

STATE OF WISCONSIN

Interagency Agreement

**INFANTS AND TODDLERS WITH DISABILITIES AND THEIR FAMILIES
PUBLIC AWARENESS, CHILD FIND, AND TRANSITION AGREEMENT**

Department of Health and Family Services

Department of Public Instruction



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I. INTRODUCTION

Through a previous interagency agreement, the Wisconsin Department of Health and Family Services (DHFS) and the Wisconsin Department of Public Instruction (DPI) have demonstrated their commitment to providing collaborative multidisciplinary services to infants, toddlers and young children with disabilities. The previous agreement established the general provisions for interagency collaboration including purpose, agency roles, fiscal responsibilities and procedures for dispute resolution. This agreement revises the previous agreement to bring it in compliance with the 1997 reauthorization of the Individuals with Disabilities Education Act (IDEA) and the implementing regulations; Chapter 115, Wisconsin Statutes revised on May 6, 1998; PI 11, Wis. Adm. Code; and HFS 90, Wis. Adm. Code. A related agreement exists between Head Start, DPI and DHFS specific to child find, transition, and the collaborative delivery of services to young children with disabilities.

II. PARTIES TO THE AGREEMENT

This agreement is between the Wisconsin Department of Health and Family Services (DHFS) and the Wisconsin Department of Public Instruction (DPI).

The Department of Health and Family Services (DHFS), Division for Supportive Living (DSL) is the lead agency responsible for Wisconsin's early intervention system, called the Wisconsin Birth to 3 Program. DHFS is responsible for developing and supporting a statewide comprehensive system of services for children with disabilities birth to age three and their families in accordance with the Individuals with Disabilities Education Act (IDEA), Part C. Each county Board of Supervisors is responsible for designation of an administrative agency for the Birth to 3 Program. The county administrative agency ensures that all infants and toddlers eligible for the Program receive coordinated and appropriate services in accordance with the Individualized Family Service Plan (IFSP). County administrative agencies provide services directly or they may contract with private early intervention providers, community based providers such as clinics, hospitals, or CESAs.

The Wisconsin Department of Public Instruction (DPI) is the state education agency responsible for special education in Wisconsin in accordance with IDEA Part B. Local education agencies (LEAs) are mandated to locate, identify, and evaluate children who have disabilities to determine the need for special education and related services. LEAs ensure the provision of a free and appropriate public education (FAPE) for eligible children as defined in Chapter 115, Wisconsin Statutes. Cooperative Children with Disabilities Education Boards (CCDEBs) and Cooperative Educational Service Agencies (CESA) may also provide special education services under contract with LEAs.

III. PURPOSE OF AGREEMENT

The DHFS and DPI agree to work together to establish and implement statewide policies, procedures, and practices to ensure that all infants and toddlers who are eligible for special education and related services are identified, located, evaluated and transitioned to appropriate early childhood special education services by the age of three. This agreement commits DHFS and DPI to a public awareness, child find, and transition system which addresses the infant and toddler population in accordance with Part C, of the Individuals with Disabilities Education Act (IDEA), 34 C.F.R. 303.301, 303.320, 303.321, 303.322, 303.344(h), and 303.148. This agreement and the child find and transition systems will also be consistent with Part B of IDEA, 34 C.F.R. 300.121, 300.125, 300.132 and 300.220.

Recognizing the collaborative intent of IDEA Parts B & C, DHFS and DPI have worked to remove prior legal barriers to collaboration. The current state statutes, resulting policies, and training materials further strengthened and clarified roles, responsibilities, and collaboration between the two programs. A framework is provided for LEAs and county Birth to 3 administrative agencies to define specific collaborative processes and determine parameters for sharing staff expertise and resources.

This interagency agreement recognizes the respective responsibilities of DHFS and DPI in the areas of public awareness and child find. Child find responsibilities include the location, identification and evaluation of children with suspected disabilities, and transition of children from the Birth to 3 Program to early childhood special education. It further recognizes the various public awareness, child find, and transition efforts in existence throughout the state.

