

**INTERAGENCY AGREEMENT**

**BETWEEN**

**CENTRAL VALLEY REGIONAL CENTER**

**AND**

**TULARE COUNTY SPECIAL EDUCATION LOCAL PLANNING AREA**

**IMPLEMENTATION OF THE REAUTHORIZATION OF INDIVIDUALS WITH  
DISABILITIES ACT, PART C**

**I. PURPOSE**

The purpose of this agreement is to describe policies and procedures of Central Valley Regional Center (CVRC) and the Tulare County Special Education Plan Area (SELPA) relating to the implementation of Part C of the Individuals with Disabilities Education Act (hereinafter referred to as "Part C California Early Start") and its implementing regulations. Specifically, this agreement will define the financial responsibilities of each agency procedures for resolving disputes, and other components necessary to insure effective cooperation and coordination between the two agencies

**II. PARTIES**

The parties to this agreement are Central Valley Regional Center (CVRC) and the Tulare County Special Education Local Plan Area hereafter referred to as SELPA.

**III. UNDERLYING PHILOSOPHY**

CVRC and SELPA endorse the philosophy statement that promotes a coordinated interagency service delivery system for special needs infants and toddlers and their families within the County of Tulare. The service delivery system shall utilize available resources to enhance the ability of the family to promote the growth and development of their infant or toddler, thereby enabling the child to live within the community alongside his/her non-disabled peers.

**IV. AUTHORITY**

This agreement fulfills requirements of Title 20 United States Code (USC) Section 1471 et. seq., and 34 (CFR) Section 303.523 and is based upon state policy and authority contained in the Welfare and Institutes Code Section 4500 et. seq., the California Code, Part 30, and the approved state application submitted under the authority of 34 CRF, Sections 303.140 through 303.148 and 303.161 through 303.176.

**V. TARGET POPULATION**

This agreement applies to activities and services performed on behalf of infants and toddlers, birth to thirty-six months of age, and their families who are eligible to Early Start services under Part C, as defined in California statutes, regulations and policies.

**A. Basis for the Provision of Services through Central Valley Regional Center (CVRC)**

1. CVRC shall provide, arrange or purchase early intervention services, as required by the infant's or toddler's IFSP, and be payer of last resort for infants and toddlers determined eligible for early intervention services as:
  - a) Developmentally delayed pursuant to 52022(a);
  - b) Established risk pursuant to 52022(b);

c) High risk for developmental disability pursuant to 52022(c) and (d)

2. CVRC shall be the payor of last resort after all other public and private Sources for payment have been reviewed to determine if a referral shall be made by the service coordinator and/or the parent. Referrals may include but not be limited to California Children's Services, Medi-Cal, private insurance with parental permission, etc. This review shall not delay the provision of early services specified on the IFSP. Early intervention services specified on the IFSP shall begin as soon as possible.

**B. Basis for the Provision of Services through the Tulare County Special Education Local Plan Area (SELPA)**

The SELPA shall provide, arrange, or purchase early intervention services, as required by the infant's or toddler's IFSP, and be payor of last resort for infants and toddlers with solely low incidence disabilities determined eligible for early intervention services under the category of established risk as specified in Section 52022(b) of these regulations and who are not eligible for regional center services.

The SELPA, pursuant to Education Code Section 56425, shall provide services for Infants and toddlers who are also eligible for regional center services when the infant or toddler is identified as an individual with exceptional needs pursuant to Education Code Section 56026 and Title 5 California Code of Regulations Section 3030 and who require intensive special education services and:

- 1) The infant or toddler is functioning at or below 50% of his or her chronological age level in any one of the following skill areas:
  - a Gross or fine motor development;
  - b. Receptive or expressive language development;
  - c) Social or emotional development;
  - d) Cognitive development;
  - e) Visual development.
- 2) The infant or toddler is functioning between 51% and 75% of his or her age level in any two of the skills areas identified (1) through (5) of this section; or,
- 3) Has a condition of known etiology which as a high probability of resulting in developmental delay as specified in Section 52022(b)(1); AND
- 4) The SELPA is operating below the funded capacity as required by Government Code Section 95014(c). (Funded capacity is defined as the 1980-81 mandate of 76 students and its 1992-93 level of state funding of 4.66 (PSU).

**VI. CHILD FIND**

Child Find activities are geared to locate all infants and toddlers who may be eligible for Early Intervention services.

1. CVRC and SELPA, will collaborate with other related community agencies including the FRC, Children's Hospital of Central California, Public Health Nurses, Medically Vulnerable Infant Program, Head Start and other agencies as needed.
2. CVRC and SELPA and FRC will share information with other agencies by participating in the Tulare County High-Risk Infant Team and the Early Start Coordinating Council.
3. Early Intervention materials are distributed to local pediatrician's offices, hospitals, and various agencies and individuals providing medical, social and educational services in the community.

