

MEMORANDUM OF MUTUAL UNDERSTANDING

NEW YORK STATE EDUCATION DEPARTMENT AND U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES ADMINISTRATION FOR CHILDREN AND FAMILIES (Regions II/XI/XII)

BACKGROUND

The New York State Education Department and the U.S. Department of Health and Human Services Administration for Children and Families, representing Head Start Programs (including Migrant Head Start programs and American Indian Head Start programs) in New York State, are revising the 1999 Memorandum of Mutual Understanding. This revision replaces the 1999 agreement and reflects changes in the administration of both agencies and incorporates Migrant and American Indian Head Start programs into the agreement. It supports the coordination of services between local educational agencies (also often referred to as "LEAs") and Head Start programs for the benefit of preschool children with disabilities throughout New York State. Further, the revised agreement will enable the New York State Education Department and Administration for Children and Families to maintain a collaborative relationship while implementing current regulations (Individuals with Disabilities Education Act 2004 and Head Start Performance Standards). Under the Individuals with Disabilities Education Act 2004 (IDEA 2004), the New York State Education Department is responsible for assuring the availability of a free and appropriate public education (also often referred to as "FAPE") for all children with disabilities. Each Head Start agency and each delegate agency must ensure that not less than ten percent of the total number of children actually enrolled will be children with disabilities who are determined to be eligible for special education and related services, or early intervention services under the Individuals with Disabilities Education Act, by the State or local agency providing services under Section 619 or Part C of IDEA.

PURPOSE

This agreement is a guide for developing local interagency agreements. Its focus is on the empowerment of parents of children with disabilities. The agreement describes the roles and responsibilities of each organization and offers a model which local programs can adapt.

The New York State Education Department, the New York State Head Start Association, the Administration for Children and Families, and the New York State Head Start Collaboration Project, support the collaborations between local educational agencies and Head Start programs to accomplish the following objectives:

- Enumerate areas where joint operational strategies between Head Start programs and local educational agencies can provide integrated services.
- Maximize the availability of services.

- Assure that professionals familiar with the linguistic and cultural backgrounds of families are available for the evaluation process and provide parents with information in their native language.
- Assure that individualized education programs (IEPs) are jointly developed and are responsive to the cultural and linguistic needs of the family, while assuring that requirements of the least restrictive environment (LRE) are incorporated into the child's program.
- Support the transition of children from Early Intervention Programs to Preschool Special Education in Head Start programs and from Head Start programs into a public school system by sharing pertinent information with the local educational agencies.
- Provide opportunities for the inclusion of preschool children with disabilities in Head Start Programs through the provision of special education and related services in the least restrictive environment.

Head Start programs offer an inclusive setting in their center-based and home-based options. Individual Head Start programs can apply to become New York State approved evaluation sites, providers of Special Education Itinerant Teacher (SEIT) services, a special class in an integrated setting, or may work collaboratively with approved preschool special education providers.

Please refer to Appendix A – Definitions at the end of the agreement for a list of definitions which pertain to the document.

AREAS OF COLLABORATION BETWEEN LOCAL EDUCATIONAL AGENCIES AND HEAD START PROGRAMS

The New York State Education Department and Administration for Children and Families encourage the development of local interagency agreements between Head Start programs and local educational agencies.

We recommend that the following areas be addressed in interagency agreements between Head Start programs and local educational agencies:

Parent Involvement

Agreements can specify how parents will be informed of their rights during the evaluation process for preschool special education, including the right to verbal and written information in their **native** language.

Guidance: Head Start programs and local educational agencies should recognize and support the leadership role of parents in the planning and provision of services for their children. This could include providing parents with information, training, advocacy skills and support to assist them in making informed decisions.

Active parent involvement should be reflected particularly with respect to the development of children's individualized education programs.

Information Sharing and Technical Assistance

Agreements can specify how local educational agencies and Head Start programs will share information about their programs in order to increase their knowledge and awareness of each of their programs. The agreement can designate specific times that key staff from each program could meet and build relationships. Agreements can specify how local educational agencies will provide information to parents of children served in Head Start programs about the Committee on Preschool Special Education or Committee on Special Education process.

