

**The Early Childhood Transition
Operations Agreement
between
The Division of Public Health and the Division of Management Services in
The Department of Health and Social Services, and
The Department of Education
For the Administration of Delaware's
Child Development Watch Birth to Three Program**

Introduction

The purpose of this agreement is to clarify the roles and responsibilities of the Division of Public Health, the Division of Management Services, and the Department of Education, in administering Delaware's Child Development Watch Birth to Three Early Intervention System as authorized under the Individuals with Disabilities Education Act (IDEA) Federal Regulations at 34 C.F.R. Parts 300 and 303 [http://idea.ed.gov/explore/view/p/%2Croot%2Cregs%2C\(PartB\);](http://idea.ed.gov/explore/view/p/%2Croot%2Cregs%2C(PartB);) <http://www.gpo.gov/fdsys/pkg/FR---2011---09---28/pdf/2011---22783.pdf> (Part C) IDEA 2004 Statute(P.L.108---446) for Parts B and C <http://idea.ed.gov/explore/view/p/%2Croot%2Cstatute%2CI%2C> .

This agreement supersedes the original 4/11/97 memorandum of understanding [DPH#97-179] between the two Divisions and Department of Education.

This agreement shall commence upon completion of signatures and continue in effect unless modified by mutual agreement of all three parties. This agreement may be terminated in whole or in part by any of the parties, with or without cause, upon thirty (30) calendar days' written notice to the other parties. The two Divisions and the Department of Education will review the agreement annually. The agreement shall not be altered, changed, modified or amended except by written consent of all parties to the agreement. In the event of amendments to current Federal or State laws which nullify any term(s) or provision(s) of this agreement, the remainder of the agreement will remain in full force and effect.

Team Participation

The DOE Liaison, Service Coordinator for the Part C Program will participate in all Child Development Watch (CDW) team activities including, but not limited to, referral, assessment, triage, case review, team meetings, orientation and training of new staff, consultation, service coordination, and transition to Part B (Birth Mandate and School District) Programs.

The DOE Liaison, Service Coordinator will devote half-time to service coordination/case management activities, and half-time to liaison activities between the Part C Program (CDW) and Part B (DOE) Programs in New Castle County, Kent and Sussex Counties.

The DOE Liaison, Service Coordinator will provide consultation to other team members within his or her area of expertise, on individual cases and in general, for the benefit of the team. All team members, likewise, are expected to provide consultation and share responsibility to assist each other to improve access to services and information for families and their children.

Child Find & Transition Activities

Transition Notification:

The DOE Liaison who works at Part C, the Lead Agency, must notify the State Education Agency (SEA) and the Local Education Agency (LEA), where the toddler receiving Part C services resides, that a toddler who is receiving Part C services and who is potentially eligible for services under the Part B section 619 preschool program will shortly turn three (3) years old and exit the Part C program. (34 C.F.R. §303.209(b)). In order to allow maximum time for transition planning activities, all Part C eligible children will be referred to the LEA not fewer than ninety (90) days prior to the child's third birthday depending on the point in the calendar year in which a child will turn three years of age. This notification may occur up to twelve (12) months before the child's third birthday.

If CDW determines that the toddler is eligible for early intervention services more than 45 days but less than 90 days before the toddler's third birthday, CDW must provide the transition notification as soon as possible after determining the toddler's eligibility. (34C.F.R. §303.209(b)). Child Find transition notification information will include: the child's name, child's date of birth, and parent contact information (parent's name, address, and telephone number). (34C.F.R. §303.401(d)).

The family service coordinator has the responsibility of informing each family of this notification requirement. Each Department of Education (DOE) liaison tracks and reports notification information as required by the Annual Performance Plan. (34C.F.R. §303.209(b)(1)(i); §303.401(d)).

If a toddler is referred to CDW fewer than forty-five (45) days before the toddler's third birthday, CDW is not obligated to provide a comprehensive evaluation, assessment or an initial IFSP. If that toddler may be eligible for Part B preschool services, the child, with parental consent, will be referred directly to the LEA in the area where the child resides. Additionally, referrals for all children who may be eligible for preschool services under Part B of the IDEA, with parental consent, should be sent to the SEA. (34C.F.R. §303.209(b)); (34C.F.R. §303.414) 303.342(e).

Transition Conference:

With parental consent, the CDW Family Service Coordinator will schedule, convene and facilitate the Transition Conference no later than ninety (90) days but at the discretion of all parties, may occur up to nine (9) months before the toddler turns three (3) years of age.

