Memorandum of Agreement Between
The Baby Watch Early Intervention Program within the Utah Department of Health,
The Special Education Section within the Utah State Office of Education, and
The Utah Schools for the Deaf and the Blind

I. Purpose

1. To address how the Baby Watch Early Intervention Program (BWEIP), the Utah State Board of Education through its agent, the Utah State Office of Education - Special Education Section (USOE-SES), and the Parent Infant Programs (PIP) under the Utah Schools for the Deaf and the Blind (USDB) will meet the part C to part B transition requirements of the Individuals with Disabilities Education Act (IDEA).

2. To identify the policies and procedures used to ensure a smooth transition for infants and toddlers with disabilities under the age of three and their families for receiving early intervention services under IDEA part C to:

   a. Preschool special education services under IDEA part B;
   b. Other appropriate services for preschool aged children with disabilities; or
   c. Exiting the BWEIP.

II. BWEIP – IDEA Part C Requirements

1. Referral Notification

For the purpose of transition planning, any child enrolled in the BWEIP between ages twenty-seven (27) and thirty-six (36) months is considered "potentially eligible for preschool special education services".

a. The local early intervention (EI) program will introduce the concept of transition to parents at the initial Individualized Family Service Plan (IFSP) meeting. At the IFSP meeting nearest to the child's second birthday, the EI program will discuss eligibility guidelines for IDEA part B services, what can be done to plan for transition events, and services throughout the child's enrollment in the EI program.

b. The EI programs will use the Baby Toddler Online Tracking System (BTOTS) to exchange notification information with the state education agency (SEA) and the local education agency (LEA) through the Transition from Early Intervention Data Information System (TEDI). TEDI is a database jointly developed by the BWEIP and the USOE -SES to exchange transition information.

c. The referral notification information includes the following personally identifiable information:
   (1) Child's name
   (2) Child's date of birth
   (3) Child's primary language
   (4) Parent/guardian contact information, including parent's names, addresses, and telephone numbers.

2. Referral Notification Timeline

a. EI programs will send a referral notification to the SEA and LEA electronically from BTOTS to TEDI when the child is twenty-seven (27) months of age if the child is enrolled in EI, or at the time of the development of the initial IFSP for children who enter EI after twenty-seven (27) months of age.

b. If a child is referred to an EI program fewer than forty-five (45) days before the child's third (3rd) birthday, and that child may be eligible for special education preschool services under IDEA part B, the EI program, with parental consent, will refer the child to the SEA and the LEA where the child resides. The EI program will not conduct an evaluation, assessment, or initial IFSP meeting unless these circumstances are satisfied.

c. The BWEIP notification constitutes a referral to preschool special education services. However, the transmission of the written information does not obligate a parent to pursue preschool special education services for a child.

d. The EI program will inform the parent/guardian of a child, during the development or review of the IFSP closest to the child's second (2nd) birthday, of the required referral notification and provide an opportunity to decline the referral notification (Opt Out). A referral notification will not be sent to the SEA and the LEA if the parent/guardian declines the referral notification in writing.

e. The parent may reverse the decision to decline the referral notification at any time by providing written notice to the EI program. The referral notification information will then be sent to the SEA and LEA electronically through BTOTS to TEDI.

3. Transition Plan

The BWEIP ensures that, for all children, the EI program will:

a. Establish a transition plan in the child's IFSP with the family, not fewer than ninety (90) days, and at the discretion of all parties, not more than nine (9) months before a child's third (3rd) birthday.

b. Document the decisions made by the IFSP team in the transition plan on the IFSP prior to, and at the transition conference, and will include steps for the child and the family to exit from the BWEIP and any transition services that the IFSP team identifies are needed for that child and child's family. The steps will include, as appropriate:
   (1) Discussions with and training of parents regarding future placements and other matters related to the child's transition.
   (2) Procedures to prepare the child for changes in service delivery, including steps to help the child adjust and function in a new setting.
   (3) Identification of transition services and other activities that the IFSP team determines are necessary to support the transition of the child.

(4) Confirmation that referral notification information about the child has been transmitted to the SEA and LEA, unless the parent declined the notification in writing.

(5) With written parental consent, release the child's EI record to the LEA to ensure continuity of services from the BWEIP to IDEA part B preschool special education, including a copy of the most recent evaluation and assessments of the child and the family and the most recent IFSP.

(6) Review the program options for the child for the period from the child's third (3rd) birthday through the remainder of the school year.

4. Transition Conference

The BWEIP will ensure that:

a. The EI program, with the approval of the family of the child, convenes a conference among the EI program, the USDB Program (if applicable), the family and the LEA, not fewer than ninety (90) days and at the discretion of all parties, not more than nine (9) months before the child's third (3rd) birthday, to discuss any services the child may receive under IDEA part B.

b. If the family of a child declines the disclosure of referral notification from IDEA part C to the SEA and LEA, then the EI program, with the approval of the family of that child, makes reasonable efforts to convene a conference among the EI program, the family, and providers of other appropriate services in the community to discuss services that the child may receive.

c. The transition conference and the meeting to develop the transition plan (which conference and meeting may be combined into one meeting) meets the requirements of IDEA part C procedures for IFSP development, review and evaluation, and IFSP team meeting and periodic review.

d. The EI program will transition and exit a child from EI services no later than the child's third (3rd) birthday.

