

MEMORANDUM OF AGREEMENT
between
KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT
and
KANSAS STATE DEPARTMENT OF EDUCATION

This Memorandum of Agreement (“Agreement” or “MOA”) is made by and between the Kansas Department of Health and Environment (“KDHE”) and the Kansas State Department of Education (“KSDE”), together the “Parties”, to assure attainment of mutual goals between the Parties and their programs regarding the provision of early intervention and preschool services to children, ages birth through age five who have developmental delays or disabilities, or have conditions associated with a high probability of developmental delay, and their families.

- 1. Purpose of the MOA.** The purpose of this MOA is to facilitate the development of a cooperative relationship enhancing coordination of public awareness, child find, screening, referral, evaluation and to ensure the smooth and effective transition of children as they move from early intervention services under Part C into Part B early childhood special education programs and services for the benefit of children and families residing in the State of Kansas. This agreement is guided by the state and federal regulations implementing Part B, Section 619 and Part C of the IDEA 2004.
- 2. Mutual Commitment by the Parties.** The Parties to this Agreement are committed to:
 - 2.1.** Maximizing the use of federal, state and local resources to ensure the required components of public awareness and child find are available in Kansas;
 - 2.2.** Supporting a comprehensive system of services for children with developmental delays and/or disabilities and their families from birth through age five;
 - 2.3.** Encouraging the development of local level interagency agreements to address the coordination of screening, referral, evaluation, transition, data collection and other common practices;
 - 2.4.** Promoting inclusion of all children through the delivery of services in the natural/least restrictive environment; and
 - 2.5.** Enhancing the awareness of the needs of children and families to promote coordination among programs.

3. Authority for this MOA.

- 3.1.** As a condition of receiving Federal funds under Part C of the Individuals with Disabilities Education Act (IDEA), Section 303.209(a)(3)(i)(A) requires a lead agency to ensure cooperation among State agencies involved in delivering Part C services to eligible children and their families by entering into interagency agreements with these State agencies.
 - 3.1.1.** KDHE is the designated Lead Agency (LA) for administering the Part C under the Individuals with Disabilities Education Act (IDEA) (2004), in Kansas called Kansas Early Childhood Developmental Services (KECDS), and ensuring access to early intervention services to IDEA 2004 eligible children birth through age two and their families. The Part C Infant-Toddler local programs are referred to as local Infant Toddler programs.
 - 3.1.2.** KSDE is the State Educational Agency (SEA) responsible for administering Part B under IDEA 2004; ensuring that a Free Appropriate Public Education (FAPE) is available to all IDEA 2004 eligible children with disabilities age three through twenty-one years of age. The Part B local programs shall be referred to as Local Education Agencies (LEAs).
- 3.2.** The KDHE Secretary and the KSDE Commissioner of Education are authorized to enter into agreements and make commitments that shall be binding on the operation of the programs of the agencies.
- 3.3.** KDHE and KSDE shall abide by respective regulations and establish policies and procedures, aligned with IDEA 2004. The Parties shall ensure coordinated and effective public awareness, child find, screening, referral, evaluation and the seamless transition of children and families participating in the Part C early intervention program to the Part B early childhood special education program as appropriate, within the required timelines established by IDEA 2004.
- 3.4.** The U.S. Department of Education's Office of Special Education (OSEP) requires a State Performance Plan (SPP) and an Annual Performance Report (APR) for both Parts C and B of IDEA. The Part C SPP has twelve (12) Indicators and the Part B SPP has eighteen (18) Indicators. Both KDHE and KSDE report annually to OSEP regarding compliance and results of these Indicators. The policies regarding late referrals in Sections 6 and 7 have implications for state and federal reporting requirements contained in the SPP/APR. These policies involve reporting for Indicators C8, C12, B11, B12, and B18.
- 3.5.** 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, KDHE and KSDE in consideration of the mutual covenants and agreements herein contained, do hereby agree to the following:

4. Public Awareness, Child Find, Screening, Referral and Evaluation.

Early identification of children who have disabilities or developmental delays is a shared value and the expectation is that KDHE and KSDE shall use their current policies and procedures to facilitate public awareness, child find, screening, referral and evaluation in the early identification of children that may have disabilities.

Under IDEA 2004, both KDHE and KSDE have responsibilities for public awareness, child find, screening and referral for children with disabilities birth through five years of age. Public awareness activities assist the general public, families, and professionals to become more aware of the importance of early identification and early intervention. Screening procedures are carried out to identify a child who may have a developmental delay. These procedures are carried out by public agency staff, early intervention service providers, LEA professionals, or designated primary referral source(s). Referral is the process/procedure designed to ensure that once a child is suspected of having a developmental delay, they are referred in a timely manner to the appropriate agency.

Through this agreement, the Parties agree that the primary responsibility for the evaluation of children depends on which program shall be developing and providing the individualized family service/education plan. If the child is being evaluated for eligibility for the Part C program, KDHE and the Infant Toddler programs are responsible for the evaluation. If the child is being evaluated to determine the existence of a disability and because of that disability, special education needs to determine eligibility for special education services at age three, KSDE and the child's LEA are responsible for the evaluation.

Both KDHE and KSDE shall encourage collaboration and the development of local interagency agreements to address the sharing of staff expertise and resources.

