

**South Dakota Birth to Age Five
Lead Agency, Local Education Agency, and
State Education Agency Responsibilities**

Guidance Document

Regarding Child Find for Children Who
Reside on a Reservation within LEA
Jurisdiction

**Center for Technical Assistance
for Excellence in Special
Education (TAESE)**

www.taese.org

August 2025

This document is the result of collaborative efforts from the South Dakota Department of Education, Division of Special Education and Early Learning and the Center for Technical Assistance for Excellence in Special Education (TAESE).

T A E S E

Technical Assistance for Excellence in Special Education

UtahStateUniversity®

This document was developed by the Center for Technical Assistance for Excellence in Special Education (TAESE) of the Institute for Disability Research, Policy & Practice (IDRPP), University Center for Excellence in Developmental Disabilities in the Emma Eccles Jones College of Education and Human Services at Utah State University.

This document and any opinions expressed herein do not necessarily reflect the position or policy of the U.S. Department of Education or Utah State University and no official endorsement should be inferred. This document is provided for information purposes only and not for the purpose of providing legal advice. Contact your attorney to obtain advice with respect to any particular issue or problem. If this document is older than one year, please check with TAESE for an updated edition.

This information is available in alternative format, including large print, Braille, audio tapes, or CD.

Table of Contents

Table of Contents.....	3
Purpose	0
Definitions.....	0
Framing the Issue.....	1
Commonly asked questions and responses	2
Birth to Three-Year-Olds	2
1. Is the LA responsible for providing early intervention services to infants and toddlers with disabilities, and their families, residing on a reservation within the jurisdiction of the LA?	2
2. What is the process to identify children being eligible for Part C services?	2
3. What are the criteria used to identify children with developmental delays or disabilities?	3
4. Who pays the costs of Part C services for a child on a reservation between birth and 3 years old?	4
5. Who pays the cost of services for children who need prolonged assistance?	5
6. Where is a child eligible under Part C served?	5
7. Are LEAs required to adhere to IDEA Part C timelines?	5
8. Who is responsible for child outcome data collection?	6
9. Who is responsible for the transition of 3-year-old children from the Part C/Birth to Three program to the Part B preschool program?	6
Three to Five-Year-Olds	7
10. Are public schools that have BIE schools in their geographic area obligated to provide Child Find and preschool services for Indian children with disabilities?	7
11. Who pays the costs for a 3 to 5-year-old child who resides on the reservation and needs special education and related services?	8
12. When tribes receive funds for Child Find under Part B-618, who is responsible for reporting Child Count data?	8
13. In what environment should the child's special education services be provided?	9
14. How does the IEP team determine the Family and Child Education (FACE) program is the appropriate placement?	9
15. Does the FACE program provide special education and related services under Part B for children aged 3 to 5?	9
16. Indicator 7 (Preschool Outcomes) in the State Performance Plan requires reporting to OSEP. Who is responsible for the data collection and reporting?	10
17. What should be included in the MOU between the LEA and the BIE to ensure special education and related services, and to ensure Child Find, are appropriately provided for children residing on reservations within the jurisdiction of the LEA?	10
Suggested MOU Format.....	11
MEMORANDUM OF UNDERSTANDING.....	11

South Dakota Department of Education, Lead Agency, Local Education Agency, and Service Provider Responsibilities Regarding Child Find for Children Who Reside on a Reservation within an LEA's Jurisdiction

This document is intended for the Lead Agency (LA), Part C Service Providers, Local Education Agencies (LEAs), the State Education Agency (SEA), Bureau of Indian Education (BIE) tribal and grant schools, the Family and Child Education (FACE) program, BIE schools, Head Start programs, and other agencies working with children from birth through age 5 on reservations.

Purpose

This information will provide guidance related to delivering early intervention and special education services for infants, toddlers, and preschoolers, birth through age 5, who reside on reservations in accordance with the Individuals with Disabilities Education Act (IDEA) and with South Dakota Laws and Rules.