III. Utah State Office of Education, Special Education Section - IDEA Part B Requirements

1. The Utah State Office of Education, Special Education Section has policies and procedures in effect to ensure that:

   a. Students participating in early intervention programs assisted under IDEA part C, and who will participate in preschool programs assisted under IDEA part B, experience a smooth and effective transition to those preschool programs.

   b. By the eligible student's third birthday, an IEP has been developed and is implemented for the student.

   c. If a student's third birthday occurs after the end of the school year, the student's IEP team shall determine the date in the next school year when services under the IEP will begin, except that the IEP team may determine that extended school year services are needed outside the school year.

d. Each affected LEA will participate in transition planning conferences arranged by the designated BWEIP local early intervention program.

2. The IEP team must consider the contents of an IFSP that contains the natural environments statement and an educational component that promotes school readiness and incorporates pre-literacy, language and numeracy skills when developing the IEP for a student with a disability ages 3 through 5 or, at the discretion of the LEA, for a two-year-old student with a disability who will turn age 3 during the school year.

3. The parent must be informed of the right to request an invitation be sent to the part C service coordinator or other representatives of the part C system to the initial IEP meeting to assist with the smooth transition of services.

IV. Data Sharing

1. The BWEIP and the USOE IDEA part B shall regularly exchange any aggregate and disaggregated data and reports, including those needed pursuant to the notification requirements under part C of the IDEA as well as those relating to the analysis and reporting in the State Performance Plan (SPP), Annual Performance Report (APR).

2. For purposes of tracking aggregate, de-identified student progress, "research" data exports will be stripped of all identifying information other than the student's SSID number when data analysis requires the exchange of data among agencies. Any data variable that could potentially link a child's SSID number to any other personally identifiable number, or information, will be accessible only to those staff using the research data.

V. Children with vision and/or hearing Impairments

When USDB is the designated LEA, USDB has full responsibility for all services defined in the IEP/Section 504 accommodation plan. A representative from the district of residence or charter school remains a required member of the IEP or Section 504 accommodation team. When the school district of residence or charter school is the LEA designated to provide services to a student with an IEP or Section 504 accommodation plan, the district of residence or charter school has the responsibility for providing instruction and services for the student except that the USDB may be designated as a related service provider. The USDB remains a required member of the student's IEP or 504 accommodation plan team. Representatives used to provide services from the Utah Schools for the Deaf and Blind must be involved in the transition process and initial IEP development for children with suspected or identified vision impairments, hearing impairments or deaf-blindness. This requires that evaluation and eligibility determination, IEP development and placement are completed by age three. If the child and family are currently receiving service from the Parent Infant Program (PIP) and/or Deaf-blind Services Division, a representative from the appropriate USDB early intervention programs must also be included in the transition meeting.

VI. Local Interagency Agreements and Procedures

BWEIPs, LEAs and USDB representatives shall develop and implement local interagency agreements and procedures in accordance with state agreements and policies.

VII. Interagency Dispute Resolution

If a dispute arises between the local EI program and the LEA program regarding any matter that cannot be addressed through open communication and dialogue among the parties involved, the local EI program director and the appropriate LEA supervisor shall intervene. If all local efforts are unsuccessful, the BWEIP program manager and the USOE preschool coordinator must be consulted. If the matter involves the USDB/PIP program(s), a representative from that program will be consulted. If resolution at this level cannot be reached, the Procedure for Use of the Dispute Resolution Board shall be initiated.

VIII. Procedures for Use of the Dispute Resolution Board

For Interagency disputes which cannot be resolved at the local level, a dispute resolution board will be created and comprised of a member from the State Department of Health BWEIP, a member from the State Office of Education Special Education Services Unit, a member of the tri-chair from the BWEIP State Interagency Coordinating Council, a member of the Utah State Board of Education Advisory Panel (USEAP), and a representative of the Utah Schools for the Deaf and the Blind or a member of the USDB Institutional Council, if the matter pertains to the USDB program.

Appeal above this board will be to the Department of Health, Division of Family Health and Preparedness Director and the State Office of Education Special Education Director, who will make a joint decision on the matter. For the purpose of this agreement, timely resolution shall be forty-five calendar days from the date of receipt of a written complaint. BWEIP and part B procedural safeguards apply for all children and families; in particular, service provision is not delayed or denied to a child because of disputes between agencies over financial or other responsibilities.

IX. Agency Personnel Responsible for this Agreement

The State Department of Health's BWEIP Program Manager, the Utah State Office of Education 619 Coordinator and the USDB superintendent or designee will be responsible for implementing and monitoring this agreement.

X. Term

This agreement shall be effective immediately upon the written signatures of the parties below. At any time during the subsequent five years, a party to the agreement may request a meeting to review and revise its provisions as necessary.

XI. Mechanism for Updating

This Agreement will be revised as necessary by the Department of Health, the State Office of Education and the Utah Schools for the Deaf and the Blind.

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Shari A. Watkins, C.P.A.
Director of Fiscal Operations
Utah Department of Health

Date

Susan Ord, Program Manager
Baby Watch Early Intervention Programs

Date

Joel Coleman, Superintendent
Utah Schools for the Deaf and Blind

10/15/2014
Date

Joel Coleman,
Acting State Superintendent of Public Instruction
Utah State Office of Education

10/15/2014
Date

Glenna Gallo
State Director of Special Education Director
Utah State Office of Education

10/15/14
Date