

STATE OF COLORADO
State Transition Interagency Agreement

Infants and Toddlers with Developmental Disabilities and Their Families
Transitioning from Early Intervention Services to Preschool Special Education Services in
Accordance With the Individuals with Disabilities Education Act (IDEA) of 2004

Colorado Department of Human Services
Colorado Department of Education

This Interagency Agreement (IA) between the Colorado Department of Human Services, hereinafter referred to as the CDHS and the Colorado Department of Education, hereinafter referred to as the CDE, is made to assure attainment of mutual goals between the agencies and their programs for the provision of transition services for toddlers who have developmental delays or disabilities, from Early Intervention Services (Part C) to preschool special education services (Part B) at age three.

I. AUTHORITY FOR AGREEMENT

As a condition of receiving Federal funds under Part C of the Individuals with Disabilities Education Act of 2004 (IDEA), 34 C.F.R. §303.209(a)(3)(i)-(iii) requires the lead agency that administers Part C of IDEA and the State Education Agency (SEA) that administers Part B of the Act develop and implement an interagency agreement to ensure a seamless transition between services under Part C and Part B of IDEA for eligible children at age three and their families.

Under 2 of the Colorado Code of Regulations (CCR) 22-20-118 and Colorado Revised Statutes C.R.S. 27-10.5-703-704, the CDE and the CDHS are authorized to enter into agreements and make commitments that shall be binding on the operation of the programs of the agencies.

The CDHS is the designated lead agency for administering the Early Intervention (EI) Services Part C program under IDEA. The CDHS ensures access to EI services to infants and toddlers with disabilities, age birth through two years, and their families. The CDHS contracts with twenty Community Centered Boards (CCBs) to administer local EI programs.

The CDE is the designated lead agency and State Education Agency (SEA) for administering Part B under IDEA and ensures that a Free Appropriate Public Education (FAPE) is available to all eligible children with disabilities ages three through twenty-one. At the local level, this is the responsibility of the Special Education Administrative Units (AUs).

The CDHS and the CDE shall abide by respective regulations, and establish policies and procedures in alignment with IDEA. The parties shall ensure coordinated, effective, and smooth transitions for children and families participating in the Early Intervention Services Program (Part

C) to the Part B early childhood special education programs, as appropriate, and within the required timelines established by IDEA.

The Federal Office of Special Education Programs (OSEP) requires a State Performance Plan (SPP) and an Annual Performance Report (APR) for both Parts C and B of IDEA. The Part C Plan has 14 Indicators and the Part B Plan has 20 Indicators. Both agencies report annually to the OSEP regarding state performance on these indicators, including both compliance and results indicators. The state activities to ensure compliance with the federal and state requirements for transition are reported in the APR to the OSEP. These policies involve reporting for:

Part C Indicator 8 – Percent of all children exiting early intervention services who receive timely transition planning to support the child’s transition to preschool special education services and/or other appropriate community services by their third birthday including: a) Individualized Family Service Plans (IFSPs) with steps and services to support transition; b) notification to AU, if child is potentially eligible for Part B; and c) Transition conference if a child is potentially eligible for Part B.

Part B Indicator 11 – Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.

Part B Indicator 12 – Percent of children referred by Part C prior to age three, who are found eligible for Part B, and have an Individualized Education Program (IEP) developed and implemented by their third birthday.

Part B Indicator 20 – State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.

The parties agree to collaborate on the review and alignment of regulations, policies and procedures in order to ensure coordination and understanding among departments and agencies.

NOW THEREFORE, the CDHS and the CDE in consideration of the mutual covenants and agreements herein contained, do hereby agree to the purpose, terms and conditions.

II. PURPOSE OF AGREEMENT

The purpose of this IA is to facilitate the development of a cooperative relationship enhancing coordination of transitions for children and families as they move from early intervention services into preschool special education services. This agreement is guided by State and Federal regulations implementing Part B and Part C of the IDEA.

The parties to this agreement are committed to:

- A. Ensuring CCBs and AUs address transition policies and procedures within existing local level IAs in order to address the coordination of transition, data collection and other transition practices; and,
- B. Ensuring inclusion of all children through the integration of services in the natural and least restrictive environment; and,

- C. Enhancing the awareness of the needs of children and families to promote coordination among programs.

