

STATE OF KANSAS
State-level Interagency Memorandum of Agreement (MOA)

Infants and Toddlers with Disabilities and Their Families
Public Awareness, Child Find and Transitioning from Part C to Part B in Accordance
With the Individuals with Disabilities Education Act (IDEA) of 2004

Kansas Department of Health and Environment

Kansas State Department of Education

This Memorandum of Agreement (MOA) between the Kansas Department of Health and Environment, hereinafter referred to as KDHE, and the Kansas State Department of Education, hereinafter referred to as KSDE, is made to assure attainment of mutual goals between the agencies and their programs for the provision of early intervention and preschool services to children, ages birth through age 5 who have developmental delays or disabilities, or have conditions associated with a high probability of developmental delay and their families. A related agreement exists among KDHE, KSDE, the Kansas Department of Social and Rehabilitative Services, Region VII Department of Health and Human Services Administration of Children and Families for the purpose of developing cooperative relationships enhancing coordination of early childhood services among the partners.

I. AUTHORITY FOR AGREEMENT

As a condition of receiving Federal funds under Part C of the Individuals with Disabilities Education Act (IDEA 2004), 34 CFR 303.523 requires the lead agency to ensure cooperation among State agencies involved in delivering Part C services to eligible children and their families by entering into interagency agreements with these State agencies.

The KDHE Secretary and the KSDE Commissioner of Education are authorized to enter into agreements and make commitments which shall be binding on the operation of the programs of the agencies.

The KDHE is the designated Lead Agency for administering the Part C Infant-Toddler Program under the Individuals with Disabilities Education Act (IDEA 2004), and ensuring access to early intervention services to IDEA 2004 eligible children birth through age two, and their families. The Part C Infant-Toddler local programs are referred to as local *tiny-k* networks.

The KSDE is the designated Lead Agency for administering Part B under IDEA 2004; ensuring that a Free Appropriate Public Education (FAPE) is available to all IDEA 2004 eligible children with disabilities age three to twenty-one years of age. The Part B local programs will be referred to as LEAs (Local Education Agency).

The KDHE and KSDE shall abide by respective regulations, and establish policies and procedures, aligned with IDEA 2004. The parties will ensure coordinated and effective public awareness, child find, screening, referral, evaluation and the seamless transition of children and families participating in the Part C early intervention program to the Part B early childhood special education program as appropriate, within the required timelines established by IDEA 2004.

The Office of Special Education (OSEP) requires a State Performance Plan (SPP) and an Annual Performance Report (APR) for both Parts C and B of IDEA. The Part C Plan has 14 Indicators and the Part B Plan has 20 Indicators. Both agencies report annually to OSEP regarding compliance and results of these indicators. The policies regarding late referrals in Sections 6 and 7 have implications for state and federal reporting requirements on the OSEP required SPP/APR. These policies involve reporting for indicators C8, B11 and B12.

The parties agree to collaborate on the review and alignment of regulations, policies and procedures in order to ensure coordination and understanding among departments and agencies.

NOW THEREFORE, KDHE and KSDE in consideration of the mutual covenants and agreements herein contained, do hereby agree to the purpose, terms and conditions.

II. PURPOSE OF AGREEMENT

The purpose of this MOA is to facilitate the development of a cooperative relationship enhancing coordination of public awareness, child find, screening, referral, evaluation and to ensure the smooth and effective transition of children as they move from early intervention services under Part C into Part B early childhood special education programs and services for the benefit of children and families residing in the State of Kansas. This agreement is guided by the state and federal regulations implementing Part B, Section 619 and Part C of the IDEA 2004.

The parties to this agreement are committed to:

- Maximize the use of federal, state and local resources to ensure the required components of public awareness and child find are available in Kansas.
- Support a comprehensive system of services for children with developmental delays and/or disabilities and their families from birth through age five.
- Encourage the development of local level interagency agreements to address the coordination of screening, referral, evaluation, transition, data collection and other common practices.
- Promote inclusion of all children through the integration of services in the natural/least restrictive environment.
- Enhance the awareness of the needs of children and families to promote coordination among programs.

