

**AGREEMENT BETWEEN FEDERAL REGIONS VIII, REGION XI AND REGION XII  
ADMINISTRATION FOR CHILDREN AND FAMILIES, THE COLORADO DEPARTMENT  
OF EDUCATION**

**April, 2006**

This agreement is written to provide a framework for Head Start, Migrant and Seasonal Head Start, and Colorado local school districts or administrative units, to develop specific collaborative and cooperative agreements to serve children 3 through 5 years of age who are eligible for services under Public Law 108-446 Individuals with Disabilities Education Act (IDEA) and Public Law 93-644 (Economic Opportunity and Community Partnership Act of 1974), and the Head Start Performance Standards on Children with Disabilities (45 CFR 1304 and 1308). Children deemed eligible for services under IDEA and the Colorado School Finance Act will hereafter be referred to as "children." The respective regulations provide the legal basis for guaranteeing that children 3 - 5 with developmental delays and/or disabilities receive services to meet their special needs. This agreement is supported by Federal Regions VIII, XI and XII Administration for Children and Families, the Colorado Department of Education (CDE), Part B, Section 619, and the Colorado Head Start Association.

Throughout this document, the term "Head Start" will apply to Head Start, Migrant Head Start, and Tribal Head Start unless individually specified.

Goal Statement

Collaboration will improve services to young children and their families while making best use of available resources and avoiding duplication of effort.

The purpose of this agreement is to affirm the roles and responsibilities of each agency and to provide guidance for the development of local collaboration between all Head Starts and public school early childhood programs in order to:

1. Assure that all children determined to be eligible have access to full range of services under Part B, Section 619, and Head Start.
2. Assure services are provided in the child's natural environments or placement of eligible children in the least restrictive environments.
3. Enhance the array of services and options available to children and families through the joint utilization of resources.
4. Assure the successful transition of young children and families between and among Head Start and public school early childhood programs.
5. Assure the involvement of parents and families in all services and supports.
6. Facilitate communication between and among families and agencies covered in this agreement.

Responsibilities

Colorado local school districts are required by the child identification process provisions of IDEA to locate and evaluate all children residing within their boundaries who may be eligible for early intervention or special education services. Head Start grantees are required to participate in the child

identification process and the State (October 1 or the approved alternative count date) and Federal (December 1) child count. As well, Head Start must recruit, enroll, screen, and serve age and income eligible children. At least 10% of the funded enrollment for each Head Start must be made available to children with identified disabilities.

Under federal law and regulations and state regulations, children and families should have access to: (1) screening services, (2) multi-disciplinary evaluations for eligibility and program planning, (3) staffing committees, and (4) Individualized Educational Program (IEP) ages 2 1/2-5.

### Definitions

Head Start, Early Intervention, and Special Education regulations define children eligible for services using similar categories of disabilities. Many children will meet the eligibility requirements of all agencies. Eligibility is determined by a comprehensive, multi-disciplinary developmental evaluation. Families should be equal partners in the evaluation and eligibility process to assure the most appropriate services and supports. Therefore, it is to the mutual benefit of families and local providers to assure that services to these children are delivered in an effective and efficient manner (See appendix 1 for current definitions for all agencies).

### Areas of Collaboration

Local educational agencies and administrative units and local Head Start grantees should develop arrangements within the context of this agreement that will define relationships and specific areas of collaboration most appropriate to their local community. Local interagency agreements must be established between individual Head Start programs and Part B, Section 619. Numerous methods of collaboration should be employed to provide efficient and effective services for eligible young children and families. This statewide agreement is designed to be a framework for local interagency agreements and to assist the above mentioned agencies in their collaborations.

### A. COMMUNICATION

Local communities and/or areas of service should develop or continue to work with existing interagency councils or networks for the purpose of establishing and maintaining ongoing communication. Effective interagency councils include representatives from health care, human service, and education agencies (e.g., Special Education preschools), family members, and other community providers. Purposes of such councils are: 1) to effectively implement a coordinated child identification process, 2) to maintain a coordinated service and support system, 3) to better utilize available funding sources and other existing resources, and 4) to provide the forum for essential partners to develop written interagency agreements in areas appropriate for their communities.