III. TERMS OF THE AGREEMENT

To carry out the purpose of this agreement, the parties agree to meet the following terms:

- A. Confidentiality and consent requirements in 34 C.F.R. §303.401(d) and (e), §303.402, §303.414, and the requirements in 34 C.F.R. §300.123; and,
- B. Transition requirements of 34 C.F.R. §303.209 and 34 C.F.R. §303.344; and,
- C. IFSP requirements of paragraph (h) of 34 C.F.R. §303.344; and IEP requirements under 34 C.F.R. §300.323(b) for children determined eligible for Part B; and,
- D. Transition requirements in 34 C.F.R. 300.124; and,
- E. The CDHS and the CDE representation to the Colorado Interagency Coordinating Council (CICC) as specified in 34 C.F.R. §303.604; and,
- F. Coordination of transition activities at the State level through this IA in alignment with 34 C.F.R. §303.209(a)(3) and §303.511(b)(2); and,
- G. Coordination at the local level by fostering and encouraging the development of local level community-based IAs as required in 2 CCR 503-116.910(B)(1)(a), and C.R.S. 22-20-118, and 27-10.5-704; and,
- H. Demonstrate accountability related to the indicators in the Part C and Part B SPP and through the results reported in the APR.

IV. TRANSITION PROCESS AND RESPONSIBILITIES

In order to ensure that the policies and procedures used to ensure a smooth transition for children receiving early intervention services under Part C to Part B preschool special education services under IDEA, §637(a)(9)(A), the parties agree to the following responsibilities in each of the following steps of the transition process:

A. NOTIFICATION/REFERRAL

The CDHS shall ensure that:

- 1. Prior to notifying the AU of a child who is potentially eligible for preschool special education services, the CCB service coordinator shall inform the parent of the opt-out policy and if a parent chooses to opt out of having their child's information sent to the CDE and AU for notification of a child who is potentially eligible for preschool special education services the following shall occur:
 - a. The state notification form shall be filled out by a service coordinator; and,
 - b. The parent shall sign the form if they choose to opt out of notification and submit the form to the CCB within ten (10) calendar days; and,

- c. The notification form shall become part of the child's Part C record; and,
 - d. A parent may revoke his or her choice to opt out at any time by providing written notification to the CCB.
2. For the purposes of transition planning, a child who is potentially eligible for preschool special education services is defined as a child who is enrolled in EI services who:
 - a. Has not met all outcomes on his or her IFSP; and/or
 - b. Is demonstrating a delay in any developmental domain based on the expertise of a member of the IFSP team.
3. For the purposes of transition planning, the opt-out policy means the procedural safeguard provided to families to prohibit the transmittal of personally identifiable contact information about their child and family to the CDE and AU.
4. For any child whose parent has not provided a signed opt-out form within the prescribed timeline and process, the CCB service coordinator shall notify the AU in which the child resides of the first, middle and last name, date of birth and parent contact information for each potentially eligible child:
 - a. Not fewer than 90 days prior to the child's third birthday for any child with an active IFSP; or,
 - b. As soon as possible for a child determined eligible for early intervention services fewer than 90 days and more than 45 days prior to the child's third birthday.
5. With written parental consent, a CCB shall provide the AU with current information of a child who is potentially eligible for preschool special education services regarding the child's EI services, including a copy of the most current assessment information, and a copy of the most current IFSP.
6. If a child is referred to the CCB fewer than 45 days prior to that child's third birthday and that child may be potentially eligible for preschool special education services, the CCB, with parental consent, shall refer the child to the AU for Part B eligibility determination and provide notification to the CDHS.
7. In accordance with 34 C.F.R. §303.209(b), the CDHS shall provide monthly notification to the CDE, the first, middle and last name, date of birth and parent contact information for all children who are potentially eligible for preschool special education services and for whom a notification date has been entered into the state database.

The CDE shall ensure:

AUs treat the notification form from the CCB as a referral to the Part B system and that steps must be taken to initiate the evaluation to determine Part B eligibility.