Guidance: The New York State Education Department is available to provide technical assistance to Head Start programs interested in applying to the New York State Education Department for approval as a preschool special education program. Further, the New York State Education Department will encourage and provide technical assistance to local educational agencies to develop interagency agreements with Head Start programs for the purpose of providing special education services to preschool children with disabilities enrolled in Head Start programs.

The local educational agencies and Head Start programs are encouraged to inform and assist parents in utilizing available early childhood services and resources. A listing of New York State Education Department approved preschool special education programs and evaluation sites may be posted at each Head Start program site in an effort to share information with Head Start families interested in having their child evaluated.

Screening

Agreements can specify how the screenings performed at the Head Start program can be coordinated with the local educational agency screening mandated under Part 117 of the Regulations of the Commissioner of Education.

Guidance: The Head Start Performance Standards mandate that developmental and behavioral screenings be conducted within 45 (30 days for Migrant Head Start Programs) calendar days of the child's first day of enrollment in the Head Start program. These screenings can help identify children with suspected disabilities.

Screening results should be shared with the parents in their **native** language or other mode of communication. As a result of screening, teacher observation, or parental concern, parents whose children may be suspected of having a disability will be provided with information regarding the local educational agency

Committee on Preschool Special Education process. Head Start programs will encourage and support parents with the referral of their child to their local educational agency, so that eligible preschool children identified as having a disability may receive appropriate special education programs or related services in the least restrictive environment.

Referral

Agreements can specify the referral procedure of a child with a suspected disability from the Head Start program to the Committee on Preschool Special Education.

Guidance: Written referrals for multidisciplinary evaluations will be submitted to the local educational agencies based on Head Start program screening results or observations and parent's concerns. The local educational agency Committee on Preschool Special Education is required to meet on a regular basis, including the summer months, to accept referrals for the evaluation of children suspected of having a disability, and determine if the children are eligible to receive preschool special education programs and related services. This is especially important for migrant children and others in temporary residence. Referrals from parents of Head Start children will be accepted throughout the year. Head Start program staff should explain to parents that a referral for evaluation does not guarantee identification of the child as an eligible preschool student with a disability. Head Start program staff should provide the results of any individual screenings or evaluations conducted or other appropriate records to the parents for the local educational agencies' consideration to avoid unnecessary retesting, to reduce costly duplication, and to assure the continuity of educational and related services. *When the local educational agency Committee on Preschool Special Education determines that a child is a preschool student with a disability and recommends approved services or programs, the Committee will request that the parent identify the initial child care location or other site at which the services or program will be provided. Head Start programs should be included as a site where programs or services can be provided in the least restrictive environment. Head Start programs can support the provision of programs and services to preschool students with disabilities in a number of ways including:*

- *collaboration with a preschool special education provider so that a Special Education Itinerant Teacher (SEIT) or related service provider could offer services in the Head Start classroom;*
- *collaboration with a preschool special education provider to offer services in an integrated special education classroom (also known as a special class in an integrated setting); and/or*
- *provisions of special education and related services by becoming an approved preschool special education program.*

Multidisciplinary Evaluation Process

Agreements can specify how Head Start assessments, classroom observations, and other information can inform the local educational agency's multidisciplinary evaluation process.

Guidance: After a parent makes a referral or Head Start program staff makes a request for referral to the local educational agency of the child's residence, the local educational agency will obtain parental consent prior to arranging for the multidisciplinary evaluation. The multidisciplinary evaluation is provided at no cost to the parents. Approved evaluators are required to complete the evaluation and submit the evaluation report to the Committee on Preschool Special Education to ensure that the Committee is able to make a recommendation to the board of education within 30 school days of the Committee's receipt of the parent consent.

Local educational agencies are encouraged to coordinate evaluations of preschool children with Head Start program staff. Head Start staff should provide any available evaluations and information about the child, including assessments, classroom observations, or other relevant information about the child's learning and development to include with the parent's referral. After the evaluation has been completed, the parents may provide a copy to the Head Start program.

Individualized Education Program Development and Implementation

Agreements can specify the role of Head Start staff in the participation of the development of the individualized education program.

