

Part C Interagency Agreement

Between the

Agency of Human Services

And the

Vermont Agency of Education

Pursuant to Part C of the Individuals with Disabilities Education Act 2004

June 27, 2006

Revised April 16, 2007

Revised June 22, 2012

Revised June 16, 2014

Revised March 4, 2015

Revised March 14, 2019

PURPOSE

The purpose of this agreement is to define and clarify responsibilities of Vermont's Agency of Human Services (AHS) and Agency of Education (AOE) to ensure a statewide comprehensive, coordinated multi-disciplinary system of Early Intervention services for infants and toddlers with developmental delays and other disabilities. Children, families and communities are best served when agencies collaborate to facilitate relationships and local interagency collaboration.

AUTHORITY FOR THIS AGREEMENT

Child Find for children birth to age three is governed by the Part C Early Intervention Regulations (34 C.F.R. 303.321) consistent with Part B of Individuals with Disabilities Act (IDEA) (34 C.F.R 300.124 and State Rule: 2360.5) the Vermont Agency of Education (AOE) and the Agency of Human Services (AHS) serve as co-lead agencies to ensure access to early intervention services for children birth to age three, and their families.

As co-lead agencies the State is responsible for monitoring and enforcement of federal regulations, State rules, and have in place system of Transition services as defined in section 34 C.F.R. 303.209 (b) and in compliance with FERPA 99.35(a)(3).

In Vermont, Part C of IDEA is referred to as Children's Integrated Services/Early Intervention (CIS/EI) and is responsible for the provision of early intervention services for eligible children birth to age three, and their families. Part B of IDEA requires local education agencies (LEAs) to provide a Free and Appropriate Public Education (FAPE) to eligible children and students from their third birthday through twenty-one years of age. This agreement promotes and supports collaboration between AHS and AOE so that the statewide early intervention program is coordinated and provided in the manner required by Part C)¹, and other applicable federal and state laws such as the McKinney-Vento Homeless Assistance Act,

¹ All statutory and regulatory citations in this agreement are to those in effect at the date of execution of the agreement and as amended thereafter from time to time. The statutory and regulatory citations in this agreement will be updated to reflect the IDEA of 2004 and its implementing regulations. (2) An eligible child is a child from birth to three years who experiences observable and measurable developmental delays as defined in Part C Special Education Rules (2360.5.1) and/or has a diagnosed physical or mental condition that is highly likely to result in a developmental delay.

outcomes.

6. Collaboration between agencies to ensure that families are informed of their rights, including the consent provisions of 34 CFR §303.420, the confidentiality and consent provisions of 34 CFR §303.401-417, and the opportunity to inspect and review records under 34 CFR §303.405-409 and that families and children receive available services for which they are eligible in a timely and coordinated manner improves program effectiveness.
7. Collaboration between agencies strengthens statewide implementation of CIS/EI.
8. Working collaboratively towards a Comprehensive System of Personnel Development supports IDEA by promoting ongoing recruitment, retention and professional development of early intervention providers.

CO-LEAD AGENCY RESPONSIBILITIES

The Governor designated the AHS and the AOE as co-lead agencies responsible for the general oversight of Vermont's Part C CIS/EI. Vermont has a comprehensive system for child-find including policies and procedures for children birth-21. To identify, screen, and meet the developmental needs of children birth to three and their families who may be eligible for services through Vermont's Part C CIS/EI in an effective and coordinated manner, this agreement delineates the shared and separate roles and responsibilities of the co-lead agencies.

As co-lead agencies, the AHS and the AOE will work together, as practicable, to:

1. Comply with all statutory requirements of IDEA Part C and inform LEAs and CIS/EI programs of any subsequent changes to statutes or rule;
2. Develop and /or revise, adopt and execute the State of Vermont Special Education Rules for Part C services in Vermont delivered by CIS/EI;
3. Collaborate on, implement and deliver to the LEAs and regional CIS/EI joint agency guidance, training and technical assistance regarding the implementation of State special education rules and evidence-based practices necessary to carry out Part C rules;
4. Provide technical assistance and guidance to LEAs and regional CIS/EI programs for the

administrative complaints, corrective action plans, finding/s and resolution are completed in a timely manner, adhered to and enforced;

4. Report known issues to AOE for follow-up regarding Child Find and Transition;
5. Write and submit reports, applications and plans as required by federal and or state governments;
6. Conduct financial planning, monitoring, and management of CIS/EI;
7. Solicit input from AOE on the development, creation, and execution of policy decisions and technical assistance that impact LEAs and regional CIS/EI, such as deciding whether to exercise options or pilots allowed under IDEA, and planning for and providing professional development;
8. Develop and implement procedures to ensure compliance with Part C requirements;
9. Provide technical assistance to regional CIS/EI programs for the development, implementation, and effectiveness of regional Part C interagency agreements;
10. Contribute data to reports as requested by AOE.

