MEMORANDUM OF UNDERSTANDING

The Connecticut State Board of Education
and
The Office of Early Childhood

1. PURPOSE
This Memorandum of Understanding (MOU) is entered into between the Connecticut State Board of Education (CSBE) on behalf of the Connecticut State Department of Education (CSDE) and the Office of Early Childhood (OEC).

The CSDE, under Part B of the Individuals with Disabilities Education Improvement Act (IDEA), is the designated state education agency (SEA) responsible for ensuring a free and appropriate public education (FAPE) to all eligible children with disabilities, ages 3 through 21, who require special education and related services. The OEC is designated by the Connecticut General Assembly (CGA) as the lead agency for the Birth to Three System under Part C of the IDEA.

The Part C regulations in 34 Code of Federal Regulation (C.F.R.) Section 303.209(a)(3)(ii) require an interagency agreement to address how the lead agency and the SEA will meet the IDEA requirements, particularly the Part C early childhood transition requirements (early childhood transition requirements). The purpose of this Agreement is to provide coordinated services between Part C and Part B of the IDEA for infants, toddlers, and preschoolers with disabilities in the area of transition as well as the related areas of child find, public awareness, professional development (PD) and general supervision.

2. TERM OF AGREEMENT
This MOU is in effect from July 1, 2015, through June 30, 2018. This MOU shall automatically renew for an additional two (2) years unless either or both parties cancel the Agreement as provided in Section 3.

3. CANCELLATION
This Agreement shall remain in full force and effect for the entire term as stated in Section 2 of this MOU, unless canceled by either the OEC or the SBE with thirty (30) days written notice to the other party. The OEC and the SBE have the right to cancel this Agreement without prior notice when either agency deems the health or welfare of the recipient(s) is endangered.
4. **STATUTORY AUTHORITY**
   The statutory authority for the SBE to enter into this Agreement is as follows:
   Connecticut General Statutes (C.G.S.) Section 4-5 and Section 4-8 and 20 United States
   Code (U.S.C.) Section 1400 et seq (IDEA). The statutory authority for the OEC to enter
   into this Agreement is C.G.S. Section 4-5.

5. **RESPONSIBILITIES OF SBE**
   (a) The State Interagency Coordinating Council (SICC): The SBE shall identify
       appropriate staff members from the CSDE to serve on the SICC, as provided in the
       federal regulations, who:
       (1) Carry the administrative responsibilities for preschool services to children with
           disabilities and who have sufficient authority to engage in public policy planning
           and implementation on behalf of the agency.
       (2) Carry the administrative responsibilities for the education of homeless children
           and youth.
   (b) Transition Conference and Transition Plan:
       (1) For children potentially eligible for special education, the CSDE will ensure that
           each local education agency (LEA) will participate in the transition conference
           convened by the child’s service coordinator.
       (2) The CSDE will provide on-going guidance to ensure each LEA meets its
           obligation to participate in a transition conference for those children referred to
           Part B who may be potentially eligible for special education.
       (3) The CSDE will embed the obligation to participate in the transition planning
           conference into the PD and technical assistance provided to LEAs.
       (4) The CSDE will monitor LEAs for compliance with the transition conference
           requirement.
       (5) The CSDE will provide guidance and direction to ensure that all LEAs who
           participate in a child’s transition conference assume responsibility to ensure a
           smooth transition from the Birth to Three System to special education.
   (c) Team Meeting: The CSDE shall require LEAs to comply with the following
       requirements;
       (1) At the request of the child’s parent, the child’s service coordinator and/or other
           OEC representative will be invited to the initial individualized education program
           (IEP) team meeting of a child.
       (2) CSDE policy shall include the IDEA obligation that a child’s IEP team will
           consider the child’s individualized family service plan (IFSP) when developing an
           IEP for those children determined eligible for special education.
       (3) All LEAs will use an IEP and not an IFSP to provide a FAPE to eligible children
           by their third birthday.
       (4) The SBE shall develop policies and shall disseminate such policies to LEAs to
           ensure that all IEP team activities occur in a timely manner and that an IEP is
           developed and implemented for eligible children no later than their third birthday.
       (5) The SBE shall provide guidance to LEAs on transition matters for those children
           with summer birthdays, especially as it relates to extended school year (ESY)
           services. Such guidance shall direct LEAs to implement the IEP at the start of
           school for those children not eligible for ESY.
   (d) Transition and General Supervision:
(1) The CSDE shall implement policies and procedures that ensure a FAPE is provided no later than age three to those toddlers with disabilities determined eligible for special education and that an IEP has been developed and implemented by the child’s third birthday.

