

**A Memorandum of Agreement Between
Maryland State Department of Education/Maryland Infants and Toddlers Program and
Head Start/Early Head Start and Migrant and Seasonal Head Start**

I. Parties to the Agreement

- A. Maryland State Department of Education, Division of Special Education/Early Intervention Services
- B. Head Start Bureau, Region III; and Migrant and Seasonal Head Start, Region XII

Throughout this agreement MSDE will include the Maryland State Department of Education and the Maryland Infants and Toddlers Program (MITP), and HS will include Head Start programs, Early Head Start programs, and Migrant and Seasonal Head Start programs, unless otherwise stated.

II. Purpose of Agreement

- A. To improve the quality of services for Maryland's children with disabilities, birth through age five, and their families
- B. To promote collaboration regarding the agreement among the parties and their local counterparts
- C. To define the roles and responsibilities within respective mandates of the parties; enhance linkages and relationships; and coordinate a comprehensive system of activities, policies and procedures among the named parties which guide and support local programs in maximizing their delivery of services to children with disabilities and their families

III. Program Descriptions

A. Head Start/Early Head Start/Migrant and Seasonal Head Start

Head Start is a nation-wide federal grant program funded by the U.S. Department of Health and Human Services. It is a comprehensive child development program for families with young children, and pregnant women who have incomes below the federal poverty level. Children with disabilities have always been enrolled, including children with severe disabilities. Programs are required to accept children with disabilities up to 10% of their enrollment.

Migrant and Seasonal Head Start programs in Maryland offer programs to children from birth to five years whose parents qualify as migrant or seasonal agriculture workers.

Maryland is comprised of 24 jurisdictions: 23 counties and Baltimore City. Head Start is located in all jurisdictions and in addition, some jurisdictions have funding for Early Head Start. Migrant and Seasonal Head Start programs are located in 2 jurisdictions serving 5 counties on the Eastern Shore.

Head Start preschool programs are for children from 3 to 5 years of age and their families. Early Head Start serves pregnant mothers and children from birth to 3 years old and their families. Head Start programs (including Early Head Start) are required by Head Start statute and regulation to include children with disabilities and their families in the full range of comprehensive Head Start services, and to do so in a way that is well coordinated with the efforts of the local partners responsible for implementing the IDEA (i.e. the Local Education Agency and Part C Agency). Head Start programs must also comply with the accessibility and non-discrimination requirements of Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.

Head Start is a comprehensive child development program providing services to children and families in the areas of education, social services, health and family involvement. This includes screening all children within 45 days of enrollment and referring children suspected of having delays to a single point of entry or the local school system Child Find office. Families are supported as equal partners as they go through this process.

The Head Start Program Performance Standards state, "At least 10% of the total number of enrollment opportunities in each grantee and each delegate agency during an enrollment year must be made available to children with disabilities who meet the definition for children with disabilities as described in Section 1305.2(a)".

Head Start is mandated to assume a leadership role in the development of partnerships with community agencies and service providers. Each Head Start, Early Head Start, and Migrant and Seasonal Head Start program must have a written agreement with the local school systems (LSS) and local Infants and Toddlers Program lead agency outlining strategies to be used to coordinate and collaborate to best meet the needs of children with disabilities and their families.

B. Maryland State Department of Education, Division of Special Education/Early Intervention Services

Maryland Infants and Toddlers Program (IDEA, Part C)

The Maryland Infants and Toddlers Program (MITP) is a statewide, family-centered system of early intervention for young children, birth to 3 years, with disabilities, and their families. Services are offered throughout the State and are designed to enhance a child's potential for growth and development.

The child and family may be eligible if the child is under 3 years of age and meets one of the following criteria:

- a) has a delay of 25% or more in development;
- b) development is considered "atypical" for most children his or her age; or
- c) has a diagnosed condition such as severe sensory impairments, inborn errors of metabolism, fetal alcohol syndrome, epilepsy, Down Syndrome, and other chromosomal abnormalities.

Through Local Infants and Toddlers Programs (LITPS), MITP coordinates services from health care, education and social service agencies, and private providers. If an infant or toddler is suspected of having a disability, she is referred by a parent or professional to a single point of entry in the family's local jurisdiction.

