

**Area Agency Region 2
Interagency Agreement
For Early Childhood Transitions**

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**Area Agency 2
Interagency Agreement
For Early Childhood Transitions**

Section I - Overview

A. Introduction

This Interagency Agreement is entered into by Pathways of the River Valley, whose responsibility it is to oversee and administer Family Centered Early Supports and SAU 60 (Acworth, Charlestown and Langdon), SAU 62 (Canaan, Dorchester, Enfield, Grafton, and Orange), SAU 75 (Grantham), SAU 43 (Newport), SAU 71 (Lempster), SAU 85 (Sunapee), SAU 6 (Claremont and Unity), SAU 88 (Lebanon), SAU 70 (Hanover), SAU 76 (Lyme), SAU 34 (Washington), SAU 32 (Plainfield), SAU 65 (Springfield), SAU 99 (Croydon), SAU 102 (Goshen), SAU 100 (Cornish)

B. Purpose

We, the providers of services for young children with disabilities and their families in Area Agency 2, are committed to creating a collaborative process to ensure that those we serve experience a smooth and high quality transition from Early Supports and Services to Preschool Special Education. This process, while respectful of both service delivery systems and of families' confidentiality and choice, promotes increased accountability, efficiency and communication that will benefit families and all those who serve them. We acknowledge that the following process is set forth to meet federal and state requirements, and most importantly to assist families in a smooth transition. We recognize that multiple factors affect this process including the age at which a child is first referred for services, families' preferences, and our own human fallibility. Good communication among all parties is encouraged as the best remedy for overcoming the inevitable deviation from the ideal process.

C. Scope

This agreement shall be effective Spring 2021-Spring 2024 and reviewed annually by representatives from Pathways of the River Valley, SAU 60 (Acworth, Charlestown and Langdon), SAU 62 (Canaan, Dorchester, Enfield, Grafton, and Orange), SAU 75 (Grantham), SAU 43 (Croydon, Newport), SAU 71 (Lempster), SAU 102(Goshen), SAU 85 (Sunapee), SAU 6 (Claremont and Unity), SAU 102 (Cornish), SAU 88 (Lebanon), SAU 70 (Hanover), SAU 76 (Lyme), SAU 34 (Washington), SAU 32 (Plainfield), SAU 65 (Springfield) and the Race2K Project.

D. Participants

This agreement and procedures have been developed and/or agreed to by the following:

See Section V - Signatures

Section II –General Steps of the Transition Process

<p>27-29 months</p> <p>Meeting to Develop the Transition Plan</p>	<p>IFSP Team meeting held:</p> <ul style="list-style-type: none"> • Written Transition Plan completed and included in IFSP for ALL children • Transition booklet given to family (Blue Book) • A discussion/determination about whether the child is potentially eligible for special education <ul style="list-style-type: none"> Parents are informed of their right to opt-out of referral to the school district/notification to the NH DOE
<p>After 7 day opt-out period</p>	<ul style="list-style-type: none"> • Unless a family opts-out in writing, ESS sends Referral to the School District • If parent provides consent, send current evaluation, IFSP and other information (if appropriate) • ESS provides a copy of Referral to the Administrative Assistant so they may transfer the child’s electronic record
<p>Within 15 business days after the school district receives a referral</p>	<ul style="list-style-type: none"> • School district personnel schedule and conduct a Disposition of Referral meeting with the IEP Team, which includes the parents, that will include <ul style="list-style-type: none"> ○ Review of Referral, evaluation report and services to date ○ Determining timeline regarding evaluations as appropriate ○ Scheduling of potential meetings ○ Discussion of program options (i.e. possible classroom visitation)
<p>27.5 - 33 Months</p>	<ul style="list-style-type: none"> • ESS Service Coordinator schedules and conducts the Transition Conference <ul style="list-style-type: none"> • The School District Representative participates in the Transition Conference • Whenever appropriate and/or possible, the Transition Conference and an IEP Team meeting (such as the Disposition of Referral meeting) may be combined
<p>By 36 months</p>	<ul style="list-style-type: none"> • IEP Team conducts the evaluation process as appropriate • IEP Team determines eligibility for special education • If eligible, the IEP Team develops the IEP and determines placement • Child has a signed IEP in place on or before their third birthday
<p>Child determined eligible for ESS more than 45 days but less than 90 days before 3rd birthday</p>	<ul style="list-style-type: none"> • As soon as possible after eligibility is determined, if the parent does not object, notify/refer the child to the school district and the NHDOE
<p>Child referred to ESS fewer than 45 days before the 3rd birthday</p>	<ul style="list-style-type: none"> • Following parental consent, notify/refer the child to the school district and NHDOE as soon as possible. • The ESS program is not required to conduct a multidisciplinary evaluation or initial IFSP meeting.