Guidance: The local educational agency and Head Start program should recognize the leadership role of parents in the development of individualized education programs, including expectations for the child's goals and achievements. Support should be provided for parental involvement and their input incorporated into the individualized education program.

The local educational agency Committee on Preschool Special Education must include persons with knowledge or special expertise regarding the child as designated by the local educational agency or parent. The Head Start teacher may be invited to participate in the local educational agency's meeting to determine eligibility and contribute to the development of the child's individualized education program. Head Start programs must allow for the participation of the teacher, or appropriate Head Start designee (with parental consent), in the individualized education program meeting for the purpose of development and review of a child's individualized education program.

Local educational agencies must ensure that a copy of the individualized education program is provided to the preschool program which will provide services. If a Head Start program is approved to provide special education programs or related services, it will be given a copy of the student's individualized education program. The Head Start program is responsible for sharing the individualized education program with the child's teacher and related service providers. If Head Start is not the approved special education provider, then the parent may share their child's individualized education program with the program, but the school district is not responsible for providing a copy of the individualized education program to the Head Start program. The Head Start teacher may also be involved in the annual review meetings for preschool students with disabilities.

The local educational agency and Head Start program should conduct meetings to report progress and to coordinate service delivery. The local educational agency and Head Start program will design local procedures that ensure the timely sharing of information related to the child's progress. Parents will be included in this process.

Transition

Agreements can specify how local educational agencies and Head Start programs can work together to support the transition of children from Early Intervention (EI) (Part C) to preschool special education services (Part B) consistent with procedures developed by State Department of Health and SED and from preschool special education to school-age special education.

Guidance: The local educational agency shall cooperate in the efforts under section 1308 of the Elementary and Secondary Education Act (ESEA) to ensure the linkage of records pertaining to migratory children with disabilities and to electronically exchange, health and educational information [section 613(a)(9) of the Individuals with Disabilities Education Act 2004.]. The following people should be informed or included, as appropriate, in planning the child's transition from preschool special education services to school-age special education services:

- parents;
- local educational agency staff;
- Head Start staff, including the child's teacher;
- receiving staff (classroom teacher, principal, school nurse, special education staff, related services personnel and others, as appropriate); and
- other agencies involved with the child and family

Head Start programs and local educational agencies are required to maintain full confidentiality of children's and families' records. Parents are the only ones who may

give permission to transfer the child's Head Start records to receiving schools or agencies. Head Start programs should encourage parents to consent to the sharing of the child's records.

In-Service Training

Agreements can specify how the local educational agencies and Head Start programs will provide joint training.

Guidance: The local educational agency and Head Start should develop a system for assessing training needs of the local educational agency, Head Start program staff and parents.

The New York State Education Department and the Administration for Children and Families will make coordinated training and information available to parents and staff of local educational agencies and Head Start programs through the Special Education Training and Resource Centers (SETRC) and Early Childhood Direction Centers (ECDC), which are administered by the New York State Education Department. The federal Head Start Technical Assistance Network from Regions II, XI, & XII will be available to provide technical assistance to Head Start programs.

Confidentiality

Agreements can specify how confidentiality will be protected.

Guidance: Confidentiality of information is required for the protection of children and families. Families have the right to restrict access to and disclosure of personal information. Prior to any disclosure of personally identifiable information regarding individual children, written parental consent must be obtained by the Head Start program. Local educational agencies must follow established administrative practices and procedures to ensure confidentiality of personally identifiable data, information or records pertaining to a child with a disability. Information should be given to parents to explain these procedures and the policy that personally identifiable information will not be disclosed by any employee of the New York State Education Department or any local educational agency to any person other than the parent of the preschool child except as provided in Part 300 of IDEA, 34 Code of Federal Regulations (CFR) section 300.32 and Part 99 of Title 34 of the Code of the Federal Regulations.