Definitions

Indian Tribe: Section 602(13) of IDEA defines *Indian tribe* to include, "any Federal or State Indian tribe," and does not exclude State Indian tribes that are not federally recognized tribes. The list of Indian entities recognized as eligible to receive services from the United States is published in the *Federal Register*, pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a-1. The federal government does not maintain a list of other State Indian tribes.

Individual Education Program (IEP): The written plan/program developed by a school's special education team with input from the student's parents specifying a student's academic goals and the method to reach those goals.

Individual Family Service Plan (IFSP): The plan developed for a child, age birth to 3, who is eligible under Part C.

Individuals with Disabilities Education Act (IDEA): The IDEA provides funding for, and regulations regarding, the implementation of special education and related services for children with disabilities from birth through age 21. Part C of the IDEA covers children from birth to age 3, and Part B of the IDEA covers children from birth through age 21.

Lead Agency (LA): A public agency in the State responsible for the general supervision of the Part C program. The South Dakota Department of Education Office of Early Childhood Services serves as the Lead Agency for Part C.

Local Education Agency (LEA): The local school district.

Office of Special Education Programs (OSEP): The division of the U.S. Department of Education responsible for overseeing the implementation of the IDEA.

Service Provider: An entity that contracts with the Lead Agency (LA) to provide services to children and their families.

State Education Agency (SEA): The South Dakota Department of Education.

Framing the Issue

There are many children in the State, ages birth through 5, who reside on a reservation within the Part C program's service area and also within an LEA's jurisdiction. This document provides guidance on who is responsible for providing special education services, reporting required data, and ensuring Child Find is carried out for those children who live on a reservation.

Commonly asked questions and responses

Birth to Three-Year-Olds

1. Is the LA responsible for providing early intervention services to infants and toddlers with disabilities, and their families, residing on a reservation within the jurisdiction of the LA?

Yes, under section 634(1) of IDEA, the LA in the State is responsible for ensuring early intervention services are available to all infants and toddlers with disabilities and their families, including Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the State.

When a child has been identified through the Birth to Three program as needing an evaluation, it is the responsibility of the public school district to provide an appropriate evaluation as defined in the administrative rules of South Dakota ([ARSD 24:14](#)).

[24:14:12:02](#) Evaluation and assessment of individual child.

[24:05:22:01](#) District required to identify children in need of special education or special education and related services.

2. What is the process to identify children being eligible for Part C services?

When a parent or public agency has a concern with the developmental progress of a child from birth through age 3, a referral is made to the regional Part C program (<https://doe.sd.gov/birthto3/>) serving the area where the family resides. Upon receipt of the referral, the Part C program begins the process of conducting assessments to determine if the child has a developmental delay and if necessary, to refer the child for an evaluation to determine their eligibility. Eligibility evaluations are conducted by the child's resident LEA.

Children can be found eligible for the Birth to Three program by demonstrating a developmental delay of at least a 1.5 standard deviation below the mean in one or more of the five developmental areas (cognitive, physical including vision and hearing, communication, social or emotional, and adaptive); having a diagnosed physical or mental condition; or born at 28 weeks gestation or less. Children who demonstrate a developmental delay of two standard deviations or more below the

mean, in two or more of the five developmental areas, can be considered for prolonged assistance ([ARSD 24:05:24.01:15. Prolonged assistance defined](#)). In this instance, the school district in which the child resides is responsible for providing Part C early intervention services as well as incurring the costs associated with those services.

[24:14:07:02](#) Children eligible for services.

3. What are the criteria used to identify children with developmental delays or disabilities?

- a) Under the Administrative Rules of South Dakota (ARSD), infants and toddlers, from birth to 36 months of age, inclusive, are eligible for services under this chapter if they are identified by LEA special education personnel and providers of licensed health care as:
Demonstrating a developmental delay of at least a 1.5 standard deviation below the mean, as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: cognitive development; physical development, including vision and hearing, fine motor, and gross motor; communication development – receptive and/or expressive; social or emotional development; or adaptive development.
or
- b) Having been born at 28 weeks gestation or less.
or
- c) Having a diagnosed physical or mental condition that has a high probability of resulting in developmental delay.

