COOPERATIVE AGREEMENT
NEVADA DEPARTMENT OF EDUCATION, IDEA PART B, Preschool Grants
AND
NEVADA DEPARTMENT OF HEALTH AND HUMAN SERVICES, IDEA PART C

It is hereby understood and agreed that the Nevada Departments of Education (NDE) and Health and Human Services (DHHS) have compatible goals and purposes in providing comprehensive services to Nevada's young children with disabilities ages birth through five years. The two Departments will develop cooperative programs in order to provide early intervention and special education services to young children with disabilities in the State. This agreement will include an outline of eligible populations, respective responsibilities, and joint training activities.

This agreement supersedes and replaces the Cooperative Agreement dated February 10, 2004.

PURPOSE OF AGREEMENT

The Nevada Departments of Education and Health and Human Services provide services to children with developmental delays and disabilities, ages birth through five years. This section addresses areas of joint responsibility, which include identification, personnel development, transition and dispute resolution activities and procedures.

Section I. General

1. Both Departments agree to work cooperatively to support the development of local memoranda of understanding to specify local procedures between school districts and early intervention programs.

2. Both Departments utilize the Part B due process hearing and mediation procedures under Part B of IDEA (34 C.F.R. §§300.506-300.518) and, for Part C, as written in (34 CFR §§303.440-303.449).

3. Both Departments agree to make provision for participation of appropriate personnel in ongoing comprehensive in-service training for children with disabilities ages birth through five including but not limited to transition and evidenced-based practices relating to service provision.

4. The Part C providers will comply with the early intervention conditional license contract being created by the NDE-Teacher Licensure and the Part C office outlining requirements for participation in the Early Childhood Developmentally Delayed conditional licensure program for early intervention.

5. Part C will continue to work directly with the NDE-Teacher Licensure for implementation of the endorsement requirement for early intervention personnel.

6. The Part C Coordinator and the NDE 619 Coordinator will assist in facilitating communication among the Departments of Education and the DHHS, early intervention providers and local education agencies.

7. NDE will nominate for consideration by the board, the continued participation of staff within the Part C office of the DHHS in the Special Education Advisory Committee (SEAC) in compliance with Part B 34 CFR §300.168(a)(6) membership.

8. Provisions will be made by the DHHS for continued participation by the 619 Coordinator from NDE on the Interagency Coordinating Council (ICC) in compliance with 34 CFR §303.601(a)(6) composition of the ICC.

9. Both Departments agree that whenever regulations, policies and/or procedures are developed or revised that impact children/infant and toddlers with disabilities in both the IDEA Part B and IDEA Part C programs (34 CFR Parts B and C) special provisions will be made to obtain input from representatives of the other affected department on the applicable provisions.

10. Each Department agrees to provide to the other copies of all proposed regulations, legislation, policy documents, reports and/or studies with potential impact to the other Department, in so far as each agency is aware of such.

Section II. Comprehensive Child Find

The DHHS and the NDE both have a responsibility to provide general supervision to ensure program compliance with requirements for the evaluation and identification of children with disabilities or infants and toddlers with disabilities through a comprehensive Child Find system. Pursuant to 34 CFR §303.302, the IDEA Part C system must include a process for making referrals to lead agencies or early intervention providers. The IDEA Part C Child Find system must also be consistent with IDEA, Part B 34 CFR §300.111: Policies and procedures must be in effect to ensure that:

(i) All children with disabilities residing in the State, including children with disabilities who are homeless children, in foster care, or are wards of the State, Indian infants and toddlers with disabilities residing on a reservation, highly mobile children, including migrant children, and children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of early intervention or special education and related services, are identified, located, and evaluated; and

(ii) An effective and practical method is developed and implemented to determine which children are currently receiving needed special education and related services.

Section III. Transition

This section provides the agreement between DHHS and the NDE to ensure a smooth and seamless transition between services in accordance with IDEA Part C, 34 CFR §303.209 and IDEA Part B, 34 CFR §300.124.

