

**State-level Memorandum
of
Agreement**

**Interagency Agreement for Collaborative Services
Birth to 5**

**Kansas Department of Health and Environment
Kansas Department of Education
Kansas Department of Social and Rehabilitation Services
Region VII Department of Health and Human Services
Administration of Children and Families**

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement (MOA) among the Kansas Departments of Health and Environment, hereinafter referred to as KDHE, the Kansas State Department of Education, hereinafter referred to as KSDE, the Kansas Department of Social and Rehabilitation Services, hereinafter referred to as SRS, and the Region VII Department of Health and Human Services, Administration of Children and Families, hereinafter referred to as the AFC Regional Office, and collectively referred to as Collaborative Partners, is made to assure attainment of a mutual goal among agencies and their programs for the provision of early intervention and preschool services to children birth through age 5 who have developmental delays or disabilities, or have conditions associated with a high probability of developmental delay and their families.

I. AUTHORITY FOR AGREEMENT

As a condition of receiving Federal funds under Part C of the Individuals with Disabilities Education Act (IDEA), 34 CFR 303.523 requires the lead agency to ensure cooperation among State agencies involved in delivering Part C services to eligible children and their families by entering into interagency agreements with these State agencies.

The Department Secretaries, the Commissioner of Education and the AFC Regional Office are authorized to enter into agreements and make commitments which shall be binding on the operation of the programs of the agencies.

The Federal and State laws and regulations that provide authority and requirements for this MOA can be accessed on the individual agency's website listed in Appendix 1.

WHEREAS, authority exists in law for Collaborative Partners to work together for the benefit of children birth through age 5 with disabilities and their families;

WHEREAS, the KDHE is a Collaborative Partner and the designated Lead Agency for the administration of the Part C Infant-Toddler Program under IDEA;

WHEREAS, the KSDE is a Collaborative Partner and the designated Lead Agency for the administration of Part B, Section 619 of IDEA, Parents As Teachers, 4 Year Old At-Risk and other preschool education programs;

WHEREAS, the SRS is a Collaborative Partner and the designated Lead Agency for Kansas Early Head Start, the Head Start-State Collaboration Office; Child and Family Services and Child Care Subsidy.

WHEREAS, the AFC Regional Office is a Collaborative Partner and Lead Agency for administration of the Federal Head Start programs and child care programs;

NOW THEREFORE, the Collaborative Partners agree to all of the following sections of this MOA and its Appendices.

II. STATEMENT OF COMMON PURPOSE

The Purpose of this MOA is to facilitate the development of a cooperative relationship enhancing coordination among the Collaborative Partners. The parties to this agreement are committed to:

- Maximize the use of federal, state and local resources.
- Support a comprehensive system of services for children with developmental delays and/or disabilities and their families.
- Encourage the development of local level interagency agreements to address the coordination of screening, referral, transition, data collection and other common practices among partners
- Promote inclusion of all children through the integration of services in the natural/least restrictive environment.
- Enhance the awareness of the needs of children and families to promote coordination among programs.

This agreement is guided by the Head Start Program Performance Standards, Regulations 45 CFR Parts 1301, 1304, 1305, 1306 and 1308, state and federal regulations implementing Part B, Section 619 and Part C of the IDEA, Section 504 and the Rehabilitation Act of 1973, Child Abuse Prevention and Treatment Act (CAPTA), Americans with Disabilities Act (ADA) and the McKinney-Vento Homeless Assistance Act of 1986.

III. OPERATING PRINCIPLES FOR DELIVERING SERVICES

A. **CONFIDENTIALITY**

Confidentiality must be maintained. Collaborative Partners are the stewards of information on children and families and share only information necessary for their shared work, and as permitted by state and federal statutes and regulations, including but not limited to the Health Insurance and Portability and Accountability Act (HIPPA) and the Family Educational Rights and Privacy Act (FERPA). Further, the Collaborative Partners recognize the parent holds the authority for release of information.