TRIBAL SOVEREIGNTY

The parties recognize that the Seneca and Mohawk Indian Tribes of New York are federally recognized sovereign Indian Tribes dedicated to promoting the general welfare of its tribal members. As sovereign Indian Tribes, the Seneca and Mohawk Tribes of

New York, and all of their subordinate governmental and economic units and agencies, are entitled to sovereign rights, privileges, and immunities. Nothing in this Interagency Agreement shall be construed to limit or diminish that sovereignty, or to abridge or waive such sovereign rights, privileges or immunities.

DISSEMINATION

Dissemination of this agreement is for the purpose of supporting and facilitating the development of local written agreements.

The New York State Education Department will be responsible for disseminating this agreement to all local educational agencies throughout New York State. Administration for Children and Families will be responsible for disseminating this agreement to Head Start grantees throughout New York State.

DISPUTE RESOLUTION


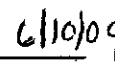

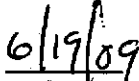
In the event that a conflict relevant to this agreement arises between the parties, the following procedures will be used in the order specified:

1. Staff from the agency with a dispute shall provide written communication to the other party that identifies the conflict, proposed action, and a summary of factual, legal, and policy grounds.
2. The staff from the receiving agency shall provide a written response, which includes proposed solutions to the dispute.
3. A joint written statement of the resolution will be developed and disseminated to representatives of each party agency.
4. If this process does not result in a resolution, each party will designate a representative to meet to discuss an alternate method of resolving the conflict.

Until final resolution of a dispute, each of the parties to this Interagency Agreement will adhere to its respective policies and procedures.

AGREEMENT REVIEW

All collaborative policies and activities affecting this cooperative agreement are dependent upon federal and State legislation and will be evaluated at least every three years or as needed. This memorandum may be amended at any time upon the mutual agreement of the parties to this agreement or may be terminated by either party upon thirty days written notice.

			
Theresa E. Savo, Deputy Commissioner for Operations and Management Services, NYS Education Department	Date	Carolyn Baker-Goode, Acting Regional Program Manager Office of Head Start – Region II, Administration for Children and Families, United States Department of Health and Human Services	Date

Appendix A- Glossary of Terms

- A Head Start program refers to a Department of Health and Human Resources (DHHS) funded grantee or delegate agency operated pursuant to Head Start Performance Standards (45 CFR 1304).
- Approved preschool special education programs and evaluation sites refer to the programs defined in section 4410(1) (a) and (b) of the Education Law.
- Committee on Preschool Special Education (CPSE) means a multidisciplinary team established in accordance with the provision of section 4410(3) of the Education Law and sections 200.1(j) and 200.3 of the Regulations of the Commissioner of Education.
- Committee on Special Education means a multidisciplinary team established in accordance with section 4402 of the Education Law and sections 200.1(k) and 200.3 of the Regulations of the Commissioner of Education.
- A local educational agency (LEA) is defined in section 300.28 of the Code of the Federal Regulations.
- Parent is defined in section 200.1(ii) of the Regulations of the Commissioner of Education.
- Preschool student with a disability means a child with a disability as defined in section 4410(1)(i) of the Education Law and section 200.1(mm) of the Regulations of the Commissioner of Education.
- Individualized education program (IEP) is defined in section 200.1(y) of the Regulations of the Commissioner of Education and in Head Start Performance Standard 45 CFR 1308.3(i).
- A special education itinerant teacher (SEIT) service is defined in section 4410(1) (k) of the Education Law.
- Consent is defined in section 200.1(l) of the Regulations of the Commissioner of Education.
- Confidentiality is referenced in Head Start Performance Standards 45 CFR 1308.6(e) (4) and in section 200.2(b) (6) of the Regulations of the Commissioner of Education.
- Least restrictive environment (LRE) is defined in section 200.1(cc) of the Regulations of the Commissioner of Education, Head Start Performance Standards 45 CFR 1308.3(j) and the Individuals with Disabilities Education Act 2004 34 CFR Part 300.
- Referral and request for referral mean a written statement pursuant to section 4401-A of Article 89 of the Education Law as amended by section 11 of Chapter 378 of the Laws of 2007.
- Related services are special services provided pursuant to section 4401(2) (k) of Article 89 of the Education Law and sections 200.1(qq) and 200.6 of the Regulations of the Commissioner of Education.