Determinations of a diagnosed physical or mental condition shall be based on medical diagnoses including Down's syndrome and other chromosomal abnormalities, sensory impairments including vision and hearing, inborn errors of metabolism, microcephaly, severe attachment disorders including failure to thrive, seizure disorders, and fetal alcohol syndrome.

[24:14:07:03](#) Areas manifesting developmental delay.

Developmental delay may be manifested in one or more of the following areas:

1. Cognitive development.
2. Communication development - receptive or expressive or both.
3. Social or emotional development.
4. Adaptive development.
and
5. Physical development, including vision, hearing, and fine motor or gross motor or both.

24:05:24.01:15 Prolonged assistance defined.

Children from birth through two years old may be identified as needing prolonged assistance if, through a multidisciplinary evaluation, they score two standard deviations or more below the mean in two or more of the following areas: cognitive development, physical development including vision and hearing, communication development, social or emotional development, and adaptive development. **Source:** 23 SDR 31, effective September 8, 1996.

24:14:07:04 Eligibility verification.

The verification of eligibility for early intervention services is determined through a multidisciplinary evaluation pursuant to chapter 24:14:12. This evaluation uses the infant's or toddler's history gathered from parental input, pertinent records related to the child's educational background, current health status and medical history, and a standardized infant development process in conjunction with at least two of the following:

1. Observations.
2. A developmental inventory.
3. A behavioral checklist.
4. An adaptive behavior measure.

This information must be documented by qualified personnel.

Informed clinical opinion shall be determined by qualified personnel and shall also be used in determining a child's eligibility under this section, especially if no standardized measures exist, or the standardized procedures are not appropriate for a given age or developmental area. The informed clinical opinion must be documented by the source providing the information and shall be used, pursuant to chapter 24:14:12, as one factor in determining eligibility.

4. Who pays the costs of Part C services for a child on a reservation between birth and 3 years old?

The State Part C program. Children identified as eligible for Part C services, with the exception of Part B Prolonged Assistance, are the responsibility of the State Part C program. The Birth to Three program is ultimately responsible for providing services at no cost to the family as the "payer of last resort." However, other public and private resources, if authorized, must be explored.

5. Who pays the cost of services for children who need prolonged assistance?

Children identified as needing prolonged assistance are the responsibility of the LEA in which the child resides. The LEA both provides and pays for early intervention services. Tribal organizations do receive IDEA funds and, under Part C, may use those funds to provide early intervention services either directly or through contracts or cooperative agreements with the BIE or LEA. This is a tribal decision.

6. Where is a child eligible under Part C served?

To the maximum extent appropriate for the needs of the child and family, early intervention services must be provided in natural environments, including the home and community settings in which children without disabilities participate.

[24:14:13:04.01](#) Natural environment.

[§303.26](#) Natural environments.

7. Are LEAs required to adhere to IDEA Part C timelines?

Yes, whether a child is determined Part C eligible or in need of prolonged assistance, IDEA Part C timelines must be followed.

Indicator C1 Timely Services: infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner. South Dakota defines the phrase timely manner as 30 days.

Indicator C7 45-Day Timeline: infants and toddlers with IFSPs for whom an evaluation, assessment, and initial IFSP meeting were conducted within Part C's 45-day timeline.

Indicator C8 Transition Planning: for children exiting Part C who received timely transition planning to support their transition to preschool, and other appropriate community services, by their third birthday.

8. Who is responsible for child outcome data collection?

The LEA is responsible for data collection and the entry of Battelle Developmental Inventory III (BDI-3) results in the SEA database for submission to OSEP when a child enters Part C services and when a child exits Part C services at age three. When a child exits Part C services prior to age three, a private provider will administer the BDI-3 for progress monitoring purposes.

Indicator C3: percent of infants and toddlers with IFSPs who demonstrate improved:

- A. Positive social-emotional skills (including social relationships).
- B. Acquisition and use of knowledge and skills.
and
- C. Use of appropriate behaviors to meet their needs.

9. Who is responsible for the transition of 3-year-old children from the Part C/Birth to Three program to the Part B preschool program?