B. TRANSITION PLAN

The CDHS shall ensure:

1. A transition plan, as defined in 2 CCR 503-1, 16.970, G, is developed as part of the IFSP not fewer than 90 days, and at the discretion of all parties, not more than nine months, prior to the child's third birthday; and,
2. A transition plan is developed as soon as possible for a child determined eligible for early intervention services at a later age; and,
3. A transition plan shall include, at a minimum, the following
 - a. A description of transition steps and services the IFSP team determines necessary to support a smooth transition from Part C services to preschool services under Part B or other appropriate services; and,
 - b. A description of transition steps that include:
 - 1) As appropriate, how the child and his or her family exit from early intervention services; and,
 - 2) How a parent shall be informed of and included in the transition process, including a review of the future placements and the program options for the child through the remainder of the school year; and,
 - 3) Confirmation by the CCB that the basic personally identifiable information including the child's name, date of birth, and parent contact information has been transmitted to the AU by noting it on the child's transition plan; and,
 - 4) With parental consent, confirmation of the transmission of other additional information needed by the AU to ensure continuity of services from early intervention services to preschool special education services, a copy of the most recent evaluation and assessments of the child and family and the most recent IFSP; and,
 - 5) Procedures to prepare a child for changes in service delivery and strategies to help a child adjust to and function in a new setting; and,
 - 6) Any transition services and other activities that the IFSP team identifies as needed by the child or his or her family to support the transition of the child.
4. CCBs coordinate with AUs to fully inform families of the transition policies and procedures available under State and Federal regulations and support family involvement in the transition planning process; and,
5. Confidentiality requirements in 34 C.F.R. §303.401(d) and (e) are followed for all children transitioning from EI services to preschool special education services; and,
6. If the transition conference is held in combination with the IFSP meeting, the CCB

shall coordinate with and invite an AU representative to develop the transition plan.

The CDE shall ensure:

1. AUs coordinate with CCBs to a) fully inform families of the possible services available under Part B of IDEA; and b) support family involvement in the transition planning process; and,
2. AUs understand their requirement to participate in the transition planning conference consistent with 34 C.F.R. §300.124 (c).

C. THE TRANSITION CONFERENCE

The CDHS shall ensure that CCB service coordinators understand their requirement to:

1. Convene for a child who is potentially eligible, with approval of the family, and facilitate a transition conference among the AU, the family and the AU, at least 90 days, and at the discretion of all parties, not more than nine months prior to the child's third birthday to discuss any services the toddler may receive under Part B of the Act; and,
2. Coordinate with and invite an AU representative to the transition conference, with the written or verbal approval of the parents, when a child is potentially eligible for Part B; and,
3. Obtain appropriate written parental consent before information beyond what is allowable for notification is shared with the AU; and,
4. Document all decisions of the transition conference; and,
5. Gather required signatures for the transition conference; and,
6. Meet the requirements of 16.970, F through H if the transition conference is held in conjunction with the IFSP to develop a transition plan.

The CDE shall ensure that AUs:

1. Provide appropriate representative(s) to participate in the transition conference arranged with the designated CCB; and,
2. Coordinate with the CCBs so that the following are provided to parents:
 - a. Information about the Part B eligibility definitions; and,
 - b. State timelines and process for consenting to an evaluation, ~~and~~ conducting eligibility determination under Part B, and Individualized Education Program (IEP) implementation; and,
 - c. Information about the program options for special education and related services.

D. LATE REFERRALS

The CDHS shall ensure:

1. For a child referred to the CCB for EI services fewer than 90 days and more than 45 days:
 - a. The transition plan shall be developed; and,
 - b. Notification shall be transmitted to the AU; and,
 - c. A transition conference shall occur as soon as possible.
2. For a child referred to the CCB fewer than 45 days prior to that child's third birthday and who may be eligible for Part B special education services, the CCB, with parental consent, shall refer the child to the appropriate AU and notify the CDHS.

The CDE shall ensure:

1. For a child referred to the CCB for EI services fewer than 90 days and more than 45 days from the child's third birthday the AU shall conduct an initial evaluation under Part B within 60 calendar days of receiving parental informed written consent for the evaluation, even if that timeline expires after the child's third birthday; and,
2. The AU holds a meeting to develop an IEP within 30 days of a determination that the child is eligible for Part B special education and related services; and,
3. The child's information is included under SPP/APR Indicator B-11 (60 calendar day timeline) due to the initial evaluation requirement and includes the child in the APR data.

