Nebraska Early Childhood Inter- and **Intra-Agency**

Transition Agreement

between

The Nebraska Early Development Network Co-Lead Agencies
(IDEA Part C)
Nebraska Department of Education (NDE)
Nebraska Department of Health and Human Services (NDHHS)

and

The Nebraska Department of Education
Special Education Preschool Program (IDEA Part B/619)

I. Purpose

The purposes of this agreement are:

- To address how the Early Development Network and the NDE Special Education Preschool Program will meet the transition requirements under IDEA; and

- To identify the policies and procedures used to ensure a smooth transition for infants and toddlers with disabilities under the age of three and their families from receiving early intervention services under Part C of IDEA:

  - To preschool services under Part B of IDEA;
  - To other appropriate services for toddlers with disabilities; or
  - Exiting the Early Development Network.

II. Early Development Network – Part C Requirements

A. Transition Notification

EDN ensures that:

As a birth mandate state all children in Part C are eligible for the Part B special education preschool program, therefore, the Early Development Network has no Transition Notification opt-out policy.

For each child transitioning from the EDN, the Co-Lead Transition Notification system will send an electronic notice to both the appropriate local education agency (LEA) and the state Part B-619 Coordinator. This notification under Part C will include the following personally identifiable information – the child's name, the child's date of birth and parent contact information (including parent's names, address and telephone number). Notification constitutes a referral to the local special education preschool program.

In implementing the transition notification requirement, EDN ensures that:

1. Not fewer than 90 days before the third birthday of the toddler with a disability if that toddler may be eligible for preschool services under Part B of the Act, the Co-Lead Transition Notification system will notify the state Part B-619 Coordinator and the LEA for the area in which the toddler resides that the toddler on his or her third birthday will reach the age of eligibility for services under Part B of IDEA, as determined in accordance with Nebraska law;

2. If EDN determines that a toddler is eligible for early intervention services under Part C of IDEA more than 45 but less than 90 days before that toddler's third birthday, the Co-Lead Transition Notification system, as soon as possible after determining the child's eligibility, will notify the state Part B- 619 Coordinator and the LEA for the area in which the toddler with a disability resides that the toddler on his or her third birthday will reach the age of eligibility for services under Part B of IDEA, as determined in accordance with Nebraska law; or

3. If a toddler is referred to EDN fewer than 45 days before that toddler's third birthday and that toddler may be eligible for preschool services under Part B of IDEA, the Co-Lead Transition Notification system will notify the state Part B- 619 Coordinator and the LEA for the area in which the toddler resides. Nebraska State Statute designates the Nebraska Department of Education and the Nebraska Department of Health and Human Services as Co-Lead agencies for the administration, implementation and monitoring of IDEA Part C. Since the lead agency for Part C is the SEA, parental consent is not required for the disclosure of personally identifiable information upon referral of the toddler to the state Special Education Preschool Program. The EDN program is not required to conduct an evaluation, assessment, or an initial IFSP of this toddler if the family chooses to enter the Part B/619 special education program instead of the EDN program.

B. Transition Conference to Discuss Services

EDN ensures that:

1. Since all Part C toddlers with a disability are potentially eligible for preschool services under Part B of IDEA, EDN with the approval of the family of the toddler, convenes a conference involving the parent; family members as requested by the parent(s); an advocate or person outside of the family as requested by the parent(s); the services coordinator; person(s) directly involved in evaluations and assessments; as appropriate, persons who will be providing EI services to the child and family; and the LEA not fewer than 90 days, and, at the discretion of all parties, not more than 9 months, before the toddler's third birthday to discuss any services the toddler may receive under Part B of IDEA; and

2. Since all children receiving Part C services in Nebraska are potentially eligible for the Part B Special Education Preschool Program, with approval of the family of that toddler, EDN also makes reasonable efforts to convene a conference involving the parent; family members as requested by the parent(s); an advocate or person outside of the family as requested by the parent(s); the services coordinator; person(s) directly involved in evaluations and assessments; as appropriate, persons who will be providing EI services to the child and family; and providers of other appropriate community services for the toddler to discuss what other services that the toddler may receive.