This agreement promotes coordination between DHFS and DPI and between county Birth to 3 administrative agencies and local education agencies. This coordination is intended to eliminate unnecessary duplication of effort as public agencies commit to making use of their resources to establish effective and comprehensive child find systems. This coordination is also intended to facilitate the smooth transition of children and address gaps in services for children.

Both DHFS and DPI accept the framework established by this agreement. This agreement will be the basis for statewide activities related to child find and transition efforts. This agreement will further serve as the foundation for providing resources and training to county Birth to 3 administrative agencies and LEAs. Specific requirements and roles of the county Birth to 3 administrative lead agency and the LEA are further described in Section IV of this agreement and in other policies and procedures.

IV. SPECIFIC ROLES AND RESPONSIBILITIES OF THE STATE AGENCIES

The DHFS and DPI acknowledge their respective and collective roles and responsibilities in the areas of public awareness, child find, evaluations, and transitions. These roles and responsibilities are further defined in Section 115.762(3)(a), 115.77(1m)(a) and (c), 115.782 (2)(b) 1, and 115.787(1) Wis. Stats., as well as in Wis. Adm. Code HFS 90.05(2)(b-d), 90.06 (2)(a-b), 90.07(1-2) and 90.10 (5)(f).

The DHFS agrees to inform county Birth to 3 administrative agencies of their authority and legal obligation for public awareness, child find, evaluations, and transition. The DPI agrees to inform county LEAs of their authority and legal obligation for public awareness, child find, evaluations, and transition. Both DHFS and DPI agree to include these roles and responsibilities in the systems used for compliance monitoring. Specific roles and responsibilities are detailed below.

A. Public Awareness and Child Find - Location and Identification

Both DHFS and DPI agree to cooperate in public awareness and child find activities to inform the general public about the availability of services to young children from birth to age six with developmental delays and disabilities and their families. This includes the coordination of effort for a central directory of information on resources and programs, the dissemination of child find and screening materials and the provision of technical assistance to local communities on community screening, outreach activities and the development of informed referral networks.

Both DHFS and DPI accept financial responsibility for funding their required components of public awareness and child find. By joining efforts and pooling resources, the departments recognize that they are better able to maximize available resources and provide a needed service to children and families.

The DHFS is specifically responsible for the development and implementation of a comprehensive public awareness program that informs the public about the state's early intervention program, the child find system, and the central directory. The DHFS is also responsible for the development and implementation of a child find system that ensures that all infants and toddlers, birth to 3 years of age, who are eligible for the Birth to 3 Program are identified, located, and evaluated. The DHFS shall carry out the following responsibilities:

- Operate the central directory in accordance with HFS 90.05 (2)(d). The public awareness program will have coverage that is broad

enough to reach the general public, including those with disabilities, and will include a variety of methods for informing the public about child find activities. This program may also be utilized to assist local child find efforts.

- Develop policies, procedures, and activities that ensure all infants and toddlers in the State who are eligible for services under Part C are identified, located, and evaluated.
- Involve representatives from DPI, other agencies engaged in child find efforts, and the ICC in planning of statewide public awareness and child find activities.
- Ensure that county Birth to 3 administrative agencies establish local child find systems, which include LEAs.
- Ensure that county Birth to 3 administrative agencies are aware of their responsibilities as a primary referral source for LEA early childhood special education programs.
- Develop and implement an effective method of determining which children are receiving needed early intervention.

The DPI is responsible for ensuring that the local education agencies (LEAs) maintain a comprehensive child find system that will identify, locate and evaluate all children with disabilities who reside in the state in accordance with IDEA Part B and Subchapter V of Chapter 115, Wisconsin Statutes, and its implementing rules. These responsibilities may overlap with DHFS responsibilities in the identification and location of children with developmental disabilities or developmental delays under the age of three. The DPI shall carry out the following responsibilities:

- Collaborate with DHFS in the implementation of the Birth to 3 child find-public awareness program by supporting the functioning of the central directory for children to age six.
- Advise, assist and cooperate with DHFS in the development of policies, procedures and activities related to public awareness, child find and transition for children age birth to three consistent with DPI's role as a cooperating partner in the infant and toddler with disabilities program.
- Ensure that LEAs maintain a comprehensive child find system consistent with their responsibilities to provide special education programs for children three years to twenty-one years of age found to have a disability and need special education. This will include: monitoring LEA policies, procedures, and activities to ensure that children in need of special education in the State who are eligible for services are identified, located, and evaluated.
- Inform LEAs that they may, and give information related to how they may, continue to utilize IDEA funds for child find and transition

efforts in cooperation with the county Birth to 3 administrative agencies.

