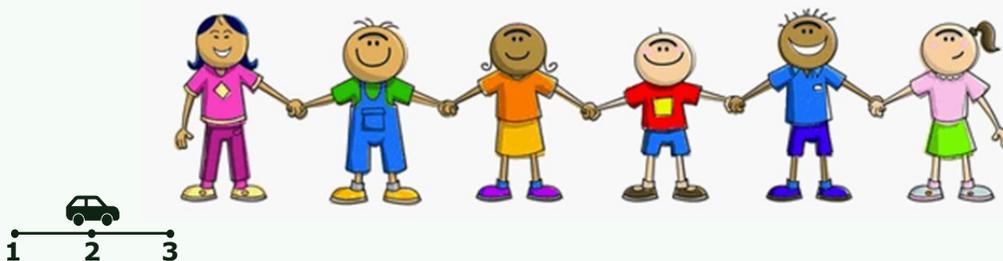
What are the transition steps from early intervention to early childhood special education services?



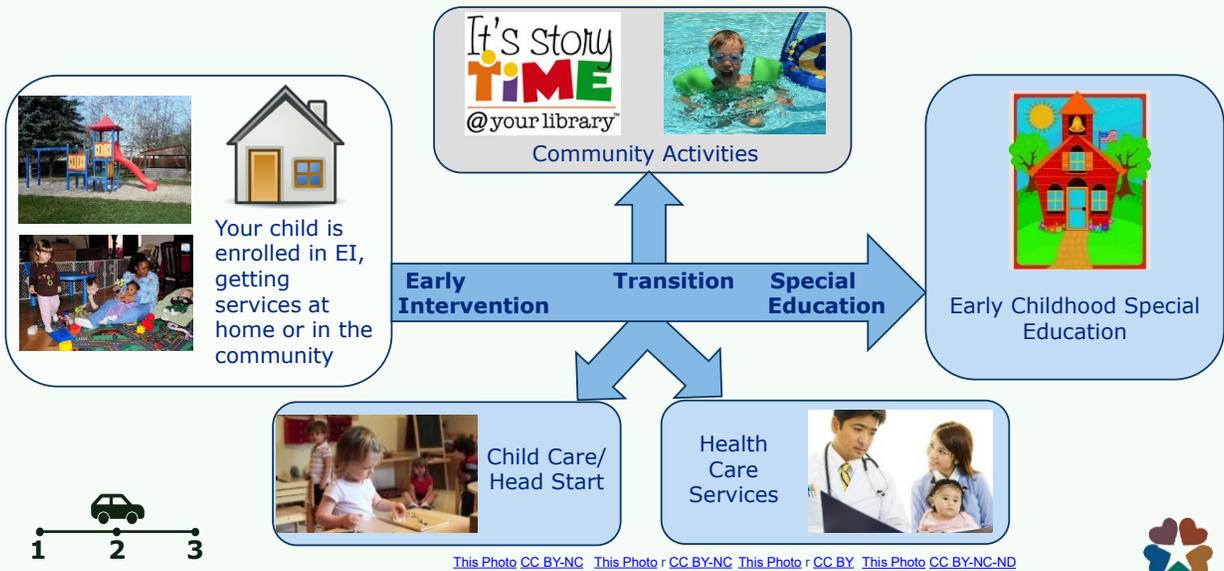
What Are the Steps in the EI Transition Planning Process?

Things that happen before turning age 3

- Transition Planning Conference
- Referral & Consent Form
- Initial School Evaluation
- Team Meeting
- IEP Developed (if child is found eligible)



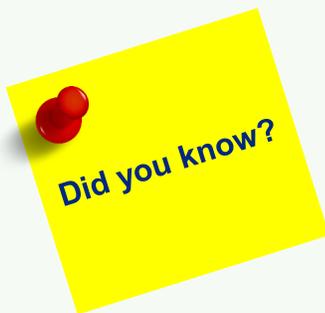
The Transition Planning Process



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Did You Know...



- every child in Early Intervention receives a transition plan.
- about 40% of children transitioning out of EI will be eligible for early childhood special education.
- nearly 60% of children transitioning out of EI will go on to community-based programs, childcare/Head Start, or other age-appropriate activities and programs.
- children can still receive any medically necessary health-related services through health insurance and providers after they have transitioned out of EI.