III. TERMS OF THE AGREEMENT

To carry out the purpose of this agreement, the parties agree to the following;

A. PUBLIC AWARENESS, CHILD FIND, SCREENING, REFERRAL AND EVALUATION

Early identification of children who have disabilities is a shared value and the expectation is that KDHE and KSDE will use their current policies and procedures to facilitate public awareness, child find, screening, referral, and evaluation in the early identification of children that may have disabilities. Under IDEA 2004, both KDHE and KSDE have responsibilities for public awareness, child find, screening and referral for children with disabilities birth through five years of age. Public awareness activities assist the general public, families, and professionals to become more aware of the importance of early identification and early intervention. Screening procedures are carried out to identify a child who may have a developmental delay. These procedures are carried out by public agency staff, early intervention service providers, LEA professionals or designated primary referral source(s). Referral is the process/procedure designed to ensure that once a child is suspected of having a developmental delay, they are referred in a timely manner to the appropriate agency. Through this agreement, the departments agree that the primary responsibility for the evaluation of children depends on which program will be developing and providing the individualized family service/education plan. If the child is being evaluated for eligibility for the Part C program, KDHE and the *tiny-k* networks are responsible for the evaluation. If the child is being evaluated to determine the existence of special education needs to determine eligibility for special education services at age three, KSDE and the LEA's are responsible for the evaluation. Both KDHE and KSDE will encourage collaboration and the development of local interagency agreements to address the sharing of staff expertise and resources while defining the procedures and payments, if any, such sharing is involved.

KDHE will ensure:

- The Part C Infant-Toddler *tiny-k* networks follow the policies and procedures as outlined in the Part C Procedure Manual
- Each community shall have a Local Interagency Coordinating Council (LICC) with required representation, which includes LEA representation.
- LICC's establish a local contact point for the community that provides information regarding child find, referral process, and availability of early intervention services.
- Development and implementation of a child find system where infants and toddlers, birth through age 2, that are eligible for early intervention services are identified, located, and evaluated,
- Administer and facilitate state agency collaboration for the statewide Make a Difference Hotline.
- Representatives from KDHE and other agencies, including the State ICC, engaged in child find efforts are involved in the planning, development, and implementation of statewide public awareness and child find activities.
- All primary referral sources conducting screenings (i.e.: Parents as Teachers, Physicians, Early Head Start, Health Department, etc.) are aware that if results indicate the child is suspected of having a developmental delay or a diagnosed condition known to result in a developmental delay, the child **MUST** be referred to the local *tiny-k* network for an evaluation within two working days according to Part C of the IDEA 2004. Current proposed regulations would negate this requirement.
- All primary referral sources understand that when a case of substantiated child abuse or neglect by SRS is made regarding a child birth through age two, the referral **MUST** be made to the local *tiny-k*

networks pursuant to the federal mandate of the Child Abuse Prevention and Treatment Act (CAPTA).

KSDE will ensure:

- LEAs follow policies and procedures outlined in the Part B Special Education Process Handbook.
- Consistency with their role as a cooperating partner, through advice, assistance and cooperation with KDHE in the development of policies, procedures and activities related to public awareness, child find and transition for children birth through age two.
- Collaboration in the operation of the state-wide Make a Difference Hotline.
- LEAs utilize IDEA 2004 funds for public awareness, child find, screening, referral, evaluation and transition efforts in cooperation with Infant-Toddler *tiny-k* networks.
- LEAs understand they are required to have representation on the Local Interagency Coordinating Council (LICC).
- LEAs understand children who are transitioning from the Part C Infant- Toddler program may move directly to an evaluation, without participating in a Part B screening process.
- LEAs participate in and promote cooperation for birth through age five screening.

B. TRANSITION PROCESS AND RESPONSIBILITIES

A State must use policies and procedures to ensure a smooth transition for toddlers receiving early intervention services under Part C of IDEA 2004 to preschool, other appropriate services, or exiting the program. (IDEA 2004 section 637(a)(9)(A))

The parties agree to the following responsibilities in each of the following steps of the transition process:

1. TRANSITION PLANNING

KDHE will ensure:

- Family Service Coordinators inform families of transition requirements, resources and supports available.
- Transition outcomes will be identified and be a part of the IFSP. The plan and outcomes may be updated at the transition conference and as needed.
- A focused transition plan is developed for each family no later than the transition conference.
- Local *tiny-k* networks will coordinate with LEAs to fully inform families of the services available under IDEA 2004 Part B.

KSDE will ensure:

- LEAs coordinate efforts with the local *tiny-k* networks' providers to support family involvement in the transition planning process.
- As appropriate, LEAs coordinate with the local *tiny-k* networks' providers to facilitate visits by families to possible service settings.
- LEAs coordinate with local *tiny-k* networks to fully inform families of the services available under IDEA 2004 Part B.

2. NOTIFICATION

KDHE will ensure:

- Local *tiny-k* networks notify the LEA in which a child resides, at least nine months before a child's third birthday, to inform them a child receiving early intervention services will reach the age of eligibility for preschool services under Part B.
- When a child is determined to be eligible for Part C services by a local *tiny-k* network within the nine-month period before the child's third birthday; the local *tiny-k* network will notify the LEA as soon as possible.
- Content of the Notification will include the following information to assist Part B LEAs in their child find responsibilities:
 - Child's Name
 - Child's Date of Birth
 - Parent contact information (including names, addresses and telephone numbers)
 - May additionally include:
 - Service Coordinator's name and contact information
 - The language (s) spoken by the child and family
- Notification must be provided to the LEA where the toddler with a disability resides.
- Notification of children "shortly reaching the age of eligibility" – (as required by IDEA 2004 section 673(a)(9)(A)(ii)(I))
 - Is required for all children who will shortly reach the age of three.
 - Parental consent cannot be required.
 - Is NOT considered to be a referral to Part B.
 - May occur on an individual basis or as a list of multiple children.

