

**OMB NO. 1820-0550**  
**Expires: 11/30/2020**

**ANNUAL STATE APPLICATION UNDER PART C OF THE  
INDIVIDUALS WITH DISABILITIES EDUCATION ACT AS AMENDED IN 2004  
FOR FEDERAL FISCAL YEAR (FFY) 2019**

**CFDA No. 84.181A**

**ED FORM No. 1 B20—26P**

**UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION PROGRAMS**

**Washington, DC 20202-2600**

**Paperwork Burden Statement**

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. Public reporting burden for this collection of information is estimated to average 10 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this collection is required to obtain or retain benefits (20 U.S.C. 1433; 20 U.S.C. 1435). Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, 400 Maryland Ave., S.W., Washington, D.C. 20210-4537 or email [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov) and reference the OMB Control Number 1820-0550. Note: Please do not return the completed Annual State Application form to this address.

## Section I

### A. Submission Statements for Part C of IDEA

Select 1 or 2 below. Check 3 if appropriate.

1.  The State's policies, procedures, methods, descriptions, certifications, and assurances meet all application requirements of Part C of the Act as found in the Individuals with Disabilities Education Act (IDEA), codified at 20 U.S.C. 1431 through 1443 and the Part C regulations in 34 CFR Part 303. The State is able to provide and/or meet all policies, procedures, methods, descriptions, and assurances, found in Sections II.A and II.B of this Application.

By selecting this submission statement the State either has on file with the Secretary or has submitted new or revised State policies, procedures, methods, and descriptions that meet all requirements found in Section II.A.

2.  The State cannot provide the policies, procedures, methods, descriptions, and/or assurances for all application requirements of Part C of the Act as found in Part C of the IDEA, 20 U.S.C. 1431 through 1443 and the Part C regulations in 34 CFR Part 303. The State has determined that it is unable to provide the policies, procedures, methods, descriptions, and/or assurances that are checked 'No' in Sections II.A and II.B. However, the State assures that throughout the period of this grant award the State will operate consistently with all requirements of IDEA in 20 U.S.C. 1431 through 1443 and the 2011 Part C regulations in 34 CFR Part 303. The State will develop and/or make such changes to existing policies, procedures, methods, descriptions, and assurances as are necessary to bring the policies, procedures, methods, descriptions, and assurances into compliance with the requirements of the IDEA Part C Act and regulations, as amended, as soon as possible, and not later than June 30, 2019. The State has included the date by which it expects to complete necessary changes associated with policies, procedures, methods, descriptions, and assurances marked 'No'. The items checked 'Yes' in Section II.A are enclosed with this application as revised or new or are identified as "OF" already on file with the Secretary.<sup>1</sup>

Optional:

3.  The State is submitting new or modified State policies and procedures previously submitted to the Department and checked in Section II.A, "N", "R" or "OF" cell(s) found in the 'Yes' column. These modifications are a result of: (1) the State revising its applicable State law or regulations; (2) changes required by the Secretary due to new interpretation of the Act or regulations by a Federal court or the State's highest court; and/or (3) because of an official finding of noncompliance with Federal law or regulation.

### B. Conditional Approval for Current Grant Year

If the State received conditional approval for the current grant year, check the statement(s) below:

1. **Conditional Approval Related to Assurances in Section II.A:**
- a. Sections II.A and II.B reflect completion of all issues identified in the FFY 2018 conditional approval letter (attach any additional documentation required by the FFY 2018 letter).
- b. As noted in Sections II.A and II.B, the State has not completed all issues identified in the FFY 2018 conditional approval letter.

<sup>1</sup> If Option 2 is checked, the State is to provide dates in Sections II.A and II.B as to when the required policies, procedures, methods, descriptions, and assurances will be provided, which date can be no later than June 30, 2020.

**2. Conditional Approval Related to Other Issues:**

- a. The State previously submitted documentation of completion of all issues identified in the FFY 2018 conditional approval letter.
- b. The State is attaching documentation of completion of all issues identified in the FFY 2018 conditional approval letter. *(Attach documentation showing completion of all issues.)*
- c. The State has not completed all issues identified in the FFY 2018 conditional approval letter. *(Attach documentation showing completion of any issues and a list of items not yet completed.)*

**Section II**

**A. State Policies, Procedures, Methods, and Descriptions**

As checked below, the State hereby declares that it has or has not filed the following policies, procedures, methods, and descriptions with the U.S. Department of Education, and, as of the date of the signature below, affirms and incorporates by reference those policies, procedures, methods, and descriptions with respect to Part C of the Individuals with Disabilities Education Act (IDEA or Act) in 20 U.S.C. 1431–1443 and the Part C regulations in 34 CFR Part 303 (Part C). By submission of this Section II, the State assures that throughout the period of this FFY 2017 grant award, the State will operate consistently with all requirements of Part C of the IDEA in 20 U.S.C. 1431 through 1443 and the Part C regulations in 34 CFR Part 303. The State will develop and/or make such changes to existing policies, procedures, methods, descriptions, and assurances as are necessary to bring the policies, procedures, methods, descriptions, and assurances into compliance with the requirements of the IDEA Part C Act and regulations by the date indicated below and not later than June 30, 2020.

- Check and enter date(s) as applicable.
- Enclose relevant documents.

**Yes** (If New or Revised is checked, the State is submitting policies, procedures, methods, and descriptions with this application. If already 'On File with OSEP', check OF.)

**N** = 'New' Policy and/or Procedure

**R** = 'Revised' Policy and/or Procedure

**OF** = Policy and/or Procedure is already 'On File' with the USDE

**No** (Policies, procedures, methods, and descriptions have not been provided. Provide date by which State will submit to OSEP required documentation, which date shall be no later than June 30, 2020.)

Yes: N	Yes: R	Yes: OF	No	State Policies, Procedures, Methods, and Descriptions
				<b>Subpart C—State Policies and Procedures</b>
		X		1. Each application must include the name of the State lead agency, as designated under §303.120, that will be responsible for the administration of funds provided under this part. (34 CFR §303.201)
		X		2. Each application must include a description of services to be provided under Part C to infants and toddlers with disabilities and their families through the State's system. (34 CFR §303.203(a))
				3. Each application must include the State's policies and procedures regarding the identification and coordination of all available resources within the State from Federal, State, local, and private sources as required under subpart F of 34 CFR Part 303.  <i>The State must have policies and procedures that meet the requirements listed in 3(a) and the methods identified in 3(b), and must provide responses to those entries. If the State has not adopted a system of payments, it may respond "NA" to 3(a).</i>

Yes: N	Yes: R	Yes: OF	No	State Policies, Procedures, Methods, and Descriptions
		X		<p>(a) If the State has adopted a system of payments, each application must include any policies or procedures adopted by the State as its system of payments and those policies and procedures must meet the requirements in §§303.510, 303.520 and 303.521 (regarding the use of public insurance or benefits, private insurance, or family costs or fees).</p> <p>(34 CFR §303.203(b)(1))</p> <p><b><i>The policies and procedures listed in 3(a) are optional. Enter 'NA' in the cells to the left if the State has elected not to adopt a system of payments (which includes a system to use public insurance or benefits or private insurance or family fees to pay for Part C services); otherwise check the appropriate response under the 'Yes' column and, if checking 'N' or 'R', attach policies and procedures.</i></b></p> <p><b><i>The State's response under 3(a) of Section II.A must match the State's response under Section IV.A.</i></b></p>
	X			<p>(b) Each application must include the methods (State law, regulation, signed interagency or intra-agency agreements or other appropriate written method(s) approved by the Secretary) used by the State to implement the payor of last resort and fiscal responsibility requirements in §303.511(b)(2) and (3).</p> <p>(34 CFR §303.203(b)(2))</p> <p><b><i>If the State uses signed interagency agreements or "other appropriate written method(s)" to meet the requirements in 3(b), please check 'N' or 'R' and submit with the application. If the State's method is a State statute or regulation, the State does not need to submit that method (the statute or regulation) with its application.</i></b></p>
		X		<p>4. Each application must include the State's rigorous definition of developmental delay as required under §§303.10 and 303.111. Each Statewide system must include the State's rigorous definition of <u>developmental delay</u>, consistent with §§303.10 and 303.203(c), that will be used by the State in carrying out programs under Part C of the Act in order to appropriately identify infants and toddlers with disabilities who are in need of services under Part C of the Act. The definition must—</p> <p>(a) Describe, for each of the areas listed in §303.21(a)(1), the evaluation and assessment procedures, consistent with §303.321, that will be used to measure a child's development; and</p> <p>(b) Specify the level of developmental delay in</p>