Source::Massachusetts Department of Public Health, Division of Early Intervention, <https://www.mass.gov/orgs/early-intervention-division>



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Transition Planning Conference (TPC)

Every child gets a TPC, even if they are not transitioning to early childhood special education.

Occurs between 2yrs/3mos and 2yrs/9mos old (not fewer than 90 days but up to 9 months before).

Includes EI and school district staff when EI is referring to early childhood special education.

Ask EI provider for a copy of the referral form sent to school district.

Discuss your concerns about your child's progress.

Special education eligibility is NOT determined at this meeting. This only happens at school district.

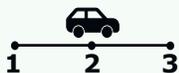


Referral Process for Special Education Early Childhood Services Before Age 3

School shall evaluate children who have been referred by an EI program.

Initial evaluation shall be conducted to ensure that if child is found eligible, special education services *begin promptly at age 3*. (603 CMR 28.04 (1)(d))

For child receiving EI, school is encouraged to use current and appropriate EI assessments, whenever possible, to avoid duplicate testing. (603 CMR 28.04 (2)(a)(2)(v))



Does the Process Look Different for Child with Summer/Early Fall Birthdays?

Work with the EI and school...

If your child will turn 3 in the summer or early fall, make sure your child's referral gets submitted by April 1st, so that eligibility assessments and team meeting can be held before school ends for summer vacation.



Calendar Days vs. School/Working Days

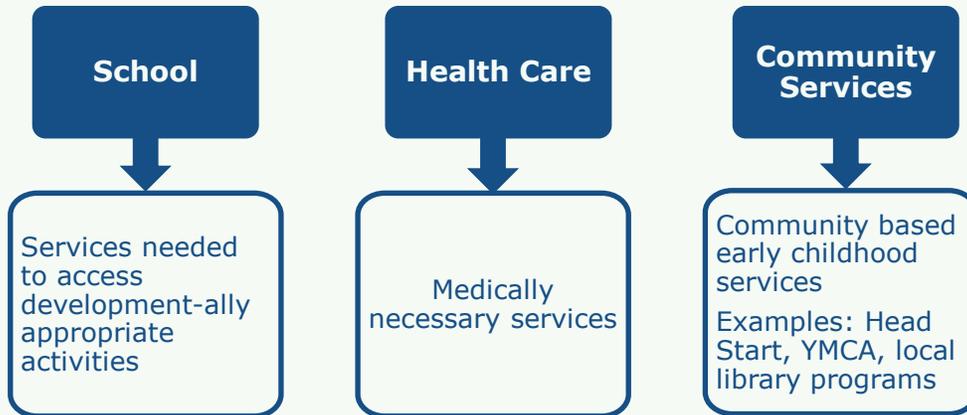
- EI tracks days by calendar days and is year round
- 7 days in a week; 365 days in a year



- Special education tracks days by school/working days and follows a school calendar Sept – June
- 5 days in a typical school week; 180 school days in a school year



Components of a Successful Transition from EI



What Should Abby's Parents Do?

The Transition Planning Conference was held when Abby was 2 years/3 months old. At that time, Early Intervention made a referral to the school district for special education.

Abby is turning 3 *in a month* and will be leaving EI. The parents have not heard from the school district. They don't know what is happening with the EI referral.

What should Abby's parents do?



What Should Ben's Parents Do?

Ben is turning 3 and leaving EI.

Ben is determined eligible for an IEP based on his evaluations. He will receive a Pre-K program, occupational therapy and speech therapy 1x/week.

His family agrees with the IEP plan, but wants to supplement his occupational therapy services.

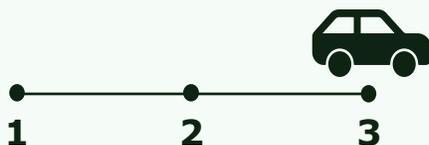


What is one takeaway you have about the transition process from EI?

How does this relate to you, your child, and your family?