(2) Through general supervision and monitoring of LEAs, the CSDE will ensure that eligible 3-year-old children with disabilities are provided a FAPE no later than their third birthday when such children have been referred to their LEA no later than 90 calendar days before their third birthday.

(3) The CSDE shall issue guidance to encourage LEAs to provide a FAPE to eligible 2-year-old children who will turn age three within a school year when the early provision of a FAPE is determined to be in the child’s best interest.

(4) The CSDE will encourage LEAs to use their school facilities and/or school sites so that children not yet age three can have their IFSP services delivered in partnership with school personnel.

(e) The SBE shall provide PD and technical assistance to LEAs, in consultation with the OEC concerning:

(1) Transition and transition-related activities to ensure a smooth and effective transition for children and their families; and

(2) Early intervention under Part C of the IDEA so that LEAs better understand the obligations of service coordinators and early intervention providers.

(f) Through general supervision and established state policy, the SBE shall ensure that LEAs

(1) Refer children who are between the ages of birth to age 34 months who have or who are suspected of having a disability; and

(2) Accept all referrals of children who are within 45 calendar days of their third birthday.

(g) Data

(1) The CSDE will receive from the OEC and will maintain an electronic file, called Birth to Three Notification Reports, of children receiving Part C services.

(2) The CSDE will make the information electronically available to each LEA as it relates to children residing in the jurisdiction of that LEA.

(3) The CSDE will ensure that access to the electronic information is available only to those individuals in the LEA who are authorized to access and use that information.

(4) The CSDE will utilize the Birth to Three Notification information in the analysis of the State Performance Plan (SPP) and Annual Performance Report (APR).

(5) The CSDE will utilize the Birth to Three Notification information for compliance monitoring.

6. RESPONSIBILITIES OF THE OEC

(a) The OEC shall designate one or more individuals to serve as members of the SICC, shall staff the SICC and shall provide the necessary supports and services to operate the SICC as provided in the IDEA.

(b) Transition, Child Find and Public Awareness. The OEC shall inform parents of toddlers served under Part C about preschool programs as a part of the transition requirements for children who exit the Part C program.

(1) OEC shall require every child’s service coordinator to provide parents with information about special education and related services that includes information
on the process of referral, evaluation, eligibility determination and the development of an IEP. Such information will be provided to families of toddlers no later than 90 calendar days before a child’s third birthday.

(2) For all children nearing the age of three and their families, OEC shall require the child’s service coordinator to provide information and resources on the availability of early childhood community-based programs in order to facilitate access and participation in such programs as children near the age of preschool.

(c) Transition and Notification to the SEA and LEA:

(1) OEC shall notify the SEA and LEA electronically of those children potentially eligible for special education under the IDEA Part B no later than 90 calendar days before the child’s third birthday. The OEC shall provide such information in an encrypted password protected file to ensure protection of confidential information.

(2) The OEC shall include in the child-specific notification to the SEA and LEA information that contains the child’s name and date of birth; the parent’s name, address and telephone number; the primary language spoken in the home; and the name and contact information of the child’s Birth to Three service coordinator.

(3) The OEC shall promptly notify the SEA and LEA of children who are evaluated and found eligible for Part C more than 45 and less than 90 calendar days before their third birthday.

(4) If a toddler is referred to Part C fewer than 45 days before the toddlers third birthday and the toddler may be eligible for preschool services under Part B of IDEA, the OEC will, with parental consent required refer the toddler to the SEA and the LEA of residence.

(d) Transition Conference and Transition Plan:

(1) The OEC shall convene a transition conference, with the approval of the family, no later than 90 calendar days before a child’s third birthday and can be convened, at the discretion of all parties, as early as nine months prior to the child’s third birthday for those children who are potentially eligible for Part B services.

(2) The OEC shall conduct transition conference to meet the requirements for an IFSP meeting.

(3) The OEC shall establish the transition plan in the IFSP for all eligible infants and toddlers from the time of their initial IFSP and no later than 90 calendar days before the child’s third birthday or, at the discretion of all parties, as early as nine months prior to the toddlers third. The plan shall comply in all respects to the requirements set forth in the IDEA regulations.

