

SOUTH DAKOTA STATEWIDE INTERAGENCY AGREEMENT

FOR SERVICES TO CHILDREN WITH DISABILITIES IN HEAD START PROGRAMS

April 2009

**Federal Region VIII, Administration for Children and Families;
South Dakota Department of Education, Special Education Programs;
South Dakota Head Start Association; Region VIII Head Start Programs including:
Badlands Head Start, Interlakes Community Action Head Start, NESD Head Start, Oahe
Child Development Center Head Start, Sioux Falls Head Start, South Central Child
Development, Inc., USD Head Start, Youth and Family Services Head Start.
South Dakota Region XI Head Start Programs including: Cheyenne River Head Start,
Crow Creek Head Start, Lower Brule Head Start, Oglala Lakota College Head Start,
Rosebud Sioux Tribe Head Start, Rural America Initiatives, Transitional Head Start,
Sisseton-Wahpeton Head Start, Standing Rock Head Start, Yankton Head Start.**

Purpose

This agreement is written to encourage the parties above to address their mutual commitment of serving children with disabilities, ages three through five, through formal, collaborative and cooperative arrangements. Article 24:05 and 24:14 of the Administrative Rules of South Dakota, Part B of the Individuals with Disabilities Education Act (IDEA), Reauthorization of the Head Start Act originating from the *Improving Head Start for School Readiness Act of 2007*, PL110-134, Head Start Program Performance Standards on Services for Children with Disabilities (45-CFR 1304 and 1308) and their respective regulations provide the legal basis for assuring that children with disabilities receive services to meet their special needs.

The underlying purpose of this agreement is to describe the responsibilities of each agency, and to provide guidance for collaboration and cooperation between local education agencies, tribal organizations and Head Start programs. In order to provide a range of service options for preschool children with disabilities, collaboration is necessary among the programs addressed in this agreement. The overall purpose of this agreement is to provide a state level framework that guides and supports the development of these collaborative efforts and local interagency agreements related to services for young children with disabilities and their families. This agreement seeks to describe requirements, best practice, and other permissible strategies for these community programs as they work together to improve the system of services available to eligible children and their families.

The goals of the agreement are:

1. Assure that children in need of special education or special education and related services receive appropriate services for which they are eligible; and
2. Assure quality programs and maximize services through the joint utilization of resources.

Fiscal and Administrative Considerations:

For purposes of maximizing the impact of available funds, resources, and cost effectiveness, Head Start programs and local education agencies are encouraged to consider cooperative arrangements in serving children with disabilities ages 3 through 5. The local agreement should access all available external resources to support their special education services or special education and related services.

Responsibilities:

South Dakota local education agencies are required to:

1. Locate, screen, evaluate, and identify all children birth through 21, residing within their boundaries, who may have a disability.
2. Provide a free and appropriate public education (FAPE) through the provision of special education services to all eligible children, as determined by the multidisciplinary team and as described on their Individualized Education Program (IEP).
3. Ensure that whenever appropriate the IEP will include parent education and support to ensure that the special education program is effective.
4. Make the IEP accessible to each Head Start regular education teacher who has the responsibility for implementing IEP goals, while assuring procedural safeguards and confidentiality of information are provided to eligible children and their parents, which may include services provided at Head Start.
5. Facilitate the transition of eligible children from the Birth-3 programs to local educational agency preschool programs and/or Head Start programs.

Head Start grantees are required to:

1. Recruit, enroll and serve eligible children, with at least ten percent of the funded enrollment must be children with identified disabilities.

2. Complete screening (developmental, medical, dental, and nutritional) not performed by the local education agency, as a part of the process for determining if a disability may be present.
3. Refer children suspected of having a disability to the child's local education agency for evaluation.
4. Collaborate with the local education agency in the multidisciplinary evaluation, IEP development, the implementation of the portions of the IEP identified for Head Start programming for Head Start eligible children, the IEP annual review and the transition from one program to the next.
5. Maintain procedural safeguards, including confidentiality of records, for all children with disabilities and their parents.
6. Provide a support system for families of children with disabilities through training, information, social support, follow-up and assistance in transition from one program to the next.

Areas for Collaboration and Cooperation:

Local Education Agencies (LEAs) and Head Start programs are encouraged to develop agreements within a framework that will define relationships and specify areas of collaboration and/or cooperation appropriate to their local situations. Local education agencies and Head Start programs should maximize available resources and avoid the duplication of services.

The following examples are provided as components for an interagency agreement.

1. **Communication:** Establish and maintain regular and ongoing communication between the local education agencies and Head Start programs.
2. **Eligibility:** Eligibility determination must be made by a multidisciplinary team. The team shall include parents, regular education teacher of the child, at least one special education teacher of the child, a representative of the public agency who is qualified to provide or supervise the provision of specially designed instruction, and an individual who can interpret evaluation results (this individual may be one of the persons listed above) and, at the discretion of the parent or agency, other individuals who have knowledge or special expertise regarding the child. If currently enrolled in Head Start or placement in Head Start is considered, representatives from Head Start shall be invited.
3. **Referral Process:** Local Education Agencies and Head Start programs should establish procedures for interagency referrals. Head Start must refer any child suspected of having a disability to the local education agency for evaluation when concerns about a child's development are identified by parents or by Head Start staff during screening or ongoing assessment. Head Start staff must obtain parent permission before referring a child.