Yes: N	Yes: R	Yes: OF	No	<b>State Policies, Procedures, Methods, and Descriptions</b>
				<p>functioning or other comparable criteria that constitute a developmental delay in one or more of the developmental areas identified in §303.21(a)(1). (34 CFR §§303.203(c) &amp; 303.111)</p>
			NA	<p>5. If the State provides services under Part C to at-risk infants and toddlers through the statewide system, the application must include—</p> <p>(a) The State's definition of at-risk infants and toddlers with disabilities who are eligible in the State for services under Part C (consistent with §§303.5 and 303.21(b)); and</p> <p>(b) A description of the early intervention services provided under Part C to at-risk infants and toddlers with disabilities who meet the State's definition described in §303.204(a).</p> <p>(34 CFR §303.204).</p> <p><i>The policies and procedures listed in 5 are optional (i.e., they only apply if the State opts to serve at-risk children). Enter 'NA' in the cells to the left if the State has elected not to provide services under Part C to at-risk infants and toddlers; otherwise check the appropriate response under the 'Yes' column and, if checking 'N' or 'R', attach the definition and description.</i></p>
				<p>6. Each State application must include a description of the State's use of funds under Part C for the fiscal year or years covered by the application. (34 CFR §303.205)</p> <p><b>The State must complete Section III of this application.</b></p>
		X		<p>7. Each application must include the State's policies and procedures that require the referral for early intervention services under Part C of specific children under the age of three, as described in §303.303(b) (which includes children who are the subject of a substantiated case of abuse or neglect, or directly affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure). (34 CFR §303.206)</p>
		X		<p>8. Each application must include a description of the procedure used by the State to ensure that resources are made available under Part C for all geographic areas within the State. (34 CFR §303.207)</p>
		X		<p>9. Each application must include a description of the policies and procedures used by the State to ensure that, before adopting any new policy or procedure (including any revision to an existing policy or procedure)</p>

Yes: N	Yes: R	Yes: OF	No	<b>State Policies, Procedures, Methods, and Descriptions</b>
				<p>needed to comply with Part C of the Act and 34 CFR Part 303, the lead agency—</p> <ul style="list-style-type: none"> <li>(1) Holds public hearings on the new policy or procedure (including any revision to an existing policy or procedure);</li> <li>(2) Provides notice of the hearings held in accordance with §303.208(b)(1) at least 30 days before the hearings are conducted to enable public participation; and</li> <li>(3) Provides an opportunity for the general public, including individuals with disabilities, parents of infants and toddlers with disabilities, EIS providers, and the members of the Council, to comment for at least 30 days on the new policy or procedure (including any revision to an existing policy or procedure) needed to comply with Part C of the Act and 34 CFR Part 303.</li> </ul> <p>(34 CFR §303.208(b))</p>
		X		<p>10. (a) <u>Application Requirements</u>: Each State must include the following in its application:</p> <ul style="list-style-type: none"> <li>(1) A description of the policies and procedures it will use 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 to preschool or other appropriate services (for toddlers with disabilities) or exiting the program for infants and toddlers with disabilities.</li> <li>(2) A description of how the State will meet each requirement in §303.209(b) through (f).</li> <li>(3) (i) (A) If the lead agency is not the SEA, an interagency agreement between the lead agency and the SEA; or (B) If the lead agency is the SEA, an intra-agency agreement between the program within that agency that administers Part C of the Act and the program within the agency that administers section 619 of the Act</li> <li>(ii) To ensure a seamless transition between services under Part C and under Part B of the Act, an interagency agreement under paragraph (a)(3)(i)(A) of this section or an intra-agency agreement under paragraph (a)(3)(i)(B) of this section must address how the lead agency and the SEA will meet the requirements of paragraphs (b) through (f) of this section (including any policies adopted by the lead agency under §303.401(d) and (e), §303.344(h), and 34</li> </ul>

Yes: N	Yes: R	Yes: OF	No	State Policies, Procedures, Methods, and Descriptions
				<p>CFR 300.101(b), 300.124, 300.321(f) and 300.323(b).</p> <p>(4) Any policy the lead agency has adopted under §303.401(d) and (e).</p> <p>(b) <u>Notification to the SEA and appropriate LEA.</u> The State must ensure that—</p> <p>(1) Subject to paragraph (b)(4) of this section, 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 lead agency notifies the SEA 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 the Act, as determined in accordance with State law; or</p> <p>(2) Subject to paragraph (b)(4) of this section, if the lead agency determines that the toddler is eligible for early intervention services under Part C of the Act more than 45 but less than 90 days before that toddler's third birthday and if that toddler may be eligible for preschool services under Part B of the Act, the lead agency, as soon as possible after determining the child's eligibility, notifies the SEA 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 the Act, as determined in accordance with State law; or</p> <p>(3) Subject to paragraph (b)(4) of this section, if a toddler is referred to the lead agency fewer than 45 days before that toddler's third birthday and that toddler may be eligible for preschool services under Part B of the Act, the lead agency, with parental consent required under §303.414, refers the toddler to the SEA and the LEA for the area in which the toddler resides; but, the lead agency is not required to conduct an evaluation, assessment, or an initial IFSP meeting under these circumstances;</p> <p>(4) The notification required under paragraphs (b)(1), (2), and (3) of this section is consistent with any policy that the State has adopted, under §303.401(e), permitting a parent to object to disclosure of personally identifiable information.</p> <p>(c) <u>Conference to discuss services.</u> The State must ensure that—</p> <p>(1) If a toddler with a disability may be eligible for preschool services under Part B of the Act, the lead agency, with the approval of the family of</p>



Yes: N	Yes: R	Yes: OF	No	State Policies, Procedures, Methods, and Descriptions
				<p>the toddler, convenes a conference, among the lead agency, the family, and the LEA not fewer than 90 days—and, at the discretion of all of the parties, not more than 9 months—before the toddler’s third birthday to discuss any services the toddler may receive under Part B of the Act.</p> <p>(2) If a toddler with a disability is determined to not be potentially eligible for preschool services under Part B of the Act, the lead agency, with the approval of the family of that toddler, makes reasonable efforts to convene a conference among the lead agency, the family, and providers of other appropriate services for the toddler to discuss appropriate services that the toddler may receive.</p> <p>(d) <u>Transition plan.</u> The State must ensure that for all toddlers with disabilities –</p> <p>(1)(i) It 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; and</p> <p>(ii) Each family of a toddler with a disability who is served under Part C is included in the development of the transition plan required under this section and §303.344(h);</p> <p>(2) It establishes a transition plan in the IFSP not fewer than 90 days—and, at the discretion of all of the parties, not more than 9 months—before the toddler’s third birthday; and</p> <p>(3) The transition plan in the IFSP includes, consistent with §303.344(h), as appropriate—</p> <p>(i) Steps for the toddler with a disability and his or her family to exit from the Part C program; and</p> <p>(ii) Any transition services that the IFSP Team identifies as needed by that toddler and his or her family.</p> <p>(e) <u>Transition conference and plan meeting requirements.</u> Any conference conducted under paragraph (c) of this section or meeting to develop the transition plan under paragraph (d) of this section (which conference and meeting may be combined into one meeting) must meet the requirements in §§303.342(d) and (e) and 303.343(a).</p> <p>(f) <u>Applicability of transition requirements.</u></p> <p>(1) The transition requirements in paragraphs (b)(1) and (2), (c)(1), and (d) of this section apply to all toddlers with disabilities receiving services under this part before those toddlers turn age three.</p>

Yes: N	Yes: R	Yes: OF	No	<b>State Policies, Procedures, Methods, and Descriptions</b>
				<p>including any toddler with a disability under the age of three who is served by a State that offers services under §303.211.</p> <p>(2) In a State that offers services under §303.211, for toddlers with disabilities identified in paragraph (b)(1) of this section, the parent must be provided at the transition conference conducted under paragraph (c)(1) of this section: (i) An explanation, consistent with §303.211(b)(1)(ii), of the toddler's options to continue to receive early intervention services under this part or preschool services under section 619 of the Act; (ii) The initial annual notice referenced in §303.211(b)(1). (3) For children with disabilities age three and older who receive services pursuant to §303.211, the State must ensure that it satisfies the separate transition requirements in §303.211(b)(6)(ii).</p> <p>(34 CFR §303.209)</p>
		X		<p>11. Each application must contain a description of State efforts to promote collaboration among Head Start and Early Head Start programs under the Head Start Act (42 U.S.C. 9801, <i>et seq.</i>, as amended), early education and child care programs, and services under Part C. (34 CFR §303.210)</p>
		X		<p>12. Each application must include, as required by Section 427 of the General Education Provisions Act (GEPA), a description of how the State has identified barriers and developed strategies to address the barriers and has provided a description of the steps the State is taking to ensure equitable access to, and participation in, Part C. (34 CFR §303.212(a))</p>
			NA	<p>13. (a) General. (1) Subject to paragraphs (a)(2) and (b) of this section, a State may elect to include in its application for a grant under Part C a State policy, developed and implemented jointly by the lead agency and the SEA, under which a parent of a child with a disability who is eligible for preschool services under section 619 of the Act and who previously received early intervention services under Part C, may choose the continuation of early intervention services under Part C for his or her child after the child turns three until the child enters, or is eligible under State law to enter, kindergarten or elementary school.</p> <p>(2) A State that adopts the policy described in paragraph (a)(1) of this section may determine whether it applies to children with disabilities—</p> <p style="padding-left: 40px;">(i) From age three until the beginning of the school year following the child's third birthday;</p>