The Part C/Birth to Three program and the LEA have the responsibility to ensure each child's timely transition at age 3. Under IDEA Part C, the Part C/Birth to Three program must:

1. Develop IFSP with transition steps and services.
2. Notify the LEA of the child's potential eligibility for **Part B.** The LEA will be notified in writing of the child's transition 90 days before the third birthday of the child with a disability. (§303.209)
and
3. Conduct a transition conference/meeting at least 90 days, and at the discretion of all parties, not more than nine months prior to the child's third birthday.

Commented [SC1]: I believe this should be Part B

Each LEA shall develop its own policies and procedures for the transition of children participating in the early intervention program under Part C of IDEA who are eligible for preschool programs under Part B of IDEA including representation at transition conferences.

[§303.209](#) Transition to preschool and other programs.

[24:05:27:21](#) Transition to preschool program.

Three to Five-Year-Olds

1. Are public schools that have BIE schools in their geographic area obligated to provide Child Find and preschool services for Indian children with disabilities?

The responsibility for a free and appropriate public education (FAPE) for students aged 3 to 5 living on reservations lies with the State, not with the BIE or the corresponding tribes. Under IDEA, the BIE receives Part B-611 funds to provide special education and related services to children, ages 5 through 21, with disabilities on reservations and enrolled in elementary or secondary schools operated or funded by the BIE.

The BIE does not receive any Part B-619 funds to provide preschool services. Twenty percent of the Part B-611 funds are distributed to tribes for the, "Coordination of assistance for special education and related services for children with disabilities aged 3 to 5 on reservations," [§300.712(a)]. These funds must be used to assist in Child Find, screening, and other procedures for parent training, the early identification of children ages 3 to 5, and the provision of direct services at the discretion of the tribe [§300.712(d)].

Most importantly, §300.707 outlines the responsibility of the BIE to ensure FAPE for children, aged 5 through 21, living on reservations and attending elementary or secondary schools operated or funded by the BIE. This section goes on to state, "With respect to all other children aged 3 to 21, inclusive, on reservations, the SEA of the State in which the reservation is located must ensure that all of the requirements of Part B of the Act are implemented," [§300.707(c)]. Therefore, the responsibility of providing FAPE for children aged 3 to 5 attending preschools rests with the State. This responsibility remains true if the children are attending BIE (FACE programs) or tribe-funded preschools.

[24:05:13:02](#). Free appropriate public education (FAPE) defined.

[§300.111](#): Child find.

[§300.712](#): Payments for education and services for Indian children with disabilities aged three through five.

[§300.707](#): Use of amounts by Secretary of the Interior.

2. Who pays the costs for a 3 to 5-year-old child who resides on the reservation and needs special education and related services?

The LEA, unless the corresponding tribe chooses to use their funds to provide the services. If the tribe does not pay, then the State—and, by extension, the LEA—must do so. It is the State's responsibility to ensure FAPE is being provided, IEP teams are meeting, appropriate IEPs are being developed, services are being provided, etc. These responsibilities are true regardless of who is providing the service or who is paying for it.

3. When tribes receive funds for Child Find under Part B-618, who is responsible for reporting Child Count data?

The LEA is responsible for conducting Child Find and providing special education and related services to children with disabilities, aged 3 through 5, who reside on a reservation within the LEA's jurisdiction. The LEAs are responsible for including those children in their Child Count, reporting data under section 618 of IDEA, completing evaluations, and determining eligibility.

Tribes receive Part B funds to assist States in conducting Child Find for children on reservations, aged 3 to 5, suspected of having a disability. However, the BIE is not responsible for conducting Child Find or providing special education and related services to children on reservations, aged 3 to 5, who have disabilities (with the exception of 5-year-old children enrolled in an elementary school operated or funded by the Secretary of the Interior).

§300.644: Annual report of children served—criteria for counting children.

4. In what environment should the child's special education services be provided?

Placement is an IEP team decision. The IEP team determines the appropriateness of the setting and where services will be provided.

[24:05:25:05](#) Eligibility and placement procedures.

[24:05:28:10](#) Preschool programs.

