JOINT AGREEMENT BETWEEN THE
FEDERAL REGIONS V & XII
ADMINISTRATION FOR CHILDREN AND FAMILIES;
THE OHIO DEPARTMENT OF EDUCATION,
AND
THE OHIO DEPARTMENT OF HEALTH

REGARDING PROVISION OF SERVICES FOR CHILDREN WITH DISABILITIES, BIRTH THROUGH AGE FIVE, ENROLLED IN HEAD START PROGRAMS

1998 Agreement Revised 2004
Effective until 2009

I. RATIONALE

This joint agreement is written to provide a framework for all Head Start programs, school districts and early intervention service providers in Ohio to develop collaborative and cooperative agreements to serve infants, toddlers and preschoolers, including children of migrant families who are eligible for services under Public Law 105-17 (*Individuals with Disabilities Education Act*: IDEA—Parts B and C; hereafter referred to as IDEA). Services are provided in accordance with IDEA; Chapter 3323 of the Ohio Revised Code; the Executive Order of the Governor, as enacted by Part C of IDEA; the Head Start Act 42 U.S.C. 9801; Head Start Regulations 45 C.F.R. Parts 1304, 1305, and 1308; as well as any reauthorization of these acts and any subsequent rules promulgated by the parties involved in this agreement.

II. PARTIES INVOLVED

This agreement is between the federal Administration for Children and Families (ACF), the Ohio Department of Education/Office of Early Childhood Education (ODE); and the Ohio Department of Health/Bureau of Early Intervention Services (ODH).

Within ACF, Region V is responsible for Head Start and Early Head Start services to children birth to age 5 within the state of Ohio. Region XII is responsible for the migrant services for children in Head Start in Ohio.

Within ODE, the Office of Early Childhood Education is responsible for oversight of preschool programs. Local education agencies (school districts) are responsible to provide a free, appropriate public education to eligible children with disabilities.

ODH is responsible for assuring that provisions are available at the local level through the Help Me Grow program (HMG). Provision of Part C/early intervention (EI) services occurs through local Family and Children First Councils (FCFC) and EI providers.

Each of Ohio's 88 counties has established a county collaborative/early childhood group responsible for assuring that services are provided to eligible children and families in their county. The FCFC are responsible for monitoring and oversight of HMG which includes EI services.

Head Start will refer to Head Start and Early Head Start programs within the state and include the migrant Head Start program in the reference unless otherwise specified.

The agreement is supported by the Ohio Head Start Association, Inc. and has been developed with interagency representation.

III. PURPOSE OF INTERAGENCY AGREEMENT

It is our belief that collaboration between public school programs, Head Start programs and HMG/Part C/EI providers will improve services to children with disabilities, birth through age 5, and their families while making best use of available resources and avoiding duplication of effort.

This agreement is to provide guidance for local collaboration between Head Start agencies, HMG/EI service providers and public school programs in order to:

1. Guarantee that all eligible children have access to the full range of services. Eligibility is determined by the lead agency standards;

2. Assure the involvement of parents and families in all services provided to children, including procedural safeguards;

3. Enhance the array of services and options available to children and families;

4. Facilitate the transition of young children between Part C/EI, Head Start and public school;

5. Maximize services through the joint utilization of resources;

6. Assure placement of eligible children in the least restrictive environment and provision of appropriate services;

7. Assure the sharing of information for the benefit of the child and family as a strategy to avoid duplication of effort.

IV. ROLES & RESPONSIBILITIES

School Districts
Ohio school districts are required by the child identification process provisions of IDEA to locate, identify and evaluate all children residing within their boundaries who may be eligible for special education services. Ohio school districts are required to provide services to children with disabilities aged three through five years who are determined eligible and in need of special education and related services under Chapter 3323 of the Ohio Revised Code and Chapter 3301-51 of the Ohio Administrative Code, *Operating Standards for Ohio's Schools serving Children with Disabilities*. Services are in accordance with the child's Individual Education Plan (IEP). Therefore, school districts will:

1. Assure that parents are equal partners in the process and that parental rights with regard to identification, evaluation and provision of services and exchange of information are observed (preschool children) in alignment with Rule 3301-51-05;

2. Provide screening services as part of the differentiated referral system (infants, toddlers, preschool children) in alignment with Rule 3301-51-06;

3. Conduct multifactored evaluations for eligibility (infants, toddlers, preschool children) in alignment with Rule 3301-51-06;

4. Develop IEPs in alignment with Rule 3301-51-07.

Ohio Department of Health
ODH is the designated lead agency for the planning, development and implementation of a statewide system of Part C/EI services for infants and toddlers under three years of age with delays or disabilities as described under Executive Order of the Governor (IDEA, Part C). ODH and its Bureau of Early Intervention Services are responsible for assuring that Part C/EI services are available at the local level. Provision of Part C/EI services are based upon an Individual Family Service Plan (IFSP) and occur through local FCFC/EI providers. Therefore, for eligible children in the birth through age 2 population, ODH will:

1. Assure a comprehensive child find system, consistent with Part B and C (34 C.F.R. §303.165), including a system for making referrals to service providers which includes timelines and provides for participation by primary referral sources;