KSDE:

- No action needs to be taken by Part B LEAs.

3. REFERRAL

KDHE will ensure:

- Any child currently receiving Part C services, at least 90 days prior to the child's third birthday, is understood to be "potentially eligible" for Part B.
- At least 90 days before or up to 9 months prior to a child's third birthday, the local *tiny-k* network will make a referral to the LEA of each potentially eligible child residing within that LEA.
- Parental consent for referral cannot be required and parents cannot deny referral to Part B.
- Content of the referral will include the following information to assist Part B LEAs in their child find responsibilities:
 - Child's Name
 - Child's Date of Birth
 - Parent contact information (including names, addresses and telephone numbers)

May additionally include:

- Service Coordinator's name and contact information
- The language (s) spoken by the child and family
- Whether the family gives permission for a Part B LEA representative to participate in the transition meeting.

KSDE will ensure:

- LEAs understand when they receive a referral to Part B, the LEA is required to complete the following actions:
 - Provide procedural safeguards to the child's parents.
 - With parent approval, attend the transition conference which is initiated by Part C. (Note: Approval is an affirmative response that may be given orally).
- LEAs understand providing the procedural safeguards to the family does not initiate the Part B timeline for initial evaluation. The timeline starts when parental consent for initial evaluation is obtained.

4. COMBINING NOTIFICATION AND REFERRAL

KDHE and KSDE will ensure:

- The invitation to the LEA representative to attend the transition conference for children potentially eligible for Part B can serve as the LEA referral, if determined by the local programs in a written interagency agreement, to simultaneously combine notification and referral.
- Procedural safeguards are provided to the child's parents.

5. THE TRANSITION CONFERENCE

KDHE will ensure:

- Local *tiny-k* network family service coordinators (FSCs) will convene and facilitate a transition conference at least 90 days and, at the discretion of all parties, up to 9 months prior to the child's third birthday.
- Local *tiny-k* networks FSCs invite an LEA representative to the transition conference, with the approval (written or verbal) of the parents, when a child is potentially eligible for Part B.
- Local *tiny-k* networks FSCs invite other relevant service providers (Head Start, child care providers, etc.) with parent approval.
- Local *tiny-k* networks FSCs are encouraged to schedule and convene the transition conference at a time and place that is mutually agreed upon by all participants.
- Local *tiny-k* networks (whether or not the LEA participates in the transition conference) do the following:
 - Develop or revise the IFSP transition plan (including identifying appropriate transition steps and services) at the conference
 - Provide parents at the conference with information about Part B preschool services including:

- A description of the Part B eligibility definitions
 - State timelines and process for consenting to an evaluation and conducting eligibility determination under Part B
 - The availability of special education and related services
- Local *tiny-k* networks FSCs document all outcomes and decisions of the transition conference.
- Before information (*beyond what is allowable for notification and referral*) is shared with Part B, local *tiny-k* networks obtain appropriate parental consent.
- If the parent does not provide approval to conduct the transition conference, local *tiny-k* networks must still provide a referral for these children to the LEA. KDHE recommends that this referral inform the LEA that the parent has declined to have the LEA representative attend the transition conference.

KSDE will ensure:

- LEAs provide appropriate representative(s) to participate in the transition conference arranged by the designated local *tiny-k* providers.
- LEAs review existing data, including the IFSP, evaluations and information provided by parents or other data as allowed, as part of the process for determining eligibility for IDEA 2004 Part B.
- LEAs determine the need for additional evaluation, assessment and information.
- LEAs cooperate with the local *tiny-k* network providers so that the following are provided to parents:
 - A description of the Part B eligibility definitions.
 - State timelines and process for consenting to an evaluation and conducting eligibility determination under Part B.
 - Information about the availability of special education and related services.

6. LATE REFERRALS TO PART C

KDHE will ensure:

- For a child referred to local *tiny-k* networks fewer than 45 days prior to the child's third birthday, local *tiny-k* networks may, but are not required to:
 - Conduct an initial evaluation and assessment.
 - Conduct an initial IFSP meeting, if eligible.
 - Develop a transition plan for such children (will not report these children in the calculation in C-8A).
 - Provide LEA Notification/Referral (will not report these children in calculation in C-8B).
- For a child referred to local *tiny-k* networks between 45 and 90 days prior to the child's third birthday, local *tiny-k* networks must:
 - Conduct the initial evaluation, assessment.
 - Conduct the initial IFSP meeting (if eligible).
 - If eligible and receiving services under Part C (which includes service coordination services), develop a transition plan (with the appropriate transition steps and services).