[§300.114](#) LRE requirements.

[§300.116](#) Placements.

5. How does the IEP team determine the Family and Child Education (FACE) program is the appropriate placement?

The FACE program is considered for all children (with or without disabilities) and may be viewed as an integrated setting in which the child is with typically developing peers. If the IEP team determines, based on the child's needs, an inclusive early childhood setting would be appropriate, the team would consider participation in the FACE program as the setting for the child's service. This consideration should be done on a case-by-case basis.

6. Does the FACE program provide special education and related services under Part B for children aged 3 to 5?

No. The FACE program is a setting—it is not a provider of Part B special education and related services.

7. Indicator 7 (Preschool Outcomes) in the State Performance Plan requires reporting to OSEP. Who is responsible for the data collection and reporting?

The LEA is responsible for collecting data using the Battelle Developmental Inventory III (BDI-3) and reporting the results to the SEA for submission to OSEP.

Indicator 7: Percent of preschool children with IEPs who demonstrate improved:

- A. Positive social-emotional skills (including social relationships).
- B. Acquisition and use of knowledge and skills (including early language/communication and early literacy).
- and
- C. Use of appropriate behaviors to meet their needs.

8. What should be included in the MOU between the LEA and the BIE to ensure special education and related services, and to ensure Child Find, are appropriately provided for children residing on reservations within the jurisdiction of the LEA?

- a. Define which services will be provided by which agency.
- b. Ensure all children who are eligible for special education services receive FAPE in the LRE, as required by law.
- c. Ensure each agency maintains communication and shares leadership responsibilities at the local level, so the available resources are used in the most effective manner.
- and
- d. Ensure cooperative arrangements between LEAs and FACE are developed, implemented, and preserved.

Suggested MOU Format

**MEMORANDUM OF UNDERSTANDING
BETWEEN
NAME OF PUBLIC SCHOOL DISTRICT
AND
SCHOOL NAME**

This Memorandum of Understanding, hereinafter referred to as "Agreement," is between Name of School District, a Local Education Agency (LEA), hereinafter referred to as "Initials of School District" and School Name, hereinafter referred to as "School Initials" and its Family and Child Education Program, hereinafter referred to as "FACE," and is in effect from January 2016 to January 2019.

I. PURPOSE

This Agreement is meant to establish a cooperative relationship and working procedures between Initials of School District and School Initials FACE program in the provision of special education and related services to eligible children in compliance with applicable federal, Tribal Name, and State laws and regulations. Eligible children are those children aged 3 to 5 with disabilities who reside in Initials of School District.

The intent of this Agreement is to:

1. Define which services will be provided by each party.
2. Ensure all children eligible for special education services receive a free appropriate public education (FAPE), as required by law, in the least restrictive environment (LRE).
3. Ensure each party maintains communication and shares leadership responsibilities at the local level to ensure available resources are used in the most effective manner.
and
4. Ensure cooperative arrangements between Initials of School District and School's FACE are developed, implemented, and preserved.

II. PROGRAM MANDATES

Initials of School District will be responsible for:

1. Providing services to eligible children, aged 3 to 5, on a mandatory basis as defined by Public Law 108-446, Individuals with Disabilities Education Act (IDEA 2004).
2. Providing eligible children FAPE, including the development and implementation of an

Individual Education Program (IEP), containing all the required components, as well as parental participation, procedural safeguards, and the provision of related services.
and

3. Determining and placing eligible children in the most appropriate setting, which shall be the LRE with multiple opportunities to learn, develop, and form positive relationships with peers who do not have disabilities.

FACE will be responsible for:

1. Supporting Child Find activities.
2. Screening children for potential problems in health and early development within 45 days of their enrollment when Initials of School District has not performed such a screening.
and
3. Referring children, who are determined to have developmental delays, to appropriate professionals, including Initials of School District providers, for diagnostic evaluation within established timeframes.

Initials of School District and **FACE** will be responsible for:

1. Working closely with the community and other agencies to provide effective services to eligible children.
2. Working cooperatively with parents/legal guardians to develop and implement IEPs for eligible children.
and
3. Providing native language interpretation for families as needed.