Services are provided under an Individualized Family Service Plan (IFSP), a written plan for providing early intervention and other services to an eligible child and child's family.

Early Intervention services may include: service coordination, audiology, physical therapy, occupational therapy, speech-language therapy, psychology, social work, special instructions, nursing, and assistive technology.

Preschool Special Education Services (IDEA Part B, Section 619)

Special instruction and related services are provided to young children, ages 3 through 5, who qualify under the Individuals with Disabilities Education Act (IDEA 1997, Part B, Section 619).

Services are provided through 24 local school systems (23 counties and Baltimore City). Local School Systems (LSS) must ensure the provision of a Free and Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE) to all eligible children at no cost to their families.

Through the LSS Child Find office, children can receive screening services to identify any areas of concern for further assessment by a multidisciplinary team. Following completion of assessments, the Individualized Education Program (IEP) Team, which includes parents as equal partners and a Head Start representative if applicable, meets to review and discuss findings in order to make a determination of eligibility.

Once a child is determined to have a disability, the IEP Team works together to develop the IEP, a written document identifying the special education and related services the child needs to support participation in the preschool program. The IEP Team identifies the Least Restrictive Environment in which the child's special education and related services needs can be met.

IV. Authority

Head Start's responsibility for serving children with disabilities is mandated in the Head Start Act, Title V of the Economic Opportunities Act of 1964, as amended.

Head Start's role in serving children with disabilities is described throughout the Head Start Program Performance Standards part 1304, 1305 and 1308 (see 45CFR 1304.51).

The Maryland Infants and Toddlers Program is authorized under federal law through Part C of the IDEA. Preschool Special Education Services are authorized under federal law through Part B, Section 619 of the IDEA. The Maryland Infants and Toddlers Program and Maryland Preschool Special Education Services are authorized through Maryland law under COMAR 13A.13.01.02 (Maryland Infants and Toddlers Program) and COMAR 13A.05.02 (Maryland Special Education Regulations).

V. Guiding Principles

- Family involvement is essential to quality, comprehensive services. Families are the primary nurturers and advocates for their children and are best served when families and providers work together to strengthen the child/family partnership and build on the family's strengths. Services and supports are responsive in order to enhance a family's capacity to meet the special needs of their children.
- Individualized services are based on the strengths and needs of each child and family. Program services and supports are coordinated in order to be responsive to family goals and outcomes.
- Children with disabilities are served to the fullest extent possible in their local communities in inclusive settings such as Head Start or Early Head Start programs. Practices exemplify recognition, respect, and value for cultural diversity.
- Shared commitment, cooperation, and collaboration are essential to a coordinated service delivery system. Agencies providing similar services will promote the development of unified procedures and reduce duplication of effort through the coordination of available resources, personnel, and professional development opportunities from respective agencies and program.

VI. Joint Roles in System Coordination and Implementation

- A. Reciprocal knowledge of Head Start Program Performance Standards, Maryland Infants and Toddlers Program, and Preschool Special Education Program regulatory requirements.

HS and MSDE will attain and maintain a working knowledge of each other's eligibility criteria, services, and procedures. Each agency will share relevant legislation and regulations upon request. The agencies will cooperate with each other's monitoring systems, and share monitoring information as deemed appropriate. HS and MSDE will invite participation by

other partners in the review of policies and procedures, and the development of technical assistance materials.

B. Child Find Efforts and Referral Procedures

Child Find efforts are the joint responsibility of local Head Start programs and local school systems. The programs will coordinate Child Find and public awareness activities so that families and private sector providers are informed of the availability of agency-specific services. The programs will coordinate their Child Find efforts to identify and recruit eligible children in accordance with state and federal mandates. Through local agreements, HS and LSS programs will work together to develop unique strategies to meet individual community needs in a timely manner.

C. Joint Development of Resources, Technical Assistance, and Professional Development.

All partners to this agreement will collaborate in planning, developing, and conducting professional development activities related to serving young children with disabilities. These agencies will support statewide coordination of training activities related to young children that provide greater access to learning opportunities for families and staff members. Coordination of planning efforts will include, but are not limited to, sharing program information, offering cooperatively sponsored or jointly attended training activities, coordination of training schedules, sharing of training evaluation results, and joint dissemination of information. The agreements developed locally will address these activities.