- Provide LEA Notification/Referral for that child and for children potentially eligible for Part B and report on such children under SPP/APR Indicator C-8B.
- For a child referred to local *tiny-k* networks less than 90 days prior to the child's third birthday, Part C may, but is not required to:
 - Conduct a transition conference with the LEA representative (will not report data on these children in C-8C- transition conferences held, if child potentially eligible for Part B).
 - Assist the family in contacting the LEA or provide the contact information for the family in case they wish to pursue eligibility for Part B.

KSDE will ensure that children:

- Served in Part C but referred to Part B less than 90 days before the child's third birthday and therefore referred to Part B less than 90 days before the child's third birthday, LEA's:
 - Must conduct an initial evaluation under Part B within 60 school days of receiving parental consent for the evaluation, even if that timeline expires after the child's third birthday.
 - Hold a meeting to develop an IEP within 30 days of a determination that the child needs special education and related services.
 - Include the child under SPP/APR Indicator B-11 (60 school day timeline) due to the initial evaluation requirement.
 - Include the child in SPP/APR Indicator B-12(a)-*The number of children who have been served in Part C and referred to Part B for Part B eligibility.* However, even if an evaluation under Part B to determine eligibility is conducted, and if appropriate, an IEP is developed and implemented by the child's third birthday, the child must be factored out of the equation and reported in SPP/APR Indicator B-12 (e)-the number of children who were referred to Part C less than 90 days before their 3rd birthday.

7. LATE REFERRALS FROM PART C TO PART B

KSDE will ensure that children:

- Served in Part C who were referred to Part C more than 90 days before the child's third birthday, but referred to Part B less than 90 days before the child's birthday, LEA's are responsible for:
 - Ensuring that every child referred to Part B, an initial evaluation is completed; and those children determined eligible under Part B; an IEP is developed and implemented by the child's third birthday, even if the state established timeline for evaluation expires after the child's third birthday.
 - Reporting this child in the SPP/APR indicator B-12a, even if the child was referred less than 90 days before the child's third birthday.
 - Ensuring that for every child determined NOT eligible be reported in SPP/APR Indicator B12b or if found eligible and had an IEP developed and implemented by the child's third birthday, the child must in addition be included in SPP/APR indicator B-12c.

- Ensuring the child is included in SPP/APR indicator B-12d, when parental refusal to provide consent caused a delay in the evaluation or initial services.
- Documenting when a late referral to Part B results in the LEA determining eligibility, and developing and implementing an IEP after the child's third birthday. KSDE must include this child in measurement SPP/APR indicator B-12a, but not in B-12b, c, d, or e, *and indicate the reason for the delay was late referral from Part C to Part B, in addition to indicating the range of days beyond the third birthday when eligibility was determined and the IEP developed.*

8. EVALUATION FOR PART B SERVICES AND ELIGIBILITY DETERMINATION

KDHE will ensure:

- The local *tiny-k* networks' share, with parental consent, current evaluation and assessment information and copies of IFSPs to the LEAs in a timely manner, to facilitate a coordinated and seamless transition from Part C to Part B.
- The local *tiny-k* networks are encouraged to work with the family to notify the appropriate LEA when a family moves during the evaluation process.

KSDE will ensure:

- LEAs consider Part C assessments, IFSP and parent information to determine eligibility for Part B:
 - The IEP team and other qualified individuals review current (within 6 months) evaluation data.
 - Based on that review and input from the family, the team determines what additional data are needed to determine if a child is eligible.
- When a referral is made, the LEA will provide and explain to the parent(s), in their native language or other mode of communication used by the parent(s), the Procedural Safeguards.
- If Part B chooses not to evaluate, prior written notice must be provided to the parents.
- If the LEA determines there is evidence of a potential disability, prior written notice for an initial evaluation will be provided and parental consent obtained prior to an evaluation.
- When it is determined that an initial evaluation is needed:
 - The LEA will conduct the initial evaluation in accordance with 34CFR 300.304 to include a variety of measures and sources. This evaluation will be completed within 60 school days of parent consent for evaluation and/or before the child's third birthday in accordance with IDEA 2004 and Kansas State Regulations.
 - A group of qualified professionals from the LEA and the parent of the child will determine whether the child is a child with a disability in accordance with state and Federal regulations.
 - The LEA will provide a copy of the evaluation report and the documentation of the eligibility determination at no cost to the parent(s) and with parental consent, a copy of this documentation to the referring Part C provider.
 - A child who has been served in Part C that *enrolls in another LEA* after the child has been referred to Part B, but *before the child is evaluated* to determine eligibility for Part B services will be excluded from the SPP/APR Indicators B-11 and B-12.