(34C.F.R. §303.209(c)(1)) 303.342(d) (e). At a minimum, the Lead Agency Part C representative, the LEA representative, and the parent/guardian must be present at the conference. (34C.F.R. §303.209(c)(1)). In addition to the parties mentioned in (34C.F.R. §303.209(c)(1))(2), (34C.F.R. §303.343(a)) describes the other required participants for a transition conference meeting. They are (1) the parent or parents of the child; (2) other family members, as requested by the parents, if feasible to do so; (3) an advocate or person outside of the family, if requested by the parents; (4) the designated service coordinator; (5) a person or persons directly involved in evaluations and assessments; and (6) as appropriate, persons who will be providing Early Intervention services to the child and family. Each LEA must participate in transition conferences arranged by CDW for toddlers with disabilities who may be eligible for Part B preschool services to discuss any services the toddler may receive under Part B. §303.209(c)(1). If a toddler is not potentially eligible for Part B preschool services, with the families' approval, the Lead Agency makes reasonable efforts to convene a conference with the appropriate parties to discuss other appropriate services that the toddler may receive. (34C.F.R. §303.209(c)(2));(34C.F.R. §303.432(d)(e));(34C.F.R. §303.343(a)); (34C.F.R. §30.209(e)). The DOE Liaison assists with developing corrective action plans regarding timely and quality transition conferences.

Transition Plan:

The CDW Family Service Coordinator together with the family develops the Transition Plan at the Transition Conference. (34 C.F.R. §303.344(h)). The plan must include appropriate steps for the child to exit CDW, and any transition services needed by that toddler and his or her family. (34C.F.R. §303.209(d)(3)). The conference provides an opportunity to determine what information is needed for eligibility.

The CDW Family Service Coordinator ensures that, with parental permission, the most recent Individual Family Service Program (IFSP), Child Outcomes Summary Forms (COSF), evaluations, assessments and updates are forwarded to the LEA. Part C evaluations and assessments completed within six (6) months of the child's third birthday do not have to be repeated unless it is determined appropriate for that child and family. If additional assessment information is needed, it is the LEA's responsibility to schedule and complete the evaluations before the child's third birthday and/or Individual Education Program (IEP) meeting.

Policies are in place to ensure that each infant and toddler with a disability exiting the Part C program has a Transition Plan in place in the IFSP. The Transition Plan becomes a part of the child's IFSP not fewer than ninety (90) days and up to nine (9) months before the child's third birthday. The lead agency must establish a transition plan in the IFSP not fewer than 90 days, but at the discretion of all parties up to nine (9) months, before the toddler's birthday. (34C.F.R. §303.209(d)(2)). The transition plan in the IFSP must include, consistent with (34C.F.R. §303.344(h)), any appropriate steps for the toddler to exit the Part C program and any transition services needed by that toddler and his or her family. (34C.F.R. §303.209(d)(3)). The IFSP must include the steps and services to be taken to support the smooth transition of the child, in accordance with (34C.F.R. §303.209) and (34C.F.R. 303.211(b)(6)), from Part C

services to (i) Preschool services under Part B of the Act, to the extent that those services are appropriate; (ii) Part C services under (34C.F.R. §303.211); or (iii) other appropriate services. (2) The steps must include-- (i) discussions with, and training of, parents, as appropriate, regarding future placements and other matters related to the child's transition; (ii) procedures to prepare the child for changes in service delivery, including steps to help the child adjust to, and function in, a new setting; (iii) confirmation that child find information about the child has been transmitted to the LEA or other relevant agency, in accordance with (34C.F.R. §303.209(b)) The transition conference must meet the requirements of §303.342(d) and §303.343(a) and, with parental consent if required under (34C.F.R. §303.414), transmission of additional information needed by the LEA to ensure continuity of services from the Part C program to the Part B program, including a copy of the most recent evaluation and assessments of the child and the family and most recent IFSP developed in accordance with (34C.F.R. §303.340) through 303.345; and (iv) identification of transition services and other activities that the IFSP Team determines are necessary to support the transition of the child. (34C.F.R. §303.344(h)).

The transition conference and IFSP meeting to develop the transition plan may be combined into one meeting, as long as they meet the requirements in (34 CFR §§303.342(d)) and (34C.F.R.303.343), (34C.F.R. §303.209(e)). Additionally, the IFSP must include: (1) confirmation that the child find information about the child has been transmitted to the LEA; (2) the steps and procedures to prepare the child for changes in service delivery including steps to help the child adjust to and function in a new setting; (3) discussion and training, as appropriate, for the family related to future placements for the child. §303.209; §303.211(b)(6). The transition conference and IFSP meeting to develop the transition plan may be combined into one meeting. If the Transition Conference and IFSP meeting are combined, the requirements in §303.342(d), §303.342(e), §303.343 (a) (34C.F.R. §303.342(d)), (34C.F.R.303.343), (34C.F.R. §303.209(e)) must be met. The IFSP meeting to develop the Transition Plan must meet the requirements of §303.342(d) even if the transition plan meeting and transition conference are not combined into one meeting.