Your Journey: Part 3

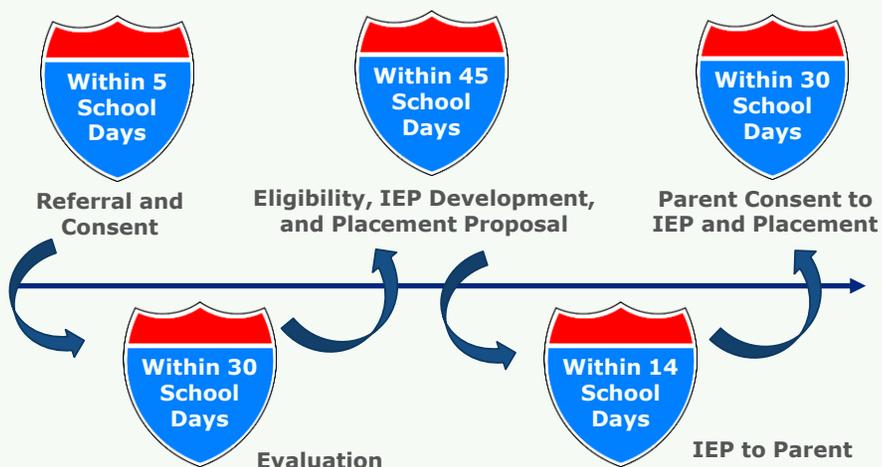


What is the special education process that begins at age 3 and how is eligibility decided?

What are your options with the outcome of the Individualized Education Program (IEP) meeting?



What is the Special Education Process for Children Aged 3 and Over?



*Proposed IEP is to be provided to parents immediately. If parents are provided with completed IEP "Service Delivery" sheet describing types and amount of special education and related services and statement of associated major goals, providing a proposed IEP within 2 weeks is considered immediate unless parents request IEP within 3-5 days.



Evaluation Consent Form

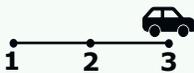
See 603 CMR 28.04 (1)(a) and (2)

For child **over age 3**, school:

- Sends the evaluation consent form to parent for signature within 5 school days of receiving referral
- Evaluates the student within 30 school days of receiving parent's signed consent form

For child **under age 3**:

- Special education process does not apply to children under age 3



Re: *[Name of Student and other necessary identifying information]* Notice Date: *[Date from N1]*

School District Name
EVALUATION CONSENT FORM
Attachment to N 1

TYPE OF ASSESSMENTS: <i>A variety of assessment tools and strategies should be used to gather information that determines the educational needs of this student. (Check yes or no for each assessment.)</i>	RECOMMENDED	
	YES	NO
Assessment in All Areas Related to the Suspected Disability(ies) – describe the student's performance in any area related to the child's suspected disability(ies). List recommended assessment(s): _____ _____		
Educational Assessment – includes the history of the student's educational progress in the general curriculum and includes current information on the student's performance.		
Observation of the Student – includes the student's interaction in the student's classroom environment or in a child's natural environment or an early intervention program.		
Health Assessment – details any medical problems or constraints that may affect the student's education.		
Psychological Assessment – describes the student's learning capacity and learning style in relationship to social/emotional development and skills.		
Home Assessment – details any pertinent family history and home situations that may affect the student's education and, with written consent, may include a home visit.		

PARENT RESPONSE SECTION

Please indicate your response by checking at least one (1) box and returning a signed copy to the school district. Please keep one copy for your records. Thank you.

I accept the proposed evaluation in full.
 I reject the proposed evaluation in full.

I accept the proposed evaluation in part and request that only the listed assessments be completed.

I additionally request the following assessment(s):
 assessment(s) listed above: _____
 other assessment(s) (specify): _____

I request access to all summaries of assessment reports at least two days in advance of the Team discussion [603 CMR 28.04(2)(c)].

Signature of Parent, Guardian, Educational Surrogate Parent, Student 18 and Over* _____ Date _____
**Required signature once a student reaches 18 unless there is a court appointed guardian.*

PARENT INPUT

We strongly encourage you to share your knowledge of this student with us. If you choose, please provide a written statement (use back of form) or call the indicated contact person. Thank you.

Massachusetts Department of Elementary and Secondary Education / Evaluation Consent Form N 1A Page 1 of 1
Revised November 2019

Image source: <https://www.doe.mass.edu/sped/ie/p/>



Signing the Consent Form



Parents may:

- Agree to some or all the assessments
- Ask for additional assessments
- Ask school to accept an outside assessment
- Make a written request for a copy of assessments on consent form.