### B. FAMILY PARTICIPATION

Head Start and local school districts or administrative units, recognize families as key decision makers in the process of providing services and support to young children with developmental delays or disabilities. Local communities are encouraged to jointly develop opportunities for families to participate as equal partners. Services and supports should be coordinated, accessible, and provided in the context of the family's everyday routines, activities, and places. All service agencies are required to inform parents of their rights and responsibilities and the laws and regulations governing those services to be provided. Communication and information between families and agencies need to be provided in a family's primary language through written and verbal methods.

### C. CHILD IDENTIFICATION

Under IDEA, each local school district or administrative unit is required to ensure that all potentially eligible children 3 - 21 are located, identified, and served. Therefore, the local school district and administrative unit must ensure the coordination of referral, screening, multi-disciplinary evaluation, and the development of the IEP. The child identification process must be a community interagency effort available to families throughout the calendar year. Each community should have a coordinated process for identification of all eligible children birth through five as established by an interagency council and compliant with all pertinent state and federal regulations. Colorado's Child Identification Program Standards should guide the development and ongoing evaluation of this process. The collaborative plan should include families and personnel from Head Start, local school district or administrative unit, and other services.

### D. DETERMINATION OF ELIGIBILITY

It is the responsibility the local school district or administrative unit and Child Find to insure that children with suspected disabilities are identified and declared eligible if appropriate in accordance with federal and state regulations for funding under IDEA. The school district, administrative unit, Child Find, and Head Start grantee should collaboratively serve as members of multi-disciplinary evaluation teams and/or staffing teams whenever appropriate. The Head Start agency is responsible for determining if the child is eligible for additional Head Start services.

### E. EVALUATION

In Colorado, evaluation is a process for determining eligibility, and developing the IEP with individual goals and objectives and services and supports for meeting child and/or family needs. A multi-disciplinary evaluation process in which two or more disciplines and the family are involved is required by IDEA. It is recommended that local community agencies have in place a coordinated evaluation process whereby they share certified staff where appropriate. The child and family are best served when community agencies share information and recommendations, within the bounds of confidentiality and avoid duplication of effort in the process.

All assessments are required to be administered in the child's native language and not be discriminatory on a racial or cultural basis, use multiple instruments and methodologies, and be administered by trained personnel at no cost to the parent. For a child being initially evaluated under Part B, the local education agency/administrative unit has 60 days from the date parental permission for evaluation is received to complete the Individualized Educational Program (IEP) process. (HSPPS 45 CFR 1308.6 and 1304.20 (b) (1); Part C 34 CFR 303.342; Part B 34 CFR 300.532; ECEA 4.01 (2) (c)).

### F. JOINT PLANNING FOR IEP

An Individualized Educational Program (IEP) for all eligible children 2 1/2-5 years old should be developed or revised at a planning conference. Participants should include the child's parents or legal guardians, the appropriate personnel from the local school district or administrative unit, Head Start, and others as appropriate, following all requirements in federal regulations and state rules.

### G. PROVISION OF SERVICES AND SUPPORTS

Communities should utilize a variety of options to enhance the development of and meet the identified needs of children with disabilities and their families determined to be eligible for services and support. A driving principle in determining service delivery options must be the provision of services in

natural environments for infants and toddlers and within the least restrictive environment for preschool age children. It is recommended that Head Start be considered as an appropriate placement option where children have the opportunity for interaction with peers without disabilities and where their specialized needs can be met. The National Association for the Education of Young Children's Recommended Practices, the Council for Exceptional Children: Division of Early Childhood Recommended Practices, and Colorado's Program Quality Standards should be used as guidance in determining appropriate placements. In order to assure maximum funding and service provision, contractual agreements must exist in communities where the recipient of federal funds delegates service provision to another agency (See contracting section for specifics).