The Parties therefore agree to the following:

4.1. KDHE shall ensure:

- 4.1.1.** The Part C Infant Toddler programs follow the policies and procedures as outlined in the Part C Procedure Manual.
- 4.1.2.** Each community shall have a Local Interagency Coordinating Council (LICC) with required representation, which includes a representative of an education agency.
- 4.1.3.** LICCs establish a local contact point for the community that provides information regarding child find, referral process, availability of early intervention services and early childhood special education services;
- 4.1.4.** The development and implementation of a child find system where infants and toddlers, birth through age two, that are eligible for early intervention services are identified, located and evaluated;
- 4.1.5.** The administration and facilitation of collaboration among state agencies for the statewide Kansas Resource Guide;

- 4.1.6. Representatives from KDHE and other agencies (including the State ICC), which are engaged in child find efforts, are involved in the planning, development and implementation of statewide public awareness and child find activities;
 - 4.1.7. All primary referral sources conducting screenings (i.e. Parents as Teachers, Physicians, Early Head Start, Health Departments, etc.) are aware that if results indicate the child is suspected of having a developmental delay or a diagnosed condition known to result in a developmental delay, the child shall be referred to the local Infant Toddler program for an evaluation within seven (7) working days according to Part C of the IDEA 2004; and
 - 4.1.8. All primary referral sources understand that when a case of substantiated child abuse or neglect or an infant or toddler is identified as being directly affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure by the Kansas Department for Children and Families (DCF), a referral is made to the local Infant Toddler program where the child resides. The referral shall be made to the local Infant Toddler programs pursuant to the federal mandate of the Child Abuse Prevention and Treatment Act (CAPTA).
- 4.2. KSDE shall make reasonable efforts through technical support and targeted assistance to ensure:
 - 4.2.1. LEAs follow policies and procedures outlined in the Kansas Special Education Process Handbook and the Special Education Reimbursement Guide for State Categorical Aid.
 - 4.2.2. Consistency with their role as a cooperating partner, through advice, assistance and cooperation with KDHE in the development of policies, procedures and activities related to public awareness, child find and transition for children birth through age two;
 - 4.2.3. Collaboration in the operation of the statewide resource and referral system, 1-800-CHILDREN;
 - 4.2.4. LEAs follow requirements for public awareness, child find, screening, referral, evaluation and transition efforts in cooperation with local Infant Toddler programs;
 - 4.2.5. LEAs understand they are required to have representation on each LICC;
 - 4.2.6. LEAs understand children who are transitioning from the Part C KECDS to Part B shall move directly to an evaluation, without participating in a Part B screening process; and
 - 4.2.7. LEAs participate in and promote cooperation for birth through age five screening.

5. Transition Process and Responsibilities.

A State must have in place policies and procedures to ensure a smooth transition for toddlers receiving early intervention services under Part C to preschool or other appropriate services or exiting the program for infant and toddlers with disabilities. (Part C regulation 34 CFR §303.209(a)(1)(i) and (ii) and (e)).

The Parties agree to the following responsibilities in each of the following steps of the transition process:

5.1. Notification of Children Potentially Eligible for Part B (Referral)

5.1.1. KDHE shall ensure:

- 5.1.1.1.** Any child currently receiving Part C services, at least 90 days prior to the child's third birthday or determined eligible for Part C services at least 45 days prior to their third birthday, is understood to be "potentially eligible" for Part B.
- 5.1.1.2.** At least 90 days and not more than nine months prior to a child's third birthday, the local Infant Toddler program shall make a referral to the SEA and appropriate LEA of residence, which also includes the special education cooperative or interlocal that serves multiple LEAs, as appropriate, of each potentially eligible child residing within that LEA.
- 5.1.1.3.** For any child determined to be eligible for Part C services between 45 and 90 days prior to the child's third birthday, the local Infant Toddler program shall make a referral to the SEA and LEA as soon as possible after the child's eligibility determination.
- 5.1.1.4.** Parental consent for referral will not be required and referral to Part B will occur as required by law.
- 5.1.1.5.** Referral information that is transmitted to the SEA and the appropriate LEA of residence, including the special education cooperative or interlocal for the LEA, as appropriate, is confirmed by the referral source and noted in the KECDS database.
- 5.1.1.6.** The local Infant Toddler program will utilize a Universal Part C to B Referral Form developed by KDHE.
- 5.1.1.7.** Content of the referral shall include the following information to assist Part B LEAs in their child find responsibilities: (a) Child's Name; (b) Child's Date of Birth; (c) Parent Contact Information (including names, addresses, and telephone numbers); (d) Additional Information as Requested or Required, which may include Service Coordinator's name and contact information (email address and phone numbers) and the language(s) spoken by the child and family.

5.1.2. KSDE shall make reasonable efforts through technical support and targeted assistance to ensure:

- 5.1.2.1.** LEAs understand when they receive a referral to Part B, the LEA is required to complete the following: (a) Provide procedural safeguard and prior written notice to the child's parents within a reasonable amount of time, which in Kansas policy is 15 school days unless reasonable justification is provided; and (b) Attend the transition conference which is initiated by Part C.

- 5.1.2.2.** LEAs understand the timeline for an initial evaluation starts when written parental consent for initial evaluation is obtained.
- 5.1.2.3.** Referral information that is transmitted to the SEA and LEA of residence, including the special education cooperative or interlocal for the LEA, as appropriate, is confirmed by the recipient of the referral and noted in the KECDS Database.