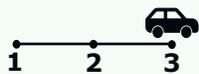
Parents must provide privately done evaluation reports to school 10 days before any meeting at which those reports will be discussed.





The Initial Evaluation

- Evaluations include formal testing by trained professionals, usually school district personnel
- Should include information from parent(s) or guardian(s) & teachers
- May include outside medical records, and reports from EI
- Language of evaluations must be provided in the child's native language or other method of communication, if feasible



What Kinds of Evaluations Will My Child Have?

Educational assessment by a qualified representative of school district

Assessment in all areas related to suspected disability

Examples of assessments might include:

- functional behavioral assessment (FBA)
- speech and language
- occupational therapy
- physical therapy
- other areas





Timing of Evaluations and Reports

- Evaluations are completed within 30 school days after school receives your signed consent form.
- If requested in writing, evaluation reports must be available to parent at least 2-days before a Team meeting.
- If you disagree with the school's evaluation, you can request an Independent Educational Evaluation (IEE).

Something to think about...

Why is it important to receive the report before the meeting?



The Team Meeting

The Team meeting will occur within 45 school days after the school receives your signed Consent Form.

Team meetings will be scheduled at a mutually agreeable time and place.



Who is on the IEP Team?

See 34 CFR 300.321 and 300.116(a)(1)

- Parent(s) or guardian(s) fully participate in the development of the IEP as equal partners of the Team
- Evaluators
- General and special education teacher(s)
- District representative with knowledge and authority
- Others with knowledge or expertise regarding child, a friend or advocate for support
- A qualified professional interpreter for parents whose native language is not English, supplied by the school



IEP Process: At the Team Meeting

The Team - including the parents - will:

- ❖ Carefully consider and discuss the results of the testing and the recommendations of the evaluators
- ❖ Determine eligibility based on disability categories
- ❖ Develops an IEP, which includes goals and services, if found eligible for special education
- ❖ Discuss and determine the appropriate placement for the child to receive the services

Parents should bring a written list of concerns and vision statement (for 1-5 years), which becomes part of the IEP.



Questions About Evaluation or IEP Team?

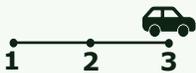


Do you have questions about the Evaluation Process and/or what happens at the IEP Team meeting?

Should you be asked to sign the IEP at the conclusion of the IEP meeting?



Special Education Eligibility/Initial and Reevaluation Determination Process



School District Contact Person/Phone #:

Special Education Eligibility/Initial and Reevaluation Determination

Student Name: _____ DOB: _____ IEP: _____ Date: _____

A. Proceed through the flowchart until an eligibility determination is reached.

1. Does the student have one or more of the following types of disability?

- Autism
- Developmental delay
- Intellectual
- Sensory/Hearing, Vision, Deaf-Blind
- Neurological
- Emotional
- Communication
- Physical
- Specific Learning
- Health

no → Student is not eligible for Special Education but may be eligible for other services in other programs.

yes → If yes, indicate disability type(s):

2. a) Is the student making effective progress in school? (For reevaluations: Would the student continue to make progress in school without the provided special education services?)

yes → Student is not eligible for Special Education but may be eligible for accommodation(s) for disability(ies) under Section 504 of the Rehabilitation Act or may be eligible for other services in other programs.

no →

2. b) Is the lack of progress a result of the student's disability?

yes → Student is not eligible for Special Education but may be eligible for other services in other programs.

no →

2. c) Does the student require specially designed instruction in order to make effective progress in school or does the student require related services in order to access the general curriculum?

yes → Student is not eligible for Special Education but may be eligible for other services in other programs.

no →

B. Answer this question for all students.

Is parent satisfied with school evaluation?

Continue forward as previously discussed.

Discuss Extended Evaluation and rights to an Independent Educational Evaluation.

KEY EVALUATION FINDINGS AND/OR NEXT STEPS



Is Student Making Effective Progress? If Not, Is It Due to Disability?