## VII. PROCEDURES FOR COORDINATION OF REFERRALS FOR EVALUATION AND ASSESSMENT

The CVRC or TCOE SELPA that receives an oral or written referral for early intervention services shall ensure that:

- (a) The date of the referral is documented in the infant's or toddlers' record;
- (b) A service coordinator is assigned pursuant to Section 52120; and
- (c) The written notice is provided and consent is requested pursuant to Section 52161 and 52162.

When the SELPA is the referral agent, the process is as follows:

1. Infants or toddlers with solely low incidence disabilities shall be evaluated and assessed by qualified personnel of the SELPA whose professional preparation, license or credential authorizations are specific to the suspected disability. The determination for eligibility shall be made with the participation of the multidisciplinary team including the parent.

When CVRC receives a referral for early intervention services the procedure is as follows:

1. The receiving agency shall complete an Intake Referral form, which should include basic information (i.e. name and birth date of client, social security number, name and address of parents, medical history, diagnostic results, particular concerns regarding the client, etc.)
2. Consent for Assessment, Release of Information, Parent's Rights forms, and Family Resource Center consent forms are sent to the parent.
3. Intake Service Coordinator is assigned immediately.
4. When the completed forms are received from the parent, the Release form is sent to the listed physicians and agencies to request information to assist in the evaluation and assessment.
5. An appointment is scheduled with the Intake Service Coordinator to complete a social assessment and an eligibility evaluation.
6. A Multidisciplinary team meeting is scheduled by the Intake Coordinator.
  - a) The evaluation material discussed at this meeting shall consist of a review of pertinent records related to the infant's or toddler's health status and medical history, the information obtained from parental observation and report and evaluation by qualified personnel of the infant's or toddler's level of functioning in the areas of cognitive development, physical and motor development, communication development, social or emotional development and adaptive development.
7. If the child is eligible for early start services, the on-going Service Coordinator will refer to the LEA for assessment.
8. A timely exchange of information shall occur between both agencies.

For cases with dual eligibility:

For infants and toddlers and their families who are eligible to receive services from both a regional center and a local education agency, the regional center shall be the agency responsible for providing or purchasing appropriate early intervention services that are beyond the mandated responsibilities of local education agencies.

The LEA shall provide special education services up to its funded program capacity as established annually by the State Department of Education in consultation with the Department of Developmental Services and the Department of Finance. Additionally, TCOE will serve infants and toddlers and their families according to contract with the CVRC.

1. One agency may not determine eligibility or commit to providing services on behalf of another agency. Assessment data shall be shared between agencies with appropriate consent.
2. No single procedure shall be used as the sole criterion for determining an infant's or toddler's eligibility.
3. The initial evaluation and assessment and IFSP of each child shall be completed within 45 days of the date of the referral.

A. Procedures for Assignment of Service Coordinator

The Regional Center or SELPA shall assign a service coordinator (1) At the time that infants or toddlers are referred for evaluation and assessment; and (2) When infants or toddlers are determined eligible for early intervention services from the regional center or SELPA. The qualifications and responsibilities of the Service Coordinator shall be in accordance to Sections 52121 and 52122.

B. Mechanism for Ensuring the Availability of Contacts at CVRC and SELPA at All Times Throughout the Year

CVRC and SELPA staff will be available throughout the year to receive referrals.

C. Procedures for Multidisciplinary/Interagency IFSP Development

CVRC and the SELPA will participate in the initial IFSP meeting and annual IFSP reviews for an eligible infant or toddler jointly served by the two agencies within the 45 days of receipt of the referral. In addition:

1. A periodic IFSP review will be conducted for an infant or toddler and the family every six months or more frequently if service needs change, or if the parent requests such a review based on Section 52107 (b-j) regulations.
2. If English is not the primary language of the family, the Service Coordinator is responsible for ensuring the availability of an interpreter for the IFSP meeting.
3. All parties will agree to any modifications to the IFSP.
4. Any changes made to the plan at or before the six-month review must be documented on the IFSP form and a copy sent to the other agency for their record. If a change is requested that will result in new or additional services being provided, the agency that will provide or pay for those services must be notified and approve of the additional services prior to the revision to the IFSP being made. Any changes must be approved by the family.
5. The individualized Family Service Plan form will be used as the common IFSP form. Both parties must agree to any modifications to the form. It will be reviewed yearly to determine if modifications are needed.

D. Procedures for Provision of Services During Periods of School Vacations When Services are Required on the IFSP

1. CVRC services for eligible children will be maintained on a year-round basis.
2. SELPA services for eligible children will be maintained as specified on the IFSP.