Points of Entry into Part B:

All Part B eligible children are entitled to receive services in accordance with their Part B IEP as of their third birthday. (34C.F.R. §300.101 (b)); (34C.F.R. §300.124(b)). However, in order to ensure a transition that is appropriate for the child and family, there may be different points of entry into the Part B system. The following apply:

- The responsibility for children who turn three (3) years of age during the time between January 1 and April 30 (inclusive) will transfer from Part C to Part B on the child's third birthday;
- At the parent's request and based upon the IFSP, children determined eligible for Part B who turn three (3) years of age between May 1 and August 31 (inclusive), parents have the option for their child to receive Free Appropriate Public Education (FAPE) upon the

child's third birthday through an IEP or an IFSP. Children exiting Part C and eligible for Part B must have an Individualized Education Plan (IEP) developed on or before their third birthday in order to receive FAPE through an IFSP that serves as an IEP.

The discussion of the parent's options for the child to receive FAPE through an IEP or an IFSP developed under 34 CFR 300.323 (b) and a detailed explanation of the differences between the IEP and the IFSP is part of the child's transition conference. The CDW family service coordinator and the child find coordinator will introduce the options for summer services at the transition conference.

If the family chooses to continue with CDW over the summer, the CDW family service coordinator will work with the Part B child find coordinator and the parent to find a convenient date to schedule a combination Part B Eligibility/IFSP/IEP meeting before the child's third birthday. The IFSP/IEP team reviews the evaluation information in order to develop an aligned IFSP and IEP, which must include a statement of routines-based services and an educational component that promotes school readiness and incorporates pre-literacy, language and numeracy skills.

Children who receive FAPE through an IFSP will continue to be served in Part C, where the IFSP developed under 34 CFR 300.323(b) serves as the IEP, until the initiation of the IEP at the local district's school year in the fall.

Children who will receive FAPE through an IEP will transition to the local school district upon the child's third birthday to receive services through Part B. Children who receive services through an IEP are considered for Extended School Year in accordance with the Part B regulations. FAPE services provided to children with summer third birthdays, whether provided through an IEP or an IFSP, will be provided at no cost to the family. Parents who choose the option to transition to Part B have the right for their child with a summer third birthday to receive a FAPE through an IEP upon the child's third birthday. Parents who choose Part B services cannot later choose to return to Part C services once consent for Part B services is obtained and the child has turned three.

Children may continue to receive services through Part C until the initiation of the IEP on the first day of school (Section II A.10.f -#s 1-2).

- At the parent's request, Part C eligible children who turn three (3) between September 1 and December 31 (inclusive), and are determined eligible for Part B services, may receive services through Part B beginning on the first day of the school year in their district of residence or remain with Part C until their third birthday.

Part B Early Childhood Transition Requirements:

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, the State has policies and

procedures in place to ensure that an IEP, or an IFSP, 614(d)(2)(B) and 636(d), has been developed and is being implemented by the child's third birthday. (34C.F.R. §300.101(b)) and (34C.F.R. §300.124(b)). Each affected LEA must participate in transition conferences arranged by Part C who may be eligible for preschool services under Part B. (34C.F.R. §300.124(c))

At the request of the parent, an invitation to the initial IEP meeting must be sent to the Part C service coordinator, or other Part C service representative, if the child previously received Part C services. (34C.F.R. §300.321(f)). For all children who transition from Part C services to Part B, the IEP team must consider an 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. (34C.F.R. §300.323(b)).

In Delaware, the IFSP may serve as the IEP for a child with a disability when a two-year old child with a disability who will turn three during the school year transitions into Part B and (a) the child's parents are provided with information for using the IFSP as the IEP and (b) the child's parent are informed 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. §300.323(b)

Part B section 619, the Lead Agency, must follow policies to ensure that it reviews the program options for the toddler for the period from the toddler's third birthday through the remainder of the school year. (34.C.F.R. §303.209(d)).

If the family refuses Part B services and a Transition Conference is not held, the LEA is responsible for sending a copy of the Procedural Safeguards and information related to LEA services available for the child. The CDW FSC must meet with the family and others as appropriate to develop an alternative Transition Plan for the child.