- When a family moves during the evaluation process, LEA will work with the family to ensure the appropriate LEA is notified of the family's move.

9. THE INDIVIDUAL EDUCATION PROGRAM (IEP) DEVELOPED AND IMPLEMENTED BY 3RD BIRTHDAY

For children eligible for IDEA 2004 Part B services, ages 3 through 5, an IFSP may serve as the IEP of the child if the LEA and parent(s) agree. The IFSP would be developed in accordance with all of the IEP procedures, but contain the content described in the USC 1436, Part C. If the LEA uses an IFSP, the IFSP must include the natural environments statement required under Part C (34 C.F.R. 303.18; 34 C.F.R. 303.344 (d) ((1)(ii)). The IFSP must also contain an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills (34 C.F.R. 300.323 (b)). If the school and the parents agree to use an IFSP, the school must provide the child's parent(s) a detailed explanation of the differences between an IFSP and an IEP, and obtain written consent from the parents (K.A.R. 91-40-16(c)(2)). For the purposes of clarification in this document the term IEP means a Part B developed IEP/IFSP.

KDHE will ensure:

- When invited, the local *tiny-k* network family service coordinator and appropriate early intervention staff make every effort to participate in the IEP meeting conducted by the LEA.

KSDE will ensure:

- LEAs will inform families that they may invite Part C representatives to attend the IEP meeting, and if the family chooses to invite Part C representatives, the LEA will send an invitation to Part C and request assistance with the development of an IEP to ensure a smooth transition.
- LEAs will develop and implement the IEP on or before the child's third birthday in accordance with IDEA 2004 and K.A.R. 91-40-18.
- If a child's third birthday occurs during the summer, the child's IEP team will develop the IEP and determine the date when services under the IEP will be implemented, which must occur no later than the first day of school the following school year. It is only the *implementation* of the IEP that may be delayed. LEA's will begin Part B services on the date specified on the IEP.

10. SUMMER BIRTHDAYS

KDHE will ensure:

- Services may be provided in accordance with the existing IFSP to children and families until the implementation date specified on the IEP.
- Once the IEP has been implemented, the child is no longer eligible for Part C services and Part C funds cannot be used to serve the child.

KSDE will ensure:

- Once eligibility is determined and an IEP developed, a child may begin Part B services anytime during the school year he/she turns three. If the decision to begin Part B services before age three occurs, the transition team proceeds through the IEP process and placement is determined. Once a child

begins Part B services, he/she is no longer eligible for Part C services (and Part C funds cannot be used to serve the child).

- If a child turning age three during the summer (which is defined by Part B as the day after the last day of school) is determined to be eligible for Part B, and has an IEP in place with special education services to begin the following school year, the child can continue to be served on an IFSP by the Part C program during the summer until the IEP is implemented at the beginning of the next school year.
- If a child turns age three before the end of the school year and it is determined by the Part B IEP team that it is in the best interest of the child for the child to be served by Part C providers on a Part B IEP in the child's home until the beginning of the next school year, the LEA can contract with Infant Toddler Services to provide those services to the child to assure a smooth transition.
- If a child turns age three during the summer and the Part B IEP team determines the need for extended school year (ESY), the Part B team may provide the ESY services or may decide that it is in the best interest of the child to be served in the child's home by Part C providers on a Part B IEP until the next school year. The LEA can choose to contract with the local *tiny-k* network to provide Part B ESY services to the child in order to minimize disruption to the family and to assure a smooth transition.
- For a child who is transitioning into the Part B early childhood special education services from the Part C early intervention services, the LEA is required to ensure that:
 - the child is determined eligible under Part B requirements,
 - if eligible, an IEP or IFSP is in effect by the child's 3rd birthday,
 - if a child's 3rd birthday occurs during the summer, the child's IEP team must determine the date when services will begin, but not later than the beginning of the school year following the 3rd birthday.

11. UNINTERRUPTED SERVICES: Birthdays close to school break

KDHE will ensure:

Local *tiny-k* networks will consider the school calendar when making a referral to LEAs to avoid potential gaps in services and ensure a smooth transition for the child and family.