5.2. Late Referrals to Part C

5.2.1. KDHE shall ensure:

- 5.2.1.1.** For a child referred to local Infant Toddler programs fewer than 45 days prior to the child's third birthday, local Infant Toddler programs may, but are not required to: (a) Conduct an initial evaluation and assessment; (b) Conduct an initial Individualized Family Service Plan (IFSP) meeting, if eligible; and (c) Develop a transition plan for such children (does not report these children in the calculation in C8A).
- 5.2.1.2.** For a child referred to local Infant Toddler programs fewer than 45 days prior to the child's third birthday, local Infant Toddler programs are required to: (a) With parental consent, refer the child to the SEA and LEA of residence, including the special education cooperative or interlocal for the LEA, as appropriate, if that child may be eligible for Part B services.
- 5.2.1.3.** For a child referred to local Infant Toddler programs between 45 and 90 days prior to the child's third birthday, local Infant Toddler programs must: (a) Conduct the initial evaluation, assessment; (b) Conduct the initial IFSP meeting (if eligible); (c) If eligible and receiving services under Part C (which includes service coordination services), develop a transition plan (with the appropriate transition steps and services); and (d) Refer the child to the SEA/LEA of residence, including the special education cooperative or interlocal for the LEA, as appropriate and report under SPP/APR Indicators C8 and C12.

5.2.2. KSDE shall make reasonable efforts through technical support and targeted assistance to ensure:

- 5.2.2.1.** LEAs conduct an initial evaluation under Part B within 60 school days of receiving parental consent; however, the initial evaluation must be conducted prior to the child's third birthday if it occurs before the state established timeline.
- 5.2.2.2.** LEAs hold a meeting to develop an IEP within 30 days of a determination that the child needs special education and related services; however, IEP must be developed prior to the child's third birthday if it occurs before the state established timeline.

5.3. Late Referrals from Part C

5.3.1. KSDE shall make reasonable efforts through technical support and targeted assistance to ensure:

5.3.1.1. **When** children are served in Part C but referred to Part B less than 90 days before the child's birthday, LEAs shall understand they are responsible for completing an initial evaluation and for those children determined eligible under Part B, an IEP is developed and implemented by the child's third birthday, even if the state established timeline for evaluation expires after the child's third birthday.

5.4. Transition Planning

5.4.1. KDHE shall ensure:

5.4.1.1. The Family Service Coordinator (FSC) includes the family in the development of the transition plan.

5.4.1.2. The transition plan is part of the IFSP and shall include the steps for the child to exit from the Part C program and any transition services identified as needed.

5.4.1.3. The FSC facilitates an IFSP meeting to develop the Transition Plan within 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.

5.4.1.4. The FSCs inform families of transition requirements, resources, and supports that are available.

5.4.1.5. The transition steps included in the IFSP shall support transition to one or more of the following: (a) preschool services under Part B of the Act, (b) early education district preschools, (c) community preschools, (d) Head Start, (e) Early Head Start, (f) childcare programs, (g) home visitation programs, or (h) other appropriate services.

5.4.1.6. The transition steps included in the IFSP shall include reviewing program options for the period from the child's third birthday through the remainder of the school year.

5.4.1.7. The IFSP includes procedures to prepare the child and family for changes in service delivery.

5.4.1.8. The IFSP shall include confirmation that the child find information (referral) has been transmitted to the LEA or other relevant agency,

5.4.1.9. The IFSP shall address "other" activities that the IFSP team determines are necessary to support the transition of the child. For example, preschool services under Part B of the Act; early education, district preschools, community preschools, Head Start, Early Head Start, childcare programs, home visitation programs.

5.4.1.10. Local Infant Toddler programs shall coordinate with LEAs to fully inform families of the services available under IDEA 2004 Part B.

5.4.2. KSDE shall make reasonable efforts through technical support and targeted assistance to ensure:

5.4.2.1. LEAs coordinate efforts with the local Infant Toddler programs' providers to support family involvement in the transition planning process.

5.4.2.2. As appropriate, LEAs coordinate with the local Infant Toddler programs' providers to facilitate visits by families to possible service settings under Part B.

5.4.2.3. LEAs coordinate with local Infant Toddler programs to fully inform families of the services available under Part B.

5.5. Transition Conference

5.5.1. KDHE shall ensure:

5.5.1.1. FSCs with the local Infant Toddler program shall convene and facilitate a transition conference for children who are considered potentially eligible for Part B with the approval of the family of the toddler, 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 IDEA. Approval is an affirmative response that may be given verbally and be documented by the Infant Toddler programs and placed in the child's file.

5.5.1.2. FSCs with the local Infant Toddler program invite an LEA representative to the transition conference, *when a child is potentially eligible for Part B*.

5.5.1.3. FSCs with the local Infant Toddler program invite other relevant service providers (Head Start, childcare providers, etc.) with parent approval.

5.5.1.4. FSCs with the local Infant Toddler program shall schedule and convene the transition conference at a time and place that meets the accessibility, convenience, and participant requirements for IFSP meetings in 34 C.F.R. §§ 303.342(d) and (e) and 303.343(a) and provides an invitation to the LEA early enough before the meeting date to ensure that they will be able to attend, under 34 C.F.R. § 303.342(d)(2) (interpreted as 10 days in Kansas).