2. Assure a timely, comprehensive, multidisciplinary evaluation of each eligible infant and toddler and the strengths and needs of the families to appropriately assist in the development of the infant and toddler;

3. Assure an Individualized Family Service Plan (IFSP) for each eligible infant and toddler, including service coordination;

4. Assure implementation of procedural safeguards;

5. Assure Part C/EI services are available at the local level.

Head Start
Head Start providers are required to make available the required minimum percentage of their funded enrollment for eligible children with identified disabilities. Said children are expected to participate in the full range of Head Start activities in an integrated setting with their typically developing peers, and to receive special education and related services as outlined on the child's IEP, IFSP, or a Child Service Plan (CSP) developed by Head Start. [Head Start Regulations 45 CFR Part 1308] For children birth through age 5, Head Start providers will:

1. Provide screening services within 30 days of initiation of services for migrant families (when program is less than or equal to 90 days in length); for other Head Start providers, screening within 45 days after initiation of services;

2. Assure that necessary multifactored evaluations and determination of eligibility for services occurs;

3. Assure the development of an IEP, IFSP, or CSP for eligible children;

4. Collaborate with other community resources to assure service delivery.

V. ASSURANCE OF MAINTENANCE OF EFFORT

The local education agency is responsible for assuring a free, appropriate public education (FAPE) for preschool children at no expense to the family. Rule 3301-51-02(B) of the *Operating Standards for Ohio's Schools Serving Children with Disabilities* requires school districts serving preschool children with disabilities to maintain an interagency agreement with Head Start programs regarding service coordination in alignment with this agreement.

ODH and its Bureau of Early Intervention Services is responsible for assuring that provisions for Part C/EI are available at the local level; provision of Part C/EI services occurs through local HMG/EI service providers.

Head Start is committed to maintain efforts and fiscal support for provision of services to children with disabilities. It is mutually beneficial for evaluations and implementation of the IEP, the CSP and the IFSP to be representative of shared resources and joint efforts of the school district, HMG/EI providers and Head Start.

Procedures for sharing of information are encouraged for the following reasons: (1) to provide optimum benefit to the child and (2) to avoid duplication of effort. All parties will mutually determine a system for transitioning children in and out of the preschool and Part C/EI programs as well as across program options while assuring placement of eligible children in the least restrictive environment and delivery of appropriate services. Transition from EI services to preschool will be done in accordance with the *Interdepartmental Agreement Between the Ohio Department of Education and The Ohio Department of Health for Coordination of Part C Services within Help Me Grow for Children Birth to Three Years of Age.*

VI. LOCAL COLLABORATIVE AGREEMENTS TO BE DEVELOPED

Written local agreements are to be developed with regard to collaborative planning, management and service delivery. It may include contractual arrangements or other specific arrangements mutually agreed upon at the local level.

Collaborative Efforts

Head Start providers are required to have a disabilities service plan and according to Head Start Regulations 45 CFR 1308, this plan must include commitment to specific efforts to develop interagency agreements with the LEAs and other agencies within the provider's service area. This must include city, local, exempted village school districts and education service centers that offer an early childhood special education program for children eligible for enrollment in the Head Start providers. It may also include county boards of mental retardation and developmental disabilities, HMG/EI providers and other service providers.

Rule 3301-51-02(B) of the *Operating Standards for Ohio's Schools Serving Children with Disabilities* requires school districts serving preschool students with disabilities to maintain an interagency agreement with Head Start programs regarding service coordination in alignment with this agreement.

Head Start providers, school districts and HMG/EI providers will develop agreements within the context of this state interagency agreement to define relationships and specific areas of collaboration and cooperation most appropriate to their local community. Numerous methods of collaboration and cooperation should be employed to provide services for eligible children. These agreements should become part of county wide planning efforts and open increased avenues for collaboration and cooperation.

The local agreement should be specific with regard to accountability of services provided, funding, personnel and other resources. This should include the assurance of maintenance of effort required for Head Start. The local agreement may also encompass broader issues such as transition from EI services to preschool in accordance with the *Interdepartmental Agreement Between the Ohio Department of Education and The Ohio Department of Health for Coordination of Part C Services within Help Me Grow for Children Birth to Three Years of Age.*

The local agreement should be available for onsite monitoring required by any of the local, state or federal agencies involved in local governance.

Minimum Components Required in the Local Agreement

The written local collaborative agreement must address the following for eligible children birth through age 5:

1. Participation in Child Find;
2. Procedures for:
   a Referral;
   b. Evaluation;
   c. IEP, CSP, IFSP development;
   d. Placement
3. Resource sharing, including joint trainings for parents and staff as well as financial responsibilities and personnel;
4. Updating of local agreements annually;
5. Resolution of disputes among parties to the agreement; and
6. Any other items agreed to by both parties

Specific regulatory responsibilities are outlined in the Head Start Disabilities Guidance Document.

For reference: federal requirements regarding the implementation of IDEA [34 CFR 300.152(b)(2)] for interagency agreements at the local level include:

1. Definition of the financial responsibility of each agency for providing children with disabilities with FAPE (free, appropriate public education).