- Encourage LEAs to utilize school census activities as a means of gathering information on children ages birth to three and to share that information.

B. Child Find – Evaluation

Under IDEA, both DHFS and DPI have responsibilities for child find evaluation for children with disabilities from birth to three years of age. Through this agreement, the departments agree that the primary responsibility for the evaluation of children depends on which program will be developing and providing the individualized service/education plan. If the child is being evaluated for eligibility for the Birth to 3 Program, DHFS and the county Birth to 3 administrative agencies are responsible for the evaluation. If the child is being evaluated to determine the existence of special educational needs that determine eligibility for special education services at age three, the DPI and the LEAs are responsible for the evaluation.

An LEA may fulfill its child find and evaluation responsibility for children birth through age two years and nine months, by referring an identified child to the county Birth to 3 administrative agency and ensuring that an evaluation is completed or the LEA can complete the evaluation for special education and related services. A county Birth to 3 administrative agency may fulfill its child find evaluation responsibility for children two years and nine months through three years of age by performing a screening and referring an identified child to the LEA and ensuring that an evaluation is completed.

Though the primary responsibility for evaluation rests with the agency that will be providing the service, it is the position of DHFS and DPI that county Birth to 3 administrative agencies and LEAs should maintain their collaborative efforts and enter into agreements to share staff and expertise each have in evaluating the developmental status of young children. This sharing, for example, has occurred when children under the age of three are being evaluated in a low incidence disability area such as vision or hearing. LEAs may have specialized staff who could assist the county Birth to 3 administrative lead agency in the evaluation of these children.

The DHFS and DPI will continue to encourage this collaboration and suggest that the county Birth to 3 administrative agencies and LEAs develop interagency agreements. These agreements should define the parameters for collaboration and address the sharing of staff expertise

and resources while defining the procedures and payments, if any, such sharing might involve.

C. Transition

Through state statutes and rules as well as interagency policies and procedures, DHFS and DPI seek to coordinate the transition process for children who may be eligible for special education services under Part B. The intent is to provide a smooth transition and to reduce gaps in service delivery. The state special education statutes, Section 115.77(1m)(c) Wis. Stats., ensure that the IEP has been developed and that FAPE has been made available by the child's third birthday.

Transition planning for children in the Birth to 3 Program who may be eligible for special education services under Part B requires the development of a coordinated transition plan and convening a transition planning conference. Chapter HFS 90.10 (5)(f)4 identifies the steps to be taken to support the child and family through transitions. These include convening, with the approval of the family, a transition planning conference at least 90 days before the child's third birthday. Section 115.77 (1m) (c) Wis. Stats., requires LEA participation in the transition planning conferences arranged by the county administrative agency.

The Department of Health and Family Services will ensure that county Birth to 3 administrative agencies develop and implement local referral and transition procedures for children who may be eligible for special education services or other programs offered by the LEA. These shall be consistent with HFS. 90.10 (5) (f). These procedures shall include a description of how the families will participate in the transition planning. The procedures also include how the county Birth to 3 administrative agency will convene, with the approval of the family, a transition planning conference between the local county Birth to 3 administrative agency, the family, and LEA at least 90 days before the child turns three years of age to review the child's program options.

The Department of Public Instruction will ensure that LEAs develop and implement local referral and transition procedures including attending the county Birth to 3 administrative agencies' transition planning conference and assuring that special education programs are available when a child with a disability attains the age of three. With the consent of the family, the Birth to 3 Program will forward the individual child's early intervention records to be used during the LEA's review of existing data. Birth to 3 Program staff are encouraged to participate as part of the IEP team.

The timing of a child's third birthday will influence the transition process and timeframe. Interagency collaboration will be especially critical when the child turns three between the months of May and October. Local interagency agreements should address referral procedures in these instances to ensure that the timelines can be met and the transition is as smooth as possible. The IEP team, which includes the parents, will consider the child's developmental needs, determine the services to be provided by the LEA, and establish the date that services will begin.