The need for extended school year services must be evaluated using the CDE ESY Predictive Factors for all preschoolers, including those transitioning to preschool services from Part C/Early Intervention. ESY services, if deemed essential, need not replicate the services provided during the LEA/AU's school year calendar, but must include the level of intervention necessary to maintain skills over the scheduled break.

## H. EARLY INTERVENTION AND RELATED SERVICES

Individual services articulated on the IEP, such as providing gross/fine motor services, communication services, counseling services, or transportation must be offered by Head Start, the local school district or administrative unit, or other community agency. It is recommended that services be incorporated into the daily routines and activities of all eligible children and that the general and special education program staff members routinely confer with each other. In the course of IEP development, the staffing team should ascertain whether transportation is necessary in order for the child to access IEP services. A multi-disciplinary team model encourages collaboration, cooperation, and provision of services and insures that interventions are supported and enriched throughout the child's day.

## I. CONTRACTING

When children are receiving special education or related services in Head Start and will be counted on October 1 (or approved alternate count date) under the Colorado School Finance Act and December 1 under IDEA, a contract between the two agencies must be put into place if Head Start will be providing services or incurring other expenses relative to children with disabilities. Said contract must include provisions for how payment will be made to Head Start for expenses incurred by Head Start or services provided by Head Start in order to serve eligible children in the Head Start program. . See Appendix for guidelines on developing contracts.

## J. TRANSITIONS

The local school district or administrative unit and Head Start/Early Head Start will jointly develop a written plan for transition of all young children into and out of services. Written records and information from Early Intervention providers and programs should be used by receiving agencies/services to plan and implement services and support for young children. All information shared between agencies and programs shall be within the rules governing confidentiality and procedural safeguards for parents, surrogate parents, or legal guardians.

There are multiple transition models available for providing guidance in developing a local transition plan. A general transition process is outlined in the administrative section of the Colorado Quality Standards document.

## K. SHARED RESOURCES

All Head Start programs and local school districts or administrative units should consider the development of a coordinated system of child identification and shared resources including items such as shared personnel, cooperative classrooms and health, food and transportation systems, joint in-service training where appropriate, classroom space, cooperative resource libraries, and service coordination for families.

## L. DATA COLLECTION AND MANAGEMENT SYSTEMS

Effort should be made to develop compatible systems for collecting, reporting, and transfer of information about children served and services provided (such as the child outcome data mandated by the Head Start Act). The use of common or similar forms and processes would facilitate communication between agencies. Child count data for the October 1 (or the approved alternate count date) and December 1 reporting and ongoing assessment information should be shared in a timely manner.

### Fiscal and Administrative Considerations

Federal and State regulations allow for eligible children to be served with both education and Head Start resources. Head Start programs are committed to providing the Local Administrative Unit with child count data for the purpose of generating federal funds under IDEA Part B Section 619, and State funding under the Colorado School Finance Act. Such children must receive supplemental supports and/or services either within the Head Start program or separately from the early interventions system or the administrative unit. The administrative unit must participate in the staffing, must have adequate assessment information to determine that the child is eligible for special education and to develop intervention plans, must assure that the child has an IEP appropriate to enhance the development of and meet his/her identified needs, and individual interventions, including evaluation, by state qualified/licensed personnel in order to include the child on the state and federal count.

When an administrative unit contracts with the Head Start agency for supplemental supports and services, those can be provided by direct services to the child within the Head Start program, or by consultative services through a variety of community personnel or agencies. Personnel must be appropriately licensed as defined by the State Plan for IDEA implementation or through the Colorado Department of Education educator licensing system. If contracts are made between administrative units and Head Start grantees, fiscal resources can be combined in terms of budgeting needed resources to operate a program, but fiscal accounting records must be maintained in such a way that expenditures can be tracked to each separate account.

Federal and State special education funds can be used by the administrative unit not only to augment and supplement Head Start services, but also to support the administrative unit's involvement in the assessment, staffing, and IEP development and implementation.