5.5.1.5. Local Infant Toddler programs (whether or not the LEA participates in the transition conference) do the following:

5.5.1.5.1. Consider the Transition Conference an IFSP meeting, completing a prior written notice for the transition plan to be developed or updated. The transition conference must meet the specific requirements of accessibility and convenience of meetings at 34 C FR §303.342(d) and (e) and for meeting participants at 34 CFR §303.343 (a) for an IFSP meeting, including prior written notice.

5.5.1.5.2. Provide parents at the conference with information about Part B preschool services including: (a) A description of the Part B eligibility definitions; (b) State timelines and process for consenting to an evaluation and conducting eligibility determination under Part B; and

(c) The continuum of options available under Part B the district offers to families to ensure the preschooler is educated in the least restrictive environment.

- 5.5.1.6.** Local Infant Toddler programs document all outcomes and decisions of the transition conference.
- 5.5.1.7.** Before information (*beyond what is allowable for referral*) is shared with Part B, local Infant Toddler programs obtain written parental consent.
- 5.5.1.8.** If the parent does not provide approval to conduct the transition conference, local Infant Toddler programs must still provide a referral for these children to the SEA and LEA of residence, including the special education cooperative or interlocal for the LEA, as appropriate. KDHE recommends that this referral inform the SEA and LEA, including the special education cooperative or interlocal for the LEA, as appropriate, that the parent has declined the transition conference.
- 5.5.2.** KSDE shall make reasonable efforts through technical support and targeted assistance to ensure:
 - 5.5.2.1.** LEAs provide appropriate representative(s) to participate in the transition conference arranged by the designated local Infant Toddler providers.
 - 5.5.2.2.** LEAs review existing data, including the IFSP, evaluations and information provided by parents or other data as allowed, as part of the process for determining eligibility for Part B.
 - 5.5.2.3.** LEAs determine the need for additional evaluation, assessment and information.
 - 5.5.2.4.** LEAs cooperate with the local Infant Toddler providers so that the following are provided to parents:
 - 5.5.2.4.1.** A description of the Part B eligibility definitions;
 - 5.5.2.4.2.** State timelines and process for consenting to an evaluation and conducting eligibility determination under Part B; and
 - 5.5.2.4.3.** Information about the availability of special education and related services and the continuum of options available under Part B the district offers to families to ensure the preschooler is educated in the least restrictive environment.
- 5.6.** Combining Transition Conference with the IFSP Meeting to Develop the Transition Plan
 - 5.6.1.** KDHE shall ensure:
 - 5.6.1.1.** Local Infant Toddler programs are allowed to combine the transition conference and the IFSP meeting into one meeting to develop the transition plan.
 - 5.6.1.2.** Local Infant Toddler programs understand it is preferred the transition plan be developed in a separate IFSP meeting prior to the transition conference. The transition conference and plan shall meet the specific IFSP requirements of

accessibility and convenience (34 CFR §303.342(d)), parental consent (34 CFR §303.342(e)) and meeting participants (34 CFR §303.343(a)).

5.7. Evaluation for Part B Services and Eligibility Determination

5.7.1. KDHE shall ensure:

- 5.7.1.1.** The local Infant Toddler programs share, with parental consent, current evaluation and assessment information and copies of IFSPs to LEAs in a timely manner, in order to facilitate a coordinated and seamless transition from Part C to Part B; and
- 5.7.1.2.** The local Infant Toddler programs are encouraged to work with the family to notify the appropriate LEA when a family moves during the evaluation process.

5.7.2. KSDE shall make reasonable efforts through technical support and targeted assistance to ensure:

- 5.7.2.1.** LEAs consider Part C assessments, IFSP and parent information to determine eligibility for Part B:
- 5.7.2.2.** The IEP team and other qualified individuals review current (within 6 months) evaluation data and based on that review and input from the family, the team determines what, if any, additional data are needed to determine if a child is eligible for Part B.
- 5.7.2.3.** If the LEA chooses not to evaluate, prior written notice refusing to evaluate must be provided to the parents.
- 5.7.2.4.** If the LEA suspects the child to be a child with a disability, prior written notice for an initial evaluation shall be provided and parental consent shall be obtained prior to conducting an initial evaluation.
- 5.7.2.5.** When it is determined that an initial evaluation is needed:
 - 5.7.2.5.1.** The LEA shall conduct the initial evaluation within 60 school days after obtaining parental written consent but no later than the child's third birthday.
 - 5.7.2.5.2.** A group of qualified professionals from the LEA and the parent of the child shall determine no later than the child's third birthday whether the child is a child with a disability.
 - 5.7.2.5.3.** The LEA shall provide a copy of the evaluation report and the documentation of the eligibility determination at no cost to the parent(s) and with parental consent, a copy of this report to the referring Part C provider.
 - 5.7.2.5.4.** A child who has been served in Part C that enrolls in another LEA after the child has been referred to Part B, but before the child is evaluated to determine eligibility for Part B services, shall be excluded from the SPP/APR Indicators B11, B12 and B18.

5.7.2.5.5. When a family moves during the evaluation process, the LEA shall work with the family to ensure the appropriate LEA is notified of the family's move.

5.8. Individual Education Program (IEP)

5.8.1. KDHE shall ensure:

5.8.1.1. When invited, the local Infant Toddler program family service coordinator and appropriate early intervention staff make every effort to participate in the IEP meeting conducted by the LEA.

