

MEMORANDUM OF UNDERSTANDING

between the

**CABINET FOR HEALTH AND FAMILY SERVICES,
DEPARTMENT FOR PUBLIC HEALTH,
DIVISION OF MATERNAL AND CHILD HEALTH**

and the

**KENTUCKY DEPARTMENT OF EDUCATION,
OFFICE OF NEXT GENERATION LEARNERS**

THIS AGREEMENT, made and entered into on the first day of July 1, 2013, establishes an agreement between the Cabinet for Health and Family Services, Department of Public Health, Division of Maternal and Child Health and Kentucky Department of Education. The purpose of this agreement is to ensure a smooth transition for toddlers with disabilities under the age of three and their families from receiving early intervention services under Part C of the Individuals with Disabilities Education Act as provided through the Kentucky Early Intervention System (KEIS) to preschool services provided by local education agencies (LEAs) for children with disabilities beginning at age three. (IDEA SECTION 637(a)(9)(A))

WHEREAS, the Department of Public Health is the Part C state lead agency.

WHEREAS, the Kentucky Department of Education is the state education agency responsible for Part B of the Individual with Disabilities Education Act.

Acronyms used in this agreement:

KEIS—Kentucky Early Intervention System

KDE--Kentucky Department of Education

DPH—Department of Public Health

SEA—State Education Agency

LEA—Local Education Agency

IFSP—Individualized Family Service Plan

IEP—Individualized Education Plan

Now, therefore it is hereby and herewith mutually agreed by and between the parties hereto as follows:

The DPH/KEIS shall:

- 1) Define a child potentially eligible for Part B preschool services as a child, at least 2 years, 3 months old or older who is enrolled in First Steps and receives early intervention services through an IFSP.
- 2) Notify the SEA/LEA of children with an Individualized Family Service Plan (IFSP) potentially eligible for Part B of the Individual with Disabilities Education Act preschool services no fewer than 90 days and no more than 9 months before the third birthday.
- 3) Provide parents a notice of the option to disallow the release of personally identifiable information to the SEA/LEA (Opt-out policy). This notice shall include: identification of the information to be disclosed, the length of time a parent has to notify the service coordinator that the parent is opting out, what will happen if the parent does not choose to opt-out, and that the parent's decision must be written.
- 4) Notify the SEA/LEA as soon as possible all toddlers referred and determined eligible for Part C (KEIS) services more than 45 days but less than 90 days before the third birthday that the child is potentially eligible for Part B special education and related services.
- 5) With parental consent, refer to the SEA/LEA toddlers who are referred to Part C (KEIS) fewer than 45 days before the third birthday.
- 6) Provide, through the First Steps data system, a quarterly report to the KDE that includes contact information (including child's name, date of birth, parent/guardian name, address and phone number and service coordinator name) for all First Steps enrolled children between the ages of 30 and 36 months whose parents have not opted-out of the transition notification to the SEA/LEA. This listing of children is the child find notification of transition required under the IDEA.
- 7) Convene a transition conference with the LEA and family to discuss any services the toddler will receive under Part B, not fewer than 90 days and not more than 9 months before a child's third birthday and with approval from the family.
- 8) Discuss at the transition conference a review of program options for the time period of the child's the third birthday through the remainder of the school year.

- 9) 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 determinations under Part B; and
 - the availability of special education and related services.
- 10) With parental consent, provide the LEA with copies of the most recent IFSP, progress reports, and assessments for their review and use in eligibility determination for Part B services.
- 11) Develop a transition plan at the transition conference with the family that includes steps for the toddler with a disability to exit from the Part C program and any transition services that the IFSP team identifies as needed by that toddler and his or her family. The transition plan must be established not fewer than 90 days and may be established up to 9 months before the child's third birthday.
- 12) Include the following transition steps in the transition plan: 1) confirmation that the child find information has been transmitted to the LEA (transition notification) and 2), with parent consent, confirmation that most recent evaluation, assessment, and IFSP has been sent to the LEA.

KDE shall:

- 1) Match each child referred by KEIS to a specific school district (based upon zip code) and provide the LEA with this information. This will fulfill the federal requirements of 20 U.S.C. 1437 (a)(8)(A)(ii)(I), that the Part B service provider be notified of children who may be eligible for preschool services.
- 2) Consider this to be an initial referral to Part B. Therefore, the LEA is required to complete the following actions (Part B regulation §300.504(a)(1)):
 - Send procedural safeguards to the child's parents; and
 - With parent approval, attend the transition conference which is initiated by KEIS
- 3) For a child who has been served in Part C and referred to Part B, but was referred to Part C less than 90 days before the child's third birthday, the LEA 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; and

- hold a meeting to develop an IEP within 30 days of a determination that the child needs special education and related services.
- 4) For a child served in Part C who was 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 third birthday, the LEA is responsible for:
- Ensuring that an initial evaluation under Part B is completed.
 - If the child is determined eligible under Part B, an IEP is developed and implemented by the child's third birthday, even if the timeline for conducting an initial evaluation expires after the child's third birthday.
- 5) Annually inform the LEAs of the following regulatory requirements:
- To participate in the transition conference for children who may be potentially eligible for Part B preschool services;
 - To invite the service coordinator or other Part C representative to the initial IEP meeting with approval of the family; and,
 - To consider the child's IFSP including the early intervention services and natural environments statement when developing the IEP.
- 6) Enroll children referred by KEIS in the statewide school data base and assign a unique student identifier (SSID).
- 7) Send a data file with child's name, KEIS identifier, and SSID number to KEIS for import into the KEIS data system.

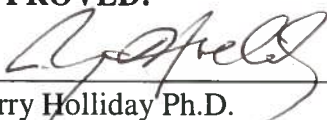
Terms of the Agreement


- A. This agreement shall be in effect from July 1, 2013 through June 30, 2014, and may be modified by mutual consent of both parties.
- B. The Cabinet shall have the right to terminate this agreement at any time upon thirty days written notice served on the KDE by registered or certified mail outlining the reasons for termination.

C. The KDE has the right to terminate said agreement upon thirty days written notice served on the Cabinet by registered or certified mail outlining the reasons for termination.


D. Both parties agree to abide by the rules and regulations regarding the confidentiality of any personally identifiable information as mandated by the Individuals with Disabilities Education Act (IDEA) and the Family Education Rights and Privacy Act (FERPA).

APPROVED:

TOP  4/25/13 Connie Gayle White md 3 April 2013
Terry Holliday Ph.D. Date Stephanie Mayfield Gibson, MD, FCAP Date for SMG
Commissioner Commissioner
Kentucky Department of Education Kentucky Department for Public Health

 3-27-13
Ruth Ann Shepherd, Director Date
Maternal and Child Health Development

EXAMINED AS TO FORM AND LEGALITY:

 3-15-13
Attorney Date
Cabinet for Health and Family Services