Special Education Eligibility/Initial and Reevaluation Determination

Student Name: _____ DOB: _____ ID#: _____ Date: _____

2. a) Is the student making effective progress in school?
(For reevaluations: Would the student continue to make progress in school without the provided special education services?)

yes

no

2. b) Is the lack of progress a result of the student's disability?

no

yes

2. c) does the student require specially designed instruction in order to make effective progress in school or does the student require related services in order to access the general curriculum?

no

yes

THE STUDENT IS ELIGIBLE FOR SPECIAL EDUCATION.

Student is not eligible for Special Education but may be eligible for accommodations for disability under Section 504 of the Rehabilitation Act or may be eligible for other services in other programs.

Use this link to learn more about Massachusetts Early Childhood Program Standards for Three- and Four-Year Olds
http://www.eec.state.ma.us/docs1/research_planning/ta_earlychildprogstan.pdf



What Is "Effective Progress?"

Massachusetts Special Education Regulations definition:

"Progress effectively in the general education program shall mean to make documented growth in the acquisition of knowledge and skills, including social/emotional development, within the general education program, with or without accommodations, according to the chronological age and developmental expectations, the individual educational potential of the child, and the learning standards set forth in the Massachusetts Curriculum Frameworks and the curriculum of the district."

The general education program includes preschool and early childhood programs academic and non-academic offerings of the district..."

603 CMR 28.02 (18)



Does Child Require Specially Designed Instruction to Make Effective Progress?

2. c) does the student require specially designed instruction in order to make effective progress in school **or** does the student require related services in order to access the general curriculum?

yes

THE STUDENT IS ELIGIBLE FOR SPECIAL EDUCATION.

Specially designed instruction *is* special education.

It is modifying the:

1. content,
2. methodology, and/or
3. performance criteria as appropriate to:
 - Meet the unique needs of the child
 - Address the child's needs related to the disability
 - Ensure access to the preschool curriculum
 - In order to meet "[Early Childhood Program Standards/Guidelines for Pre-school Learning Experiences](#)"



Or Does Child Require Related Services to Access the General Curriculum?

- Audiology
- Occupational therapy
- Orientation and mobility
- Physical therapy
- Applied Behavior Analysis (ABA)
- Psychological
- School health and school nurse, social worker
- Speech and language pathology



Questions About Eligibility?



Do you have a question or concern about eligibility for a 3-year-old?

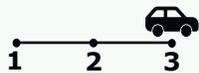


Individualized Educational Plan (IEP) Goals

If your child is deemed eligible for an IEP, then the Team develops one or more goals.

- Goals usually correspond to the areas of need (i.e., behavior, communication, gross motor, etc.)
- Goals should be challenging but attainable within a year
- Goals are linked to services listed in the IEP
- Includes Extended School Year Services (ESY), if applicable

Services may also include transportation, if applicable.



Determine IEP Accommodations

Any assistance that the child will need to participate in the program should be listed on the IEP as an accommodation.

Examples:

- extra thick crayons
- special safety items
- preferential seating at circle time
- Aide/paraprofessional
- Nurse
- Sensory activities/breaks

Modifications should also be included.

Example: A student with medical issues may need to have certain activities adapted.



Image source: [Raising Children Network, Cerebral Palsy in Children – A guide](#)



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Placement in the Least Restrictive Environment (LRE)

Children with disabilities must be educated with students who are not disabled, to the maximum extent appropriate with use of supplemental aids and services as needed.

(603 CMR 28.06(2)(c))



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What Are Parent's Response Options to IEP?

See 603 CMR 25.05(7)



Parents have 30 calendar days after the school district signs the IEP to respond to the proposed IEP.

After 30 days, the IEP is deemed rejected.

IEP Response Options

- Accept IEP in Full
- Reject IEP in Full
- Reject IEP in Part

Placement Response Options

- Accept Placement
- Reject Placement



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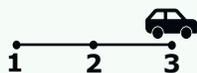
When Do Services Begin?



Services must begin as soon as the full or partially accepted signed IEP is returned, and your child turns 3 years old

Your child can receive special education while you work out differences with the school *if* you reject the IEP in part

- accept in part/reject in part so that child is eligible for special education
- continue to work for more or different services while the IEP is in place



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What Happens After IEP Is Signed and Returned?