B. **PARENT/FAMILY**

The Collaborative Partners value the family as a full partner and educational decision-maker through the process of screening, evaluation and development of the IFSP/IEP and related services as determined through a multidisciplinary evaluation. Parents, the child's teacher, home visitor, and child care provider and others, respected as full participatory members of the child's team. Parents are invited to become integrally involved in the program's approach to child development and education by sharing insights, ideas and suggestions with service providers and coordination of services for the child between home and early childhood settings.

C. **COORDINATED LOCAL ACCESS TO PROGRAMS**

The Collaborative Partners facilitate coordination of local programs to develop program information that is shared with families to aid in easy access to programs for young children birth through age 5 and their families and that is respectful of parent choice in program participation.

D. **SCREENING, REFERRAL AND FOLLOW-UP**

Understanding that early identification of children who have disabilities is a shared value, the expectation is that all Collaborative Partners use their current policies and procedures to facilitate the early identification of children that may have disabilities through screening activities using valid and reliable tools and a shared understanding of criteria that merits a referral. If the screening conducted by a primary referral source (i.e.: Parents as Teachers, Physicians, Early Head Start, Health Department, etc.) indicates the child is suspected of having a developmental delay or a diagnosed condition known to result in a developmental delay, the child **MUST** be referred to Infant-Toddler Services/*tiny-k* network for an evaluation within two working days according to Part C of the IDEA.

When a case of substantiated child abuse or neglect by SRS is made regarding a child victim less than three years old, a referral will be made to the Infant-Toddler Services/*tiny-k* network pursuant to the federal mandate of the Child Abuse Prevention and Treatment Act (CAPTA).

E. TRANSITION

To ensure seamless services, avoid lapses in services or confusion for children and families, including children with disabilities, the Collaborative Partners recommend that all types of transitions at the local level be done collaboratively, timely and include the family and all service providers.

F. DATA

The Collaborative Partners value valid and reliable data in guiding decisions about the effectiveness, efficiency and efficacy of program service delivery models. Consistent with the Health Insurance Portability and Accountability Act of 1996 (HIPPA) and the Family Educational Rights and Privacy Act (FERPA) the Collaborative Partners will continue to improve methods of data collection based on child specific data matches to generate aggregate information on program or service outcomes.

Additionally, KDHE Part C and KSDE Part B (619) specifically agree to:

- 1) Participation in the "Collaborative Data System" developed to utilize data to respond to requirements from the federal Department of Education, Office of Special Education Programs (OSEP), for monitoring Kansas' implementation of Part C and Part B of IDEA specifically; Early Childhood Outcomes shared database known as the Outcomes Web System (OWS) and annual data transmitted from KDHE to KSDE regarding transition of children from Part C to Part B.
- 2) Use of this data is restricted to State agency use and that access to the educational records is solely for the purpose of audit or evaluation of a Federal or State supported education program.

IV. MAINTENANCE OF EFFORT AND NON-SUPLANTING OF FUNDS

According to 34 CFR 303.124, Part C Infant-Toddler funds are to be used to supplement and increase the level of state and local funds expended, and in no case to supplant state and local funds. Sec. 681 (b), Part C of P.L. 108-446 specifies that a state cannot reduce medical or other assistance available or alter eligibility under Title V of the Social Security Act or Title XIX within the state. A maintenance of effort means an amount equal to or greater than the amount of State and/or local funds expended for early intervention services in the most recent preceding fiscal year. Accordingly, the parties to this agreement assure maintenance of effort in the provision of funds and resources to deliver early intervention services to infants, toddlers and their families in Kansas.

V. FINANCIAL RESPONSIBILITIES

The Collaborative Partners financial responsibilities are reviewed and updated annually or as needed to include:

Kansas State Department of Education Special Education Reimbursement Guide (reviewed and updated as needed); Kansas Coordinating Council on Early Childhood Developmental Services and State Interagency Coordinating Council Interagency MOA (reviewed and updated annually).

- All child find, screening, evaluation and service coordination activities must be available at no cost to the family. Fees are also not charged for staff time related to the development of the Individualized Family Service Plan (IFSP) or the provision of procedural safeguards.
- Maximum use will be made of all third party funding sources. State planning efforts will continue to support and facilitate such financing arrangements.