III. PROGRAM CONTACT INFORMATION

A. For Initials of School District:

B. For School District:

Superintendent First and Last Name,
County, District Name
P.O. Box/Street Address,
City, State, Zip Code, Phone Number

IV. SPECIAL EDUCATION SERVICES

A. *Child Find/Screening*

Initials of School District and **FACE** will:

1. Participate jointly on Child Find teams to plan and assist with Child Find screening events for children aged 3 to 5 who reside in Initials of School District.

2. Coordinate the screening process and procedures as well as the selection and use of screening instruments and assessment materials.
and
3. Conduct Child Find screenings together at designated community-based sites in Initials of School District, preferably at Name of School FACE located in Initials of County.

Initials of School District will:

1. Provide screening results to parents/guardian(s) and FACE, and inform parents/guardian(s) of program options that might be available to them and their child.
and
2. Provide a native language interpreter for families and children who need such assistance throughout the Child Find screening process.

FACE will:

1. Provide transportation, when needed, to families and children residing in Initials of School District.
and
2. Provide a native language interpreter for families and children who need such assistance throughout the Child Find screening process.

Referral for Evaluation

Initials of School District will:

4. Follow all Initials of School District and South Dakota Department of Education (SDDE) guidelines for referral.
5. Provide referral forms and a single point of contact or use the appropriate FACE forms to avoid duplication.
6. Provide training to FACE staff on the delivery of special education services and the timely completion of referral forms.
7. Provide all appropriate written evaluation reports to FACE.
and
8. Schedule and facilitate IEP team meetings, using a native language interpreter when needed, to share evaluation results with parents/guardian(s) or appropriate staff and to collaboratively develop IEP goals/objectives/activities to meet each child's educational needs.

FACE will:

1. Obtain information documenting the need for referral.
2. Provide a referral for each child by completing designated referral forms.

and

3. Submit completed referral forms to Initials of School District for action according to Initials of School District/SD SEP and Name of School timelines.

B. Comprehensive Evaluation

Initials of School District will:

1. Formally evaluate children who may require special needs services and FACE in their most natural environment, with agreed-upon assessments for vision, hearing, speech/language pathology (SLP), occupational therapy (OT), physical therapy (PT), and psycho-educational development.
 2. Whenever possible, conduct appropriate evaluations at designated Name of School sites.
 3. Provide evaluation assessments, materials, and testing protocols.
 4. Provide a native language interpreter for families in need of such assistance for all formal evaluations.
 5. Provide written evaluation reports according to IDEA requirements.
- and
6. Initiate Multidisciplinary Team (MDT) meetings when appropriate.

FACE will:

1. Provide initial developmental, hearing, and vision screenings within 45 days after a child's enrollment, and report the screening results to Initials of School District when identifiable concerns are evident.
 2. Compile background information for all children with identified concerns using the appropriate Initials of School District and FACE forms.
 3. Obtain signatures from parents/guardian(s) for permission to share a child's information that may result in an evaluation.
 4. Notify Initials of School District that parental permission to share a child's information has been obtained within 24 hours of obtaining parental consent.
 5. Notify parents/guardian(s), verbally and in writing, of the date, time, and place of their child's evaluation.
 6. Provide families with transportation, when necessary, to appointments at designated Initials of School District sites and/or Name of School sites.
 7. Provide a native language interpreter for families in need of such assistance for all evaluations.
- and
8. Participate in MDT meetings when appropriate and notify parents/guardian(s) in a timely manner of such meetings.

C. IEP Development

Initials of School District and **FACE** will:

1. Set up IEP meetings cooperatively, including the provision of a native language interpreter when needed.
and
2. Develop IEP goals and objectives cooperatively with parents/guardian(s) to meet each child's educational needs in accordance with IDEA requirements.

Initials of School District will:

1. Initiate the MDT/IEP process by notifying appropriate Name of School staff when all evaluations are completed.
2. Use Initials of School District's IEP forms.
and
3. Provide copies of each child's IEP (with the signed parental consent form) to the child's parents/guardian(s) and appropriate Name of School staff and teachers.