(4) The transition plan reviews the program option for the toddler with a disability from the period from the toddlers third birthday through the remainder of the school year and will include the steps needed by the child and family to exit from the Part C program and any transition services that the child’s IFSP team determines are needed by the child and family. The steps will include, at a minimum, confirmation that child find information has been transmitted to the SEA and LEA and that Part C has transmitted additional information such as the most recent evaluation, assessment and/or IFSP.

(5) The OEC shall include in the transition plan support for the child and family to transition to Part B services as well as other available options and opportunities available for preschool-age children in the family’s community.
(e) Transition Training and Technical Assistance:
   (1) The OEC will train early intervention personnel on their obligations related to
       transition and all transition-related responsibilities under Part C.
   (2) The OEC will train early intervention personnel on the obligations of LEAs under
       Part B of the IDEA.
   (3) The OEC shall provide guidance to Birth to Three programs to foster early
       collaboration with the LEAs to include the delivery of a child’s IFSP services
       within an LEA’s facility prior to the child turning age three.
   (4) The OEC shall provide training and technical assistance to early intervention
       programs and providers, in consultation with the CSDE, on transition and
       transition related activities to ensure a smooth and effective transition for children
       and their families.

(f) Transition and General Supervision:
   (1) The OEC will monitor all of the state’s early intervention programs for the
       following activities:
       i. Initiating transition activities for all children receiving early intervention
          starting with the IFSP;
       ii. Including families of such toddlers in the child’s transition plans and in all
           transition planning meetings and conferences;
       iii. Making a written request for an evaluation, for each child whose family is
            seeking special education services, to the appropriate LEA in compliance
            with the relevant federal regulations;
       iv. Convening, in the case of a child who may be eligible for such preschool
           services and with the approval of the family of the child, a transition
           conference, which shall include the early intervention program
           coordinator, the family and a representative from the LEA within the time
           frame required by regulation; and
       v. Establishing a written transition plan within each child’s IFSP.
   (2) The OEC shall register all infants and toddlers with disabilities eligible for early
       intervention with the CSDE in order to obtain a State Assigned Student
       Identification (SASID) number. The OEC shall immediately delete the
       registration of such children from the registration file of public school students
       once the SASID number has been obtained and recorded by OEC.

7. SHARED RESPONSIBILITIES OF THE OEC and SBE/CSDE
   (a) The parties shall develop and disseminate brochures and other information and
       materials to focus public awareness on the state’s early intervention system and early
       childhood special education, which may include the following:
       (1) General information on the state’s early intervention system, the Birth to Three
           System;
       (2) The eligibility criteria for infants and toddlers with disabilities;
       (3) The eligibility criteria for children, ages 3 through 5, with disabilities;
       (4) A statewide toll-free number for all referrals of children, ages birth through age
           five, with suspected or known disabilities or delays;
       (5) Information in multiple languages to reach culturally and linguistically diverse
           families;
       (6) Coordination of a statewide CDI for children ages birth through five; and
(7) Information on early childhood special education including school district contacts, eligibility and services.

(b) The parties shall serve on each agency’s respective committees, advisory and guideline development groups and participate in other opportunities to ensure that public awareness materials, products and other information represents and includes each agency’s work and that such information will reach all stakeholders, including parents.

(c) Each system will have policies and procedures and a system of general supervision, which addresses the transition process and ensures a smooth and effective transition and a FAPE by age three for children with disabilities determined eligible for special education.

(1) The parties shall coordinate all Child Find activities with the SICC, CDI and the state’s parent training and information center (PTI), as well as other statewide public awareness efforts and other major state activities, to identify and locate children who may require an evaluation to determine their eligibility for either early intervention or special education and related services.

(2) Through each agency’s system of general supervision, the parties shall ensure that there are joint planning, transition and eligibility activities between early intervention and special education for children receiving early intervention who are 27 months and older.

(3) Through each agency’s system of general supervision, the parties ensure that the Child Find responsibilities are met when children are referred from early intervention, that no gaps in the provision of special education occur and that such children under Part B, receive a FAPE no later than age 3, notwithstanding the summer months, unless such children are eligible for ESY.

(4) The parties shall develop and disseminate, in collaboration with each respective agency, joint policies and procedures related to transition, as appropriate and necessary.

(5) The parties shall issue joint guidance, in collaboration and as appropriate and necessary, on transition and transition-related activities.

(e) The parties shall develop and provide PD priorities that address the needs of early intervention programs and school districts.

(i) Accountability, Monitoring and Compliance:

(1) Each agency will serve on each other’s stakeholder groups for purposes of focused monitoring (FM) under the IDEA.

