

**INTERAGENCY AGREEMENT
BETWEEN
EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES
AND
RHODE ISLAND DEPARTMENT OF EDUCATION**

I. Purpose

The purpose of this agreement is to ensure cooperation between the Executive Office of Health and Human Services (EOHHS) and the Rhode Island Department of Education (RIDE) in the development and implementation of a statewide, comprehensive, coordinated, multidisciplinary, and interagency service delivery system for children with disabilities and developmental delays ages birth through five years and their families.

Specifically the goals of the agreement are:

A: To ensure a successful transition for children and their families exiting the IDEA Part C system and entering the IDEA Part B system in accordance with the Part C regulations in 34 CFR §303.209(a)(3)(ii) and 34 CFR §303.209(b) through (f) (including any policies adopted by the lead agency under 34 CFR §303.401(d) and (e), and §303.344(h)) and the IDEA Part B regulations in 34 CFR §§300.101(b), 300.124, 300.321(f) and 300.323(b).

B: Data Sharing Agreement

C: Business Associate Agreement

II. Administrative and Financial Responsibility

EOHHS is the lead agency responsible for the administration and financing of Early Intervention services to children with disabilities and developmental delays, age birth through two years and their families as specified under Part C, of the Individuals with Disabilities Education Act (IDEA). RIDE is the lead agency responsible for the administration and financing of Special Education services as specified under Part B, of the Individuals with Disabilities Education Act for children age three to twenty-one years.

III. Transition Agreement

A. Transition Notification

Early Intervention providers must send notification of any potentially eligible children to the appropriate LEA at 28 months of age or no later than 90 days before the child's third birthday. At the discretion of all parties, notification may be sent up to nine months before the child's third birthday.

Rhode Island has an "Opt Out" policy which means a parent may choose to "opt out" of LEA notification.

- EI providers must send notification to the child's LEA when the child is 28 months of age unless the parent chooses to opt-out of notification. Parental consent is not required for EI providers to notify the LEA where the child resides and such notification will occur in the absence of an opt out by the parent.
 - For children referred to EI after 28 months of age-but before 34.5 months of age-notification must occur as soon as possible after Part C eligibility is determined
 - For children turning three during the summer, notification will occur earlier than 28 months of age and at the discretion of all parties up to nine months before the child's third birthday (27 months of age) but no later than 90 days before the child's third birthday
 - For children referred less than 45 days before their third birthday an eligibility evaluation is not required. The EI provider must provide the parent with contact information for the appropriate LEA. With parental consent, the EI Provider will obtain the child's name, DOB, parents names, address and telephone number and notify the LEA where the child resides
- All parents are informed of opting out of notification to the LEA at the above timelines. EI providers must inform parents about the transition process including opt out of notification to the LEA by the child's 27 month. The *Transition from Early Intervention-A Family Guide* must be given to the family and the opt out policy explained. Parents have from then to the child's 28th month to decide. Children who are determined eligible after their 27th month but before 34.5 months are informed about the transition process including the opt out of notification policy when they are determined eligible for EI. Parents have from then to the IFSP start date to decide if they wish to opt out.
- If parents want additional time to decide whether they want to opt out they must opt out of notification while they make the decision.
- Parents who opt out of the notification to the LEA may do so by selecting and signing the *Opt Out of Notification* option on page T1 of the IFSP and notification will not occur. Parents may change their mind regarding opting out of notification at any time by informing the service coordinator. The service coordinator will meet with the parent who will then select, sign and date the Withdraw Opt Out Notification on page T1 of the IFSP. Parents must be informed that "opting back in" after the end of the 28 month may cause transition timelines to be delayed.
- EI providers provide notification to the LEA by faxing or mailing page T1 of the IFSP to the LEA. T-1 of the IFSP must include the child's name, date of birth, parent's names, address, and telephone number.
- Notification to the LEA must include, with parental consent, additional relevant documents including the latest IFSP and evaluation/assessments.
- Confirmation of the notification must be documented on page T-1 of the IFSP.
- Potential eligibility for each child must be decided by the IFSP team based on knowledge of current functioning and a review of the RI Part B eligibility criteria.
- EOHHS has an opt out policy and will send notification of all potentially eligible children to the Rhode Island Department of Education (SEA) in the absence of an objection by the parent no later than 90 days before the child's third birthday

including the child's name, date of birth, parent's names, address and telephone number

The LEA will respond to all transition notifications within 10 days. The SEA will maintain, disaggregate, and utilize transition notification data to inform compliance, professional development needs and state policy.

B. Transition Conference to Discuss Services

A Transition Conference will be convened by EI, with the family's approval, at 30 months of age no later than 90 days before the child's third birthday. At the discretion of all parties, the transition conference may occur up to nine months before the child's third birthday

- Certified Early Intervention Providers will convene a Conference at the child's 30th month of age or no later than 90 days before the child's third birthday but at the discretion of all parties may occur up to nine months before the child's third birthday
 - For children referred after 30 months, the Conference must be convened as soon as possible after Part C eligibility has been determined.
 - The purpose of the Conference is to develop a plan for the effective transitioning of child/family as they exit Part C.
 - The agenda must include a discussion of any services the child may receive from Part B.
 - EI will schedule the conference at a time and place convenient for the family and in the native language of the family or other mode of communication used by the family unless it is clearly not feasible to do so.
 - Prior written notice must be provided to parents and other participants within a reasonable time frame to ensure they will be able to attend
 - Participants must include:
 - The parent(s), EI service coordinator, and LEA.
 - Other family members as requested by the parent if feasible to do so.
 - An advocate or person outside the family if the parent requests that the person participate
 - A person or persons directly involved in conducting the evaluation of the child and assessment of the child and family or if necessary that person's involvement through other means is acceptable such as making pertinent records available at the meeting, or an authorized representative, or by conference call.
- For a child determined not to be potentially eligible for Part B services, the EI provider must make reasonable efforts to convene a Transition Conference which includes the family, the EI provider and providers of other appropriate services.