KDHE and KSDE will ensure:

Local *tiny-k* networks and LEAs are aware of these options:

- A child may begin Part B services anytime during the school year he/she turns three. If the decision to begin Part B services before age three occurs, the transition team proceeds through the IEP process and placement is determined. Once a child begins Part B services, he/she is no longer eligible for Part C services. This option would allow a child to start school well in advance of a school break if the team is concerned about a smooth transition for the child.
- If a child turns age three during the school year and the Part B team determines the start date is too close to a school break (i.e. Winter or Spring break) to facilitate a smooth transition, the Part B team may decide that it would be in the child's best interest to continue services provided by Part C

providers in the child's home on a Part B IEP until the first day after the break. The LEA can choose to contract with Infant Toddler Services to provide those services to the child in order to minimize disruption to the family and to assure a smooth transition. Alternately, the IEP team may provide services to the child in the home until after the school break is over.

C. FINANCIAL RESPONSIBILITIES

KDHE and KSDE financial responsibilities are reviewed and updated annually or as needed to include: Kansas State Department of Education Special Education Reimbursement Guide (reviewed and updated as needed); Kansas Coordinating Council on Early Childhood Developmental Services and State Interagency Coordinating Council Interagency MOA (reviewed and updated annually).

KDHE will ensure:

- The local *tiny-k* networks assume financial responsibility for evaluations, assessments, and services for eligible children under IDEA 2004 Part C through the Infant-Toddler Services.
- All child find, screening, evaluation and service coordination activities are available at no cost to families. Fees will not be charged to a family for staff time related to the development of the Individualized Family Service Plan (IFSP) or the provision of procedural safeguards.
- Maximum use will be made of all third party funding sources. State planning efforts will continue to support and facilitate such financing arrangements.
- That KDHE is responsible for resolving individual financial disagreements under Part C of IDEA 2004. During the pendency of any disagreement KDHE will:
 - Assign financial responsibility to the appropriate agency based upon statutory obligation,
 - Pay for the service in accordance with "payor of last resort" provisions in 34 CFR 303.527, and
- If, in resolving the disagreement, KDHE determines that the assignment or financial responsibility was inappropriately made, KDHE shall:
 - Reassign the responsibility to the appropriate agency,
 - Make arrangements for reimbursement of any expenditures incurred by the agency originally assigned responsibility.
 - For settling financial disputes that occur in other areas, each agency will rely upon its own policies and procedures.

KSDE will ensure:

- LEAs shall assume financial responsibility for evaluations, eligibility determines and services for eligible children under IDEA 2004 Part B. This includes children who the LEA and parent(s) choose for the child to receive FAPE at the beginning of the school year in which their child turns three.

D. TRAINING AND TECHNICAL ASSISTANCE

The parties jointly agree that training and technical assistance for personnel working in infant/toddler and early childhood special education programs is an important and critical element in the development of quality services for young children with disabilities and their families.

KDHE and KSDE agree:

- A seamless training system supported by both agencies is a central feature to a successful strategy for personnel development and both agencies are committed to and support the delivery of training and technical assistance through the Kansas Inservice Training System (KITS) and its framework.
 - Community partners are invited and engaged in training with the providers of special education services to enhance the opportunities for children with disabilities to learn in environments and through instruction with their typically developing peers.
 - Actively supporting and utilizing existing structures and opportunities for staff development occurring throughout the state through collaborative linkages with other agencies, programs, organizations, and projects in the field of early childhood education.

E. DATA SHARING

KDHE and KSDE value timely, valid, and reliable data in guiding decisions about the effectiveness, efficiency and efficacy of program service delivery models. Consistent with the Health Insurance Portability and Accountability Act of 1996 (HIPPA) and the Family Educational Rights and Privacy Act (FERPA) the Collaborative Partners will continue to improve methods of data collection and reporting.

KDHE and KSDE agree to:

- Participate in the Collaborative Data Systems developed to utilize data to respond to requirements from the US Department of Education, Office of Special Education Programs (OSEP), utilizing the Kansas Individual Data on Students (KIDS) unique ID number for monitoring Kansas' implementation of Part C and Part B of IDEA 2004.
- Child progress on the early childhood outcomes will be collected at two points in time: 1) when children first enter the early intervention or preschool program and 2) when children permanently exit an early intervention or preschool program. Assessment information is collected and used rate the child using the Child Outcomes Summary Form (COSF), developed by the Early Childhood Outcomes Center for OSEP. This information is then submitted into a shared statewide data collection system, the Outcomes Web System (OWS), administered through KSDE. Each state agency will ensure that their respective service programs, the local *tiny-k* networks and the LEAs, will collect and enter the outcomes data.
- Provide updates and information to KDHE and KSDE staff, service program staff, training and technical assistance staff and the state contractors on data maintenance and data entry issues.
- Refine shared data system mechanisms and processes to inform decision-making and accurately identify system issues and local/regional concerns for program improvement.

KDHE will ensure:

TRANSITION DATA

- Infant-Toddler networks will enter all aggregate data into the Part C database, for all children referred from Part C to Part B from July 1 to June 30 each year, regardless of eligibility for Part B services, including those whose parents choose for them not to receive Part B services.