E. EVALUATION FOR ELIGIBILITY DETERMINATION UNDER PART B

The CDHS shall ensure that CCBs transmit, with parental informed written consent, to the AUs in a timely manner current evaluation and assessment information, copies of IFSPs and additional information needed by the AUs to ensure continuity of services from the early intervention program to Part B special education services; and,

The CDE shall ensure:

1. AUs consider early intervention assessments, the current IFSP and information from parents in the Part B eligibility determination process:
 - a. The IEP team and other qualified individuals review evaluation data that is current within the last six months; and,
 - b. Based on that review and input from the family, the team determines what additional data are needed to determine if a child is eligible for Part B special education services.
2. When a referral is made, the AU shall contact the parent in order to begin the Part B eligibility determination process; and,
3. If based on a screening or review of referral information, the AU chooses not to evaluate, prior written notice shall be provided to the parents; and,
4. When it is determined that an initial evaluation is needed:

- a. The AU shall conduct the initial evaluation in accordance with 34 C.F.R. 300.304; and,
 - b. The evaluation will be completed within 60 calendar days of the date parental informed written consent for evaluation is received by the AU and/or before the child's third birthday in accordance with State and Federal regulations; and,
 - c. Appropriately qualified professionals from the AU and the parent of the child shall determine whether the child is a child with a disability in accordance with State and Federal regulations; and,
 - d. The AU shall provide a copy of the evaluation report and the documentation of the eligibility determination at no cost to the parent(s).
6. A child who has been served in EI Services in one AU and moves to another AU after the child has been referred to the Part B preschool special education program, but before the child is evaluated to determine eligibility for preschool special education services, shall be excluded from the APR Indicators B-11. Both AUs shall report on Indicator B-12; and,
 7. When a family moves during the evaluation process, the AU initiating the evaluation process shall work with the family to ensure the AU to which the family moves is notified of the family's move.

F. IEP DEVELOPED AND IMPLEMENTED BY THIRD BIRTHDAY

The CDHS shall ensure:

1. When invited, the CCB service coordinator and/or appropriate early intervention staff make every effort to participate in the IEP meeting conducted by the AU; and,
2. Early intervention services shall be provided in accordance with the existing IFSP up to a child's third birthday or until the implementation date specified on the IEP, whichever occurs first; and,
3. A CCB shall terminate early intervention services for a child whose parent elects to begin IDEA Part B preschool special education services provided through an IEP prior to the child's third birthday in lieu of receiving IDEA Part C early intervention services.

The CDE shall ensure:

1. AUs inform families that they may invite early intervention representatives to attend the IEP meeting, and with parental consent, the AU shall notify the CCB of the initial IEP meeting to ensure a smooth transition; and,
2. For a child who is transitioning into preschool special education services from early intervention services, the AU shall:
 - a. Follow Part B requirements for eligibility determination; and,
 - b. Consider the child's current IFSP in developing the initial IEP; and,

- c. Implement the IEP by the child's third birthday.
3. To the extent that an AU has a policy to serve children at two (2) years six (6) months, the IEP team decides the appropriateness of doing so; and,
4. Prior to a child's third birthday, the child's IEP team shall develop the IEP and determine the date when services under the IEP shall be implemented; and,
5. An IEP team may consider Extended School Year (ESY) services for any child transitioning from early intervention services to Part B preschool special education services.

G. FINANCIAL RESPONSIBILITIES

The CDHS and the CDE financial responsibilities are reviewed and updated annually or as needed to include the IA.

The CDHS shall ensure:

1. All transition and service coordination activities are available at no cost to families. Fees shall not be charged to a family for staff time related to the development of the IFSP, the provision of procedural safeguards or conducting the transition conference; and,
2. Maximum use shall be made of all third party funding sources for early intervention services; and,
3. Resolution of individual or State agency financial disagreements under Part C; and,
4. During the pendency of any disagreement that:
 - a. Financial responsibility is assigned to the appropriate agency based upon statutory obligation; and,
 - b. Payment for the service is made in accordance with payor of last resort provisions in 34 CFR §303.510(b); and,
 - c. If, in resolving the disagreement, it is determined that the assignment or financial responsibility was inappropriately made, the CDHS shall:
 - 1) Reassign the responsibility to the appropriate agency; and,
 - 2) Make arrangements for reimbursement of any expenditures incurred by the agency originally assigned responsibility.

The CDE shall ensure:

AUs assume financial responsibility for the following for children eligible under Part B as specified in the child's IEP:

1. Part B evaluations and eligibility determination; and,
2. Part B preschool special education and related services for children eligible under Part B.

H. TRAINING AND TECHNICAL ASSISTANCE

The parties jointly agree that training and technical assistance for personnel working in early intervention and preschool special education programs is an important and critical element in the development of quality services for young children with disabilities and their families.

The CDHS and the CDE agree:

To support a collaborative training and technical assistance system that may include:

1. Conducting joint teleconference training calls; and,
2. Participating in regional meetings with CCB and AU staff as appropriate; and,
3. Utilizing existing training opportunities.