### Implementation and Evaluation

The Colorado Department of Education will disseminate this agreement to local school districts and administrative units. Federal Regions VIII, XI and XII Administration of Children and Families will disseminate this agreement to Colorado Head Start grantees, including American Indian and Migrant programs. Dissemination of this agreement is for the purpose of facilitating the development of local written agreements and contracts. These local agreements and contracts will assure collaboration and coordination of services and supports for eligible children.

The Colorado Department of Education and Regions VIII, XI and XII Administration for Children and Families will jointly provide technical assistance, with the assistance of Regions VIII, XI and XII Technical Assistance Network's Disability Specialists, in the development and implementation of local agreements or contracts.

Interagency collaboration and cooperation are considered to be an important component in quality early childhood services and supports. The Colorado Department of Education and Regions VIII, XI and XII Administration for Children and Families through its TA system, will review the development and implementation of local agreements or contracts as part of local school district and administrative unit and Head Start/Early Head Start program onsite review process.

Local agencies and providers are encouraged to proactively address conflicts and disputes at the local level. When all local options are exhausted, conflicts between local education agencies and Head Start programs should be referred to the Part Section 619 Coordinator at the Colorado Department of Education and Regions VIII, XI, and XII to insure timely proactive resolution. Disputes that cannot be resolved by the Section 619 Coordinator will be referred directly to the personnel from Regions VIII, XI, and XII Administration for Children and Families and/or the State Director of Exceptional Student Services and State Director of Prevention Initiatives.

For disputes involving Community Centered Boards services, the procedures required in the DDD Rules are followed at the local level and if the dispute cannot be resolved at that level, it will be referred to the Division for Developmental Disabilities.

Annually, representatives of the Colorado Department of Education, the Regions VIII, XI and XII Administration for Children and Families, and the Colorado Head Start Association will review this agreement and make joint recommendations for necessary modifications.

## APPENDIX

### CONTRACT GUIDELINES

The following guidelines will assist local agencies in developing these contracts:

#### STATEMENT OF PURPOSE

- Identify the parties involved in the contract.
- Specify the authority of the parties to enter in the contract.
- Specify the purpose of the contract.
- Stipulate the effective dates of the contract. Contracts should not span more than one fiscal year.

#### GENERAL CONTENTS

- Provide an overall description of the total program approach.
- Delineate the specific scope of the services and supports to be provided.
- Outline the amount of direct early intervention or special education services and supports to be provided (hours, days, or weeks) and define the triggers for re-negotiation should the needs of the children or the needs of the program change.
- Define the responsibilities of both the contractor and the contractee.
- Set forth appropriate indemnification clauses.
- Specify the following information regarding funding:
  - the maximum amount of the contract;
  - that payments are contingent upon the completion of specific tasks, date(s) of payment(s).
  - whether funding will be on an hourly, daily, weekly, or monthly basis and the specific funding source(s).
- Provide assurances of compliance with IDEA and Part B, Section 619 and Head Start regulations and state and federal rules and regulation including state requirements for personnel qualifications.
- All programs must provide the school district a copy of the current Department of Human Services Child Care license.
- Stipulate that any modifications to the contract must be in writing.
- Specify the provisions for termination of contract.

- Stipulate acknowledgment of appropriate insurance coverage by the contractee.
- Stipulate procedure for implementing Colorado Quality Standards.
- List the records the contractee is required to keep.
- Identify who will be responsible for the supervision of:
  - personnel
  - the total program, or
  - the total program for an individual child as identified on the child's Individualized Educational Program (IEP)
- Provide the following staff information:
  - name
  - social security number
  - assignment or area of responsibility and
  - qualifications, if other than certification by the Department of Education.
- Specify that the contractee may not substitute personnel without prior approval.
- Identify the contract persons and processes for monitoring compliance.