- Provide timely prior notice to local network providers of the upcoming transmission of transition data to KSDE, and will verify and include any potentially missing or inaccurate data elements for review by the local providers prior to the transmission date.
- The following children served from July 1 to June 30, must be reported to KSDE on August 1, or the nearest business day prior to August 1 when it falls on a weekend or declared holiday, annually, if potentially eligible for Part B services, this includes:
 - Children who the LEA has received Notification prior to the child's third birthday that the child will shortly reach the age of eligibility for Part B Services and that the child is potentially eligible for services under Part B. This includes invitation of the LEA to the transition conference when the invitation includes the required elements of notification.
 - Children served in Part C and referred to Part B even if child was referred to Part C less than 90 days before the child's 3rd birthday.
- These data elements will be transmitted from KDHE to KSDE on or before August 1st each year and will include:
 - KIDS ID number, Legal First and Last name, Middle Initial, Date of Birth, School District Code (USD), Referral date, Part B transition contact name, Part B transition contact phone number, Part B transition contact email, Current IFSP date, Local Part C lead agency, Part C exit date, and Number of Days from Referral to Part B and child's third Birthday.
- Development and implementation of a system to reconcile transition data with KSDE on a semi-annual basis (February prior to the August 1 date). The purpose of which will be to assist in identifying potential data issues. This system will include:
 - Report generation for July – December time period, KSDE will provide the report to the LEA's of any inconsistencies in the data with their local counterparts in the local *tiny-k* networks. The local *tiny-k* networks will report or correct the data as directed by KDHE. The appropriate action will then be taken by KDHE to correct the record(s) as necessary.
 - Part C local *tiny-k* networks will work with the LEA's to reconcile any discrepancies found in the data reports.
 - KIDS ID, complete exit information, all transition information (if applicable) and other data determined necessary.

EARLY CHILDHOOD OUTCOMES DATA

- Infant-Toddler local *tiny-k* networks will enter timely and accurate data into the OWS database and follow the guidelines in the OWS user guide.
- Other data to be provided for longitudinal study of children from KDHE to KSDE such as, Race, Ethnicity, Spoken Language, Sex/Gender, County and other relevant data items identified by both KDHE and KSDE.

KSDE will ensure:

- Maintenance of the KIDS ID system and OWS database.

TRANSITION DATA

- LEAs collaborate with Part C local networks within educational jurisdictions in child find efforts to identify children who will be eligible to enter the LEA's Part B preschool program in future years.
- LEAs enter all student aggregate data into KSDE database, for students referred from Part C to Part B, regardless of eligibility, including those whose parents choose for them not to receive services. These data will be used to calculate the percentages for Part B State Performance Plan Indicator 11 (60 school day timeline) and Indicator 12 (Part C to Part B transition).
- Provide timely information or notice to KDHE of technical changes to the KIDS ID system which may affect transmission of files to the KIDS ID system.
- The LEAs will reconcile transition data with local *tiny-k* networks on a semi-annual basis (February prior to the August 1 date). The purpose of which will be to assist in identifying potential data issues. This system will include:
 - For the KDHE report generation for July – December time period, KSDE will provide the report to the LEA's regarding any inconsistencies in the data with their local counterparts in the local *tiny-k* networks. LEA's will collaborate with Part C local *tiny-k* networks to reconcile any discrepancies found in the data reports.

EARLY CHILDHOOD OUTCOMES DATA

- LEAs enter timely and accurate data into the OWS database and follow the guidelines in the OWS user guide.
- Provide timely information or notice to KDHE of technical changes to the OWS database which might affect data entry into the OWS database.

F. ACCOUNTABILITY

- KDHE and KSDE will provide representation to the State Interagency Coordinating Council.
- The parties will ensure the coordination of public awareness, child find, screening, referral, evaluation and transition at the local level by fostering and encouraging the development of local level community based interagency agreements.
- The parties will demonstrate accountability related to the indicators in the Part C and Part B State Performance Plan (SPP) and Annual Performance Report (APR) that addresses early childhood transition.

I. Administering Agencies

The parties to this Memorandum of Agreement will jointly administer this agreement and be responsible for a timely and full review every four years. An interim review may be conducted as needed.

II. Effective Date, Amendment, and Termination of the Memorandum of Agreement

The Memorandum of Agreement will be effective when signed by the respective agency heads as parties. The parties will accomplish evaluation and review of this Memorandum of Agreement every four years and interim review shall be conducted as necessary. Agreed upon changes will be executed in writing by the parties. This Memorandum of Understanding will be ongoing and will not be terminated

unless a party gives forty-five (45) days advance written notice to the other party of its intent to terminate its participation in the Memorandum of Agreement.