The LEA will participate in the transition conference and inform the parent about general Part B requirements (referral, consent, procedural safeguards, evaluations, eligibility, IEP). They will also inform the parent about free appropriate public education (FAPE), the continuum of services, and least restrictive environments

(LRE) for all eligible preschool children. The LEA will obtain parental consent to disclose personally identifiable information to Part C.

C. Transition Plan

All toddlers over 27 months of age who are enrolled who are discharged from EI must have a Transition Plan which includes transition steps and services developed as part of their IFSP no later than 90 days before the child's third birthday but at the discretion of all parties may occur up to nine months before the child's third birthday

- The plan (page T-2 of the IFSP) must include all appropriate steps needed for the toddler and his or her family to exit EI and any transition services that the IFSP team identifies as needed by the child and his/her family. EI will complete activities as outlined in the transition plan and those specific to the evaluation process.
- The plan must include a review of program options for the child from the third birthday through the remainder of the school year.
- The family must be included in the development of the Transition plan.
- The plan must include confirmations that: (a) child find information has been transmitted to the LEA or other relevant agency, and (b) EI has transmitted additional evaluations, assessments, and the IFSP (with parent consent) to the LEA.
- Steps must include
 - Discussions with and training of parents as appropriate regarding future placements and other matters related to the child's transition
 - Procedures to prepare the child for changes in service delivery including steps to help the child adjust to and function in a new setting
 - Confirmation that child find information about the child has been transmitted to the LEA or other relevant agency and with parental consent transmission of additional information needed by the LEA to ensure continuity of services from Early Intervention to the Part B program including a copy of the most recent evaluation and assessments of the child and family and the most recent IFSP
 - Identification of transition services that the IFSP team determines are necessary to support the transition of the child.
- These timelines have been developed to allow sufficient time to allow for initiation of Part B services by the child's third birthday (if child is found eligible).
- Children who discharge EI earlier than 9 months prior to their third birthday do not require pages T1 and T2 to be completed but transition steps and services should be developed and documented in the record.

The LEA will contribute to the development of the transition plan ensuring that the activities and timelines are sufficient to allow for the initiation of services by the child's 3rd birthday. The LEA will complete activities as outlined in the transition plan and those specific to the evaluation, eligibility and IEP process.

D. Developing and Implementing the IEP by Third Birthday for Child Eligible under Part B

In order to ensure a smooth and effective transition for children with disabilities who received Part C services and are eligible for Part B preschool services, LEAs will ensure that an IEP has been developed and is being implemented by the child's third birthday.

- LEA will convene an evaluation team meeting to review the referral with a team of qualified professionals and the parent within 10 school days of receipt of referral.
- LEA will determine what evaluations are needed to determine eligibility and will ensure parental consent.
- The LEA will convene an evaluation team meeting to determine special education eligibility no later than 60 days from parental consent for evaluations.
- If eligibility is determined, LEA will obtain parental consent for special education.
- If the child is ineligible, the LEA refers the parent to appropriate community resources.
- LEA will ensure compliance with state and federal regulations including parent notification, meeting participants and prior written notice.

E. Inviting the Service Coordinator for Initial IEP Meeting – At the request of the parent, an invitation to the initial IEP meeting will be sent to the Part C service coordinator, or other Part C service representative, if the child previously received Part C services.

- EI Provider will attend initial IEP meetings as appropriate
- LEA will develop the IEP as required by federal and state regulations, including ensuring FAPE in the LRE.
- IEP will commence no later than the child's third birthday.
- If a child turns 3 years of age during the summer, the IEP team will consider Extended School Year (ESY) services. If ineligible for ESY, the IEP will commence upon the opening of school.
- LEA will ensure compliance with state and federal regulations including parent notification, meeting participants and prior written notice..

F. Considering the IFSP at the initial IEP Team meeting and Using IFSP as an IEP if Permitted Under State Policy–

- For all children who transition from Part C services to Part B, the IEP team must consider the IFSP that contains the IFSP content (including the natural environments statement) described in IDEA section 636(d) and its implementing regulation when developing the initial IEP.

- In addition, 34 CFR §300.323(b) provides that the IFSP may serve as the IEP for a child with a disability aged three through five (or at the discretion of the SEA, a two-year old child with a disability who will turn three during the school year) under the following conditions: (a) using the IFSP as the IEP is consistent with State policy and agreed to by the agency and the child's parents; (b) the child's parents are provided with a detailed explanation of the differences between an IEP and an IFSP; (c) written informed consent is obtained from the parents if the parents choose an IFSP; (d) the IFSP contains the IFSP content, including the natural environments statement; (e) the IFSP includes an educational component that promotes school readiness and incorporates pre-literacy, language and numeracy skills for children with IFSPs who are at least three years of age; and (f) the IFSP is developed in accordance with the IEP procedures under Part B of the IDEA. (IDEA section 614(d)(2)(B) and 34 CFR §300.323(b))


IV. Duration

This agreement shall be effective upon signature of all parties below and shall remain in effect until terminated. It shall be reviewed every three (3) years and may be amended at any time by mutual agreement of the participating agencies.

V. Signatures


Brenda DuHamel, Part C Coordinator
Executive Office of Health and Human Services

4.18.13
Date


Andrea Castaneda, Chief
Accelerating School Performance
RI Department of Education

4/17/13
Date