5.8.2. KSDE shall make reasonable efforts through technical support and targeted assistance to ensure:

5.8.2.1. LEAs shall inform families that they may invite Part C representatives to attend the IEP meeting and if the family chooses to invite Part C representatives, the LEA shall send an invitation to the local Infant Toddler program and request assistance with the development of an IEP to ensure a smooth transition.

5.8.2.2. LEAs shall develop and implement the IEP on or before the child's third birthday in accordance with Part B regulations and Kansas State Board of Education regulations.

5.8.2.3. For children eligible for Part B services, aged three through five, an IFSP may serve as the IEP of the child if the LEA and parent(s) agree.

5.8.2.4. The IEP team shall consider an IFSP that contains the IFSP content (including the natural environments statement) when developing the initial IEP.

5.8.2.5. The Kansas Special Education Process Handbook, Chapter 4, Part D, will continue to require districts to ensure the following for any and any children transitioning from Part C to Part B:

5.8.2.5.1. The parents are provided with a copy of the Parent Rights Notice (procedural safeguards);

5.8.2.5.2. Eligibility is determined according to Part B requirements through an initial evaluation;

5.8.2.5.3. If eligible, an IEP or IFSP is in effect by the child's third birthday;

5.8.2.5.4. If a child's third birthday occurs during the summer, the child's IEP team determines the date when services will begin, but not later than the beginning of the school year following the third birthday; and

5.8.2.5.5. A representative of the district will participate in transition planning conferences arranged by the Part C program. (K.A.R. 91-40-2(b)).

5.8.2.6. If a team (and parents) decided to adopt an IFSP in place of an IEP, districts are also required to ensure the following:

5.8.2.6.1. The LEA must provide the child's parents with a detailed explanation of the differences between an IFSP and an IEP.

- 5.8.2.6.2.** The LEA must obtain written consent from the parent for use of the IFSP as the child's IEP.
- 5.8.2.6.3.** If the IEP team is using an IFSP for children who are at least 3 years of age, it must contain the IFSP content, including the natural environments statement, an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills, and all Part B procedural and substantive requirements pertaining to an IEP must also be followed.
- 5.8.2.6.4.** If the child's IFSP indicates services will end by the third birthday, but the team decides services will continue adopting the IFSP, then the team needs to amend the IFSP to include the services that will continue for the child beyond the third birthday. There may be additional requirements agreed upon at the local level through a Part C to Part B Memorandum of Understanding (MOU).

5.9. Summer Birthdays

5.9.1. KDHE shall ensure:

- 5.9.1.1.** Services may be provided in accordance with the existing IFSP to children and families until the implementation date specified on the IEP; and
- 5.9.1.2.** Once the IEP has been implemented, the child is no longer eligible for Part C services.

5.9.2. KSDE shall make reasonable efforts through technical support and targeted assistance to ensure:

- 5.9.2.1.** Once eligibility is determined and an IEP developed, a child may begin Part B services anytime during the school year he/she turns three. If the decision to begin Part B services before age three occurs, the transition team proceeds through the IEP process and determines placement. Once a child begins Part B services, he/she is no longer eligible for Part C services;
- 5.9.2.2.** If a child turning age three during the summer (which is defined as the day after the last day of school of a school year through the beginning of the first day of the following school year) is determined to be eligible for Part B and has an IEP in place with special education services to begin the following school year, the child can continue to be served on an IFSP by the Part C program during the summer until the implementation of the IEP;
- 5.9.2.3.** If a child turns age three before the end of the school year and it is determined by the IEP team that it is in the best interest of the child for the child to be served by Part C providers on a Part B IEP in the child's home until the beginning of the next school year, the LEA may contract with the Infant Toddler program to provide those services to the child to assure a smooth transition;
- 5.9.2.4.** If a child turns age three during the summer and the IEP team determines the need for extended school year (ESY), the Part B team may provide the ESY services or

may decide that it is in the best interest of the child to be served by the Infant Toddler program on an IEP until the next school year. The LEA may choose to contract with the local Infant Toddler program to provide Part B ESY services to the child in order to minimize disruption to the family and to assure a smooth transition; and if a child's third birthday occurs during the summer, the child's IEP team shall develop the IEP and determine the date when services under the IEP shall be implemented, which must occur no later than the first day of school the following school year. It is only the *implementation* of the IEP that may be delayed, not the development of the IEP. LEAs shall begin Part B services on the date specified on the IEP.

5.10. Uninterrupted Services

5.10.1. KDHE shall ensure:

5.10.1.1. Local Infant Toddler programs shall consider the school calendar when making a referral to LEAs to avoid potential gaps in services and ensure a smooth transition for the child and family.

5.10.2. KDHE and KSDE shall ensure that local Infant Toddler programs and LEAs are aware of these options:

5.10.2.1. A child may begin Part B services anytime during the school year he/she turns three. If the decision to begin Part B services before age three occurs, the transition team proceeds through the IEP process and placement is determined. Once a child begins Part B services, the child is no longer eligible for Part C services. This option would allow a child to start school well in advance of a school break if the team is concerned about a smooth transition for the child; and

5.10.2.2. If a child turns age three during the school year and the Part B team determines the start date is too close to a school break (i.e., winter or spring break) to facilitate a smooth transition, the Part B team may decide that it would be in the child's best interest to continue services provided by Part C local Infant Toddler programs in the child's home on an IEP until the first day after the break. The LEA may choose to contract with local Infant Toddler programs to provide those services to the child to minimize disruption to the family and to assure a smooth transition. Alternately, the IEP team may decide to provide Part B services to the child in the home until after the school break is over.