Based on the child's individual needs, several options may be considered:

- Generally, children turning three late in the school year should begin school services when they turn three. In some instances, the IEP team, including the family, may decide that IEP services will begin at the start of the upcoming school year. The Birth to 3 Program may develop a transition plan that continues current services.
- When children turn three during the summer, the IEP team, which includes the parent, may begin to implement the IEP upon the start of the school year or if necessary for the child to receive a free, appropriate, public education, the IEP team may decide to begin to implement the IEP through extended school year (ESY) services. When the IEP team determines that special education services will begin at the start of the school year, the Birth to 3 Program can develop a transition plan to continue services until the IEP services begin.
- Children turning three early in the school year may begin school services prior to age three as determined by the IEP team.

County Birth to 3 administrative agencies and LEAs should develop interagency agreements that identify the roles and responsibilities of each agency in the areas of transition. These agreements will be especially helpful in dealing with birthdays between the months of May and October. Local interagency agreements should address referral procedures in these instances to ensure that the timelines can be met and the transition is as smooth as possible.

D. Informed Referral Networks and Community Collaborations

Both DHFS and DPI recognize a wide variety of primary referral sources and service providers within birth to six child find systems. DHFS and DPI recognize the need to develop informed referral networks and collaborative efforts on the state and local level. The agencies agree to coordinate their efforts in developing an informed referral network within the state that extends to other health and social service programs. Both

DHFS and DPI will encourage LEAs and county Birth to 3 administrative agencies to work together to develop and implement a local informed referral network to ensure collaborations related to local public awareness, child find, transition, and service delivery systems.

The primary referral sources within the informed referral networks will include, but are not limited to:

- Parents.
- Department of Health and Family Services Programs: Birth to 3, Maternal and Child Health, Medicaid's Early Periodic Screening, Diagnosis and Treatment (EPSDT also known as HealthCheck), Children With Special Health Care Needs, Woman, Infants and Children (WIC), and Family Support.
- The Department of Public Instruction, local education agencies, Cooperative Educational Service Agencies, and County Children with Disabilities Education Boards.
- Wisconsin First Step, the central directory information and referral service.
- Public Health Agencies.
- Social/Human Service Agencies.
- Programs supported by the Wisconsin Council on Developmental Disabilities.
- Head Start.
- Tribal Health Centers.
- Health providers such as neonatal intensive care units, perinatal follow-through clinics, hospitals, health clinics, and physicians.
- Child care providers.
- Other providers of services to young children and their families.

LEAs and county Birth to 3 agencies are encouraged to develop informed referral networks to implement consistent community approaches to the identification and provision of services for children eligible for services under IDEA and applicable state law. These approaches could include joint public awareness publications listing both referral numbers, "child development days", child find events, single point of entry, joint staff training, efforts to develop "one stop service sites", and delivery of services in community based settings. Birth to 3 Program and LEA funds may be used for collaborative efforts in accordance with funding requirements.

E. Data Collection and Information Sharing

Both DHFS and DPI recognize the importance in developing systems for sharing aggregate data on the state level to support system

development. They recognize that data collection and information sharing must be done within the confines of confidentiality laws. Within the confines of confidentiality laws, the departments will explore methods of data collection based on child specific data matches to generate aggregate information on program or service outcomes. At this time, the departments agree to the following collection and sharing of aggregate data:

- The Department of Health and Family Services agrees to compile aggregate data about children participating in Birth to 3 Programs such as age ranges, client characteristics, services, transitions to special education, early intervention locations and services and personnel. This information will be available to the Birth to 3 county administrative agencies, the DPI, and the LEAs.
- The Department of Public Instruction agrees to compile aggregate data related to the number of children transitioning from the Birth to 3 Program who continue to receive special education services from the LEA and other data on the statewide special education population. This aggregate information will be available to the LEAs, the DHFS, and the Birth to 3 county administrative agencies.

On a local level, the Birth to 3 administrative agency will annually provide non-personally identifiable information to the LEA about children with suspected disabilities being served by Birth to 3 to support public awareness and child find efforts. During the transition and evaluation processes, personally identifiable information will only be shared with appropriate parental consents.