As a co-lead agency for Part C of IDEA, AOE shall:

1. Provide staff resources for AOE's Part C duties described in this agreement;
2. As appropriate, provide input to support AHS responsibilities;
3. Contribute data to reports, as requested by AHS;
4. Collaborate with AHS in the development, provision, and dissemination of joint agency guidance, training and technical assistance to LEAs and regional CIS/EI personnel;
5. Provide guidance to LEAs to fulfill Part C comprehensive Child Find system for children birth up to age three and transition activities as identified in this Agreement, consistent with federal and State rule;
6. Administer mediation, administrative complaint and due process systems for families to pursue their complaints;
7. Administer educational surrogate parent program and assign an individual to act as an educational surrogate parent not more than 30 days after CIS/EI or other responsible agency determines that a child needs a surrogate VT Special Education Rule 2369;
8. Provide technical assistance to LEAs for the development, implementation, and effectiveness of regional Part C interagency agreements;

complaints—available to families.

- b. Staff of the involved agency(ies) attempts to resolve the dispute within 30 days.
- c. If it appears by the 30th day that the involved agency(ies) will not be able to resolve the dispute, the following will occur:
 - The State CIS Early Intervention Administrator and 619 Coordinator will be notified by phone or in writing of any local concerns or issues between the regional CIS/EI and LEAs that cannot be resolved.
 - The State CIS Early Intervention Administrator and 619 Coordinator will work together to provide support to regions to resolve any inter-agency issues or concerns they are unable to resolve themselves within 30 days of being notified of the concern or issue.
- d. If the State CIS Early Intervention Administrator and 619 Coordinator are unable to resolve the regional concerns to the satisfaction of CIS/EI or the LEA representative, the region may submit a written explanation of the dispute to the Deputy Commissioner of Department for Children and Families, Child Development Division (CDD) and the Agency of Education's (AOE) division directors of Integrated Support for Learning and General Supervision and Monitoring.
 - Within 15 days, the CDD Deputy Commissioner and AOE division directors shall meet in person or by phone to resolve the dispute consistent with this interagency agreement and related federal and State statute and regulations.
 - Within 5 days of reaching the resolution, written notification of the resolution will be provided to the parties, as well as the chairperson of the Vermont Interagency Coordinating Council and the chairperson of the Special Education Advisory Council.
- e. If the Deputy Commissioner and Division Directors 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 AOE and Commissioner of the Department for Children and Families (DCF). Appeals must be brought to the Secretary of AOE and Commissioner of DCF no later than 45 days from the date of the decision.
 - The Secretary and Commissioner may resolve the issues on appeal and render a

children who are the subject of substantiated case of child abuse and neglect; or children identified as directly affected by illegal substance abuse or withdrawal symptoms resulting from prenatal exposure to drugs or alcohol.

For the purpose of this Part C Interagency Agreement, "Child Find" means the methods and activities used by CIS and Part C CIS/EI personnel or Part B (619) school district personnel and other entities as defined in rule to locate children birth to age three who are in need of, or potentially in need of, early intervention services operated as part of the Individuals with Disabilities Education Act (IDEA). The term refers to the efforts and activities of regional CIS, Part C CIS/EI, LEAs and other entities as defined in rule to locate, identify, screen, and refer to CIS/EI or LEAs. Child find activities include a variety of public awareness activities, outreach strategies, developmental screening, and CIS/EI and LEA joint and separate agency activities.

1. AHS, through Help Me Grow/211, or the equivalent, and CIS, will implement public awareness activities including outreach to primary referral sources in order to connect families to Child Find activities.
2. AOE will provide technical assistance to LEAs about their Child Find responsibilities for implementing public awareness activities that supplement those provided by AHS.
3. AOE will ensure that LEAs implement their child find responsibilities in accordance with their regional interagency agreement as developed consistent with Part C state rules. Child Find activities may include public awareness and Universal Developmental Screening activities, and referral to CIS/EI as warranted.
4. AHS will ensure that regional CIS/EI personnel offer information and referral to other local services/resources, including Help Me Grow/211, for children who are found ineligible for Part C.
5. AHS and AOE will ensure that a Part C CIS/EI and LEA agency and personnel central directory (34 C.F.R 303.117) is accessible to the public and includes up to date information about Part C and Part B (619) services and resources.

FINANCIAL RESPONSIBILITIES

C. AHS Payer of Last Resort

Part C funds are expended consistent with the requirements of 34 CFR §§303.500 and 303.510. These provisions require that Part C funds are spent only for Part C activities when no other federal, State, local or private source is available.

1. When determining ability to pay for public and private insurance premiums, deductibles, or co-pays there is financial assistance available to all families through the State's System of Payments.
2. The State's System of Payments policies include an assurance that families will not be charged any more than the actual cost of the Part C services factoring in any amount received from other sources for payment of that service (34 CFR §303.521(a) (4) (iii)).
3. The State's System of Payments includes an assurance that families with public insurance or benefits, or private insurance are not charged disproportionately more than families who do not have public insurance or benefits, or private insurance.
4. Therefore, Part C or other federal, State or local funds may be used to pay for costs such as the premiums, deductibles, or co-payments (34 CFR §303.521(a)(6)) in accordance with Vermont's System of Payments.