C. Transition Plan

EDN ensures that for all toddlers with disabilities:

1. The IFSP team reviews the program options for the toddler with a disability for the period from the toddler's third birthday through the remainder of the school year;

2. The IFSP team establishes a transition plan in the IFSP not fewer than 90 days, and, at the discretion of all parties, not more than 9 months, before the toddler's third birthday;

3. Each family of the toddler with a disability is included in the development of the transition plan included in the IFSP; and

4. The transition plan in the IFSP includes, consistent with the required content of the IFSP, as appropriate:

    a. Steps for the toddler with a disability and his or her family to exit from the Part C program; and

    b. Any transition services that the IFSP Team identifies as needed by that toddler and his or her family.

5. The steps required in this section include:

    a. Discussions with, and training of, parents, as appropriate, regarding future placements and other matters related to the child's transition;

b. Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to, and function in, a new setting;

c. Confirmation that child find information about the child has been transmitted to the LEA in accordance with the required notification provisions and, with parental consent if required under confidentiality of information provisions, transmission of additional information needed by the LEA to ensure continuity of services from the EDN to the Part B special education preschool program, including a copy of the most recent evaluation and assessments of the child and the family and most recent IFSP developed, and

d. Identification of transition services and other activities that the IFSP Team determines are necessary to support the transition of the child.

D. Transition Conference and Meeting to Develop Transition Plan

Any conference or meeting to develop the transition plan conducted under this agreement, may be combined into one meeting and must meet the requirements for IFSP meeting accessibility and convenience, IFSP parental consent and initial and annual IFSP team participants in accordance with 303.342(d) and (e), 303.343(a), 303.209(e) and the participants listed in II.B.1.

E. Applicability of Transition Requirements

The requirements related to notification, the transition conference and the transition plan contained in this agreement apply to all toddlers served under EDN before those toddlers turn age three.

III. Special Education Preschool Program – Part B Requirements

In order to ensure a smooth and effective transition for children with disabilities who received Part C services and are eligible for Part B preschool services, the NDE Office of Special Education has policies and procedures in place to ensure:

A. Free Appropriate Public Education (FAPE) for Children Beginning at Birth

The obligation to make FAPE available to each eligible child residing in Nebraska begins at date of diagnosis of the child's delay or disability. Nebraska serves children in Part C until August 31st of the toddlers 3rd birthday upon parental consent. An IEP must be in effect for the child no later than September 1st of the toddler's 3rd birthday.

B. Transition of Children from EDN to Special Education Preschool

Each local education agency (LEA) has policies and procedures in effect to ensure that:

1. Children participating in EDN under Part C of the IDEA and who will participate in special education preschool programs assisted under Part B of IDEA, experience a smooth and effective transition to those preschool programs in a manner consistent with the IDEA;

2. As described in paragraph (A) of this section, an IEP has been developed and is being implemented for the child consistent with state and federal regulations; and

3. Each affected LEA will participate in transition planning conferences arranged by EDN under IDEA.

C. Inviting the Services Coordinator for Initial IEP Team Meeting

In the case of a child who was previously served under EDN, an invitation to the initial IEP Team meeting must, at the request of the parent, be sent to the EDN services coordinator to assist with the smooth transition of services.

D. Considering the IFSP at the Initial IEP Team Meeting

In the case of a child with a disability transitioning from Part C services to Part B preschool services, the IEP Team must consider an IFSP that contains the IFSP content, including the natural environments statement, described in state and federal regulations, and that is developed in accordance with the IEP procedures under 92 NAC 51-007.07-007.07C4(a) when developing the initial IEP.

The inter- and intra-agency agreement shall be effective immediately upon the date signed by the parties below. At any time a party to the agreement may request a meeting to review and revise its provisions as necessary.

Nebraska Dept. of Education

_____
Carol McClain
Office of Special Education
Part C Manager

_____
Date Signed

_____
Joan Luebbers
Office of Special Education
Part C Co-Coordinator

_____
Date Signed

_____
Jan Thelen
Office of Special Education
IDEA Part B-619 Coordinator

_____
Date Signed

Nebraska Dept. of Health and Human Services

_____
Heather Krieger
Division of Medicaid and Long-Term Care
Administrator

_____
Date Signed

_____
Amy Bunnell
Division of Medicaid and Long-Term Care
Part C Co-Coordinator

_____
Date Signed