IDEA Part C Early Childhood Transition Requirements:

1. Transition Notification

   - The State of Nevada's Part C office will notify the State Education Agency (SEA) and the Local Education Agency (LEA) of children who are potentially eligible for preschool services under IDEA B (34 CFR §300.800, et seq.) and who will shortly turn three years old and exit the Part C program in accordance with 34 CFR §303.209(b). A child is considered potentially eligible if the child meets the eligibility criteria of IDEA Part C category of 'Developmental Delay' or 'Established Condition'.
   - These notifications will be provided monthly to each Local Education Agency (LEA) and the NDE to ensure compliance with the 90-day timeline set forth in 34 CFR §303.209(b). This ensures that the LEA receives notice of all toddlers who are receiving Part C services and will shortly turn three (3) years old and exit the Part C program in compliance with 34 CFR §303.209(b).
   - Each notice will include the child's name, date of birth and parent contact information (including parents' names, addresses, and telephone numbers). Nevada does not have an Opt Out policy for notification to the LEA and SEA.
   - The NDE will ensure that the IDEA Part C office has current contact information for the LEAs.
   - The monthly notices will include children whose third birthday falls three months prior to and nine months after the first day of that month, to ensure compliance with the 90-day timeline.

2. Transition Plan
   The DHHS has policies to ensure that each infant and toddler with a disability exiting the Part C system has in place in the Individualized Family Service Plan (IFSP) a written individualized transition plan related to the following:
   - The family is a full participant in the development of the transition plan in accordance with 34 CFR §§303.209(d)(1)(ii) and 303.433(h).
   - Early Intervention (EI) program staff review 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.

- A transition plan must be established in the IFSP not fewer than 90 days, but at the discretion of all parties up to 9 months before the toddler's third birthday in accordance with 34 CFR §303.209(d)(2).
- The transition plan in the IFSP must include, consistent with 34 CFR §303.344(h), any appropriate steps for the toddler to exit the Part C program and any transition services needed by that toddler and his or her family.
- The IFSP must include the steps and services to be taken to support the smooth transition of the child, in accordance with 34 CFR §303.209, from Part C to Part B services, if appropriate, or other appropriate services. The steps include:
    - (i) Discussions with, and training of, parents, as appropriate, regarding future placements and other matters related to the child's transition;
    - (ii) Procedures to prepare the child for changes in service delivery, including steps to help the child adjust to, and function in, a new setting;
    - (iii) Confirmation that child find information about the child has been transmitted to the LEA or other relevant agency in accordance with 34 CFR §303.209(b), and with parental consent if required under 34 CFR §303.414, transmission of additional information needed by the LEA to ensure the continuity of services from the Part C program to the Part B program, including a copy of the most recent evaluation and assessments of the child and family and most recent IFSP developed in accordance with 34 CFR §§303.340 through 303.345; and
    - (iv) Identification of transition services and other activities that the IFSP Team determines are necessary to support the transition of the child.
- Any meeting to develop the transition plan must meet the requirements in 34 CFR §§303.432(d) and (e) and 303.343(a) including all other IFSP requirements under IDEA Part C.
- The transition conference and the IFSP meeting to develop the transition plan may be combined into one meeting, as long as they meeting the requirements of §§ 303.342(d) and 303.343. (34 CFR §303.209(e))

3. Transition Conference

With the family's approval, the early intervention program will conduct a transition conference for a toddler with disabilities that has been identified as 'potentially eligible' and is receiving IDEA Part C services and who will be exiting the Part C program to discuss any services the child may receive under IDEA, Part B.

- This conference must take place no later than 90 days prior to the child's third birthday. The IFSP team may conduct this conference up to nine (9) months prior to the child's third birthday at the discretion of all parties per 34 CFR §303.209(c).
- The conference must include the early intervention program service coordinator, family, the LEA and other participants of an IFSP meeting as specified in 34 CFR §303.343(a) or (b).

