

Interagency Agreement
Related to Early Childhood Special Education Services and
Early Intervention Services for Children Ages Birth through Five
Between Idaho State Department of Education and the
Idaho Department of Health and Welfare

PURPOSE FOR THE AGREEMENT:

The purpose of this agreement is to define and clarify responsibilities of each agency to ensure a coordinated, comprehensive service delivery system focusing on children ages birth through five. Children, families, and communities are best served when agencies collaborate to facilitate relationships and local interagency collaboration.

Both parties agree to adhere to the requirements set forth in Part C and Part B of the Individuals with Disabilities Education Act (IDEA). The parties may develop guidance, forms, protocols and/or procedures that are determined necessary or helpful in implementing this Agreement.

The State Department of Education (SDE) serves as the lead agency at the state level for the provision of a free and appropriate public education for children ages three through five who are eligible for early childhood special education services in Idaho. The State Department of Education also provides oversight to the agencies and programs that provide special education and related services to three through five-year-old children under Part B of the Individuals with Disabilities Education Act (IDEA 2004).

The Department of Health and Welfare (DHW) serves as the lead agency at the state level for the provision of early intervention services for children from birth to age three who are eligible for said services in Idaho. The Department of Health and Welfare also provides oversight to all agencies and programs (including private contracted personnel) that provide early intervention services to the birth to age three population under Part C of the Individuals with Disabilities Education Act (IDEA 2004).

With respect to both parties and their obligations regarding the provision of quality special education and early intervention services to children and families, the State Department of Education (SDE), and the Department of Health and Welfare (DHW) commit to the following:

PROVISION A: PERSONNEL DEVELOPMENT

The State Department of Education and the Department of Health and Welfare commit to jointly determine training and technical assistance needs and to coordinate and share training and technical assistance opportunities for both agencies' personnel and their primary target audiences at local school districts and regional programs with respect to early intervention, special education, transition procedures, conflict and dispute resolution, cultural sensitivity and family centered practices.

PROVISION B: PROMOTION OF LOCAL INTERAGENCY AGREEMENTS

The State Department of Education and DHW agree to develop, provide, and promote standard templates for use by local school districts and Infant Toddler Program regional programs. These templates, shall include a standard format developed by any combination of districts and agencies as locally determined and shall include instructions that the local process should address specific local issues and be reviewed annually and updated as

needed. The recommended templates shall delineate roles and responsibilities. The State Department of Education will receive assurances annually from local school districts regarding the existence of local interagency protocols and will monitor these agreements through a periodic sampling procedure. The Infant Toddler Program receives assurances from each region regarding the existence of protocols through regional reporting to DHW.

Training regarding transition procedures and interagency coordination will be provided both collaboratively and program specific as needed through coordination between the two programs. Training will promote the development of Interagency Protocols that align with the attached Policy Guidance and include:

- Contact information for local school district special education and regional Infant Toddler Program personnel
- Jointly scheduled and coordinated child find activities
- Procedures for the regional Infant Toddler Program to provide notification to the Local Educational Agency (LEA) and State Educational Agency (SEA)
- Procedures for exchange of information
- Provisions for a team/family transition planning conference at least 90 days and not more than 9 months prior to the child's 3rd birthday
- Transition contacts/timelines/meeting requirements
- Responsibilities for evaluations/assessments
- Acceptance and use of the dispute process outlined in this agreement
- Jointly identify training and technical assistance needs and coordinate personnel development efforts

PROVISION C: TRAINING AND MONITORING REFERRAL, EVALUATION, AND JOINT IEP TEAM MEETINGS

The State Department of Education agrees:

To provide training regarding the provisions and requirements of IDEA, Part B and to monitor the local school districts for adherence to these provisions and to the transition process on Early Transition by ensuring that all children suspected of having a disability are evaluated in a timely manner and to determine if the children are eligible for Part B services.

Program monitoring will determine whether evaluations are completed, eligibility determined, and the IEP completed within 60 calendar days of obtaining parental consent for evaluation, and prior to the child's third birthday, for children transitioning from Part C to B.

DHW agrees:

To monitor regional programs for assurance that they initiate and follow the transition process for children younger than three who are currently served by ITP. DHW will also monitor regional programs to evaluate that they participate in transition planning by providing the necessary referral information as specified in the transition plan or according to the local interagency protocol or provide to the school district existing evaluations/assessments, continuing service reports, and other relevant information that may be used to determine eligibility for Part B services.

PROVISION D: FAMILY PARTICIPATION

Both the State Department of Education and the Department of Health and Welfare agree to ensure opportunities and accommodations (e.g. interpreters, translators, etc.) for family participation in all aspects of planning, policy development, training, and service evaluation. Both agencies agree to ensure that the families of toddlers and children will be included in the transition planning according to IDEA, Sec. 637(a)(9)(i). These considerations

will also be promoted for inclusion in the development of local transition protocols.

PROVISION E: DISPUTE RESOLUTION

Both agencies agree to resolve disputes that arise related to policy or state level system issues related to the transition from early intervention services to early childhood special education services, in a non-adversarial manner and to ensure that policies support and promote continuity of services to children and families, by using the following process to resolve interagency disputes:

1. An individual or agency with a concern will first use the agency’s internal procedures to address the concern. Technical assistance to clarify the intent of the agreement may be sought from the SDE Special Education Division or DHW Infant Toddler Program.
2. If resolution is not achieved at the previous level, the issue and all relevant information will be forwarded to the Director of Special Education at the State Department of Education and the Program Manager of Infant Toddler Program. The dispute will be reviewed, and discussions will be held between the DHW Infant Toddler Program Manager and the Special Education Director, to reach a consensus decision. If these parties cannot agree, the SDE will provide services of a trained mediator to assist in resolving the dispute and generating a mediation agreement within 30 days. ITP has the option to utilize the SDE mediator or retain their own mediator. Both programs also have the choice of using resources from the National Center for Appropriate Dispute Resolution in Special Education (CADRE). Provisions of the mediation agreement will be addressed in the next renewal of this interagency agreement.
3. The mediation agreement will be forwarded to the State Superintendent of Public Instruction and the DHW Division Administrator for Family and Children’s Services.
4. All steps of the dispute resolution process must be completed no later than 45 calendar days after the issue is referred to either agency.

GENERAL PROVISIONS:

The provisions of this agreement may be extended, modified, or changed upon a written amendment signed by both parties, and such amendment when so signed, will become a part of this agreement. This agreement becomes effective on the date signed by all parties and shall be reviewed on a five (5) year cycle. Otherwise this agreement is automatically renewed on July 1 of each year unless either party requests a review of the agreement prior to June 1. Either party may terminate this agreement with a 30-day notice to the other party.

Signatures:

By: Sherrri Ybarra Date: 12/21/21
Sherrri Ybarra
State Superintendent of Public Instruction

By: Dave Jeppesen Date: 1-7-22
Dave Jeppesen
Director, Idaho Department of Health & Welfare