D. AHS Conditions and Terms of Reimbursement

Federal Part C funds are not used to satisfy a financial commitment for services which would have been paid for from another public or private source, except that these Part C funds may be used to prevent a delay in the timely receipt of appropriate early intervention services. Such an expenditure will be reimbursed by the agency which has the ultimate responsibility for the payment. If a child is not able to obtain Part C services, the CIS/EI program responsible for developing the child's One Plan shall provide or pay for these services for the child in a timely manner. Reimbursement can then be claimed pursuant to 34 CFR §303.122 and 303.510(b) by the CIS/EI program responsible for developing the child's One Plan and in accordance with Vermont's System of Payments.

F. AOE Financial Responsibilities

AOE is responsible to ensure that LEAs are fulfilling, and funding Part C Child Find activities including: public awareness activities; pre-referral screening, referral to CIS/EI required by 34 CFR §§303.115, 303.302, and 303.303. To the extent that LEAs voluntarily agree to provide early intervention services pursuant to their regional plans, AOE shall inform LEAs of possible funding sources for such elected activities. AOE is responsible to provide to AHS financial information required for OSEP and State reporting purposes regarding Part C activities fulfilled by the AOE and LEAs.

G. AOE Ensuring Child Find Activities Conducted by LEAs:

1. Part B funds: AOE receives Federal Part B funds that may be used by LEAs to conduct Part C Child Find activities including: public awareness activities; pre-referral screening, referral to CIS/EI.
2. ECSE State Grant – If funds are available, given the LEA has complied with IDEA Part B requirements for three through five-year old's, then LEAs may utilize ECSE State Grant funds for Part C Child Find activities including: public awareness activities; screening, referral to CIS/EI.
3. Other Funding: To the extent that the above funds do not cover the LEA costs associated with conducting Child Find activities described in this agreement, LEAs will pursue other federal funds and state funds necessary to meet their responsibilities.

H. AOE Payer of Last Resort

AOE will ensure that Part B and Part C funds expended by AOE and LEAs are expended consistent with the relevant IDEA Payer of Last Resort requirements: Part B funds, allowable for Child Find expenses, shall be used pursuant to 34 CFR § 300.162 so that each non-educational public agency, including State Medicaid, must precede the financial responsibility of the LEA. Part C funds are expended consistent with the requirements of 34 CFR §§ 303.222 and 303.510.

- c. As a primary referral source, LEAs act to identify, locate, conduct pre-referral screening for children suspected of having a developmental delay or disability (34 CFR § 303.320, and 2360.5.2 (a)(3)(v)) and based on screening results, refer children who may be in need of early intervention services to the appropriate regional CIS/EI program where the child resides. LEAs will use the CIS/EI referral form (<http://cispartners.vermont.gov/forms>) and include a copy of the screening summary and results.
4. Delineation of roles and responsibilities between the CIS/EI regional agency and the LEA to support seamless C to B Transition and LEA notification for children who may be eligible at age three. In accordance with the 34 CFR §303.344(h), responsibilities shall include:
 - a. Assurances that all CIS/EI and LEAs access the on line training modules as needed, available at: <https://education.vermont.gov/sites/aoe/files/documents/part-c-to-part-b-AC-version.pdf>.
 - b. Procedures CIS/EI will use for assessing evidence from State-approved evaluation tools; family/caregiver input, and ongoing assessment of development to indicate if the child may be eligible for Part B services so that an LEA notification can be made.
 - c. Procedures CIS/EI will use for sending notification to the LEA of children who may be eligible between 180 and 90 calendar days prior to the child's 3rd birthday
 - d. Procedures or processes CIS/EI will use to coordinate Transition Conferences, including attaining parent/guardian permission, between 180 and 90 calendar days from the child's third birthday. This includes methods/processes for notifying the LEA if parent/guardians do not provide permission for the Transition Conference.
 - e. Procedures or processes for CIS/EI to send documentation to the LEA needed to support the LEA's determination of eligibility for Part B, 619 (2361.2(1)) utilizing AOE form: "*IDEA Part C to B Transition...*" at least 10 calendar days prior to the Transition Conference. This includes methods/processes for notifying the LEA if parent/guardians do not provide permission for the transfer of documentation.
 - f. Procedures for CIS/EI to effectively prepare families to attend the Transition Conference including using the "Moving on Booklet" and any other relevant materials and other resources.

TERM

March 14, 2019 until federal legislation require change or all parties agree that changes are necessary.



Al Gobeille
Secretary
Agency of Human Services,

Date: 18 MAR 19



Daniel M. French, Ed.D.
Secretary
Agency of Education

Date: March 15, 2019