V. LOCAL INTERAGENCY AGREEMENTS

Both DHFS and DPI agree to encourage and support efforts between counties and LEAs to collaborate around local public awareness, child find, and transition activities. Local interagency agreements are encouraged to establish the manner in which collaboration will occur within the law. This state level agreement may serve as a model for local agreements. Local interagency agreements may increase the amount of collaboration between the agencies as long as those local agreements meet minimum obligations detailed in this agreement and remain consistent with Part B and Part C of IDEA and their respective authority under applicable state laws.

These agreements should define the parameters for collaboration and address

roles and responsibilities of each agency; interagency policies activities and/or strategies; sharing of staff expertise and resources while defining the

procedures and payments, if any, such sharing might involve; and methods for resolution of disputes.

VI. RESOLUTION OF DISPUTES

A. General Procedures for Intra and Inter Agency Disputes

For the resolution of disputes arising over issues addressed in this agreement all parties will utilize the appropriate steps and methods as described herein. Informal resolution will be the first step in dealing with any disputes relative to this agreement.

When an issue cannot be resolved, through informal resolution, it should be handled as a formal dispute. Formal disputes under these procedures are to be filed in writing at the appropriate state or local level. The materials presented will include; the regulation or requirement related to the dispute, the specific issue needing resolution, the prior steps taken to resolve the issue and any additional relevant information that may impact on the issue. Utilizing the information presented, a good faith effort will be made to reach a mutually satisfactory solution. Efforts must be made at each level for resolution in a timely manner.

B. Resolution of State Department Intra-agency Disputes

This agreement recognizes that DHFS and DPI each have its own administrative mechanisms for the timely resolution of internal disputes. This agreement recognizes these procedures and permits each agency to resolve its own internal disputes. Both agencies, in turn, agree that resolution of disputes and related issues will be based on the policies and procedures that have been agreed upon relative to this agreement. Both agencies agree to timely resolution of internal disputes.

C. Resolution of State Department Interagency Disputes

1. Resolution between agencies: When a formal dispute arises between the agencies regarding the terms of this agreement the party seeking clarification shall utilize the following procedure for resolution:
 - a. The issue will be referred to the respective division administrators or their designees for resolution.
 - b. If the issue is still unresolved, it will be referred to the highest level with each agency for resolution.
 - c. All necessary steps in the resolution process under this section IV. C. 1. shall occur within 60 days from referral to the division administrators. If acted upon in good faith, with just cause, and through mutual agreement, an extension may be granted.

2. **Binding Decision:** If the dispute is not resolved by the department heads, the issue will be referred to the Secretary of the Department of Administration, whose decision will be final and binding on all parties. The decision must be made in a timely manner. Should costs for the resolution be incurred by this review under this section IV. C.2., DHFS and DPI will each contribute one half of the total cost.

D. Resolution of Local Interagency Disputes

This agreement recognizes that agencies on a local level have their own procedures for the timely resolution of internal disputes related to the terms covered in this agreement. This agreement recognizes these local procedures and permits each local agency to resolve its own internal disputes.

When local agencies have disputes relative to this agreement, the dispute will first be discussed and if possible resolved at the local level between all involved agencies. Local agencies may establish formal procedures that specify the process for resolution of these local disputes in a timely manner including the utilization of local interagency coordinating councils if they exist.

If resolution cannot be achieved in a timely manner at the local level, the issue(s) will be presented in writing to the respective division administrators within each agency for resolution utilizing the procedures for interagency resolution found at section IV. C. in this document. The need for an on-site investigation may be determined through mutual agreement by DHFS and DPI at any time during the process of resolution. The resolution under IV. C. of this document will be considered binding.

E. Financial Responsibility During Resolution of Disputes

If financial responsibility for public awareness, child find or transition is an issue in a dispute under this Section IV, that issue shall be resolved in accordance with the procedures in Section IV. C. During the pendency of a dispute DHFS shall assign financial responsibility or shall pay for the disputed item. The dispute resolution shall determine the ultimate financial responsibility of the parties including any costs assigned or paid during the pendency of the dispute.