Yes: N	Yes: R	Yes: OF	No	State Policies, Procedures, Methods, and Descriptions
				<p>(ii) From age three until the beginning of the school year following the child's fourth birthday; or</p> <p>(iii) From age three until the beginning of the school year following the child's fifth birthday.</p> <p>(3) However, in no case may a State provide services under this section beyond the age at which the child actually enrolls in, or is eligible under State law to enter, kindergarten or elementary school in the State.</p> <p>(b) <u>Requirements</u>. If a State's application for a grant under Part C includes the State policy described in paragraph (a) of this section, the system must ensure the following:</p> <p>(1) Parents of children with disabilities who are eligible for services under section 619 of the Act and who previously received early intervention services under Part C will be provided annual notice (the initial annual notice must be provided as set forth in §303.209(f)(2)(ii)) that contains—</p> <p>(i) A description of the rights of the parents to elect to receive services pursuant to §303.211 or under Part B of the Act; and</p> <p>(ii) An explanation of the differences between services provided pursuant to §303.211 and services provided under Part B of the Act, including—</p> <p>(A) The types of services and the locations at which the services are provided;</p> <p>(B) The procedural safeguards that apply; and</p> <p>(C) Possible costs (including the costs or fees to be charged to families as described in §§303.520 and 303.521), if any, to parents; and</p> <p>(2) Consistent with §303.344(d), services provided pursuant to §303.211 will include an educational component that promotes school readiness and incorporates preliteracy, language, and numeracy skills.</p> <p>(3) The State policy ensures that any child served pursuant to this section has the right, at any time, to receive FAPE (as that term is defined at §303.15) under Part B of the Act instead of early intervention services under Part C of the Act under §303.211.</p> <p>(4) The lead agency must continue to provide all early intervention services identified in the toddler with a disability's IFSP under §303.344 (and consented to by the parent under §303.342(e)) beyond age three until that</p>

Yes: N	Yes: R	Yes: OF	No	State Policies, Procedures, Methods, and Descriptions
				<p>toddler's initial eligibility determination under Part B of the Act is made under 34 CFR §300.306. This provision does not apply if the LEA has requested parental consent for the initial evaluation under §300.300(a) and the parent has not provided that consent.</p> <p>(5) The lead agency must obtain informed consent from the parent of any child with a disability for the continuation of early intervention services pursuant to this section for that child. Consent must be obtained before the child reaches three years of age, where practicable.</p> <p>(6)(i) For toddlers with disabilities under the age of three in a State that offers services under this section, the lead agency ensures that the transition requirements in §303.209(b)(1) and (2), (c)(1) and (d) are met.</p> <p>(ii) For toddlers with disabilities age three and older in a State that offers services under this section, the lead agency ensures a smooth transition from services under this section to preschool, kindergarten or elementary school by: (A) Providing the SEA and LEA where the child resides, consistent with any State policy adopted under §303.401(e), the information listed in §303.401(d)(1) not fewer than 90 days before the child will no longer be eligible under subsection (a)(2) of this section to receive early intervention services under this section; (B) With the approval of the parents of the child, convening a transition conference, among the lead agency, the parents, and the LEA, not fewer than 90 days—and, at the discretion of all parties, not more than 9 months—before the child will no longer be eligible under subsection (a)(2) of this section to receive, or will no longer receive, early intervention services under this section, to discuss any services that the child may receive under Part B of the Act; and (C) Establishing 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 child will no longer be eligible under subsection (a)(2) of this section to receive, or no longer receives, early intervention services under this section.</p> <p>(7) In States that adopt the option to make services under Part C available to children ages three and older pursuant to §303.211, there will be a referral to the Part C system, dependent upon parental consent, of a child under the age of three who directly experiences a substantiated case of trauma due to exposure to family violence, as defined in</p>

Yes: N	Yes: R	Yes: OF	No	State Policies, Procedures, Methods, and Descriptions
				<p>section 320 of the Family Violence Prevention and Services Act, 42 U.S.C. 10401, et seq.</p> <p>(c) <u>Reporting requirement.</u> If a State includes in its application a State policy described in §303.211(a), the State must submit to the Secretary, in the State's report under §303.124, the number and percentage of children with disabilities who are eligible for services under section 619 of the Act but whose parents choose for their children to continue to receive early intervention services under §303.211.</p> <p>(d) <u>Available funds.</u> The State policy described in §303.211(a) must describe the funds—including an identification as Federal, State, or local funds—that will be used to ensure that the option described in §303.211(a) is available to eligible children and families who provide the consent described in §303.211(b)(5), including fees, if any, to be charged to families as described in §§303.520 and 303.521.</p> <p>(e) <u>Rules of construction.</u></p> <p>(1) If a statewide system includes a State policy described in §303.211(a), a State that provides services in accordance with this section to a child with a disability who is eligible for services under section 619 of the Act will not be required to provide the child FAPE under Part B of the Act for the period of time in which the child is receiving services under §303.211.</p> <p>(2) Nothing in this section may be construed to require a provider of services under Part C to provide a child served under Part C with FAPE.</p> <p>(34 CFR §303.211)</p> <p><b><i>The policies and procedures listed in 13 are optional. Enter 'NA' in the cells to the left if the State has elected not to develop and implement a policy under 34 CFR §303.211 to make Part C services to children beyond age three; otherwise check the appropriate response under the 'Yes' column and, if checking 'N' or 'R', attach policies and procedures.</i></b></p>

**B. Assurances and Optional Assurance**

The State makes the following assurances and provisions as required by Part C of the Individuals with Disabilities Education Act. (20 U.S.C. 1431 et. seq.; 34 CFR §§303.101-126; 303.220; 303.227)

<p><b>Yes</b> <i>(Assurance is hereby provided.)</i></p>	<p><b>No</b> <i>(Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)</i> <i>Check and enter date(s) as applicable</i></p>	<p><b>Subpart B—Assurances</b>  (20 U.S.C. 1434; 1435; and 1437(b); 34 CFR §§303.101-126; 303.220; 303.227)</p>
<p>X</p>		<p>1. The State has adopted a policy that appropriate early intervention services, as defined in 34 CFR §303.13, are available to all infants and toddlers with disabilities in the State and their families, including—</p> <ul style="list-style-type: none"> <li>(a) Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the State;</li> <li>(b) Infants and toddlers with disabilities who are homeless children and their families; and</li> <li>(c) Infants and toddlers with disabilities who are wards of the State.</li> </ul> <p>(34 CFR §303.101(a))</p>
<p>X</p>		<p>2. The State has in effect a statewide system of early intervention services that meets the requirements of section 635 of the Act, including policies and procedures that address, at a minimum, the components required in 34 CFR §§303.111 through 303.126. (34 CFR §303.101(a))</p>
<p>X</p>		<p>3. The State ensures that any State rules, regulations, policies and procedures relating to 34 CFR Part 303 conform to the purposes and requirements of 34 CFR Part 303. (34 CFR §303.102)</p>
<p>—</p>	<p>—</p>	<p>4. Each statewide system (system) must include, at a minimum, the components described in §§303.111 through 303.126. (34 CFR §303.110)</p>
<p>X</p>		<p>5. The State has a policy in effect that ensures that appropriate early intervention services are based on scientifically based research, to the extent practicable, and are available to all infants and toddlers with disabilities and their families, including—</p> <ul style="list-style-type: none"> <li>(a) Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the State; and</li> <li>(b) Infants and toddlers with disabilities who are homeless</li> </ul>