E. Transition from Early Intervention Services

1. The Service Coordinator, six months before the third birthday of the toddler receiving Early Intervention services, shall:

- a) Notify the parent that transition planning will occur within the next three to six months.
  - b) Whenever appropriate; notify the LEA where the toddler resides that there will be a Transition Planning Meeting requiring the attendance of an LEA representative pursuant to 34 CFR 300.132, before the toddler is two years, nine months, or at the discretion of all parties, up to six months before the toddler turns three years old to specify the transition steps necessary for movement into services under Part B of the Individuals with Disabilities Education Act; and
  - c) All parties involved shall agree to the meeting dates.
2. The Transition Plan shall include all of the following:
- a) Identification of needed assessments to determine regional center and Part B eligibility, and determination of regional center or LEA responsibility and time lines for completing the needed assessments;
  - b) Identification of the people responsible for convening an IEP, as necessary, an exit IFSP meeting, and, the person responsible for convening an IPP meeting, whenever necessary, for a toddler by age three to:
    - 1) Review the progress toward meeting the Early Intervention services outcomes identified in the IFSP;
    - 2) Determine eligibility for Part B and develop the subsequent IEP; and
    - 3) Develop an IPP if the toddler is also eligible for services from CVRC.
3. If a toddler is older than two years and six months on the date of the initial IFSP, the IFSP shall include steps to ensure transition planning occurs as soon as possible.
4. CVRC may continue providing or purchasing services for a preschooler who has been determined eligible for Regional Center services:
- a) Until the beginning of the next school term after the toddler's third birthday during a period when the school program is not in session; and
  - b) When the multi-disciplinary team determines that services are necessary to benefit the continued development of the toddler until the necessary LEA/special education program resumes.

**F. Procedures for Resolving Disputes Between CVRC and SELPA**

1. All parties must abide by the Procedural Safeguards as outlined in Federal Law and accompany regulations. The following steps will be followed if a dispute arises between the SELPA and CVRC:
- a) Step 1: Every attempt will be made to resolve the dispute at the lowest possible administrative level starting with the supervisory level up to the CVRC and SELPA directors.
  - b) Step 2: If a resolution of the dispute is not achieved, the two parties will request technical assistance from the California Department of Developmental Services (DDS) and California Department of Education (CDE).
  - c) Step 3: If resolution cannot be reached within 60 calendar days, the issue will be referred to DDS and CDI for a state-level review and resolution.
  - d) Step 4: The state-level reviews will be conducted jointly by DDS and CDE and a decision rendered within 60 calendar days of receipt of the dispute.

NOTE: During the pending dispute, the child will continue to receive appropriate early intervention services. If the dispute involves initial intervention services, the child must receive all of the initial intervention services agreed to in the IFSP.

#### **G. Procedures for Surrogate Parents**

CVRC and SELPA will collaborate to determine whether a child needs a surrogate parent and for the assignment of a surrogate parent to the child.

1. The surrogate parent may represent a child in all matters related to:
  - (a) The identification, evaluation, and educational placement of the child; and
  - (b) The provision of free and Free and Appropriate Public Education (FAPE) to the child. (Authority: 20 U.S.C. 1415(b)(2))
2. Criteria for selection of surrogates:
  - c) CVRC/SELPA may select a surrogate parent in any way permitted under State law and ensure the person selected as a surrogate--
    - 1) Is not an employee of CVRC or SELPA or any other agency that is involved in the education or care of the child;
    - 2) Has no interest that conflicts with the interest of the child he or she represents; and
    - 3) Has knowledge and skills that ensure adequate representation of the child.
3. CVRC/SELPA may select as a surrogate a person who is an employee of a non-public agency that only provides non-educational care for the child and who meets the standards in section G. (1) a, b, c.
4. Unless California law prohibits a foster parent from acting as a parent, CVRC/SELPA may allow a foster parent to act as a parent under Part B of the ACT if—
  - (1) the natural parents' authority to make educational decisions on the child's behalf has been extinguished under State law; and
  - (2) the foster parent has an on-going, long term parental relationship with the child; is willing to make the educational decisions required of parents under the Act; and has no interest that would conflict with the interests of the child. (Authority: 20 USC 1401(19))
5. Appointed surrogates shall be trained by CVRC and/or SELPA to ensure their ability to adequately represent a child.

#### **H. Procedures for Accepting Transfers of Children with Existing IFSP's**

1. CVRC and SELPA shall use existing information to minimize delay in the provisions of appropriate Early Intervention services when a child moves into the area.
2. The procedures contained in Welfare and Institutions Code Section 4643.5, pertaining to transfers between regional centers, shall apply for an infant or toddler with an existing IFSP who moves from an area where he or she received early Intervention services, a Regional Center into another Regional Center area.
3. The procedures contained in Education Code Section 56325, pertaining to an IEP, shall apply instead for an infant or toddler with an existing IFSP who moves from an area where he or she received Early Intervention services from an LEA into another LEA that provides Early Intervention services and the LEA is

operating below the funded capacity, or for an infant or toddler with a solely low incidence disability.