2. Procedures established for resolving interagency disputes among agencies that are parties to the agreements.
3. Procedures under which LEAs (local education agencies) may initiate proceedings in order to secure reimbursement from agencies that are parties to the agreements or otherwise implement the provisions of the agreements.

For Part C/EI inclusion in the local agreement, the local Family and Children First Council or its designee will sign the agreement.

County Wide Planning Regarding Services
It is recommended that the interagency agreements with Head Start be correlated with county wide planning regarding early childhood service delivery. In the case of migrant Head Start providers, correlation and collaboration with existing Ohio Head Start providers is encouraged.

VI. DISSEMINATION

Dissemination of this agreement is for the purpose of facilitating the development of local written agreements and contracts. These local agreements and contracts will assure the collaboration and coordination of services for eligible children.

ODE will be responsible for disseminating this agreement to local school districts. The Administration for Children and Families (ACF) will be responsible for disseminating this agreement to the Ohio Head Start providers. Dissemination to HMG/EI providers will be coordinated through the ODH.

The parties in this agreement may choose to disseminate this agreement through a joint memorandum and single dispersion point.

VIII. TECHNICAL ASSISTANCE

Technical assistance regarding this agreement will be jointly provided by ODE, ODH, ACF and the Ohio Head Start Association, Inc. The Office of Early Childhood Education will provide support to the Special Education Regional Resource Centers (SERRCs) Early Childhood Coordinators. Every effort will be made to provide joint training of personnel to promote better understanding of this process and the possibilities of collaboration.

IX. DISPUTE RESOLUTION

Agency – Local Level
Procedures outlined in Rule 3301-51-08 of the Ohio Administrative Code will be followed regarding dispute with any agency providing services under IDEA and state regulations. This process may be initiated by Head Start, the school district of residence of the child, the parent, or the school district or other educational agency providing the special education and related services. It includes mediation, administrative review, due process hearings, records hearings and litigation.

ODH will resolve inter-agency disputes with the procedures agreed upon in paragraph 1.g. of the *Interdepartmental Agreement Between The Ohio Department of Education and The Ohio Department of Health for Coordination of Part C Services within Help Me Grow for Children Birth to Three Years of Age.*

Agency – State Level
ODE, in a timely manner, shall resolve intra-agency disputes concerning its involvement with the Part C/EI program and Head Start. ODE shall cooperate in the resolution of disputes with ODH and ACF according to the responsibilities of each agency and shall require local education agencies to comply with the outcome of the dispute resolution process, subject to the provisions for review by the Office of the Governor.

Compliance of Head Start providers with the outcomes of the dispute resolution process will be jointly addressed by ACF and ODE according to each agency's responsibilities for Head Start and/or Head Start Plus providers.

ODH shall establish and maintain a process under which any person who is not satisfied with the final decision by ODE concerning an internal dispute may request review of the matter by ODH. In accordance with 34 C.F.R. section 303.523-303.524, ODH shall also maintain a process for resolving inter-agency disputes about payments for a given service and dispute about other matters related to the state's Part C/EI program.

Parents
Parents of preschool children with disabilities are afforded all rights in accordance with Rule 3301-51-08 of the Ohio Administrative Code. The due process procedures include independent evaluations, mediation, administrative review, due process hearings, records hearings and litigation.

Complaints regarding services provided by the school district may be directed to the ODE/Office of Early Childhood Education.

Complaints regarding Head Start providers and the implementation of an IEP will be directed to ODE. Issues regarding CSPs developed by Head Start are referred to Region V or Region XII if a migrant family is involved.

Issues related to the IFSP and Part C/EI services will be referred to ODH/Bureau of Early Intervention Services.

Head Start also has a parent grievance process identified under Transmittal Notice 70.2.

Procedures for parents to address concerns informally or formally should be outlined in the local agreement.

X. EFFECTIVE DATES

This agreement is effective immediately upon joint signatures and will remain in effect until such time as a major revision is necessary or after FIVE years, whichever is first. Representatives of the Ohio Department of Education, the Administration for Children and Families, The Ohio Department of Health and the Ohio Head Start Association, Inc., will make joint recommendations for necessary modifications. This agreement is subject to revision, updating, or termination as requested by any of the aforementioned parties.

XI. SIGNATURES

As representatives of the Ohio Department of Education; the United States Department of Health and Human Services, Administration for Children and Families; and the Ohio Department of Health, this agreement is entered into on the 5th day of July ,2005. In signing this document, the parties commit themselves to upholding the intent of this agreement and an effective service delivery system.

Susan Tave Zelman, PH.D., Superintendent of Public Instruction, Ohio Department of Education

Jane Wiechel, Associate Superintendent for the Center for Students, Families and Communities, Ohio Department of Education

J. Nick Baird, M.D., Director, Ohio Department of Health

Kay Willmoth, Director, Office of Family and Child Development, Administration for Children and Families Region V Head Start

Amanda Bryans, Director, Division of Program Operations, Head Start Bureau, Administration for Children and Families