<p><b>Yes</b> <i>(Assurance is hereby provided.)</i></p>	<p><b>No</b> <i>(Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)</i> <i>Check and enter date(s) as applicable</i></p>	<p><b>Subpart B—Assurances</b> <i>(20 U.S.C. 1434; 1435; and 1437(b); 34 CFR §§303.101-126; 303.220; 303.227)</i></p>
		children and their families. (34 CFR §303.112)
X		<p>6. (a) The Statewide system ensures the performance of—</p> <ul style="list-style-type: none"> <li>(1) A timely, comprehensive, multidisciplinary evaluation of the functioning of each infant or toddler with a disability in the State; and</li> <li>(2) A family-directed identification of the needs of the family of the infant or toddler to assist appropriately in the development of the infant or toddler.</li> </ul> <p>(b) The evaluation and family-directed identification required in paragraph (a) of this section must meet the requirements of 34 CFR §303.321.</p> <p>(34 CFR §303.113)</p>
X		<p>7. The Statewide system ensures that, for each infant or toddler with a disability and his or her family in the State, an IFSP, as defined in 34 CFR §303.20, is developed and implemented that meets the requirements of 34 CFR §§303.340 through 303.345 and that includes service coordination services, as defined in 34 CFR §303.34. (34 CFR §303.114)</p>
X		<p>8. The Statewide system includes a comprehensive child find system that meets the requirements in 34 CFR §§303.302 and 303.303. (34 CFR §303.115)</p>
X		<p>9. The Statewide system includes a public awareness program that—</p> <ul style="list-style-type: none"> <li>(a) Focuses on the early identification of infants and toddlers with disabilities; and</li> <li>(b) Provides information to parents of infants and toddlers through primary referral sources in accordance with 34 CFR §303.301.</li> </ul> <p>(34 CFR §303.116)</p>
X		<p>10. The Statewide system includes a central directory that is accessible to the general public (i.e., through the lead agency's Web site and other appropriate means) and includes accurate, up-to-date information about:</p> <ul style="list-style-type: none"> <li>(a) Public and private early intervention services, resources, and experts available in the State;</li> <li>(b) Professional and other groups (including parent support and</li> </ul>

<p><b>Yes</b> <i>(Assurance is hereby provided.)</i></p>	<p><b>No</b> <i>(Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)</i> <i>Check and enter date(s) as applicable</i></p>	<p><b>Subpart B—Assurances</b> <i>(20 U.S.C. 1434; 1435; and 1437(b); 34 CFR §5303.101-126; 303.220; 303.227)</i></p>
		<p>training and information centers, such as those funded under the Act) that provide assistance to infants and toddlers with disabilities eligible under Part C of the Act and their families; and</p> <p>(c) Research and demonstration projects being conducted in the State relating to infants and toddlers with disabilities. <i>(34 CFR §303.117)</i></p>
<p>X</p>		<p>11. The Statewide system includes a comprehensive system of personnel development, including the training of paraprofessionals and the training of primary referral sources with respect to the basic components of early intervention services available in the State. The State's comprehensive system of personnel development—</p> <p>(a) Includes—</p> <ul style="list-style-type: none"> <li>(1) Training personnel to implement innovative strategies and activities for the recruitment and retention of EIS providers;</li> <li>(2) Promoting the preparation of EIS providers who are fully and appropriately qualified to provide early intervention services under Part C; and</li> <li>(3) Training personnel to coordinate transition services for infants and toddlers with disabilities who are transitioning from an early intervention services program under Part C of the Act to a preschool program under section 619 of the Act, Head Start, Early Head Start, an elementary school program under Part B of the Act, or another appropriate program.</li> </ul> <p>(b) May include—</p> <ul style="list-style-type: none"> <li>(1) Training personnel to work in rural and inner-city areas;</li> <li>(2) Training personnel in the emotional and social development of young children;</li> <li>(3) Training personnel to support families in participating fully in the development and implementation of the child's IFSP; and</li> <li>(4) Training personnel who provide services under this part using standards that are consistent with early learning personnel development standards funded under the State Advisory Council on Early Childhood Education and Care established under the Head Start Act, if applicable. <i>(34 CFR §303.118)</i></li> </ul>



<p><b>Yes</b> <i>(Assurance is hereby provided.)</i></p>	<p><b>No</b> <i>(Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)</i>  <i>Check and enter date(s) as applicable</i></p>	<p><b>Subpart B—Assurances</b>  (20 U.S.C. 1434; 1435; and 1437(b); 34 CFR §§303.101-126; 303.220; 303.227)</p>
<p>X</p>		<p>12. The Statewide system includes policies and procedures relating to the establishment and maintenance of qualification standards to ensure that personnel necessary to carry out the purposes of Part C are appropriately and adequately prepared and trained. These policies and procedures provide for the establishment and maintenance of qualification standards that are consistent with any State-approved or State-recognized certification, licensing, registration, or other comparable requirements that apply to the profession, discipline, or area in which personnel are providing early intervention services. Nothing in Part C of the Act may be construed to prohibit the use of paraprofessionals and assistants who are appropriately trained and supervised in accordance with State law, regulation, or written policy, to assist in the provision of early intervention services under Part C of the Act to infants and toddlers with disabilities. (34 CFR §303.119(a)–(c))</p>
<p>X</p>		<p>13. The Statewide system includes a single line of responsibility in a lead agency designated or established by the Governor that is responsible for the following—</p> <p>(a) (1) The general administration and supervision of programs and activities administered by agencies, institutions, organizations, and EIS providers receiving assistance under Part C of the Act; and</p> <p>(2) The monitoring of programs and activities used by the State to carry out Part C of the Act (whether or not the programs or activities are administered by agencies, institutions, organizations, and EIS providers that are receiving assistance under Part C of the Act), to ensure that the State complies with Part C of the Act, including—</p> <ul style="list-style-type: none"> <li>(i) Monitoring agencies, institutions, organizations, and EIS providers used by the State to carry out Part C of the Act;</li> <li>(ii) Enforcing any obligations imposed on those agencies, institutions, organizations, and EIS providers under Part C of the Act and 34 CFR Part 303;</li> <li>(iii) Providing technical assistance, if necessary, to those agencies, institutions, organizations and EIS providers;</li> <li>(iv) Correcting any noncompliance identified through monitoring as soon as possible and in no case later than one year after the lead agency's identification of the noncompliance; and</li> </ul>

<p><b>Yes</b> <i>(Assurance is hereby provided.)</i></p>	<p><b>No</b> <i>(Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.) Check and enter date(s) as applicable</i></p>	<p><b>Subpart B—Assurances</b> <i>(20 U.S.C. 1434; 1435; and 1437(b); 34 CFR §§303.101-126; 303.220; 303.227)</i></p>
		<p>(v) Conducting the activities in paragraphs (a)(2)(i) through (a)(2)(iv) of this section, consistent with 34 CFR §§303.700 through 303.707, and any other activities required by the State under those sections.</p> <p>(b) The identification and coordination of all available resources for early intervention services within the State, including those from Federal, State, local, and private sources, consistent with subpart F of 34 CFR Part 303.</p> <p>(c) The assignment of financial responsibility in accordance with subpart F of 34 CFR Part 303.</p> <p>(d) The development of procedures in accordance with subpart F of 34 CFR Part 303 to ensure that early intervention services are provided to infants and toddlers with disabilities and their families under Part C of the Act in a timely manner, pending the resolution of any disputes among public agencies or EIS providers.</p> <p>(e) The resolution of intra- and interagency disputes in accordance with subpart F of 34 CFR Part 303.</p> <p>(f) The entry into formal interagency agreements or other written methods of establishing financial responsibility, consistent with 34 CFR §303.511, that define the financial responsibility of each agency for paying for early intervention services (consistent with State law) and procedures for resolving disputes and that include all additional components necessary to ensure meaningful cooperation and coordination as set forth in subpart F of 34 CFR Part 303.</p> <p>(34 CFR §303.120)</p>
<p>X</p>		<p>14. The Statewide system includes a policy pertaining to the contracting or making of other arrangements with public or private individuals or agency service providers to provide early intervention services in the State, consistent with the provisions of Part C of the Act and 34 CFR Part 303, including the contents of the application, and the conditions of the contract or other arrangements. The policy —</p> <p>(a) Includes a requirement that all early intervention services must meet State standards and be consistent with the provisions of Part C; and</p> <p>(b) Is consistent with the Education Department General Administrative Regulations in 34 CFR Part 80.</p> <p>(34 CFR §303.121)</p>