III. Dispute Resolution

Agencies recognize the complexity of interagency collaboration of comprehensive programs. KDHE and KSDE will keep communication open and frequent at formal and informal levels. The dispute resolution process for both intra- and interagency disputes about payments for services or other matters related to Kansas's Part C program will be fulfilled in compliance with 34 CFR 303.523(c). This dispute resolution process does not replace the procedural safeguards- due process, mediation, and state-level complaint- available to families.

Intra-agency disputes shall be resolved within each individual agency. Each state agency is responsible for procedures regarding resolution of disputes. Department policies regarding internal disputes are submitted to department Secretary or Commissioners for approval.

KDHE and KSDE are responsible for resolving intra- and interagency disputes regarding financial responsibility for services or other matters related to Kansas's Part C program according to the following procedures:

- A. Staff of the involved agency(s) will attempt to resolve the dispute within 30 days.
- B. If it appears by the 30th day that the involved agency(s) will not be able to resolve the dispute, the following will occur:
 - 1) The early intervention service provider, LEA representative or agency representative will submit a written explanation of the dispute to the designee assigned by Secretary of KDHE and the designee assigned by the Commissioner of Education at KSDE.
 - 2) Within 15 days, the designees for the Secretary and Commissioner shall meet in person or by phone to resolve the dispute consistent with this Memorandum of Agreement and related federal and state statutes and regulations.
 - 3) Within 5 days of reaching the resolution, written notification of the resolution will be provided to the parties, as well as the chairpersons of the Interagency Coordinating Council and the IDEA 2004 Special Education Advisory Council.
 - 4) If, the designees for the Secretary and Commissioner are unable to agree on a resolution or if either party to the complaint disagrees with the resolution, the dispute may be appealed to the Secretary of KDHE and Commissioner of Education. Appeals must be brought no later than 45 days from the date of the decision rendered in subsection B.
 - 5) The Secretary and Commissioner may resolve the issues on appeal and render a written decision or may arrange for a hearing conducted by a hearing officer. If a hearing is held, a hearing officer appointed by the Secretary and Commissioner shall conduct it. The Secretary and Commissioner may affirm, reverse, or modify the proposals of the hearing officer.
 - 6) During the pendency of an interagency dispute, the early intervention service provider is responsible to provide the services required by the approved IFSP for eligible children and their families.
 - 7) Nothing in the agreement shall be construed to limit any existing substantive or procedural protections of state or federal law or regulations.

IN WITNESS WHEREOF, the KDHE and KSDE have caused this Memorandum of Agreement to be executed.

Signature: Robert Moser Date: 7/27/2011
Dr. Robert Moser M.D., Secretary
Kansas Department of Health and Environment

Signature: Diane DeBacker Date: 6/6/11
Diane DeBacker, Commissioner
Kansas State Department of Education

Program Name	Description	Governing Statutes
Kansas Department of Health and Environment		
Part C Infant-Toddler Services	<p>Family-centered early intervention during the first three years of a child's life has the potential to make a profound difference in a child's future. Early intervention is a system of coordinated services that promotes the child's growth and development and supports families during the critical early years. Early intervention services to eligible children and families are federally mandated through the Individuals with Disabilities Education Act.</p> <p>The family is the center of every child's world. Accordingly, it functions as a child's most important developmental context. Therefore, the family should be the most important focus in early intervention efforts, including assessment and intervention activities. Collaboration with the family is essential to meet the developmental needs of all young children. Starting with a partnership between parents and professionals at this early stage helps the child, family and community as a whole.</p> <p>The earlier children with or at risk of disabilities receive assistance and the sooner their families receive support towards their children's development, the farther they will go in life. Research tells us that the first three years of a child's life are critical years for learning. Early care and education have a long-lasting impact on how children develop.</p>	<p>Individuals with Disabilities Act (IDEA 2004)</p> <p>CFR, Title 34, Volume 2 (revised July 1, 1999)</p> <p>KAR 28-4; 550-572</p> <p>KSA 75-5648 - 5649</p>
Kansas State Department of Education		
Part B, Section 619	<p>Section 619 of Part B of IDEA 2004, defines the preschool program which guarantees a free appropriate public education (FAPE) to children with disabilities age three through five.</p> <p>Under this program preschool children who have disabilities are entitled to Special Education and Related Services in the Least Restrictive Environment (LRE). The IDEA 2004 Preschool Program (Section 619) supports education services for young children with disabilities when they turn 3. It addresses individual needs within the context of developmentally appropriate activities, including early learning experiences in language, pre-reading and writing skills, play, and other social emotional areas.</p>	<p>Individuals with Disabilities Education Improvement Act (IDEA 2004)</p> <p>34 CFR Part 300</p> <p>KSA 72-1204 KSA 72-5204</p> <p>K.A.R. 91-40-7 Child Find</p>