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

I. Purpose

The purpose of this agreement is to ensure cooperation between the Department of Human Services and the Rhode Island Department of Education 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. Both agencies desire to enter into this collaborative agreement to mutually fulfill their regulatory requirements, to avoid duplication of services, and to ensure the optimal utilization of services.

Specifically, the goals of this agreement are:

- A. To define financial responsibilities of the agencies for serving children ages birth through five years.
- B. To coordinate efforts to identify young children with developmental delays.
- C. To ensure a smooth transition of children from early intervention services to public school programs for young children.
- D. To share information concerning young children with disabilities and developmental delays on a need-to-know basis in accordance with confidentiality regulations.
- E. To promote interagency coordination at the local level.
- F. To establish formula procedures to resolve interagency disputes.

II. Financial Responsibility

The Rhode Island Department of Human Services provides early intervention services to children with disabilities and developmental delays, age birth through two years. Rhode Island Department of Education ensures the provision of a free appropriate public education, which includes special education and related services by local education agencies for children with disabilities and developmental delays that are ages three to twenty-one years.

For early intervention services and special education and related services provided to eligible children ages birth through five years and their families, (to include native

American eligible children birth through five years living on reservations), the agencies agree that:

- A. Fiscal requirements for maintenance of effort in Parts B and C of the Individuals with Disabilities Education Act (IDEA) are followed.
- B. Federal funds available under Part C and Section 619 P.L. 108-446:
 - 1. May not be used to satisfy a financial commitment for services which would have been paid for from another public or private source but for the enactment of Part C of IDEA, except that whenever considered necessary to prevent a delay in the receipt of appropriate early intervention services by the infant or toddler or family in a timely fashion funds may be used to pay the provider of services pending reimbursement from the agency which has ultimate responsibility for payment.
 - 2. Reduction of Other Benefits—Nothing in this part shall be constructed to permit the State to reduce medical or other assistance available or to alter eligibility under Title V of the Social Security Act (relating to maternal and child health) or Title XIX of the Social Security Act (relating to Medicaid for infants and toddlers) within the State.
- C. Part C of IDEA funds are not used for the provision of services to children 3 years of age or older, except if such children meet the exceptions in 20 U.S.C. §§ 1438(3) and (4), subject to the provisions of Section II-B of this Interagency Agreement.
- D. Preschool Grant (Section 619 of P.L. 108-446) funds are not used to provide direct services to children less than 3 years of age.
- E. Child Find activities conducted by school districts to identify locate, and evaluate children from three through five are funded through the Department of Education. The Rhode Island Department of Human Services funds Child Find activities for children from birth through two years.
- F. If the Department of Human Services or other public agency other than an educational agency fails to provide for the special education and related services described in 34 CFR §300.142(b)(1), the local educational agency (LEA) (or the Department of Education if responsible for developing the child's IEP) shall provide or pay for these services to the child in a timely manner. The LEA or the State Department of Education may then claim reimbursement consistent with 34 CFR §300.142(b).

III. Child Identification

The Rhode Island Department of Education has the responsibility for coordination of the child identification effort for children from 3 through 5 years of age. This agency

promulgates regulations for the implementation of local child identification efforts and monitors compliance with these regulations.

As lead agency for Part C of IDEA, the Rhode Island Department of Human Services has responsibility for coordinating child identification activities under Part C of IDEA with activities currently conducted by the Rhode Department of Education under the provisions of Part B of IDEA. However, pursuant to 34 CFR §300.125(c)(3), the Rhode Island Department of Education retains the responsibility to ensure compliance with Child Find activities for children birth through two.

IV. Transition

The Rhode Island Department of Human Services and the Rhode Island Department of Education agree to carry out the following with regard to planning transition from early intervention services to public school programs:

- A. The Rhode Island Department of Human Services will: (1) notify the LEA for the area in which the child resides that the child will shortly reach the age of eligibility for preschool services under Part B of IDEA as required by 34 CFR §303.148(b)(1); (2) in the case of a child who may be eligible for preschool services under Part B of IDEA, with the approval of the family of the child, convene a conference among the Rhode Island Department of Human Services, the family, and the LEA at least 90 days, and at the discretion of the parties, up to 9 months, before the child is eligible for the preschool services, to discuss any services that the child may receive, as required by 34 CFR §303.148(b)(2)(i); (3) in the case of a child who may not be eligible for preschool services under Part B of the Act, with the approval of the family, make reasonable efforts to convene a conference among the Rhode Island Department of Human Services, the family, and providers of other appropriate services for children who are not eligible for preschool services under Part B of IDEA, to discuss the appropriate services that the child may receive, as required by 34 CFR §303.148(b)(2)(ii); and (4) establish a transition plan, as required by 34 CFR §303.344(h).
- B. The Rhode Island Department of Education has the responsibility for conducting evaluations necessary to determine eligibility for Part B of IDEA.
- C. Services through the Rhode Island Department of Education for preschoolers with disabilities begin no later than the child's third birthday. A child who is participating in early intervention services under Part C of IDEA, and who will participate in preschool programs assisted under Part B of IDEA, will have an Individualized Education Plan (IEP) developed and implemented by his or her third birthday, or, if consistent with IDEA, an Individualized Family Services Plan.

V. Confidentiality

During the conduct of this agreement, the Rhode Island Department of Human Services and the Rhode Island Department of Education agrees to share information concerning young children with disabilities on a need-to-know basis and with parental consent in accordance with confidentiality requirements, including the Family Educational Rights and Privacy Act and 34 CFR §§303.402 and 300.571.

VI. Interagency Coordination at the Local Level

The Rhode Island Department of Human Services and the Rhode Island Department of Education agree to promote communication, information sharing, coordination, and contractual agreements when appropriate among programs servicing young children with developmental delays at the local level, consistent with applicable State and Federal confidentiality requirements.

VII. Dispute Resolution

The Rhode Island Department of Human Services and the Rhode Island Department of Education are responsible for resolving intra- and interagency disputes regarding financial responsibility for services or other aspects of early intervention services, according to the following procedures.

- A. Staff of the involved agencies attempts to resolve the dispute within thirty (30) days.
- B. If it appears that by the 30th day, staff of the involved agencies cannot resolve the dispute, the Rhode Island DHS and the Rhode Island DCYF jointly file a written request for formal dispute resolution with the Governor's Office. Within two (2) days of receipt of a request for formal dispute resolution, the Governor or his/her designee appoints a Dispute Coordinator, who may not be a representative of any disputing agency.
- C. Within five (5) days of receipt of the request for dispute resolution, the Dispute Coordinator holds a meeting of representatives of the disputing agency, attempts to resolve the dispute by proposing a resolution to which the disputing agencies agree, and documents the activities and results of the meeting. Notes of the meeting are furnished to all involved parties, the State Director of Special Education, the Chairperson of the Interagency Coordinating Council, and the Chair of the Special Education Advisory Committee. Final determination will be binding upon the agencies involved and made by the Dispute Coordinator.
- D. This administrative process as above set forth must be exhausted prior to any parties seeking review of this matter in a court of law.
- E. During the pendency of an interagency dispute, the Rhode Island Department of Human Services is responsible to provide services required by the approved Individual Family Service Plan (IFSP) for eligible children and their families.

VIII. 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.

IX. Signatures

Ronald A. Lebel, Esq., Acting Director
Department of Human Services

Date

Peter McWalters
Commissioner of Education

Date