School district will implement IEP immediately at age 3.

Annual review:
Team meets every year. New, challenging goals need to be developed each year.



Progress reports:
will be sent home as often as schools distribute report cards and in parents' home/ native language



DESE Advisory SPED 2009-2 Observation of Education Programs by Parents and Their Designees for Evaluation Purposes - https://www.doe.mass.edu/sped/advisories/09_2.html



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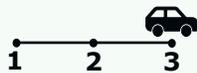
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When Will the IEP End?

Parent consent is required for all changes to IEP, including removal of any services (Stay Put Rights)

IEP continues in effect until:

- Next IEP is accepted by the parent or guardian, or
- Team (parents must sign off on IEP) agrees to remove the child from special education, or remove services from IEP
- Bureau of Special Education Appeals (BSEA) orders otherwise



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School District Letterhead

To: *[Name of Parent, Guardian, Educational Surrogate Parent, Student 18 and over]*

Re: *[Name of Student and other identifying information (i.e. DOB, ID#)]*

Subject: **The school district does not intend to act:** *[Check all that apply]*

Finding of No Eligibility
 Refusal of Requested Services
 Other: _____
[Please specify.]

Notice Date: *[Date notice is to be mailed.]*

The school district has recently discussed this student with you. We now write to tell you of our intention not to act on a request. We have described our reasons for refusing on page two of this memo.

As you know, special education regulations provide protection to you and your child. You will find specific information about your legal rights in the *Notice of Procedural Safeguards*, including sources that you may contact for help in understanding your rights. You should have received this brochure prior to the initial evaluation. If you would like another copy, please contact the school district staff. You should carefully review this brochure and the enclosed material.

The school district staff is available to speak to you or meet with you about your rights and the school district's refusal to act. We strongly encourage you to call us if you have any questions. Please contact us through the district contact person listed below. Thank you.

District Contact Person: *[Name and Role]*

Contact Information: *[Address, Telephone Number, Fax Number and Email Address (if not on letterhead)]*

Enclosures:
 Other: *[specify]*

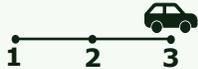
What if the Team Determines the Child Is Ineligible for Special Education Services?

See 603 CMR 28.05(2) (a) 2)

Team Chair notifies parents in writing of determination of ineligibility (N-2 form) within 10 school days of Team meeting.

Parents who disagree can:

- Reject finding of ineligibility
- Seek an independent education evaluation (IEE)
- Request a re-determination of eligibility after a new evaluation
- Contest the finding through Due Process hearing



Options for Resolving Differences

Procedural Safeguards and "Due Process" Rights

Local Options	Procedural Violations & Enforcement	Voluntary Alternative Dispute	Due Process
Independent Educational Evaluation	PRS Problem Resolution System 781-338-3700	Facilitated IEP Meeting 781-397-4750	BSEA Hearing 781-397-4750
IEP Meeting	OCR* Office for Civil Rights 1-800-421-3481	Mediation 781-397-4750	Resolution Meeting
Meeting with Sped Director, Principal, and/or Superintendent			

**if civil rights violation*



Review of Important Turning 3 Time Frames

2ys/3mos – 2yr/9mos



Transition Planning Conference

2yr/6mos – 2yr/9mos



- Make sure School District has referral
- School District completes evaluations

At age 3 district must have an IEP in place



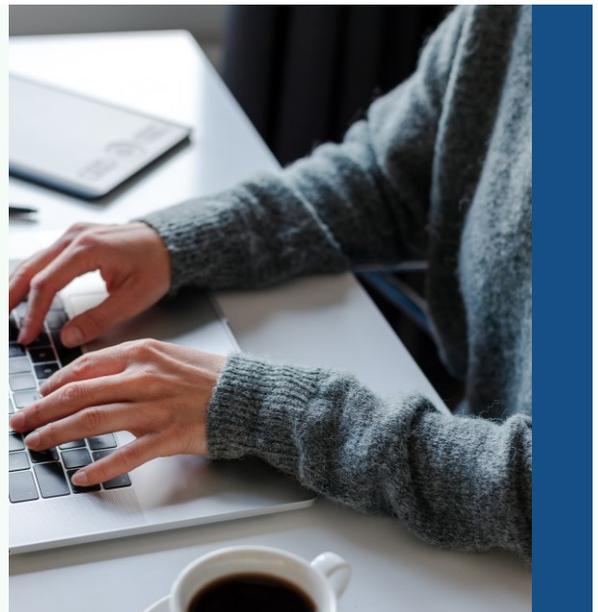
Special education shall begin promptly at age 3, if child is found eligible



Help Support FCSN... And win a chance for a \$25 gift card!