VI. PROCEDURE FOR RESOLUTION OF DISPUTES

Agencies recognize the complexity of interagency collaboration of comprehensive programs. The Collaborative Partners will keep communication open and frequent at formal and informal levels.

A. OPERATIONAL DISPUTES

Intra-agency Disputes

Intra-agency disputes shall be resolved within each individual agency. Each state agency is responsible for procedures regarding resolution of disputes. Department policies regarding internal disputes are submitted to department designee's for approval.

Interagency Disputes

Interagency disputes which develop in the course of this Agreement shall be resolved by discussion between the concerned parties at the organizational level closest to the problem. If the disagreement cannot be resolved informally at this level, it shall be referred to, and resolved by the Secretaries or designees of KDHE, SRS, the Commissioner of Education or designee, and the ACF Regional Office or designee. This will be done by a letter outlining the problem and circumstances with a request for a meeting between the Secretaries, the Commissioner, the ACF Regional Office or their designees, and other affected parties. In the unlikely event that resolution cannot be reached by the Secretaries, Commissioner, or designees, a request for resolution will be forwarded to the Governor.

B. FINANCIAL DISPUTES

KDHE is responsible for resolving individual financial disagreements under Part C of IDEA. During the pendency of any disagreement KDHE will:

- 1) Assign financial responsibility to the appropriate agency based upon statutory obligation,
- 2) Pay for the service in accordance with "payor of last resort" provisions in 34 CFR 303.527, and

- 3) Assure that services continue to the child and family during the period that it takes for the disagreement to be resolved.

If, in resolving the disagreement, KDHE determines that the assignment or financial responsibility was inappropriately made, KDHE shall:

- 1) Reassign the responsibility to the appropriate agency, and
- 2) Make arrangements for reimbursement of any expenditures incurred by the agency originally assigned responsibility.

For settling financial disputes that occur in other areas, each agency will rely upon its own policies and procedures. When this does not result in a satisfactory outcome, or if multiple agencies are involved the Governor's Office will decide unsettled matters.

VII. PROCEDURAL SAFEGUARDS

Part C Infant-Toddler Program under IDEA and Part B, Section 619 of IDEA have procedural safeguards which describe steps for resolving disputes.

All Partners agree that families must be informed of their rights under these safeguards and will cooperate in making families aware of them.

VIII. SUPERVISION AND MONITORING

The Collaborative Partners are responsible to ensure that their individual programs and activities are administered, supervised, and monitored in accordance with statute, regulations, and policies and procedures. Self-assessment and monitoring procedures have been developed to ensure effective program evaluation and compliance with statute and regulations.

IX. PROVISION FOR PERIODIC REVIEW OF THE AGREEMENT

This Agreement shall be in effect upon signature by the Secretaries of KDHE and SRS, the Commissioner of Education, and the ACF Regional Office. It is continuing in nature until such time as it is terminated by any party. This Agreement is not invalidated by a change in the Secretary of KDHE or SRS, the Commissioner of Education, or the ACF Regional Office.

The MOU will be reviewed annually and revised jointly by a committee represented by all signing parties when laws and regulations are amended or when any party requests a formal change.

X. TERMINATION

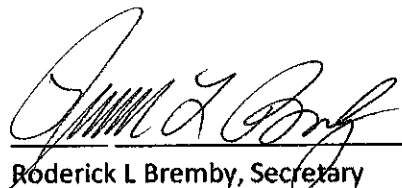
This Agreement may be terminated by a written notice to all parties three months prior to the termination. Termination of the Agreement by KDHE or SRS must be approved by the Governor.


Termination of the Agreement by KSDE must be approved by the State Commissioner of Education. Termination of the Agreement by the ACF Regional Office must be approved by the designated official representative of this office.

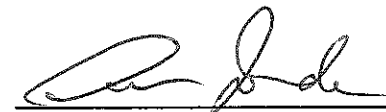
XI. **ADDENDA**

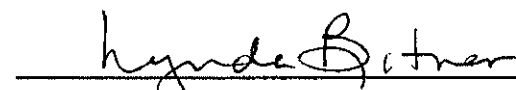
Any attached individual program addenda shall be considered with this Agreement. Additional program addenda shall be discussed at the annual review or special meeting and added as needed. Revisions of an individual program addendum may be made without affecting the terms of this agreement.