6. Financial Responsibilities.

KDHE and KSDE financial responsibilities are reviewed and updated annually or as needed to include: Kansas State Department of Education Special Education Reimbursement Guide (reviewed and updated annually with public comment); Kansas Coordinating Council on Early Childhood Developmental Services and State Interagency Coordinating Council Interagency MOA (reviewed and updated annually).

The Parties therefore agree to the following:

6.1. KDHE shall ensure:

- 6.1.1.** The local Infant Toddler programs assume financial responsibility for evaluations, assessments and services for eligible children under Part C through the KECDS;
- 6.1.2.** All child find screening, evaluation 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 or the provision of procedural safeguards;
- 6.1.3.** Maximum use shall be made of all third-party funding sources. State planning efforts shall continue to support and facilitate such financing arrangements;
- 6.1.4.** Responsibility for resolving individual financial disagreements under Part C pursuant 34§ 303.511, Methods to ensure the provision of and financial responsibility, for Part C Services.
- 6.1.5.** If, in resolving the disagreement, KDHE determines that the assignment or financial responsibility was inappropriately made, KDHE shall:
 - 6.1.5.1.** Re-assign the responsibility to the appropriate agency;
 - 6.1.5.2.** Arrange for reimbursement of any expenditures incurred by the agency originally assigned responsibility; and
 - 6.1.5.3.** For settling financial disputes that occur in other areas, each agency shall rely upon its own policies and procedures.

6.2. KSDE shall make reasonable efforts through technical support and targeted assistance to ensure:

- 6.2.1.** LEAs will assume financial responsibility for evaluations, eligibility determination and services for eligible children under IDEA Part B. This would include toddlers who will turn three in the current school year receiving a free appropriate public education (FAPE), at the beginning of the school year.

7. Training and Technical Assistance.

The parties jointly agree that training and technical assistance for personnel working in infant-toddler and early childhood special education programs is an important and critical element in the development of quality services for young children with disabilities and their families. The Parties therefore agree to the following:

- 7.1.** Both agencies are committed to support training and technical assistance for personnel. KDHE supports the delivery of training and technical assistance through the Kansas Inservice Training System. KSDE supports the delivery of training and technical assistance through the Kansas Technical Assistance System Network.
- 7.2.** Both agencies are committed to working together to make the delivery of training and technical assistance, at the local level, as seamless as possible.
 - 7.2.1.** Community partners and parent organizations are invited and engaged in training with the providers of special education services to enhance the opportunities for children with disabilities to learn in environments and through instruction with their typically developing peers.
- 7.3.** Both agencies shall actively support and utilize existing structures and opportunities for staff development occurring throughout the state through collaborative linkages with other agencies, programs, organizations, and projects in the field of early childhood education.

8. Data Sharing.

KDHE and KSDE value timely, valid, and reliable data in guiding decisions about the effectiveness, efficiency, and efficacy of program service delivery models. Consistent with the Family Educational Rights and Privacy Act (FERPA) and the Student Data Privacy Act (K.S.A. 72-6215 et sec.), KDHE and KSDE shall continue to improve methods of data collection and reporting.

KSDE and KDHE have mutual interest and investment in data collection and sharing processes related to linking data between Part C and Part B, referrals from Part C to Part B, transition data and exits.

The Parties therefore agree to:

- 8.1.** Participate in coordinated data systems to meet requirements from the U.S. Department of Education, Office of Special Education Programs (OSEP), linking the Kansas Infant-Toddler Identification number and the Kansas Individual Data on Students (KIDS) ID number for monitoring Kansas implementation of Part C and Part B of IDEA 2004.
- 8.2.** Under 34 C.F.R. § 303.209(b)(1), at least 90 days before the presumptively eligible Part C child's third birthday, or as soon as the child is eligible if the child is not referred to Part C within 90 days of the third birthday, notice must be given to the SEA and LEA for the child's area of residence that the child shall reach the age of eligibility for services under Part B. To ensure this notification occurs, KDHE shall maintain a secure website to allow local Infant Toddler programs to provide the information for the required notice and allow the SEA and appropriate LEA, including the special education cooperative or interlocal for the LEA, as appropriate, access to obtain the notice. This website is referred to as the C to B Electronic Referral System (CBER). KDHE and KSDE shall ensure their respective service programs, the local Infant Toddler programs and the LEAs, shall enter and acknowledge referral data on a regular and timely basis.

- 8.3. KDHE Part C and local Infant Toddler programs shall share transition and exit information, with the consent of the parent, in order for KSDE and Part B LEAs to meet OSEP reporting requirements, as allowable. As soon as KSDE has the consent of parent(s), a KIDS unique ID number can be assigned.
- 8.4. Local Infant Toddler programs will utilize the Universal Part C to B Referral Form which indicates parental agreement to share data and information with KSDE.
- 8.5. KSDE and KDHE will strongly recommend provision of obtaining parent consent for information shared with local Part B programs in local interagency transition agreements.
- 8.6. KSDE and KDHE will meet quarterly, or as needed, to refine and enhance the linked data systems processes to inform decision-making and accurately identify system issues and local/regional concerns for program improvement, to include KSDE Information Technology project manager and representative from KSITS Database contractor, as appropriate.
- 8.7. KSDE and KDHE will finalize shared transition data for the annual State Performance Plan/Annual Performance Report (SPP/APR) to OSEP, prior to August 20 of each year to verify data. If data is unable to be verified, a small task force including representatives from both agencies shall meet immediately to resolve any discrepancies.
- 8.8. To further the above mutual interest, KDHE and KSDE also agree to support and maintain the operation of appropriate systems, safe and secure access to systems for authorized users and timely communication of changes to either process. The processes to implement these agreements are contained in the Appendix.
- 8.9. KSDE and KDHE will comply with the Kansas Student Data Privacy Act (SDPA), K.S.A. 72-6312 through 72-6320 and amendments thereto and FERPA, 20 U.S.C. 1232g and 34 CFR. Part 99, regarding any personally identifiable student information that may be released or made available to each party including agents, employees or any persons under supervision or control of the KDHE or KSDE.