D. Promotion of Family Leadership

All partners to this agreement support the involvement and promotion of family leadership at the federal, state, and local levels. All partners agree to continue to promote parent involvement in state level councils and advisory groups, involve parents in the development of policies and procedures, and in personnel preparation efforts.

E. Provision of Services

HS and MSDE are responsible for insuring that the supports and services appropriate for enrolled families of children with disabilities will be provided, as required by IDEA and the Head Start Act. HS and MSDE shall not reduce the extent or scope of their responsibilities for services to children with disabilities and their families as a result of their collaborative efforts. The State shall not assume any obligation to indemnify, hold harmless, or pay attorneys' fees that may arise from or in any way be associated with the performance of operation of this Agreement.

VII. Confidentiality

All acknowledge confidentiality requirements that each agency must follow regarding the sharing and release, with the consent of families, of personally identifiable information regarding children and families. Each agency will protect the rights of young children with disabilities with respect to records and reports created, maintained, and used by the public agencies. It is the intent of this agreement to ensure that parents have the rights of access and rights of privacy with respect to such reports and records, and that applicable state and federal laws for exercise of these rights be strictly followed. FERPA will be followed. (See 34CFR 303.460)

VIII. Dispute Resolution

Parties will first attempt to resolve the dispute between or among themselves. All local agencies will ensure that a system is in place to resolve disputes and solve problems. The system should include:

- a. Timelines for regular meetings to review local agreements, plan collaborative activities, and resolve issues.
- b. The identification of a liaison from each agency.

IX. Review of Agreement

The agreement will be jointly reviewed by all parties annually and more frequently if laws and regulations are amended that will significantly impact this agreement or when a party requests a formal change. The Region III Training and Technical Assistance Disabilities Coordinator and/or the Maryland Head Start State Collaboration Project will develop a process for review and convene a meeting if needed or requested.

X. Term of Agreement

The agreement will become effective immediately after being signed and dated by all parties. By signing the agreement each agency agrees to the terms. The signed agreement will be binding on all successors of parties to agreement.

XI. Guidance for Local Action

The Head Start Program Performance Standards 1304.41 (a)(4), 1304.41(a)(2)(iv), and 1308.4(h-j) require an interagency agreement between Head Start and Local Infants and Toddlers Programs, and between Head Start and Local Education Agencies. Local interagency agreements should reflect the unique strengths and needs of the local population (e.g. homeless, migrant or non-English speaking families). Topics to be covered in these interagency agreements include:

- ❖ Stated purpose for the agreement
- ❖ Description of each program involved in the agreement and their mandates
- ❖ Joint services implementation plan
- ❖ Child Find screening activities
- ❖ Process for referrals
- ❖ Process for evaluations (including provisions for evaluation of children in their native language or other form of communication)
- ❖ IEP/IFSP development
- ❖ Parent rights
- ❖ Placement procedures, including provisions for natural environment/least restrictive environment placement
- ❖ Specific program delivery procedures (i.e. transportation, therapy, etc.)
- ❖ Procedures for review and monitoring of children's progress
- ❖ Procedures for handling records to ensure confidentiality
- ❖ Training and technical assistance to be provided to staff and parents
- ❖ Procedures for counting and reporting children
- ❖ Transition activities
- ❖ Review process for agreement
- ❖ Clear delineation of who is responsible for monitoring and implementing the agreement within each agency
- ❖ Conflict resolution procedures

XII. SIGNATURES

For the Maryland State Department of Education

Carol Ann Bayler
Assistant State Superintendent of Schools

12/19/03
Date

Nancy S. Shomick
State Superintendent of Schools

12/19/03
Date

For Head Start/Early Head Start/ Migrant Head Start

Linda Zary
Director, Maryland Head Start Collaboration
Office

1/13/04
Date

Clayton A. Siegel
President, Maryland Head Start Association

1/13/04
Date

[Signature]
Regional Administrator, Department of Health
and Human Services

January 30, 2004
Date

Charles B. Byrnes
Chief, Migrant Branch, Department of Health
and Human Services

4/15/04
Date

Acting Director of Program Operations,
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