FACE will:

1. Confirm, in writing, the date/time/place of IEP meetings with parents/guardian(s).

D. Placement

Initials of School District will:

1. Follow federal and State guidelines/requirements for placement.
2. Conduct MDT meetings with parents/guardian(s) to determine the LRE for each child and inform parents/guardian(s) of procedural safeguards and due process.
and
3. Provide a native language interpreter for families when needed.

FACE will:

1. Provide community-based placement for identified children in the LRE.
2. Follow eligibility criteria for enrollment in FACE.
and
3. Provide program information packets to parents/guardian(s) of children referred to any of Name of School's family/early education programs.

E. Specific Program Service Delivery

Initials of School District will:

1. Provide direct and consultative therapy to meet each child's IEP goals.
2. Plan and conduct continuous in-service training to FACE staff on culturally sensitive techniques for working with and supporting young children with disabilities.

and

3. Provide ongoing staff consultation and training to meet each child's IEP goals.

FACE will:

1. Collaborate with Initials of School District to implement IEP goals.
2. Provide educational materials and equipment for classroom curriculum and IEP implementation.
3. Provide appropriate services to children, in accordance with IDEA eligibility guidelines, as necessary.
and
4. Provide transportation for children, when needed, to designated community sites for service delivery.

V. PROCEDURES FOR REVIEW/MONITORING CHILD'S PROGRESS

Initials of School District will:

1. Provide ongoing consultation to appropriate FACE staff on each child's progress.
2. Prepare written progress reports for each child, as requested by parents/guardian(s), and submit them to the appropriate FACE staff.
3. Initiate an annual review meeting on each child's progress, with the child's parents/guardian(s) and appropriate staff, and, when needed, provide native language interpretation.
and
4. Notify parents/guardian(s) of the annual review meeting in a timely manner both verbally and in writing.

FACE will:

1. Keep daily attendance records for each child served and a current log of Initials of School District and other service provider visits.
2. Consult with Initials of School District staff on each child's progress.
3. Report the child's progress to the child's parents/guardian(s) at scheduled meetings.
4. Meet with parents/guardian(s) when you receive Initials of School District progress reports to share and explain their child's progress.
and
5. Participate in annual review meetings with Initials of School District staff and the child's parents/guardian(s).

VI. PROCEDURES FOR HIRING AND SUPERVISING STAFF PROVIDING SPECIAL SERVICES

Initials of School District and Name of School will:

1. Follow their own specific hiring procedures.
2. Hire and supervise their own staff.
3. Provide appropriate personnel to carry out the terms of this Agreement.
4. Notify each other of any concerns or needs of the staff at Name of School.
and
5. Communicate with each other about any other pertinent information/situations that will affect the children and/or the timely delivery of services.

VII. SPECIAL EDUCATION SERVICES

FACE will be responsible for:

1. Documenting and providing written observations of each child's social-emotional development, and any identified issues/concerns, in collaboration with other Name of School staff.
2. Obtaining a completed Medical Health History for each enrolled child.
3. Using the Ages & Stages Questionnaire (ASQ) and its Social-Emotional Checklist (ASQ:SE) to assess the developmental level of each child within 45 days of their enrollment.
4. Conducting interviews with parents/guardian(s) on their child's social-emotional development when staff or parents/guardian(s) have specific identified concerns.
5. Conducting a more specific screening of a child, by the appropriate staff and/or health professionals, when the observational assessments indicate a need for further attention.
6. Immediately informing parents/guardian(s) when further screening of their child indicates the need for special education services and then requesting the parents/guardian(s) permission, with signed consent forms, to have their child undergo further professional evaluation by...
 - Mental Health Physician (Westernized Mental Health Services).
or
 - Native Practitioner (Traditional Diagnostician/Healer).
or
 - Both.
7. Making referrals for FACE children by...
 - Having parents/guardian(s) and their child's teacher complete the appropriate assessments mandated by each program (e.g., ASQ, ASQ:SE, Work Sampling System, Mental Health Behavior Checklist).
 - Completing the appropriate referral and consent forms for each child and forwarding them to Initials of School District.
and
 - Ensuring each child and family will have transportation to the evaluation and

assessment site(s).