<p><b>Yes</b> <i>(Assurance is hereby provided.)</i></p>	<p><b>No</b> <i>(Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)</i> <i>Check and enter date(s) as applicable</i></p>	<p><b>Subpart B—Assurances</b> <i>(20 U.S.C. 1434; 1435; and 1437(b); 34 CFR §§303.101-126; 303.220; 303.227)</i></p>
X		15. The Statewide system includes procedures for securing the timely reimbursement of funds used under Part C of the Act, in accordance with subpart F of 34 CFR Part 303. (34 CFR §303.122)
X		16. The Statewide system includes procedural safeguards that meet the requirements of subpart E of 34 CFR Part 303. (34 CFR §303.123)
X		17. The Statewide system includes a system for compiling and reporting timely and accurate data that meets the requirements of 34 CFR §§303.700 through 303.702 and 303.720 through 303.724 and the following requirements. The data system includes a description of the process that the State uses, or will use, to compile data on infants or toddlers with disabilities receiving early intervention services under Part C, including a description of the State's sampling methods, if sampling is used, for reporting the data required by the Secretary under sections 616 and 618 of the IDEA and 34 CFR §§303.700 through 303.707 and 303.720 through 303.724. (34 CFR §303.124)
X		18. The Statewide system includes a State Interagency Coordinating Council (Council) that meets the requirements of subpart G of 34 CFR Part 303. (34 CFR §303.125)
X		19. The Statewide system includes policies and procedures to ensure, consistent with 34 CFR §§303.13(a)(8) (early intervention services), 303.26 (natural environments), and 303.344(d)(1)(ii) (content of an IFSP), that early intervention services for infants and toddlers with disabilities are provided—  (a) To the maximum extent appropriate, in natural environments; and (b) In settings other than the natural environment that are most appropriate, as determined by the parent and the IFSP Team, only when early intervention services cannot be achieved satisfactorily in a natural environment. (34 CFR §303.126)
X		20. The Statewide system ensures that Federal funds made available to the State under section 643 of the Act will be expended in accordance with the provisions of 34 CFR Part 303, including §§303.500 and 303.501. (34 CFR §303.221)

<p><b>Yes</b> <i>(Assurance is hereby provided.)</i></p>	<p><b>No</b> <i>(Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)</i> <i>Check and enter date(s) as applicable</i></p>	<p><b>Subpart B—Assurances</b> <i>(20 U.S.C. 1434; 1435; and 1437(b); 34 CFR §§303.101-126; 303.220; 303.227)</i></p>
<p>X</p>		<p>21. The Statewide system will comply with the requirements in §§303.510 and 303.511 in subpart F of this part. (34 CFR §303.222)</p>
<p>X</p>		<p>22. The Statewide system ensures that—</p> <ul style="list-style-type: none"> <li>(a) The control of funds provided under 34 CFR Part 303, and title to property acquired with those funds, will be in a public agency for the uses and purposes provided in 34 CFR Part 303; and</li> <li>(b) A public agency will administer the funds and property.</li> </ul> <p>(34 CFR §303.223)</p>
<p>X</p>		<p>23. The Statewide system ensures that it will—</p> <ul style="list-style-type: none"> <li>(a) Make reports in the form and containing the information that the Secretary may require; and</li> <li>(b) Keep records and afford access to those records as the Secretary may find necessary to ensure compliance with the requirements of 34 CFR Part 303, the correctness and verification of reports, and the proper disbursement of funds provided under 34 CFR Part 303.</li> </ul> <p>(34 CFR §303.224)</p>
<p>X</p>		<p>24. The Statewide system ensures that –</p> <ul style="list-style-type: none"> <li>(a) Federal funds made available under section 643 of the Act to the State – <ul style="list-style-type: none"> <li>(1) Will not be commingled with State funds; and</li> <li>(2) Will be used so as to supplement the level of State and local funds expended for infants and toddlers with disabilities and their families and in no case to supplant those State and local funds.</li> </ul> </li> <li>(b) To meet the requirement in paragraph (a) of this section, the total amount of State and local funds budgeted for expenditures in the current fiscal year for early intervention services for children eligible under this part and their families must be at least equal to the total amount of State and local funds actually expended for early intervention services for these children and their families in the most recent preceding fiscal year for which the information is available. Allowance may be made for—</li> </ul>

<p><b>Yes</b> <i>(Assurance is hereby provided.)</i></p>	<p><b>No</b> <i>(Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)</i> <i>Check and enter date(s) as applicable</i></p>	<p><b>Subpart B—Assurances</b>  (20 U.S.C. 1434; 1435; and 1437(b); 34 CFR §5303.101-126; 303.220; 303.227)</p>
		<p>(1) A decrease in the number of infants and toddlers who are eligible to receive early intervention services under this part; and</p> <p>(2) Unusually large amounts of funds expended for such long-term purposes as the acquisition of equipment and the construction of facilities.</p> <p>(c) Requirement regarding indirect costs.</p> <p>(1) Except as provided in paragraph (c)(2) of this section, a lead agency under this part may not charge indirect costs to its Part C grant.</p> <p>(2) If approved by the lead agency's cognizant Federal agency or by the Secretary, the lead agency must charge indirect costs through either—</p> <p>(i) A restricted indirect cost rate that meets the requirements in 34 CFR 76.560 through 76.569; or</p> <p>(ii) A cost allocation plan that meets the non-supplanting requirements in paragraph (b) of this section and 34 CFR Part 76 of EDGAR.</p> <p><u>(3) In charging indirect costs under paragraph (c)(2)(i) and (c)(2)(ii) of this section, the lead agency may not charge rent, occupancy, or space maintenance costs directly to the Part C grant, unless those costs are specifically approved in advance by the Secretary.</u></p> <p>(34 CFR §303.225)</p>
<p>X</p>		<p>25. The Statewide system ensures that fiscal control and fund accounting procedures will be adopted as necessary to ensure proper disbursement of, and accounting for, Federal funds paid under 34 CFR Part 303.</p> <p>(34 CFR §303.226)</p>
<p>X</p>		<p>26. The State ensures that policies and practices have been adopted to ensure that—</p> <p>(a) Traditionally underserved groups, including minority, low-income, homeless, and rural families and children with disabilities who are wards of the State, are meaningfully involved in the planning and implementation of all the requirements of Part C; and</p> <p>(b) These families have access to culturally competent services within their local geographical areas.</p> <p>(34 CFR §303.227)</p>

<p><b>Yes</b> <i>(Assurance is hereby provided.)</i></p>	<p><b>No</b> <i>(Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)</i> <i>Check and enter date(s) as applicable</i></p>	<p><b>Subpart B—Assurances</b> <i>(20 U.S.C. 1434; 1435; and 1437(b); 34 CFR §§303.101-126; 303.220; 303.227)</i></p>
<p><b>Assurance Regarding Optional Policy</b></p>		
<p>X</p>		<p><i>Enter 'NA' in the cell to the left if this assurance is not applicable to your State.</i></p> <p>27. A State may adopt and has adopted a policy that includes making ongoing good-faith efforts to recruit and hire appropriately and adequately trained personnel to provide early intervention services to infants and toddlers with disabilities, including, in a geographic area of the State where there is a shortage of such personnel, the most qualified individuals available who are making satisfactory progress toward completing applicable course work necessary to meet the standards described in paragraphs (a) and (b) of this section. (34 CFR §303.119(d))</p>

**C. Certifications**

The State Lead Agency is providing the following certifications:

Yes	Certification
X	<p>1. The State certifies that ED Form 80-0013, <i>Certification Regarding Lobbying</i>, is on file with the Secretary of Education.</p> <p>With respect to the <i>Certification Regarding Lobbying</i> the State recertifies that no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making or renewal of Federal grants under this program; that the State shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," when required (34 CFR Part 82, Appendix B); and that the State Agency shall require the full certification, as set forth in 34 CFR Part 82, Appendix A, in the award documents for all sub awards at all tiers.</p>
X	<p>2. The State certifies that it has met the certifications in the Education Department General Administrative Regulations (EDGAR) at 34 CFR §80.11 relating to State eligibility, authority and approval to submit and carry out the provisions of its State application, and consistency of that application with State law are in place within the State.</p>
X	<p>3. The State certifies that the arrangements to establish financial responsibility for the provision of Part C services among appropriate public agencies under §303.511 and the lead agency's contracts with EIS providers regarding financial responsibility for the provision of Part C services meet the requirements in §§303.500 through 303.521 and are current as of the date of submission of the certification. (34 CFR §303.202)</p>

**D. Statement**

I certify that the State of Vermont has provided the policies, procedures, methods, descriptions, and assurances checked as 'yes' in Sections II.A and II.B and the certifications required in Section II.C of this application. These provisions meet the requirements of Part C of the Individuals with Disabilities Education Act as found in 20 U.S.C. 1431-1443 (as amended) and the 2011 regulations in 34 CFR Part 303 (as amended). The State will operate its IDEA Part C program in accordance with all of the required policies, procedures, methods, descriptions, assurances and certifications.