Section III –Protocols & Procedures for Transitions from the Family-Centered Early Supports and Services programs of Pathways of the River Valley to Preschool Special Education Programs in Region 2

Protocol I: The IFSP Team shall develop a transition plan in the IFSP in accordance with HeM 510 and Part C of the IDEA 2004

Procedures:

- 1.1 In accordance with HeM 510 and Part C of IDEA, a transition plan must be developed by the IFSP Team for all children found eligible for FCESS prior to 33 months of age no more than 9 months (27 months of age) but no less than 90 calendar days before the child's third birthday.
 - When a child is determined eligible for FCESS after 27 months of age, the written transition plan shall be included in the initial IFSP.
 - For a child determined eligible for FCESS less than 90 calendar days but more than 45 calendar days before their third birthday see Protocol 10.
 - For a child determined eligible for FCESS less than 45 calendar days before their third birthday see Protocol 11.
- 1.2 When a child receiving FCESS is 27 months of age the IFSP team shall develop and begin to implement a written transition plan. The written transition plan becomes part of the child's IFSP.
- 1.3 In developing the transition plan the FCESS Service Coordinator shall include:
 - Review of the child's program options from child's 3rd birthday through the remainder of the school year.
 - Steps for the child and his or her family to exit the FCESS program.
 - Identification of any transition service needed by the child and family.
 - Discussions with, and training of, parents as appropriate regarding future placements and other matters related to the child's transition procedures to prepare the child for changes in service delivery, including steps to help the child adjust to and function in a new setting.
 - With parental consent, referrals to area agency and other community resources.
- 1.4 When developing the transition plan, the IFSP Team will discuss and determine if the child is potentially eligible for preschool special education in accordance with Protocol 2.
- 1.5 When the IFSP team is creating the transition plan, the FCESS Service Coordinator shall provide the family with a copy of the *Transition from Family-Centered Early Supports and Services: A Guide for Families*.

Protocol 2: The IFSP Team shall determine if the child is potentially eligible for special education

Procedures:

- 2.1 As part of developing the transition plan, the IFSP Team shall determine if the child is potentially eligible for preschool special education. As part of this decision, the IFSP Team shall consider the following factors including, but not limited to:
 - Does the child have a perceived delay/concern/issue in any of the 5 domains?
 - Does the delay/concern/issue impact education and functional performance?
 - Does the child require specialized instruction?
 - Does the child's delay/concern/issue impact their ability to access the curriculum?
 - Is the child not meeting developmental milestones?
 - Are current gains in performance a result of services?
 - Is the child at risk without continued services?
 - Are there emergent skills?
- 2.2 If the IFSP Team determines the child is not potentially eligible for special education, the Service Coordinator shall make reasonable efforts to convene a conference with providers of other services to discuss appropriate services the child might receive.
- 2.3 If the IFSP Team determines the child is potentially eligible, the FCESS Service Coordinator shall inform the family about their right to Opt-out of Notification/Referral to the School District and the NH DOE and that they have 7 calendar days to inform the FCESS Service Coordinator in writing that they wish to Opt-out.
- 2.4 If the parent does not inform the FCESS program within 7 calendar days that they wish to opt-out, the FCESS program shall refer the child to the responsible school district and notify the NH DOE in accordance with Protocol 3 but not less than 90 calendar days before the child reaches his or her third birthday.
- 2.5 If the parent informs the FCESS program, in writing, within 7 calendar days of receiving the Notification/referral information that they wish to opt-out, the FCESS service coordinator shall not provide notification to the school district and NH Department of Education.
- 2.6 If the IFSP Team is unsure as to whether or not a child is potentially eligible, the IFSP Team should determine the child is potentially eligible for special education.