Initials of School District will be responsible for:

1. Accepting the referral and supporting documents from FACE staff and promptly taking action on the concerns identified.
and
2. Providing formal evaluation and assessment in the following areas.
 - Physical Coordination/Development.
 - Intellectual Development.
 - Sensory Development.
 - Emotional Development.
 - Social Development.
 - Speech/Language Development.
 - Physical Examination.

Initials of School District and Name of School will be responsible for:

1. Actively participating as members of a Study Team comprised of the parents/guardian(s), the child's teacher, and as appropriate, the Health Physician/Native Practitioner, Initials of School District representative, and other concerned service providers.
and
2. Ensuring the parents/guardian(s), other members of the Study Team, and other service providers review the child's progress.

VIII. TRANSITION

The transition of children with disabilities in the Name of School community occurs when a child is exiting the Name of School Early Intervention (EI) Program, or another EI program, and enters Name of School FACE, Head Start, or a local preschool or childcare center. Another transition occurs when a child is exiting preschool and entering kindergarten at Initials of School District schools or a Bureau of Indian Education (BIE)-funded grant school. Effective transition occurs when all appropriate parties are communicating with each other, including but not limited to: Initials of School District schools, EI teachers/staff, and the parents/guardian(s) of the child with a disability. In order to assure the effective transition of children from one educational setting to another, the following procedures have been established.

Initials of School District and Name of School will:

1. Cooperate in coordinating the scheduling of transition activities, including 90-day

transition conferences initiated by the EI staff for parents/guardian(s) of children exiting EI.

2. Provide staff to discuss options with parents/guardian(s) for the most appropriate placement for their children.
3. Cooperate in arranging family visits and transport, when needed, for transitioning children and their parents/guardian(s) to local family/early education programs and schools before their annual review meeting.
4. Provide each family/parent/guardian with written information for the program/school in which their child is enrolled.
and
5. Provide a native language interpreter for families in need of such assistance throughout the transition process.

TECHNICAL ASSISTANCE

Initials of School District and **FACE** will:

1. Inform each other of all pertinent training opportunities related to services for young children with disabilities and invite staff to participate in these opportunities.
2. Coordinate Initials of School District training and technical assistance activities with all program calendars to ensure full staff and, as applicable, family participation.
and
3. Network and collaborate with local/regional resource programs—such as the Indian Children’s Program (ICP), Parent Training and Information Centers, and the National Indian Parent Information Center (NIPIC)—on staff training and family/parenting education, advocacy, and ongoing support.

IX. CHILD COUNT AND REPORTING

Initials of School District and **FACE** will maintain their own records according to regulatory guidelines and will provide documentation and support to other parties as requested.

X. DISPUTE RESOLUTION

In the event a misunderstanding or difference of opinion occurs on the necessary procedures to accomplish the objectives of this Agreement, both parties will meet to find a solution.

XI. TERMINATION/REVIEW

This Agreement will be reviewed annually and revised, as needed, by Initials of School District and Name of School to remain in effect. This Agreement may be terminated by either party with a 30-day written notice.

XII. SIGNATURES

FOR Initials of School District – AUTHORIZED LEA REPRESENTATIVE

First Name, Last Name, Superintendent, Date

Name of School District

P.O. Box Address

City, State, Zip Code

Phone Number

FOR Name of School – AUTHORIZED REPRESENTATIVE

First Name, Last Name, Principal, Date

Name of School District, School Name

School Address

City, State, Zip Code

Phone Number

FOR SCHOOL BOARD PRESIDENT – AUTHORIZED REPRESENTATIVE

First Name, Last Name, Board President, Date

School Name

School Address

City, State, Zip Code

Phone Number

FOR EDUCATION BIE REPRESENTATIVE– AUTHORIZED REPRESENTATIVE

First Name, Last Name, Date

Agency Representing

Agency Address

City, State, Zip Code

Phone Number

For more information visit: www.doe.sd.gov