If any policies, procedures, methods, descriptions, and assurances have been checked 'no', I certify that the State will operate throughout the period of this grant award consistently with the requirements of the IDEA as found in 20 U.S.C. 1431-1443 (as amended) and the 2011 regulations in 34 CFR Part 303 (as amended), and will make such changes to existing policies and procedures as are necessary to bring those policies and procedures into compliance with the requirements of the IDEA, as amended, as soon as possible, and not later than June 30, 2020. (34 CFR §76.104)

I, the undersigned authorized official of the

Vermont Agency of Human Services and Vermont Agency of Education,  
*(Name of State and official name of State agency)*

am designated under Part C by the Governor of this State to submit this application for FFY 2019 funds under Part C of the Individuals with Disabilities Education Act (IDEA).

Printed/Typed Name and Title of Authorized Representative of the State: Daniel M. French, Secretary, Agency of Education	
Signature:	Date:

Printed/Typed Name and Title of Authorized Representative of the State: Ken Schatz, Commissioner, Department for Children and Families of the Agency of Human Services	
Signature: 	Date: 4/22/19



**C. Certifications**

The State Lead Agency is providing the following certifications:

Yes	
X	<p>1. The State certifies that ED Form 80-0013, <i>Certification Regarding Lobbying</i>, is on file with the Secretary of Education.</p> <p>With respect to the <i>Certification Regarding Lobbying</i> the State recertifies that no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making or renewal of Federal grants under this program; that the State shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," when required (34 CFR Part 82, Appendix B); and that the State Agency shall require the full certification, as set forth in 34 CFR Part 82, Appendix A, in the award documents for all sub awards at all tiers.</p>
X	<p>2. The State certifies that it has met the certifications in the Education Department General Administrative Regulations (EDGAR) at 34 CFR §80.11 relating to State eligibility, authority and approval to submit and carry out the provisions of its State application, and consistency of that application with State law are in place within the State.</p>
X	<p>3. The State certifies that the arrangements to establish financial responsibility for the provision of Part C services among appropriate public agencies under §303.511 and the lead agency's contracts with EIS providers regarding financial responsibility for the provision of Part C services meet the requirements in §§303.500 through 303.521 and are current as of the date of submission of the certification. (34 CFR §303.202)</p>

**D. Statement**


I certify that the State of Vermont has provided the policies, procedures, methods, descriptions, and assurances checked as 'yes' in Sections II.A and II.B and the certifications required in Section II.C of this application. These provisions meet the requirements of Part C of the Individuals with Disabilities Education Act as found in 20 U.S.C. 1431-1443 (as amended) and the 2011 regulations in 34 CFR Part 303 (as amended). The State will operate its IDEA Part C program in accordance with all of the required policies, procedures, methods, descriptions, assurances and certifications.

If any policies, procedures, methods, descriptions, and assurances have been checked 'no', I certify that the State will operate throughout the period of this grant award consistently with the requirements of the IDEA as found in 20 U.S.C. 1431-1443 (as amended) and the 2011 regulations in 34 CFR Part 303 (as amended), and will make such changes to existing policies and procedures as are necessary to bring those policies and procedures into compliance with the requirements of the IDEA, as amended, as soon as possible, and not later than June 30, 2020. (34 CFR §76.104)

I, the undersigned authorized official of the

Vermont Agency of Human Services and Vermont Agency of Education,  
(Name of State and official name of State agency)

am designated under Part C by the Governor of this State to submit this application for FFY 2019 funds under Part C of the Individuals with Disabilities Education Act (IDEA).

Printed/Typed Name and Title of Authorized Representative of the State: Daniel M. French, Secretary, Agency of Education	
Signature: 	Date: 4/18/19

Printed/Typed Name and Title of Authorized Representative of the State: Ken Schatz, Commissioner, Department for Children and Families of the Agency of Human Services	
Signature:	Date:

**Section III**

**A. Description of Use of Federal IDEA Part C Funds for the State Lead Agency (LA) and the Interagency Coordinating Council (ICC)<sup>2</sup>**

**Please Note: Completion of Section IIIA is required for all States, regardless of lead agency.**

When completing this section include:

- Totals for the number of lead agency and ICC administrative positions, salaries and fringe benefits funded either 100 percent and/or less than 100 percent with Federal IDEA Part C funds;
- A general description of the duties which the positions entail;
- A distinction between lead agency and ICC roles: insert (LA) or (ICC) in the "Description of Duties;" after each position; and
- A subtotal of the amount.

Identify any administrative positions for which less than 100% of the time is spent on Part C and, for each such position, indicate the percentage of time spent on Part C and the total amount of salary and fringe benefits included in the Part C application budget.

Positions Funded	Number of Positions	% of Time Spent on Part C	Salaries & Fringe Benefits	Description of Duties
100% funded with Part C Funds	8	100%	\$727,353	General supervision of statewide early intervention services system, including data analysis, evaluation and quality assurance, planning, operations and program management and monitoring, including: <ul style="list-style-type: none"> <li>• Developing and administering Vermont's State Performance Plan including the State Systemic Improvement Plan.</li> <li>• State data collection, program evaluation, data analysis, and federal Annual Performance Reporting.</li> <li>• Continuous technical assistance and quality improvement efforts that support State and local partners who are working to provide services that meet or exceed federal and state laws and rules.</li> <li>• Administration of the State's system of payments process.</li> <li>• Development of communication and outreach materials for State and local partners, and for families, including the State Systemic Improvement Plan Newsletter and the annual Family</li> </ul>
	2	50%	\$185,894	

<sup>2</sup> Federal IDEA Part C funds used to support the SICC must meet the requirements of 34 CFR §303.603.

Positions Funded	Number of Positions	% of Time Spent on Part C	Salaries & Fringe Benefits	Description of Duties
				<p>Survey.</p> <p>Coordinate and support the activities of the Vermont Interagency Coordinating Council. Act as a liaison between IDEA Part C/Early Intervention Program and the Vermont Interagency Coordinating Council co-chairs, prepare meeting minutes, and serve as staff to the family leadership committee, transition committee and other committees as needed, including:</p> <ul style="list-style-type: none"> <li>• Coordinate Vermont Interagency Coordinating Council's parent leadership efforts with other family support groups and organizations in Vermont and nationally, if applicable. Assist in editing and producing IDEA Part C/ Early Intervention Program approved Vermont Interagency Coordinating Council initiated materials that benefit families.</li> <li>• Develop family leadership through recruitment and family engagement activities, trainings, and participation on the Vermont Interagency Coordinating Council as well as other state advisory committees and boards.</li> </ul> <p>Collaboration between the state Part C Administrator, Agency of Education, Children's Integrated Services (CIS) Director and staff, Vermont Interagency Coordinating Council, regional EI programs, and the University of Vermont's Center on Disability and Community Inclusion to provide:</p> <p>Comprehensive system of Professional Development: staffing, materials, professional development activities, and trainings</p> <ul style="list-style-type: none"> <li>• Coordinate and facilitate the development of a CSPD for the State Part C Early Intervention (EI) services within CIS in order to develop a comprehensive career pathway for individuals seeking to perform or performing early intervention service coordination, developmental education, and other early intervention services in Vermont. Ensure the CSPD is developed</li> </ul>

Positions Funded	Number of Positions	% of Time Spent on Part C	Salaries & Fringe Benefits	Description of Duties
				<p>in accordance with federal Part C regulations (§303.118).</p> <ul style="list-style-type: none"> <li>• Plan and implement ongoing professional development for the CIS-EI Field.</li> <li>• In coordination with the Agency of Education (AOE) and Vermont's institutes of higher education, including the Higher Education Collaborative, support the recruitment and retention of personnel serving Part C populations.</li> <li>• Ensure the provision of orientation, technical assistance and professional development in conjunction with EIP/CIS on priority issues, program and quality improvement and best practices and based on current needs.</li> <li>• Act as the liaison for EIP/CIS to the Northern Lights Career Development Center, Higher Education Collaborative on Early Childhood, Personnel and Professional Development Committee and other related professional development efforts that impact staff, providers and families.</li> <li>• Support the EI credentialing processes.</li> <li>• Evaluation of effectiveness of professional development activities using RBA or other similar methodology.</li> </ul> <p>Coordinate Early Childhood Mental Health Services to promote infant and toddler healthy social and emotional development or address developmental delays or challenging adaptive behaviors. Services are provided through consultation to caregivers and early childhood education and development programs, and direct therapies to families.</p>
<p>&lt; 100% funded with Part C Funds</p>				

<b>Positions Funded</b>	<b>Number of Positions</b>	<b>% of Time Spent on Part C</b>	<b>Salaries &amp; Fringe Benefits</b>	<b>Description of Duties</b>
<b>Subtotal of amount under A:</b>	no entry	no entry	\$913,247	no entry

**Section III (Continued)**

**B. Maintenance and Implementation Activities for the Lead Agency and the ICC**

When completing this section include:

- A description of the nature and scope of each major activity to be carried out under Part C in maintaining and implementing the statewide system of early intervention services:
  - Lead Agency Activities could include enhancing the Comprehensive System of Personnel Development, implementing child find strategies, or ensuring a timely, comprehensive, multidisciplinary evaluation for each child;
  - ICC Activities could include coordinating child find identification efforts, ensuring the timely provision and payment of early intervention services to eligible children and their families, advising on early childhood transition, support for the ICC (travel), or other implementation and development activities of the ICC
- The approximate amount of Federal IDEA Part C funds to be spent for each activity; and
- A subtotal of the amount.