I. STATE LEVEL TRANSITION DATA SHARING

The CDHS and the CDE shall ensure timely, valid and reliable data are used in guiding decisions about the effectiveness, efficiency and efficacy of program service delivery models. Consistent with the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the Family Educational Rights and Privacy Act (FERPA), and 34 C.F.R. §300.610 through §300.623, the two departments shall continue to improve methods of data collection and reporting.

The CDHS and the CDE agree to:

1. Use the data to respond to requirements from the US Department of Education, the OSEP; and,
2. Refine data reporting reconciliation procedures to inform decision-making and accurately identify system issues and local/regional concerns for program improvement.

The CDHS shall ensure:

1. Monthly reporting to the Exceptional Student Services Unit data team at the CDE on the name, birthdate, and parent contact information of all potentially eligible children for whom a CCB notified an AU in the last 30 days; and,
2. CCBs send notification data to AUs on a monthly basis in accordance with 2 CCR 503-1, 16.970, D; and,
3. CCB's collaborate with AU's to reconcile year-end transition data no later than August 15th of each year.

The CDE shall ensure:

1. Timely information or notice is provided to the CDHS of technical changes to the state data system that may affect transmission of files; and,
2. AU's collaborate with CCB's to reconcile year-end transition data no later than August 15th of each year.

J. INTERAGENCY COLLABORATION

The CDHS and the CDE agree to:

1. Jointly administer this agreement; and,
2. Provide representation to the Colorado Interagency Coordinating Council; and,
3. Encourage AU's to include transition policies and procedures in their local interagency agreements; and,
4. Demonstrate accountability related to the indicators in the Part C and Part B SPP and APR that address early childhood transition.

V. **EFFECTIVE DATE, AMENDMENT AND TERMINATION OF THE MEMORANDUM OF AGREEMENT**

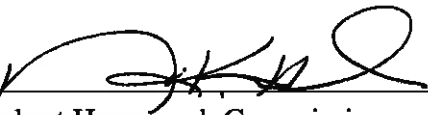
This IA shall be effective when signed by the respective agency heads as parties. The parties shall accomplish evaluation and review of this IA annually, and updated as needed. Agreed upon changes shall be executed in writing by the parties. This IA shall be ongoing and shall not be terminated unless a party gives forty-five (45) days advance written notice to the other party of its intent to terminate its participation in the IA.

VI. **DISPUTE RESOLUTION**

The CDHS and the CDE shall follow the dispute resolution procedures defined in the Memorandum of Understanding between the State agencies involved in the delivery of early intervention services.

IN WITNESS WHEREOF, the CDHS and the CDE have caused this Interagency Agreement to be executed.

Signature:  _____ Date: 5-3-13
Reggie Bicha, Executive Director
Colorado Department of Human Services

Signature:  _____ Date: 4-12-13
Robert Hammond, Commissioner
Colorado Department of Education

Program Name	Description	Governing Statutes
Colorado Department of Human Services		
Early Intervention Colorado Program	The Early Intervention Colorado Program provides services for infants and toddlers, birth through two years of age, with developmental delays or disabilities and their families through a statewide, comprehensive, coordinated, multidisciplinary, interagency system of early intervention services. These services are designed to meet the needs of an eligible infant or toddler in the areas of adaptive, cognitive, communication, physical, and social and emotional development and to achieve the outcomes identified in the IFSP.	<p>Individuals with Disabilities Act (IDEA 2004)</p> <p>Code of Federal Regulations (C.F.R.), Title 34, §303 (revised September 28, 2011)</p> <p>Colorado Revised Statute (C.R.S.), 27-10.5-701-710</p> <p>2 Colorado Code of Regulations 503-1, 16.900-994</p>
Colorado Department of Education		
Colorado Part B, Section 619 Preschool Special Education Services	Section 619 of Part B of IDEA 2004, defines the preschool program which guarantees a free appropriate public education (FAPE) to children with disabilities age three through five. Under this program preschool children who have disabilities are entitled to Special Education and Related Services in the Least Restrictive Environment (LRE). The IDEA 2004 Preschool Program (Section 619) ensures educational services for young children with disabilities when they turn three years of age. It addresses individual needs within the context of developmentally appropriate activities, including early Learning experiences in language, pre-reading and writing skills, play, and other social emotional areas.	<p>Individuals with Disabilities Education Improvement Act (IDEA 2004)</p> <p>34 C.F.R. §300</p> <p>C.R.S., 22-20-118</p> <p>Exceptional Children's Education Act (ECEA)</p>