(2) Each agency will assist each other in conducting or gathering data for FM visits, as appropriate.

(3) Each agency will assist each other in the preparation of the SPP, APR, results-based accountability (RBA) and other required accountability reports particularly as it relates to the need for sharing data and information.

(4) Each agency will assist the other, as necessary, in the investigation of formal written complaints, particularly as they relate to transition, and which may include the actions of either CSDE or its contractors or LEAs and in developing the corrective actions that need to be taken to address such complaints.

(5) Each agency will serve on each other’s monitoring and general supervision teams, when appropriate and as it applies to each agency’s work across systems of service for infants, toddlers and preschool-age children with disabilities.

10. CONFIDENTIALITY OF INFORMATION
(a) Both parties agree that they shall ensure the protection of the confidentiality of any personally identifiable data, information and records collected or maintained by the two agencies. Both agencies agree to adhere to all of the confidentiality requirements of the Family Educational Rights and Privacy Act (FERPA) in 20 U.S.C. 1232g, 34 C.F.R. Section 99.31 et seq., and 34 CFR Part 303.401 through 303.417, particularly as these requirements relate to the confidentiality and transfer of student data. Both the OEC and the CSDE shall provide guidance to Part C and Part B personnel to ensure adherence to the confidentiality requirements of IDEA and FERPA when making referrals and planning for the transition and eligibility determination of children for the IDEA, Part B program. Both agencies will ensure that these requirements are met through the general supervision and monitoring system of each agency.

(b) Each party agrees that it shall be responsible for losses arising out of:
   (1) Its own acts or omissions that result in a breach of personally identifiable information or failure to comply with applicable law regarding protection of confidential information
   (2) Its own negligence or misconduct, and each party shall defend itself against any action or claim brought as a result of such acts under the Agreement.

11. DATA AND DATA SHARING
   (a) Any data variable that could potentially link a child’s SASID number to any other personally identifiable number will be accessible only to those staff using the research data. Each data export will be destroyed when it is no longer needed.
   (b) The OEC and the SBE/CSDE shall regularly exchange any aggregate de-identified and disaggregated data or reports including those needed pursuant to the notification requirements under Part C of the IDEA as well as those relating to the analysis and reporting in the SPP, APR or RBA reports.
   (c) For purposes of tracking aggregate, de-identified student progress, the parties shall strip “research” data exports of all identifying information other than the student’s SASID when data analysis requires the exchange of data between both state agencies.

12. DISPUTE RESOLUTION
   Any dispute arising under the contract, which is not disposed of by agreement, shall be decided by the Commissioner of CSDE and the Commissioner of the OEC. Pending final resolution of a dispute, both parties shall proceed diligently with the performance of the contract in accordance with duties outlined herein.
15. NONDISCRIMINATION.
The provisions of Connecticut General Statutes Section 4a-60 concerning nondiscrimination, as amended by Public Acts 91-58 and 91-407 are incorporated herein by reference.

16. HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT
Should any reports, records and written information fall under the purview of the Health Insurance Portability and Accountability Act (HIPAA), the two agencies will comply with the provisions of HIPAA. Information obtained pursuant to the provisions of HIPAA shall not be used or disclosed by the parties for any purpose without written consent.

17. LIAISONS AND NOTICES
Both parties agree to have specifically named liaisons at all times. These representatives of the parties will be the first contacts regarding any questions and problems that may arise during implementation and operation of the contract. Wherever under this contract one party is required to give notice to the other, such notice shall be deemed given upon delivery. Notices shall be addressed as follows via postal mail or email:
(a) To the CSDE:
   Maria Synodi, Education Consultant
   State Department of Education
   Bureau of Special Education
   165 Capitol Avenue
   Hartford, CT 06106
   Tel. 860-713-6941
   Email: maria.synodi@ct.gov

(b) To the OEC:
   Lynn S. Johnson, Acting Coordinator
   IDEA Part C Program
   Office of Early Childhood
   460 Capitol Avenue
   Hartford, CT 06106
   Tel. 860-418-6151
   Email: lynn.s.johnson@ct.gov

18. AMENDMENTS
Any changes to the agreement must be made in writing and must be approved by both parties.
19. APPROVALS AND ACCEPTANCE
(See Attached)

APPROVALS AND ACCEPTANCE PAGE

Dianna R. Wentzell, Commissioner
State Department of Education
12/17/15
Date

Myra Jones Taylor, Commissioner
Office of Early Childhood
12/21/15
Date

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