**Special Note: Prior Approval**

Some activities or expenses<sup>3</sup> require prior approval. These items include using Federal IDEA Part C funds for: (1) equipment (with per unit costs of \$5,000 or more); (2) participant support costs (such as training or travel costs for non-employees); (3) construction or renovation of facilities; or (4) rent, occupancy or space maintenance costs. For any activity or expense listed under Section III of this application that requires OSEP prior approval, please mark an "X" in the right hand column of the chart below. Although the State will be required to submit supporting documentation for any expenses that require OSEP prior approval, you do not need to include this documentation with Section III.

**Approval of the State's FFY 2019 application and Section III does not constitute OSEP's approval of these expenses.**

*(Add rows as needed)*

<b>Major Activity</b>	<b>Part C Funds to be Spent</b>	<b>Description of Activities</b>	<b>Prior Approval Needed</b>
Annual CIS Institute/workshops and follow-up field supports	\$73,900	Provide conference content/workshops relevant to CIS-EI practitioners and key stakeholders to support early childhood child development and family supportive work delivered in the natural environment. Offer subsequent follow up supports to the field to embed concepts and practices introduced at the Institute.	

<sup>3</sup> IDEA and the Uniform Guidance require prior approval for the following expenses: (1) equipment (tangible personal property (including information technology systems) having a useful life of more than one year and a per unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the nonfederal entity for financial statement purposes, or \$5,000 2 CFR §200.33); (2) participant support costs (direct costs for items such as stipends or subsistence allowances, travel allowances, and registration fees paid to or on behalf of participants or trainees (but not employees), in connection with conferences or training projects 2CFR §200.75; (3) construction/renovation ( see 2 CFR §200.12(b)); and (4) rent (see 2 CFR §200.465).

Major Activity	Part C Funds to be Spent	Description of Activities	Prior Approval Needed
<p>State Systemic Improvement Plan support for regions to improve the State Identified Measurable Result and additional trainings related to improving child outcomes.</p>	<p>\$30,000</p>	<p>Provide support to the field to further Vermont's SSIP to improve the SIMR, including tools and guidance for training, outreach, scaling up, and evaluation.</p> <p>Provide additional training to early intervention practitioners as needed to improve child outcomes and regulatory compliance.</p>	
<p>With VICC Co-chairs coordinate and support up to 5 meetings each year of the VICC, and any additional workgroup and family engagement activities associated with the VICC</p>	<p>\$11,000</p>	<ul style="list-style-type: none"> <li>• Expenses related to meetings regarding: Annual Performance Report, State performance Plan, Federal Determinations, Child and Family Outcomes, professional development and outreach, and early childhood systems.</li> <li>• Support for family participation in council meetings and work including in-state mileage, stipends and expense reimbursements to parent members.</li> </ul> <p>Support for VICC member participation in learning collaboratives as needed.</p>	
<p><b>Subtotal of amount under B:</b></p>	<p>\$114,900</p>	<p>no entry</p>	<p>no entry</p>



**Section III (Continued)**

**C. Direct Services (Funded by Federal IDEA Part C Funds)**

When completing this section include:

- A description of any direct early intervention service that the State lead agency expects to provide to eligible children and their families with Federal IDEA Part C funds;
- The approximate amount for each direct service (States must disaggregate by service the approximate amount of Federal IDEA Part C funds expected to be expended for each direct service; and
- A subtotal of the amount.

*(Add rows as needed.)*

<b>Description of Each Direct Early Intervention Service</b>	<b>Approximate Amount of Federal IDEA Part C Funds to be Spent on Each Direct Service</b>
Statewide services performed by Vermont certified or licensed occupational therapist, physical therapist, speech therapist, behavioral specialist, autism 0-3 program, autism consultation, nutritionist, and other certified or licensed specialist who provide services to Part C eligible children.	\$1,076,597
Statewide services performed by Vermont certified or licensed therapists through the University of Vermont, Center on Disability and Community Inclusion Early Intervention Project to provide education, consultation and support for planned services and strategies for infants and toddlers with complex medical needs.	\$50,802
Statewide services performed by qualified specialists to support families and teams providing services to infants and toddlers who are deaf or hearing impaired.	\$65,946
<b>Subtotal of amount under C:</b>	<b>\$1,193,345</b>

**Section III (Continued)**

**D. Activities by Other State Agencies**

If State agencies (other than the State lead agency) are to receive a portion of the Federal IDEA Part C funds and that amount is not already identified in Section III.C above, the State must include in this section:

- The name of each State public agency expected to receive funds;
- The approximate amount of funds each State public agency will receive; and
- A summary of the purposes for which the funds will be used.

Provide subtotal of amount. *(Add rows as needed.)*

State Agency Receiving Funds	Amount of Funds	Purpose
<b>Subtotal of amount under D:</b>		No entry

**Section III (Continued)**

**E. Description of Optional Use of IDEA Part C Funds<sup>4</sup>**

In addition to using Federal IDEA Part C funds to maintain and implement the statewide system of early intervention, States may use funds for:

- expanding and improving on services for infants and toddlers and their families that are otherwise available; and
- initiating, expanding, or improving collaborative efforts related to at-risk infants and toddlers in any State that does not provide services for at-risk infants and toddlers. The application must include:
  - The name of the major activity;
  - The approximate amount of funds to be spent; and
  - A description of the activities.

Provide subtotal of amount. (Add rows as needed.)

Major Activity	Part C Funds to be Spent	Description of Activities
<b>Subtotal of amount under E:</b>		No entry

<sup>4</sup> See IDEA section 638.

**Section III (Continued)**

**F. Totals**

Enter the subtotal amounts for Sub Sections A-E found in Section III and any indirect costs charged as specified in Section IV.B. The subtotal amounts (Rows 1-6) should total the estimated grant application amount. (A State may apply for less than the full estimated allotted amount.)

Row No.	Section	Amount
<b>Enter the subtotal amounts for Sub Sections A-E found in Section III of this application.</b>		
1.	III.A.	\$913,247
2.	III.B.	\$114,900
3.	III.C.	\$1,193,345
4.	III.D.	\$
5.	III.E.	\$
<b>Enter any Indirect Costs Charged (See Section IV.B of this application.)</b>		
6.	IV.B	\$80,000
<b>Total (Rows 1-6)</b>	No entry	\$2,301,492

## Section IV

### A. System of Payments / Use of Insurance / Program Income

The State

does (check as applicable)

does not (check as applicable)

have a system of payments for Part C services under 34 CFR §§303.203(b)(1), 303.500(b), 303.520, and 303.521 which may include the use of public benefits or insurance, private insurance or family fees, such as a sliding scale. Any family fees collected are treated as "program income" for purposes of 2 CFR §200.307(e) and 34 CFR §303.520(e) and are not included in the State's determination of State and local expenditures for purposes of 20 U.S.C. 1437(b)(5)(B) and 34 CFR §303.225(a) and (b).

*Note: If the State has adopted new or has revised its existing policies and procedures regarding its system of payments, it must submit these new and/or revised policies and procedures under Item 3.a in Section II.A above.*

### B. Restricted Indirect Cost Rate/Cost Allocation Plan Information

Under 34 CFR §303.225(c), a lead agency may not charge indirect costs to its Part C grant unless the lead agency charges indirect costs through either— (i) A restricted<sup>5</sup> indirect cost rate that meets the requirements in 34 CFR §§76.560 through 76.569; or (ii) A cost allocation plan that meets the non-supplanting requirements in paragraph (b) of this section and 34 CFR part 76 of EDGAR.

Check the applicable status below (more than one check mark may be necessary) and enclose appropriate documentation for this Federal Fiscal Year.