- In accordance with 34 CFR §303.342(d), the transition conference must also be conducted in settings and at times that are convenient for the family and in the family's native language or other mode communication used by the family, unless clearly not feasible to do so.
- The early intervention program must make meeting arrangements with the family and the LEA and provide written notice of the meeting to the family and other participants, including the LEA, early enough before the meeting date to ensure they will be able to attend and that the timelines will be met.
- The transition conference must meet the parent consent requirements in accordance with 34 CFR §303.3
- The LEA will participate in transition planning conferences in accordance with 34 CFR §300.124(c). If the LEA is unable to attend the transition conference, the early intervention program must hold the conference to ensure that timelines are met.
- The child's transition plan must include any appropriate steps for the toddler to exit the Part C program and any transition services that the IFSP team identifies as needed by that child and his or her family. The transition conference meeting to develop a transition plan may be combined into one meeting in accordance with 34 CFR §303.209(e).
- If it is determined the child is not potentially eligible for preschool services under Part B, with approval of the family, reasonable efforts will be made to hold a conference to discuss other appropriate services that the toddler may receive in accordance with 34 CFR §303.209 (c)(2).

4. Late Referrals

- If a child is referred to Part C fewer than 45 days before the child's third birthday, early intervention (EI) is not required to conduct an evaluation, assessment, or initial IFSP meeting (34 CFR §303.209(b)(1)(iii)). With written parental consent pursuant to 34 CFR §303.209(b)(2), the EI program must refer the child to the NDE and the LEA where the child resides if the child may be eligible for preschool services under IDEA Part B.
- If Part C determines that the child is eligible for EI services under Part C of IDEA more than 45 but less than 90 days before that child's third birthday and if the child is 'potentially eligible' for preschool services under Part B of the Act, the Part C office must, as soon as possible after determining the child's eligibility, notify the SEA and LEA for the area in which the child resides that the child on his third birthday will reach the age of eligibility for services under Part B of the Act.

5. Individualized Education Program (IEP) Meeting

- The Part C service coordinator, or other Part C service representative, must make every effort to participate in the initial IEP meeting if invited by the LEA at the request of the parent.

IDEA Part B Early Childhood Transition Requirements:

Children participating in early intervention programs assisted under IDEA, Part C, and who will participate in preschool programs assisted under IDEA, Part B, should experience a smooth and effective transition to those preschool programs in a manner consistent with 34 CFR. §300.124. By the third birthday of such a child, an IEP must have been developed and implemented for the child in accordance with 34 CFR §300.101(b). The local educational agency will participate in transition planning conferences arranged by the EI program designated by the lead agency DHHS.

1. IEP by Third Birthday for Eligible Children

   - 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 LEA must consider the child's IFSP content in developing the IEP to be implemented by the child's third birthday in compliance with 34 CFR §§300.323(b) and 300.101(b).

2. Invitation to Part C service coordinator for initial IEP Meeting

   - At the request of the parent, an invitation to the initial IEP meeting must be sent to the Part C service coordinator, or other Part C service representative, if the child previously received Part C services (34 CFR §300.321(f)).
   - For all children who transition from Part C services to Part B preschool services, the IEP team must consider the IFSP that contains the IFSP content (including natural environment statement) in accordance with 34 CFR §300.323 (b)(1).

Both the Department of Education and the Department of Health and Human Services are committed to collaboration that ensures all children with disabilities in the State of Nevada, who are potentially eligible for preschool services under IDEA Part B, are identified and if eligible, provided services in accordance with both Part C and Part B of the Individuals with Disabilities Education Act.

Superintendent of Public Instruction	2-28-14 Date
Director of the Department of Health and Human Services	1-21-14 Date

Deputy Attorney General – Nevada Department of Education

3/11/14
Date

Deputy Attorney General – Department of Health and Human Services

3/12/14
Date