9. Accountability.

- 9.1. KDHE and KSDE shall provide representation to the State Interagency Coordinating Council.
- 9.2. The Parties shall ensure the coordination of public awareness, child find, screening, referral, evaluation and transition at the local level by fostering and encouraging the development of local level community based interagency agreements.
- 9.3. The Parties will demonstrate accountability as reported within indicators in the IDEA Part C and Part B State Performance Plans (SPP) and Annual Performance Reports (APR) that addresses early childhood transition.

10. Administering Agencies.

The parties to this MOA shall jointly administer this Agreement and be responsible for a timely and full review every four (4) years. An interim review may be conducted as needed.

11. Effective Date, Amendments, and Termination of the MOA.

- 11.1.** The MOA shall be effective when signed by the respective agency heads as Parties.
- 11.2.** This MOU replaces and supersedes the MOU executed by the parties on March 6, 2025.
- 11.3.** Amendments to this MOA shall be mutually agreed to in writing by the Parties and executed with the same formalities as this MOA. Changes or amendments to any Appendix of this MOA shall be executed in writing by the KDHE Bureau of Family Health Director or its designee and the Commissioner of Education or its designee.
- 11.4.** This MOA 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 MOA.

12. Resolution

The Parties recognize the complexity of interagency collaboration of comprehensive programs in order to enhance coordination of public awareness, child find, screening, referral, evaluation for the smooth and effective transition of children as they move from early intervention services under IDEA Part C into IDEA Part B early childhood special education services. KDHE and KSDE shall keep communication open and frequent at formal and informal levels. The dispute resolution process for both intra- and interagency disputes regarding provision of services or other matters related to Kansas's Part C program shall be fulfilled in compliance with 34 C.F.R. 303.511 and 303.120. This dispute resolution process does not replace the procedural safeguards- due process, mediation, and state-level complaint available to families.

Intra-agency disputes shall be resolved within each individual agency. Each state agency is responsible for procedures regarding resolution of disputes.

KDHE and KSDE are responsible for resolving intra- and interagency disputes regarding provision of IDEA services or other matters related to Kansas's Part C program according to the following procedures:

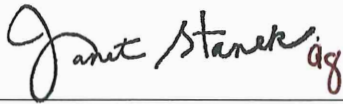
- 12.1.** Staff of the involved agency(s) shall attempt to resolve the dispute within 30 days.
- 12.2.** If it appears by the 30th day that the involved agency(s) shall not be able to resolve the dispute, the following shall occur:
 - 12.2.1.** The early intervention service provider, LEA representative, or agency representative shall submit a written explanation of the dispute to the designee assigned by Secretary of KDHE and the designee assigned by the Commissioner of Education at KSDE.
 - 12.2.2.** Within 15 days, the designees for the Secretary and Commissioner shall meet in person or by phone to resolve the dispute consistent with this MOA and related federal and state statutes and regulations.
 - 12.2.3.** Except as provided for in 12.2.4 through 12.2.5, within 5 days of reaching the resolution, written notification of the resolution shall be provided to the parties, as well as the

chairpersons of the Interagency Coordinating Council and the Kansas Special Education Advisory Council.

- 12.2.4.** If the designees for the Secretary and Commissioner are unable to agree on a resolution, the dispute may be appealed to the Secretary of KDHE and Commissioner of Education. Appeals must be brought no later than 45 days from the date of the decision rendered in Paragraph 12.2.2.
- 12.2.5.** Upon receipt of an appeal in accordance with Paragraph 12.2.4, the Secretary and Commissioner shall arrange for mediation with costs split between the agencies. If the Agencies are still unable to resolve the dispute, a fair hearing shall be conducted by a neutral hearing officer appointed by the Secretary and Commissioner. The decision of the neutral hearing officer shall be binding on the Agencies, unless otherwise agreed upon by the Secretary and Commissioner. Written notification of any final, binding determination shall be provided within 5 days to the chairpersons of the Interagency Coordinating Council and the Kansas Special Education Advisory Council.
- 12.2.6.** During the pendency of an interagency dispute, the early intervention service provider is responsible to provide the services required by the approved IFSP for eligible children and their families.
- 12.2.7.** Nothing in the Agreement shall be construed to limit any existing substantive or procedural protections of state or federal law or regulations.

IN WITNESS WHEREOF: the Kansas Department of Health and Environment and the Kansas State Department of Education have caused this Memorandum of Agreement to be executed.