This Agreement shall become effective after signatures are affixed by the Commissioner of KSDE, the Secretary of KDHE, the Secretary of SRS, and the ACF Regional representative.

Signature:  _____ Date: 10/4/10
Roderick L. Bremby, Secretary
Kansas Department of Health and Environment

Signature:  _____ Date: 9/8/10
Diane DeBacker, Interim Commissioner
Kansas State Department of Education

Signature:  _____ Date: 9-2-10
Don Jordan, Secretary
Kansas Department of Social and Rehabilitation Services

Signature:  _____ Date: July 13, 2010
Lynda Bitner, Regional Program Manager
Office of Head Start
Kansas City Regional Office

Program Name	Description	Governing Statutes
Kansas Department of Health and Environment		
Part C Infant-Toddler Services	<p>Family-centered early intervention during the first three years of a child's life has the potential to make a profound difference in a child's future. Early intervention is a system of coordinated services that promotes the child's growth and development and supports families during the critical early years. Early intervention services to eligible children and families are federally mandated through the Individuals with Disabilities Education Act.</p> <p>The family is the center of every child's world. Accordingly, it functions as a child's most important developmental context. Therefore, the family should be the most important focus in early intervention efforts, including assessment and intervention activities. Collaboration with the family is essential to meet the developmental needs of all young children.</p> <p>Starting with a partnership between parents and professionals at this early stage helps the child, family and community as a whole. Early intervention services delivered within the context of the family can:</p> <ul style="list-style-type: none"> • Improve both developmental and educational gains; • Reduce the future costs of special education, rehabilitation and health care needs; • Reduce feelings of isolation, stress and frustration that families may experience; and • Help children with disabilities grow up to become productive, independent individuals. <p>Because all babies are different, they rarely do the same thing at exactly the same age. As a result, it's not unusual for families to have questions or concerns about their child's development. The earlier children with or at risk of disabilities receive assistance and the sooner their families receive support towards their children's development, the farther they will go in life. Research tells us that the first three years of a child's life are critical years for learning. Early care and education have a long-lasting impact on how children develop. During a child's first three years, it is important to focus on a child's developmental needs and take advantage of your child's natural ability to learn.</p>	<p>Individuals with Disabilities Act (IDEA), 2004</p> <p>CFR, Title 34, Volume 2 (revised July 1, 1999)</p> <p>KAR 28-4; 550-572</p> <p>KSA 75-5648 - 5649</p>

Program Name	Description	Governing Statutes
Kansas State Department of Education		
Part B, Section 619	<p>Section 619 of Part B of IDEA, defines the preschool program which guarantees a free appropriate public education (FAPE) to children with disabilities age three through five. Under this program preschool children who have disabilities are entitled to Special Education and Related Services in the Least Restrictive Environment (LRE).</p> <p>The IDEA Preschool Program (Section 619) supports education services for young children with disabilities when they turn 3. It addresses individual needs within the context of developmentally appropriate activities, including early learning experiences in language, pre-reading and writing skills, play, and other social emotional areas.</p>	<p>Individuals with Disabilities Education Improvement Act (IDEA 2004)</p> <p>34 CFR Part 300</p> <p>KSA 72-1204 K.A.R. 91-40-7 Child Find</p>
Parents As Teachers	<p>Kansas Parents As Teachers is a universal home-based program of parent education for families with children prenatal up to 3 years of age designed to give children the best possible start in life and to prepare them for school success by supporting parents in their role as children's first and most important teachers. The PAT program includes regularly scheduled personal visits, group meetings, monitoring of children's progress and referral network.</p>	<p>K.S.A. 72-3603 <i>et seq.</i></p>
4 Year-Old At Risk	<p>The Four Year Old At-Risk program is for children who meet one or more of eight specified criteria: single parent; free lunch; English Language Learner; Parent without high school diploma; teen parents; migrant status; SRS referral; academically or developmentally delayed based on valid assessments. The purpose of the program is to promote the children's readiness for success in Kindergarten.</p>	<p>K.S.A. 72-6497</p>