Please use our last few minutes to complete the evaluation. The link is in the chat box as well as the handout email sent to you earlier.

We will randomly select a monthly winner from the participants submitting evaluations for each month. One evaluation allowed per workshop.



Laws and Regulations

Early Intervention Operational Standards:

<https://www.mass.gov/files/documents/2016/07/nw/ei-operational-standards.pdf>

MA special education law: MGL Chapter 71B

MA special ed. regulations: 603 Code of MA Regulations 28.01

Individuals with Disabilities in Education Act (IDEA), 20 US Code 1400

IDEA special ed. regulations : 34 Code of Federal Regulations part 300



Resources

Best Practices, A Guide for Families: <https://www.mass.gov/service-details/resources-for-families-receiving-early-intervention-services-in-early-education-and>

DESE FAQ: www.doe.mass.edu/sped/ecse/TransitionFAQ.html

MA Family TIES: <http://massfamilyties.org/index.php>

MA Family Voices: <https://fcsn.org/mfv/>

Massachusetts Arc: www.arcmass.org/

A Parent's Guide to Special Education Services:
<https://fcsn.org/a-parents-guide-to-special-education/>

Parent Center Hub: <http://www.parentcenterhub.org/ei-overview/>



Additional Resources

Massachusetts Department of Public Health (DPH) Early Intervention Division:
<http://www.mass.gov/eohhs/gov/departments/dph/programs/family-health/early-intervention/>

DPH - Transition Process: <https://eiplp.org/transition-resources-2/>

Continuing Journey: <http://eipop.wpengine.com/wp-content/uploads/2015/09/Continuing-the-Journey-2014-eng.pdf>

EEC - Transitioning from Early Intervention into Preschool Special Education:
<http://www.mass.gov/edu/birth-grade-12/early-education-and-care/provider-and-program-administration/services-for-children-with-disabilities-and-special-needs/transitioning-from-early-intervention-into-preschool-special-education/>

Early Childhood Technical Assistance Center: <http://ectacenter.org/>

DEC Recommended Practices: <http://www.dec-sped.org/dec-recommended-practices>



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Parent Training and Information Center

Information Center

FREE info about Special Education Rights
<https://fcsn.org/information-center-2/>

617-236-7210

Mon-Fri 10am-3pm, Evening hours by appt.

*Language Line available for
multiple languages*

Outreach

The PTIC provides special education training, information and support to families who speak:

**Spanish, Portuguese, Chinese,
Haitian Creole**



FEDERATION FOR CHILDREN WITH SPECIAL NEEDS

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Parent Training and Information Center

Workshops

FREE to participants

- Understanding the IEP
- Discipline & Suspension
- Effective Communication and MORE!

<https://fcsn.org/pti/workshops/>

Parent Consultant Training Institute

An in-depth training for parents and professionals in a tuition-based program.

<http://fcsn.org/ptic/parent-consultant-training>



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2023 Visions of Community Conference

Save the Date for our annual Visions of Community (VOC) conference to be held virtually on March 4, 2023.

Our conference at a glance:

- Attended by 1,000 families and professionals statewide in-person and virtually
- Over 40 workshops, including offerings in English, Spanish, Portuguese, Vietnamese, Chinese, Haitian Creole, Arabic, and/or Somali.
- Exhibits from over 80 organizations serving all aspects of families' needs
- Unparalleled networking opportunities for families

Please follow us on social media and see our website for more details.



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Thank You

Federation for Children with Special Needs
The Schrafft Building
529 Main Street, Suite 1M3
Boston, MA 02129

(617) 236-7210
(800) 331-0688
www.fcsn.org

Online Intake Form
<https://fcsn.org/fcsn-intake-form/>