Protocol 3: If the IFSP Team determines the child is potentially eligible, FCESS shall initiate a referral to the appropriate School District and notify the NH Department of Education

Procedures:

- 3.1 If the parent does not inform the FCESS program, in writing, within 7 calendar days of receiving the referral/notification information that they wish to opt-out, the FCESS program shall notify the responsible school district as soon as possible but no later than 90 calendar days before the child's third birthday. A copy shall also be provided to the parent.
- 3.2 Upon notification/referral to the school district, FCESS shall transfer the child from NH LEADS (FCESS data system) to NHSEIS (NH DOE data system).
- 3.3 In accordance with HeM 510 and Part C of IDEA, notification/referral information shall be limited to:
 - child's name
 - child's date of birth
 - parents' names
 - parents' contact information, including addresses and phone numbers
- 3.4 Additional information may be shared with written parental consent, including a copy of the most recent evaluation and assessments of the child and the most recent IFSP.
- 3.5 If the parent does not object in writing within 7 calendar days of receiving the referral/notification information that they wish to opt-out, the FCESS program shall notify the NH Department of Education via NH LEADS as soon as possible but not less than 90 calendar days before the child reaches his or her third birthday.

Protocol 4: The School District shall schedule and convene the IEP Team and conduct the disposition of referral process/meeting.

Procedures:

- 4.1 Upon receiving a Referral from FCESS, regardless of the child's age, the School District Preschool Contact shall contact the family acknowledging the receipt of the referral.
- 4.2 Within 15 business days from receiving a referral from an FCESS Service Coordinator, regardless of the age of the child, the School District shall schedule and convene the IEP Team, which includes the family, and conduct a Disposition of Referral meeting.
 - With parental permission, the School District shall invite the FCESS Service Coordinator.
- 4.3 At the Disposition of Referral meeting the IEP team, which includes the family, shall determine whether the concerns raised by the referral can be addressed utilizing existing pupil support services available to all children, determine if and how any previously administered evaluations will be utilized and if further evaluation is necessary to determine eligibility.
 - The role of the FCESS Service Coordinator/Provider in any IEP Team/special education meeting is to provide the team with information regarding the child and to support the family in the process.
- 4.4 The IEP Team may determine that, based on the age of the child at the time of referral and that they are currently receiving ESS services, the IEP team will reconvene at a date closer to the child's third birthday, but not less than 90 days before the third birthday, to determine what, if any, evaluations are necessary. A follow-up meeting date will be set at this meeting and be reflected in the Written Prior Notice.
- 4.5 Effort shall be made to schedule the Disposition of Referral meeting during a convenient time for the FCESS Service Coordinator, however, the Disposition of Referral meeting shall be conducted if the FCESS Service Coordinator is unable to attend to ensure the meeting occurs within the 15 business day timeline required by the NH Standards for the Education of Children with Disabilities.
- 4.6 As part of the referral process, the school district shall provide the parents with the Procedural Safeguards handbook and other materials regarding their rights and responsibilities in the special education process.
- 4.7 The NH Standards for the Education of Children with Disabilities require a school district to act upon a referral regardless of its source and age of the child. The School District may request an informational packet be completed by the family, however, failure by the parent to complete the packet cannot be used to defer the timelines for the disposition of the referral or the evaluation.

- 4.8 As required by the NH Standards for the Education of Children with Disabilities, written parental permission is required before any evaluation may be conducted by the school district. This includes an observation of the child while at the Disposition of Referral meeting. Parents may give written permission at the meeting for the observation/evaluation to occur. Without written permission, the IEP team may not use the observation/information as part of determining eligibility or present levels.
- 4.9 Parents shall be provided with Written Prior Notice(s) of all proposals/refusal that occur at any meeting (Disposition of Referral, Evaluation, Eligibility, IEP and Placement) so that they may make informed decisions. Parents shall be given 14 calendar days to make decisions regarding any proposal by the IEP team.
- 4.10 Whenever appropriate and if parents agree, meetings can be combined, such as the Disposition of Referral meeting and Transition Conference as long as all participants required under the respective regulations are in attendance and the timing of the meetings is within state and federal regulatory requirements. See Protocol 8.

Protocol 5: With parental permission, FCESS shall schedule and conduct the Transition Conference

Procedures:

- 5.1 In accordance with the HeM 510 and Part C of the IDEA 2004, the Transition Conference must occur
 - No less than 90 calendar days before the child’s third birthday but no earlier than nine months before the third birthday.
 - After notification/referral to the school district and the NH DOE
- 5.2 The FCESS Service Coordinator shall contact the School District Preschool Contact via phone call and/or email to schedule the Transition Conference. Every effort shall be made by the FCESS Service Coordinator to find a mutually agreeable time with the family and the School District Preschool Contact when scheduling the Transition Conference. However, to comply with the requirements of Part C of the IDEA 2004 and HeM 510, if a School District representative is unable to attend the Transition Conference, it shall be held regardless.
- 5.3 A formal notice indicating the date, time and location of the transition conference shall be sent to the School District Preschool Contact and the family by the Service Coordinator once a date has been set.
 - A parent may refuse permission to hold a transition conference.
- 5.4 The School District shall send a representative to the Transition Conference as required by IDEA 2004—CFR 300.124 (c)—and the NH Standards—ED 1106.01 (a).
- 5.5 The FCESS Service Coordinator chairs the Transition Conference. At the Transition Conference the family, other persons requested by the family, the service coordinator and relevant providers and the LEA Representative:
 - Review results of the IFSP Meeting regarding the Transition Plan
 - Update the transition plan with input from the LEA and other providers
 - Discuss the child’s program options for the period from his or her 3rd birthday through the remainder of the school year, if applicable, including any services the child might be eligible to receive under Part B of IDEA
- 5.6 Whenever appropriate, meetings can be combined, such as the Disposition of Referral meeting and Transition Conference as long as meetings are held within the timeline requirements of state and federal regulations and all participants required under the respective regulations are in attendance. See Protocol 8.

Protocol 6: Based upon the outcome of the disposition, the School District shall complete the evaluation process, which includes convening the IEP Team to determine eligibility for special education services.

Procedures:

- 6.1 The School District shall invite the parents via written meeting notice (Prior Written Notice) to all IEP team meetings and at a parent's request, shall invite the FCESS Service Coordinator to assist with a smooth transition. Every effort shall be made to schedule meetings at a mutually convenient time for the family and the FCESS Service Coordinator. However, to ensure meetings occur within the timelines required by the NH Standards for the Education of Children with Disabilities and Part B of the IDEA 2004, all IEP meetings shall be conducted with the family regardless of whether the FCESS Service Coordinator is able to attend.
 - The role of the FCESS Service Coordinator/Provider in any IEP team/special education meeting is to provide the team with information regarding the child and to support the family in the process.
- 6.2 The School District shall complete the evaluation, if appropriate, and convene the IEP team, which includes the parents, for an eligibility determination meeting within 60 calendar days from receipt of parent's written permission to evaluate to discuss evaluation results and determine eligibility, as required by the NH Standards for the Education of Children with Disabilities.
- 6.3 At least 5 days in advance of the IEP meeting, the IEP Team will provide the parent with a print copy of all evaluation reports via US mail, unless the parents have agreed in writing for another method or to waive their right.
- 6.4 The IEP team, which includes parents, may choose to combine meeting purposes e.g., eligibility, IEP, and placement. Parents shall be notified of the purpose of meetings on the notice of meeting form.
- 6.5 The IEP team shall provide parents with Written Prior Notice of all proposals/refusals so that they may make informed decisions. Parents shall be given 14 calendar days to make decisions about any proposal by the IEP team.
- 6.6 The school district shall comply with all NHSEIS reporting requirements including reporting whether a child referred by FCESS is determined to be eligible as a child with a disability or if the child is found not to be eligible as a child with a disability.

Protocol 7: As appropriate, the IEP Team shall document services through the IEP and determine placement.

Procedures:

- 7.1 If the IEP team, which includes the parents, determines the child is eligible for special education services, the IEP Team shall meet to develop the IEP within 30 calendar days from determining eligibility.
- 7.2 After determining the supports and services necessary to provide the child with a free appropriate public education (FAPE) and documenting goals and services in the IEP, placement shall be decided by the IEP Team and based on the Least Restrictive Environment (LRE).
- 7.3 The IEP Team, which includes parents, can choose to combine meeting purposes e.g., eligibility, IEP, and placement. Parents shall be notified of the purpose of meetings on the notice of meeting form.
- 7.4 The IEP team shall provide parents with Written Prior Notice of all proposals/refusals so that they may make informed decisions. Parents shall be given 14 calendar days to make decisions about any proposal by the IEP team.

Protocol 8: Procedures for the combination of the Transition Conference and any IEP Team meeting.

Procedures:

8.1 The Transition Conference and any meeting in the IEP process (such as the Disposition of Referral) may be combined IF ALL of the following conditions are met:

FCESS Responsibility

- The family agrees
- The meeting takes place after a child has been determined potentially eligible and a notification/referral has been made to the school district.
- The meeting is no less than 90 calendar days but no more than 9 months prior to the child's 3rd birthday.
- All team members required by HeM 510 are in attendance.

