

Changes in Local Lead Agencies

I. Purpose:

- A. Both State and Local agencies will ensure uninterrupted services to children and families.
- B. Procedural safeguards and parental rights will be maintained during the transition process.
- C. The selection/replacement process will be timely.
 - 1. A transition plan will be in place between the two local lead agencies and KDHE to ensure that the above criteria are met.
- D. Selection of a new and qualified Lead/Fiscal Agency will be fairly determined.

II. Recommended General Guidelines for Notification and Selection:

- A. The local Part C lead agency notifies Local ICC and KDHE Infant-Toddler Services of the decision to discontinue its contract as Lead/Fiscal Agency with an effective date for termination of services.
- B. KDHE Infant-Toddler Services notifies State ICC of Local Part C Lead/Fiscal Agency decision to discontinue the current contract.
- C. KDHE and Local ICC hold public forum in local community to announce coming change in Lead/Fiscal Agency. Staff from the State ICC will be invited to participate in this forum as appropriate. The purpose of the public forum is twofold. One is to explain the process becoming the local Lead/Fiscal Agency (make Procedural Manual available to any interested parties, give an estimate of what grant amount will be for next year, and explain the application process, etc.) and two, get public feedback as to what the local community wants and considers strengths to provide quality Infant-Toddler services.
- D. KDHE will make an announcement to other local tiny-k programs and their lead/fiscal agencies that an opportunity exists for a new Lead/Fiscal Agency. They will be informed of the forum date should they be interested in an opportunity to meet with Local ICC.
- E. KDHE will notify the departing Lead/Fiscal Agency of their official last day of responsibility.
- F. KDHE and Local ICC agree on a timeline and process for selection when notified by former local Lead/Fiscal Agency of intention to discontinue its contract. The State ICC will be informed of the process.
- G. Public Comment Required. No less than two comment periods will be provided affording opportunity for feedback.

1. One public comment opportunity with 14 calendar days notice shall be provided by the LICC to the local community.
 2. Another opportunity could be held at the State ICC or within the local community depending on which would expedite the selection process.
- H. The Local ICC will make a determination on which proposal shall move forward. KDHE will receive one (1) application from the local community that has been signed off by the Chairperson of the Local ICC. KDHE will review the application and either approve, give guidance for revisions, or deny.

III. Recommended General Guidelines if Network Discontinues Services During Contract Year:

- A. KDHE will identify what resources are available to assist with continuing services in the network.
- B. KDHE will convene an emergency Local ICC meeting/public meeting as soon as possible. Two things need to be addressed at this meeting:
 1. Formation of a plan for the continuation of services and the;
 2. Identification of another agency to become the lead and/or fiscal agency. The State ICC will be informed of any interim and/or permanent plan that is developed.
- C. If KDHE and the Local ICC cannot identify someone to continue services in the local community, then KDHE will assist the LICC in identifying potential lead and or fiscal agencies, including contacting surrounding local tiny-k programs. This may also be an option in identifying a new lead agency if no one from the local community can be found.

IV. Declaration of Conflict:

Each Local ICC will follow their own by-laws in determining which members should declare a conflict of interest, and whether or not any member should vote in determining a new Lead/Fiscal Agency.

V. Once a Lead Agency Has Been identified:

Representatives of both lead/fiscal Agencies involved in transition, will meet to develop a transition plan. A representative of KDHE will facilitate the development of the plan. A representative of the State ICC will be invited as appropriate. The transition plan will be signed by representatives of both lead/fiscal agencies, and KDHE, and will consist of the following:

- A. Plan to continue services for families and ensure a smooth transition
- B. Transfer of records
- C. Transfer of finances
- D. Plan for staff

- E. Plan to meet State/Federal compliance
- F. Plan for transfer of resources
- G. Plan for training

VI. Addendum

The Transition Document will be facilitated by KDHE and their representatives. Legal representatives of all parties shall sign the finished document. Timelines should ensure that all procedural safeguards for children and families are met. Timelines should also facilitate a smooth transition, and ensure that all State and Federal requirements are met. Elements of transition plan should include the following considerations:

- A. Plan to continue services for families and ensure a smooth transition.
 - 1. How families will be notified of change
 - 2. How and if joint visits or transition visits will occur
 - 3. How transition activities will be financed
- B. Transfer of records.
 - 1. Prior Lead Agency should keep all records generated by them for audit purposes. Six years is a standard guideline.
 - 2. The New Lead Agency should receive records for currently active children with a copy made for the original agency for audit purposes. The new agency is not responsible for any noncurrent files generated by the former lead agency. The two agencies can make arrangements if other files are requested; however, the Prior Lead Agency is responsible for all files under their responsibility during time of service.
 - 3. The entire file is to be made available on current children to the new lead agency except those records generated outside of Part C.
 - 4. Any Part C file should be kept properly secured, and confidentiality maintained. Properly secured means files are kept in a locked, fireproof and permanent container or room within the locations of the Lead Agency or its storage facility.
 - 5. The ITS Database will archive database files from former Lead Agency and reassign active files to new Lead Agency. Log-in codes for both ITS and OWS database will be changed and access given to the authorized staff of New Lead Agency.
 - 6. Medicaid will be notified by KDHE of the Lead/Fiscal Agency change, and the cutoff date for Medicaid billing by the departing Lead/Fiscal Agency and the starting date for the new Lead/Fiscal Agency.

C. Transfer of finances

1. Funding received from the State through the grant process is known as Part C funds, and must be appropriately applied under the “payor of last resort” principles outlined by Federal regulation. The former Lead/Fiscal Agency should spend all other sources of funding prior to using Part C funds. Any remaining Part C funds should be returned to the State. A final report of Actual Revenue and Expenditure is required to be submitted to KDHE by October 31st of year in which the Lead/Fiscal Agency changes.
2. Any proposal for transition funding by the new Lead/Fiscal Agency should be submitted to KS ITS. Availability of such funding is not guaranteed, and all proposals are subject to approval in full or part.
3. Fundraising dollars raised for the purpose of Part C services should remain with the Part C program for which they were raised.

D. Plan for staff

1. What staff will be retained, if any, and plan for continuity of services to families.

E. Plan to meet State/Federal compliance

1. All data in ITS database should be current up to the last date of responsibility of former Lead/Fiscal Agency.
2. All data in OWS database should be current up to the last date of responsibility of former Lead/Fiscal Agency.
3. The departing Lead/Fiscal Agency should complete all State/Federal reporting requirements for the time period for which they were responsible. The prior Lead/Fiscal Agency is responsible for submission of the Semi-Annual Report (SAR), if the transition occurs as of July 1 or January 1. If transition occurs at a different time, both the prior and new Lead/Fiscal Agencies must agree to cooperatively prepare the necessary SAR.
4. All information needed for State/Federal reporting requirements should be made available to the New Lead/Fiscal Agency.

F. Plan for transfer of resources.

1. Any equipment or supplies purchased with Part C dollars must remain with Part C.

G. Plan for training

1. New Agency will work with KDHE, KITS to complete grant application
2. New Agency will complete a Technical Assistance Plan with KITS to ensure any new staff has adequate training to comply with requirements of KDHE and IDEA.