## SIGNATURES

- At a minimum, the following individuals must sign all contracts for the administrative unit (reference C.R.S. 22-32-105):
  - president of the school board
  - director of special education
- The following individuals must sign all contracts for the contractee:
  - the individual, if contracting for personal services
  - the legally authorized representative of the agency.
- All signatures must be dated.
- Identify who will be responsible for the following:
  - referral
  - evaluation
  - assessment
  - staffing
  - implementation of service, and
  - transition planning

When communities are developing contracts, they may choose to develop a contract which has a broad scope and use the IEP to address individual needs, or develop a separate contract for each child addressing specific needs.



## INTERAGENCY AGREEMENT GUIDELINES

Interagency agreements between Head Start, Migrant and Seasonal Head Start, and Colorado local school districts or administrative units must address:

1. Head Start participation in the public agency's Child Find plan under Part B of IDEA;
2. Joint training of staff and parents;
3. Procedures for referral for evaluations, IEP meetings, and placement decisions;
4. Transition;
5. Resource sharing;
6. Head Start commitment to provide the number of children receiving services under IEPs to the LEA for the LEA Child Count report by December 1 annually; and
7. Any other items agreed to by both parties.
8. Grantees must make efforts to update the agreements annually.

### Glossary of Terms

Administration of Child and Families (ACF): Region VIII Head Start of ACF represents Colorado Early Head Start and Head Start grantees and delegate agencies which may include community action programs, local education agencies, and private agencies. The Region XI ACF represents the Tribal Head Start programs in Colorado. The Migrant and Seasonal Programs Branch of the Head Start Bureau represents Migrant Head Start in Colorado.

CDE Programs: Programs funded by the Colorado Department of Education.

Head Start: A program funded under the Economic Opportunity Act of 1964 as amended and carried out by a local agency or grantee to provide ongoing comprehensive child development services for children ages 3-5 and their families.

HSPPS: Head Start Program Performance Standards.

IDEA: The Federal Special Education law covering children and students birth through twenty one years of age. The initials represent the Individuals with Disabilities Education Act.

IEP: Individualized Educational Program; a written document that is developed, reviewed and/or revised by a multi-disciplinary team through an individualized planning process. The IEP is the instrument that ensures the delivery of services for children with disabilities.

IEP Staffing Team: A group of professionals and parents who have evaluated or have knowledge about the functioning level of a particular child that has been determined eligible for special education services. This team determines the child's individual IEP goals, objectives, and strategies for special education services.

Migrant and Seasonal Head Start A program funded under the U.S. Department of Health and Human Services, Administration for Children and families, and carried out by local agency or granted to provide the ongoing comprehensive child development services for children of migrant and seasonal farm workers ages birth through five and their families.

Multidisciplinary Evaluation Team: A team of 2 or more licensed/qualified professionals from various disciplines and parents who work collaboratively throughout the evaluation process by providing opportunities for team members to contribute information relevant to their own area of expertise, as well as educating one another in the skills of their areas of knowledge, so that all team members may contribute ideas/information which promotes a holistic view of the child.

Preschool: A program that serves children ages three through five. It could be a public or private entity, like a public school, Head Start, private preschool or child care center/program.

Colorado Quality Standards for Early Childhood Care & Education Services: A document developed collaboratively and intended to be a planning tool to assist programs working toward quality services. It is a self-evaluation guide to help programs document those standards that they have achieved and those that they are seeking to meet. This process will also provide information regarding training, technical assistance needs, and other resource needs.

Part B: Part B of the Individuals with Disabilities Education Act Part B, Section 619 of IDEA (P.L. 108-446) addresses children with disabilities ages three through twenty-one.

Signatures of Parties to Agreement



Dr. William J. Moloney, Commissioner of Education  
Colorado Department of Education

4/20/06  
Date



Thomas Sullivan, Regional Administrator  
Administration for Children and Families

5/16/06  
Date



Pamela K. Harris, Ph.D.  
Colorado Head Start Association

5/17/06  
Date



Director, Program Operations Division  
Head Start Bureau/ACYF/ACF/HHS

5/24/06  
Date