School District Responsibility

- The family agrees.
- The family is provided written notice of the meeting (Prior Written Notice) at least 10 days prior as required by the NH Standards for the Education of Children with Disabilities. Families may agree to waive the 10 days advance notice.
- All team members required by the NH Standards for the Education of Children with Disabilities are in attendance.

8.2 In the event a Preschool Coordinator/staff member or FCESS Service Coordinator wishes to combine the Transition Conference and IEP Team meeting, they shall inform the School District/FCESS upon receiving notice of the meeting.

8.3 Regardless of whether the family gives permission to hold a combined Transition Conference and IEP Team meeting, the IEP Team Meeting (or Transition Conference, whichever is applicable) shall be held at the date and time agreed upon.

Protocol 9: Implementation: The IEP shall be in place by the child's 3rd birthday.

Procedures:

- 9.1 In accordance with the NH Standards for the Education of Children with Disabilities and Part B of the IDEA 2004, the IEP shall be agreed upon and signed by the School District LEA representative and the parent(s) by the child's 3rd birthday.
- 9.2 By NH definition, the date of development and implementation is the date of parental consent to the IEP. Per state and federal law, an IEP with the date to begin the provision of special education and related services must be agreed on by both the LEA and parent by the child's 3rd birthday, regardless of when the child turns 3. ('06 FY Memo 25)

Protocol 10: Procedures for addressing transition related activities during the summer months, including children whose third birthday will occur during the summer months.

Procedures:

- 10.1 Children whose third birthday occurs during the summer months are entitled to a free appropriate public education (FAPE) on their third birthday. Regardless of when a child's third birthday is, in accordance with the NH Standards for the Education of Children with Disabilities and Part B of the IDEA 2004, an IEP with the date to begin the provision of special education and related services must be agreed on by both the LEA and parent by the child's third birthday.
- 10.2 The start date for provision of special education and related services may be at a date after the third birthday, as determined appropriate by the IEP Team.
- 10.3 FCESS, with agreement from the family, shall work with the School District Preschool Contact and the family to create a timeframe for the Transition Conference that, in accordance with the timelines set forth in this agreement, would typically occur during the summer months and shall send a copy of a Referral to the Special Education Director. In this circumstance, FCESS shall work with the School District Preschool contact to provide the district with updated information within the timelines outlined in this agreement.

Protocol 11: Procedures for children who are referred to FCESS more than 45 calendar days but less than 90 calendar days before their third birthday.

Procedures:

- 11.1 FCESS, as soon as possible after Part C eligibility is determined, if the parent does not opt-out, shall notify/refer the child to the school district and the NHDOE.

Protocol 12: Procedures for children who are referred to FCESS less than 45 calendar days before their third birthday.

Procedures:

- 12.1 Pathways of the River Valley, following parental consent, shall notify the NH DOE and refer the child to the school district as soon as possible. If a parent does not provide consent, Pathways of the River Valley shall provide the parent with the appropriate school district contact information should they wish to refer in the future.
- 12.2 Pathways of the River Valley shall not be required to conduct a multidisciplinary evaluation or initial IFSP meeting.

Protocol 13: Procedures for addressing concerns.

Procedures:

- 13.1 The parties of this Interagency Agreement recognize that multiple factors affect the transition process including the age at which a child is first referred for services, family preferences, and our own human fallibility. Good communication among all parties is encouraged as the best remedy for overcoming the inevitable deviation from the ideal process.
- 13.2 When one party is concerned that the other is not following through with their responsibilities as outlined in good faith in the Interagency Agreement, the questioning party shall first consider whether the issue is related to unique circumstances or whether the issue demonstrates a systemic issue. The questioning party shall discuss their concerns directly with the person or persons involved and shall have documentation of their concerns.
- 13.3 Should the issue continue beyond the initial conversation, the administrator of the party involved shall be contacted.

Protocol 14: Procedure for review of the Interagency Agreement

- 14.1 Representatives from the Pathways of the River Valley and SAU 60 (Acworth, Charlestown and Langdon), SAU 62 (Canaan, Dorchester, Enfield, Grafton, and

Orange), SAU 75 (Grantham), SAU 43 (Croydon, Newport), SAU 71 (Lempster), SAU 102 (Goshen), SAU 85 (Sunapee), SAU 6 (Claremont and Unity) SAU 100 (Cornish), SAU 88 (Lebanon), SAU 70 (Hanover), SAU 76 (Lyme), SAU 34 (Washington), SAU 32 (Plainfield), SAU 65 (Springfield) shall convene in the spring of each year to review and make changes to the Interagency Agreement as necessary.