Kansas Department of Health and Environment



Janet Stanek
Secretary

05/20/2025

Date

Kansas State Department of Education



Frank Harwood
Deputy Commissioner of Education

5/20/25

Date

TRANSITION DATA

1) KDHE shall ensure:

- a) Local Infant Toddler programs shall enter all aggregate data into the Part C database, for all children referred from Part C to Part B from July 1 to June 30 each year, regardless of eligibility for Part B services, including those whose parents choose for them not to receive Part B services.
- b) All referrals and exits from Part C for the previous federal reporting and state fiscal year (July 1 to June 30) shall be complete by the last business day of July following the close of the reporting/fiscal year.
- c) Provide timely prior notice to local Infant Toddler providers of the upcoming transmission of transition data to KSDE and shall verify and include any potentially missing or inaccurate data elements for review by the local providers prior to the transmission date.
- d) The following children served from July 1 to June 30 must be reported to KSDE on August 20, or the nearest business day prior to August 20 when it falls on a weekend or declared holiday, annually, if potentially eligible for Part B services. This includes:
 - i) Exit reason was one of these four reasons:
 - (1)Part B Eligible
 - (2)Not Eligible - Exit to Other
 - (3)Not Eligible - Exit No Referral
 - (4)Eligibility Not Determined
 - ii) The following data elements will be provided for each child:
 - (1)Legal First Name,
 - (2)Legal Middle Initial,
 - (3)Legal Last Name,
 - (4)Legal Name Suffix,
 - (5)Gender
 - (6)Date of Birth,
 - (7)Current School District Code (USD #),
 - (8)Referral date to Part B,
 - (9)Local Part C lead agency.
 - iii) The following additional information will be transmitted if KDHE or the local Infant Toddler provider has signed written permission from the child's parents:
 - (1)Kansas Infant-Toddler Services unique identifier
 - (2)Current IFSP date,
 - (3)Part C exit date.
 - iv) Children served in Part C and referred to Part B even if child was referred to Part C less than 90

days before the child's third birthday.

- (1) If there are duplicate records, KDHE will provide KSDE with the earliest referral made.
- (2) Use the Part C Exit Date as the date for determining the Federal Fiscal Year in which the child is reported.
- (3) If the exit date was between July 1 and June 30, of a given year, the student shall be reported to KSDE in the August 20 file following June 30 of that year.
- (4) If the exit date is after June 30, the student is reported to KSDE in the August 20 file for the next year.

2) **KDHE and KSDE agree to reconcile Part B referral and Part C exit data as follows:**

- a) KSDE shall provide the report to the LEAs of any inconsistencies in the data with their local counterparts in the local Infant Toddler programs. The local Infant Toddler programs shall report or correct the data as directed by KDHE. The appropriate action shall then be taken by KDHE to correct the record(s) as necessary.
- b) Part C local Infant Toddler programs shall work with the LEAs to reconcile any discrepancies found in the data reports.
- c) Complete exit information, all transition information (if applicable) and other data determined necessary.
- d) KDHE and KSDE shall provide immediate and timely notice/information of technical changes and updates and this shall be reviewed as a team prior to implementation of any changes or updates.

3) **KSDE shall make reasonable efforts through technical support and targeted assistance to ensure:**

- a) LEAs collaborate with Part C local Infant Toddler programs within its jurisdictions in child find efforts to identify children who shall be eligible to enter Infant Toddler programs and the LEA Part B preschool program in future years.
- b) LEAs enter all student aggregate data for students referred from Part C to Part B, regardless of eligibility, including those whose parents choose for them not to receive services. These data shall be used to calculate the percentages for Part B State Performance Plan Indicator 11 (Child Find) Indicator 12 (Early Childhood Transition), and Indicator 18 (General Supervision).
- c) KSDE staff will provide timely information or notice to KDHE of technical changes to the KIDS or OWS applications which may affect transmission of files.
- d) LEAs will reconcile transition data with local Infant Toddler programs.

4) **KDHE shall ensure:**

- a) Maintenance of the C to B referral (CBR) system and web site, security procedures and training for the local Infant Toddler providers.
- b) Maintenance of user instructions and reports needed for Part C (state and program), Part B (state and local) and all authorized users.
- c) Provision of timely information or notice to KSDE of technical changes to the referral system which may affect access, information entry or modification of formats.
- d) Timely entry of referrals by Part C programs.

- e) The local Infant Toddler programs understand that they shall continue to utilize their current local referral process to the LEA (phone call/email/letter). In addition, they shall use Universal Part C to B Referral Form together with the electronic process and enter referral information into the new referral system. This electronic process shall be considered as the system used for compliance purposes in meeting referral requirements.
- 5) **KDHE and KSDE shall ensure:**
 - a) Training developed by KDHE shall be provided to KSDE and State contracted staff for all Part C Infant Toddler programs and Part B LEAs.
- 6) **KSDE shall:**
 - a) Maintain the annual listing of LEAs/USDs and any associated special education cooperative or interlocal,
 - b) Assign access to the CBER system for authorized Part B LEA personnel and report it to KDHE data manager,
 - c) Ensure that KSDE and LEA staff obtain secure access to the system, shall access and confirm referrals on a regular basis depending on the volume of notices for the LEA and shall be trained on the use of the referral system.
- 7) **KSDE and KDHE shall** jointly review all referrals quarterly, in January, April, July and October, for timeliness, accuracy and to evaluate the process for any needed amendments. Discrepancies shall be reconciled through additional analysis by data and program managers and a small task force including representatives from both agencies shall meet immediately to resolve.