Program Name	Description	Governing Statutes
Kansas Department of Social and Rehabilitation Services		
Kansas Early Head Start	<p>Kansas Early Head Start, (KEHS) is a social service and child development program primarily for pregnant women and families with infants and toddlers who meet the Federal poverty guidelines. KEHS is modeled after the Federal Early Head Start program that was created by the U.S. Congress. All KEHS programs follow Head Start Performance Standards that requires at least ten percent of the total number of the enrollment be made available to children with disabilities.</p> <p>Kansas Early Head Start grants are awarded to 13 early learning programs in 48 counties serving 1,117 children from birth to four and their families. The Kansas Early Head Start expenditures meet the infant/toddler targeted funds requirement in the Child Care and Development Fund State Plan.</p>	<p>Head Start Program Standards and Other Regulations (45 CFR Parts 1301, 1032, 1303, 1304 and Guidance, 1305, 1306, 1308)</p> <p>Head Start Act (as amended December 12, 2007)</p>
Head Start Collaboration Office	<p>SRS houses the Kansas Head Start State Collaboration Office (KHSSCO) through a grant from the federal Office of Head Start, Administration for Children and Families, U.S. Department of Health and Human Services.</p> <p>The mission of the KHSSCO is to create a visible presence for Head Start at the state level policymaking, partnerships, initiatives and decisions that affect low-income children and their families, to enhance the capacity of early childhood programs, and improve opportunities for children and families in Kansas. The goals, objectives, activities, and results of the project are designed to focus on the development of specific linkages in the project's eight priority areas: childcare, child welfare, professional development, health care, welfare, education, community services, family literacy services, activities relating to children with disabilities, and services for homeless children.</p>	<p>Head Start Program Standards and Other Regulations (45 CFR Parts 1301, 1032, 1303, 1304 and Guidance, 1305, 1306, 1308)</p> <p>Head Start Act (as amended December 12, 2007)</p>

Program Name	Description	Governing Statutes
Kansas Department of Social and Rehabilitation Services		
Child Care Subsidy or Assistance	<p>The Child Care Subsidy Program helps pay for child care costs. It helps many types of families. These include the following:</p> <ul style="list-style-type: none"> • Families who receive TAF (Temporary Assistance for Families) - This program helps these families get and keep jobs. • Low-income, working families. • Some families in education or training activities - This provides help for keeping a job or getting a better job. • Teen parents completing high school or GED. 	
Child and Family Services	<p>SRS offers a variety of services to children and families such as child protective services, family based assessments, family support services, eligibility determination, and information and referral.</p> <p>Child welfare services are provided in local SRS offices across the state.</p>	
Region VII Department of Health and Human Services, Administration of Children and Families		
Federal Head Start	<p>The Head Start Regional Program Unit: (1) Guides the day-to-day management of Head Start programs in its jurisdictions; (2) provides technical assistance, resources, and information to the various entities responsible for administering these programs; and (3) represent Head Start to State, county, city, and Tribal governments, grantees, and public and private organizations.</p>	<p>Head Start Program Standards and Other Regulations (45 CFR Parts 1301, 1032, 1303, 1304 and Guidance, 1305, 1306, 1308)</p> <p>Head Start Act (as amended December 12, 2007)</p>

Program Name	Description	Governing Statutes
Region VII Department of Health and Human Services, Administration of Children and Families		
Federal Child Care	<p>The Child Care Bureau (CCB) supports low-income working families by promoting access to affordable, quality early care and afterschool programs.</p> <p>CCB administers the Child Care and Development Fund (CCDF) (also known as the Child Care and Development Block Grant) by overseeing the implementation of State, Territorial, and Tribal CCDF programs. The Bureau provides support in establishing child care policies and programs that take advantage of the flexibility that CCDF offers and that respond to the needs of low-income working families. In addition, CCB provides a variety of technical assistance and professional development services targeted to meet the needs of CCDF administrators in the States, Territories, and Tribes.</p>	