4. Screening: Local Education Agencies and Head Start programs should develop a coordinated and comprehensive screening program utilizing the resources of each agency and local interagency network to locate and identify children with developmental delays and/or disabilities.
5. Individualized Education Plan (IEP): An IEP for children with disabilities, which includes services in Head Start programs, must be developed following all state and federal regulations, and should include Head Start staff and/or providers, as appropriate. LEAs are required to complete the evaluation process within 25 school days from the date parent consent for evaluation is received, unless other timelines are agreed upon by the LEA and parent. The development of an IEP for the child must be conducted within 30 days of a determination that the child needs special education and related services. Services outlined in the IEP begin according to the start date documented in the IEP.
6. Program options: Local Education Agencies and Head Start Programs are encouraged to explore various options in the placement of children with disabilities. Local service arrangements may include: placement in Head Start with itinerant staff from local education agencies; dual placement in both a Local Education Agency and Head Start; contracts for service; and other cooperative arrangements.
7. Providing Services to Children with Disabilities: Local Education Agencies and Head Start should provide services in a collaborative delivery model.
8. Transitions: Local Education Agencies and Head Start programs shall cooperatively develop programs following regulations of Special Education (Article 24:05 and 24:14, IDEA Part B, 45 CFR 1304 & 1308). Transition meetings should begin prior to the child entering Kindergarten. All information shared in this process shall conform to the confidentiality and due process requirements.
9. In-service: Local Education Agencies and Head Start programs are encouraged to include each other's agency's personnel in in-service training activities whenever possible and appropriate.
10. Shared Resources: Head Start programs and local agencies are encouraged to develop of a system of shared resources and training and technical assistance services which may include shared personnel, cooperative resource libraries, facilities, equipment, transportation, contracted services, and exchange of in-kind services. The LEA is the agency responsible to ensure that a FAPE is made available to each eligible child.
11. Information Systems: Efforts should be made to develop compatible systems for collecting and reporting information on children served and services provided. Children enrolled in Head Start with services provided by the LEA under an IEP shall be reported by the LEA for inclusion in the federal child count and by Head Start in the Head Start Program Information Report (PIR)..

Implementation:

1. Every three years, if appropriate or whenever laws and codes affecting the implementation or language in this agreement are changed, representatives of the agencies involved will review this agreement and make joint recommendations for any modifications needed.
2. South Dakota Department of Education, Special Education Programs, and the Region VIII and XI Administration for Children and Families in Head Start will disseminate this agreement to their respective local agencies and grantees.
3. South Dakota Department of Education, Special Education Programs, the Region VIII and Region XI Administration for Children and Families, and the Region VIII and Region XI Technical Assistance Network will jointly provide technical assistance and training in the development and implementation of local agreements.

DEFINITIONS

Technical Assistance Network Provides targeted advice, guidance, and information through locally based Technical Assistance Specialist and directly to grantees to support the inclusion of children with disabilities and their families in Head Start and Early Head Start Programs.

EHS: A Program funded under the Reauthorization Act of 1995 to provide comprehensive services to low income pregnant women, children birth to age 3, and their families. In this agreement Early Head Start (EHS) shall include both Tribal and Regional Early Head Start programs.

Head Start: A program funded under the Economic Opportunity Act of 1964 as amended and carried out by a local agency or grantee to provide ongoing comprehensive child development services for children ages 3-5 and their families.

45 CFR: 45th Book of Code of Federal Regulations (commonly referred to Head Start Performance Standards).

IDEA: Individual with Disabilities Education Act, the Special Education law covering children and students birth through twenty-one years of age.

IEP Individualized Education Program; a written statement that is developed, reviewed and/or revised by a multi disciplinary team through an individualized planning process. The IEP is the instrument that drives the delivery of services to children (3-21) with disabilities.

Part C: Part C of the Individuals with Disabilities Education Act addresses children with disabilities under the age of three.

Part B: Part B of the Individuals with Disabilities Education Act addresses children with disabilities between the ages of three to five.

*** IDEA rules and regulations are subject to change.**

Signatures to this Agreement

The agencies which are parties to this agreement will only be considered agencies within the agreement when their respective signature page is received by the Region VIII Office of Head Start.

Ross Weaver

4/17/09

**Ross Weaver, Regional Program Manager
Office of Head Start, Region VIII**

Date

Kathryn Natwick

4-27-09

South Dakota Head Start Association

Date

Tom Oster

4-21-09

South Dakota Department of Education

Date

Thomas Shorttall
Oglala Lakota College President

5-12-09
Date

Michelle Yankton, OLC HeadStart Director

5/12/2009

Anne Readdy

9-21-09

Rural America Initiatives

Date

Prenatal to Five HeadStart

Renetta Joern

Sisseton-Wahpeton Head Start

5/12/09

Date

Amber J. [Signature]
Standing Rock Head Start

5-22-09

Date