**VIII. TERMS OF AGREEMENT AND REVIEW SCHEDULE**

This agreement shall be in effect from July 1, 2009 to June 30, 2010. The agreement will be reviewed on or before June 30, 2009, and any recommendations for amendment will be made at that review. This agreement may be extended on an annual basis by the signing of a notification of extension by both parties.

Robert Riddick      7-6-09  
Robert Riddick, Executive Director      Date  
CENTRAL VALLEY REGIONAL CENTER

Marilyn Rankin      6-25-09  
Dr. Marilyn Rankin, Assistant Superintendent      Date  
TULARE COUNTY SELPA

Memorandum of Understanding Between  
Tulare County Office of Education & Central Valley Regional Center  
July 1, 2010 to June 30, 2011

The purpose of this memorandum of understanding (MOU) is to outline an agreement for the provision of early intervention services for Early Start eligible infants and toddlers in Tulare County. The parties to this agreement are Tulare County Office of Education TCOE and Central Valley Regional Center, Inc. (CVRC). The target population under this agreement is infants from birth to 36 months who are clients of CVRC and who have been identified as needing an early intervention program.

In accordance with the State Interagency Agreement, Regional Centers can enter into contracts with local education agencies in order to expand the capacity beyond that which is established by the 1980-81 mandate. This contract will be in effect when the TCOE Infant Program has reached its mandated capacity.

This agreement modifies and extends the existing MOU between CVRC and TCOE. TCOE will serve children referred by CVRC in accordance with each child's Individual Family Service Plan (IFSP) and TCOE's Parent Infant Program description. Total hours of direct services offered to families, infants, and toddlers shall be based on the IFSP and the needs of the family. The provision of services will include a combination of home visits and Family Center services such as infant education; therapy services by physical therapists, speech therapists, and occupational therapists; and educational-informational classes for parents.

Services shall be consistent with Infant Development program design statement and shall include an annual infant assessment and an updated HELP or IDA chart at age 2-6. TCOE will maintain records for audit purposes to include a monthly listing of children and the number of contact hours for each child/parent. TCOE will submit a billing statement for services following each month of service. CVRC will provide reimbursement for services within 30 days of receipt of the billing statement. The amount billed shall be at a monthly rate of \$440.00 per child per month. Children enrolled for partial days in a month will be prorated at a daily rate of \$20.95 based on an average of 21 business days within a month. A final billing from TCOE will be submitted no later than 30 days following completion of the program year. This memorandum may be amended based upon additional considerations by mutual agreement.

Marilyn Rankin  
Marilyn Rankin, Ed.D. Assistant Superintendent  
Special Services Division

6.24.10  
Date

Robert Riddick  
Robert Riddick, Executive Director  
Central Valley Regional Center

6.11.2010  
Date

Vendor No.: H27899 / Service Code: 083

original mailed to CVRC 6/25/10  
copy to Maxine 6/25/10

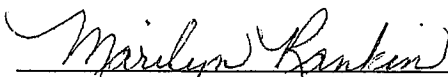
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In accordance with the State Interagency Agreement, Regional Centers can enter into contracts with local education agencies in order to expand the capacity beyond that which is established by the 1980-81 mandate. This contract will be in effect when the TCOE Infant Program has reached its mandated capacity.

This agreement is in addition to any other existing MOUs between TCOE and CVRC in which services to infants and toddlers are provided. TCOE will serve children as identified above and in accordance with each child's IFSP and TCOE's program description outlined in Addendum A. Total hours will be based on IFSP and needs of the family. Provision of service will include a combination of those as described in Addendum A and B.

The total amount payable by CVRC to TCOE shall be \$454,687.50 and shall be paid in 12 monthly installments of \$37,890.63. TCOE will secure staff on an annual basis to accommodate serve a range of 20-30 children for this contract period. TCOE will maintain records for audit purposes to include a monthly listing of children and the number of contact hours for each child/parent. TCOE will submit a billing statement for services following each month of service. CVRC will provide reimbursement for services within 30 days of receipt of the billing statement. A final billing from TCOE will be submitted no later than 30 days following completion of the program year. This memorandum may be amended based upon additional considerations by mutual agreement.

  
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Marilyn Rankin, Ed. D, Assistant Superintendent  
Special Services Division

6.24.10  
\_\_\_\_\_  
Date

  
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Robert Riddick, Executive Director  
Central Valley Regional Center

6-11-2010  
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Date

Vendor No: HC0523 / Service Code: 083

*original mailed to CVRC 6/25/10  
copy to Maxine 6/25/10*