Administration and Evaluation:

The DOE Liaison Service Coordinator performs the functions referenced within this agreement as a member of the CDW team; the DOE Liaison Service Coordinator will follow the daily work, holiday and vacation schedules of the Division of Public Health (DPH) of the Department of Health and Social Services (DHSS). However, as an employee of DOE, he or she will accrue sick leave at the DOE rate and time. The DOE liaison will follow established DOE procedures for written sick and vacation leave approval while also providing verbal notification to the CDW Clinic Manager in a timely manner.

Periodic performance evaluations will be done by the established DHSS/DPH method between the CDW Clinic Manager and the DOE Liaison, Service Coordinator, with the Director of the DOE Early Development and Learning and Exceptional Children Group designated as reviewer. The final year evaluation will be completed by April 30 in agreement with the DOE/State Board timelines.

Service Coordination Assignment:

The DOE Liaison, Service Coordinator will provide service coordination to the families of children in all categories of eligibility, as assigned by the CDW triage team. This individual will have primary responsibilities as liaison and/or service coordinator for Part C eligible children who are also eligible for programs under DOE (autistic, visually impaired, deaf, and deaf/blind) and as liaison with school Part B programs.

Caseload Management:

Management of the caseloads of team members is the responsibility of the Clinic Manager or Team Leader, as assigned. When caseloads of an individual reach maximum limits (to be determined), the team will need to work collaboratively to distribute the additional cases among team members. Requests for additional positions to fulfill service coordination needs of the team will be made as a request from the CDW team through the Birth to Three Office with the support and approval of the appropriate Division Directors or Directors of the other collaborating agencies.

When a change in service coordination assignment is necessary or advisable, such as when a child's condition changes, the current service coordinator should notify the triage team; and an appropriate reassignment will be made. The two service coordinators will work closely to assure a smooth transition for the family.

Cases to be closed should be brought to the triage team, either at triage or other venue, for discussion and closure. A case may be closed if approved by team review.

Communications:

Full participation by individual staff in the Integrated Services Information System (ISIS) is a goal of CDW. Each collaborating agency is expected to plan for and actively pursue staff training and implementation so that each team member will be capable of data entry. All team members will have access to the services of the CDW data entry technicians by providing the information to document referrals, screenings, assessments and eligibility, IFSPs, and case closings. Information should be provided to CDW in a timely manner for entry into ISIS.

In his or her capacity as liaison between the CDW Part C Program and DOE Part B Programs, the DOE Liaison, Service Coordinator will be available as an instructional resource to School District and Birth Mandate Programs, as they come on line with ISIS.

Information and materials pertinent to CDW activities, functions, and team members will be disseminated to staff from each participating agency through the Clinic Manager of CDW to ensure that a consistent message is received by team members.

The DOE Liaison, Service Coordinator will provide information on CDW activities, trainings, functions, and team members to personnel with Child Find and intake responsibilities in the School District and Birth Mandate Programs. He or she will also provide information on Part B Programs, Child Find and Birth Mandate intake activities, functions, and relevant personnel to the CDW team on an ongoing basis. He or she will keep the Clinic Manager apprised of these liaison activities.

Travel :

When traveling for training purposes, it will be necessary for the DOE liaison, Service Coordinator to secure travel permission, well in advance of departure, from both DOE and DHSS/DMS/DPH. In general, the incumbent should seek permission first from the agency of payment, but must also gain approval from the agency of employment.

Interagency Collaboration:

All participating agencies will follow the roles and responsibilities outlined in the Interagency Agreement for the Delaware Early Intervention System Under Part C of the Individuals with Disabilities Education Act. They will work collaboratively in the development of a consistent, statewide charting and documentation system for record keeping and collection of statistics.

Multiagency interview teams will be established for new team positions or staff to be hired. Appropriate agencies will be represented in the interview process and may include staff from DMR, DPH, DOE, DFS, OR DMS.

Team members will follow the Child Development Watch Program Manual for all responsibilities outlined. Questions dealing with specific issues regarding the implementation of Part C or Child Development Watch activities should be discussed with the Clinic Manager. If unresolved, the issue should be put in writing to the Clinic Manager with a copy to the Agency Supervisor, who will work together to resolve the issue. If still unresolved, questions will be directed to the Departmental Work Group of DPH/DMS/DOE.

Operations Agreement Review:

This MOU is in effect from the signature date and will be reviewed by the DOE/CDW Task Force annually.

**Operations Agreement
for the Department of Education
with the Division of Public Health and the Division of Management Services for the
Child Development Watch Birth to Three Program**

Mark Murphy
Secretary
Department of Education

Date

Dr. Karyl Rattay, MD,MS,FAAP,FACPM
Director, Division of Public Health
Department of Health and Social Services

Date

Rita Landgraf
Secretary
Department of Health and Social Services

Date