No indirect costs are charged to the Part C grant. The total amount of the Federal Part C grant is used for allowable direct costs.

The lead agency is a State educational agency (SEA) and works directly with the U.S. Department of Education's Indirect Cost Unit to ensure that indirect costs are only charged on a restricted basis to the State's IDEA Part C grant.

The lead agency is not an SEA and has a final restricted indirect cost rate that has been approved by the State lead agency's cognizant Federal agency and is in effect for this FFY (ending on June 30, 2020). (The State must attach a copy of the approved restricted indirect cost rate agreement.)

The lead agency is not an SEA and has either a provisional or final restricted indirect cost rate that expires or expired on \_\_\_\_\_ and the State is in the process of negotiating a new restricted indirect cost rate agreement that will be in effect for the period \_\_\_\_\_.<sup>6</sup> The State lead agency will continue to charge or bill the Part C grant using the provisional or previously approved final restricted indirect cost rate until a new rate is negotiated and approved by the State's cognizant Federal agency, at which point the State lead agency must make appropriate adjustments for applicable FFYs. The State acknowledges that a final restricted indirect cost rate may result in an adjustment of the final audited expenditures allowable to be charged to the Part C grant and the Department's approval of this FFY Part C application with an expired or provisional restricted indirect cost rate does not constitute approval

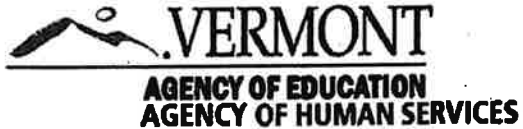
<sup>5</sup> Charging indirect costs on a "restricted" basis is a key part of implementing the IDEA Part C requirement in IDEA section 637(b)(5)(B), which requires that federal funds be used to supplement (and not supplant) "State and local funds expended for infants and toddlers with disabilities and their families. The restricted indirect cost rate formula is described at 34 CFR §§75.564 and 76.565. The formula limits the general administrative costs that can be included in the indirect cost pool (numerator) and requires adjustments to the modified total direct cost (MTDC) base (denominator).

<sup>6</sup> A "provisional" indirect cost rate is a temporary rate established for a future prospective period of time to permit budgeting, obligations, and payment of funds by awarding agencies until such time as the actual indirect costs can be determined and a final rate is established for the applicable period; provisional rates are subject to adjustment by issuance of a "final" rate based on actual indirect costs incurred for the period (usually the organization's fiscal year).

of that rate as the final rate for the lead agency for this FFY. When a final restricted indirect cost rate is approved, the lead agency must submit to OSEP: (1) a copy of the "final" restricted indirect cost rate agreement; and (2) details of adjustments made to past GAPS draw downs in light of the "final" rate. (The State must attach a copy of the previously approved restricted indirect cost rate agreement.)

\_\_\_\_\_ The lead agency is not an SEA and has a final cost allocation plan that has been approved by the State lead agency's cognizant Federal agency, which is \_\_\_\_\_. The cost allocation plan charges costs only on a restricted basis and has also been approved by ED's Indirect Cost Unit. It is in effect for this Federal fiscal year (FFY) (ending on June 30, 2020). (The State must attach a copy of the approved cost allocation plan and approval documentation from both the lead agency's cognizant Federal agency and ED's Indirect Cost Unit.)





**Part C Interagency Agreement**

**Between the**

**Agency of Human Services**

**And the**

**Vermont Agency of Education**

**Pursuant to Part C of the Individuals with Disabilities Education Act 2004**

**June 27, 2006**

**Revised April 16, 2007**

**Revised June 22, 2012**

**Revised June 16, 2014**

**Revised March 4, 2015**

**Revised March 14, 2019**



# Table of Contents

Part C Interagency Agreement.....	1
PURPOSE.....	3
AUTHORITY FOR THIS AGREEMENT.....	3
GUIDING PRINCIPLES.....	4
CO-LEAD AGENCY RESPONSIBILITIES.....	5
As co-lead agencies, the AHS and the AOE will work together, as practicable, to:.....	5
AHS is specifically assigned lead responsibility for the general administrative, operational, and financial functions of Part C of the IDEA.....	6
COORDINATION OF SERVICES.....	8
DISPUTE RESOLUTION.....	8
PUBLIC AWARENESS AND CHILD FIND.....	10
FINANCIAL RESPONSIBILITIES.....	11
Part C Regional Interagency Agreements Shall Include.....	16
NON-DISCRIMINATION.....	18
AMENDMENTS OR MODIFICATIONS.....	18
TERM.....	19
Glossary of Terms.....	20

## **PURPOSE**

The purpose of this agreement is to define and clarify responsibilities of Vermont's Agency of Human Services (AHS) and Agency of Education (AOE) to ensure a statewide comprehensive, coordinated multi-disciplinary system of Early Intervention services for infants and toddlers with developmental delays and other disabilities. Children, families and communities are best served when agencies collaborate to facilitate relationships and local interagency collaboration.

## **AUTHORITY FOR THIS AGREEMENT**

Child Find for children birth to age three is governed by the Part C Early Intervention Regulations (34 C.F.R. 303.321) consistent with Part B of Individuals with Disabilities Act (IDEA) (34 C.F.R 300.124 and State Rule: 2360.5) the Vermont Agency of Education (AOE) and the Agency of Human Services (AHS) serve as co-lead agencies to ensure access to early intervention services for children birth to age three, and their families.

As co-lead agencies the State is responsible for monitoring and enforcement of federal regulations, State rules, and have in place system of Transition services as defined in section 34 C.F.R. 303.209 (b) and in compliance with FERPA 99.35(a)(3).

In Vermont, Part C of IDEA is referred to as Children's Integrated Services/Early Intervention (CIS/EI) and is responsible for the provision of early intervention services for eligible children birth to age three, and their families. Part B of IDEA requires local education agencies (LEAs) to provide a Free and Appropriate Public Education (FAPE) to eligible children and students from their third birthday through twenty-one years of age. This agreement promotes and supports collaboration between AHS and AOE so that the statewide early intervention program is coordinated and provided in the manner required by Part C)<sup>1</sup>, and other applicable federal and state laws such as the McKinney-Vento Homeless Assistance Act,

---

<sup>1</sup> All statutory and regulatory citations in this agreement are to those in effect at the date of execution of the agreement and as amended thereafter from time to time. The statutory and regulatory citations in this agreement will be updated to reflect the IDEA of 2004 and its implementing regulations. (2) An eligible child is a child from birth to three years who experiences observable and measurable developmental delays as defined in Part C Special Education Rules (2360.5.1) and/or has a diagnosed physical or mental condition that is highly likely to result in a developmental delay.

Child Abuse Prevention and Treatment Act, Maternal and Child Health Title V Children with Special Health Needs, 33 V.S.A. chapters 43 and 47, and by the State of Vermont Special Education Rules as required by IDEA, this agreement articulates the roles and responsibilities of AOE and AHS, primarily through the activities of its member departments and offices including the Department for Children and Families (DCF), Department of Health (VDH), Department of Disabilities, Aging and Independent Living (DAIL) and the Department of Vermont Health Access (DVHA) relative to the provision of early intervention services and the funding of these services.

## **GUIDING PRINCIPLES**

Improving outcomes for infants and toddlers with developmental delays has been the shared responsibility of AOE, AHS, CIS/EI, LEAs and other local service providers since 1991. The following principles guide the provision of early intervention services to infants, toddlers and their families. This Agreement considers the following aspirational principles: *Supporting Each and Every Young Child's Full and Equitable Participation Guiding Principles* available at:

<https://buildingbrightfutures.org/?s=Supporting+Each+and+Every+Young+Child%E2%80%99s+Full+and+Equitable+Participation+Guiding+Principles>

Further, AHS and AOE agree:

1. Family-centered Early Intervention services are both a goal and a process by which families are supported in being active partners in planning outcomes and services that they and/or their children need and want.
2. Family-centered intervention is most beneficial when provided as early as possible and at the appropriate level of intensity based on need.
3. A process and services that are family-centered improve outcomes for children.
4. Individualized, well-thought out intervention services address the child's needs and strengths in the context of the family's concerns and priorities.
5. Smooth and seamless transitions from CIS/EI to Early Childhood Special Education (ECSE) and other early childhood and family support services are essential for improving developmental

outcomes.

6. Collaboration between agencies to ensure that families are informed of their rights, including the consent provisions of 34 CFR §303.420, the confidentiality and consent provisions of 34 CFR §303.401-417, and the opportunity to inspect and review records under 34 CFR §303.405-409 and that families and children receive available services for which they are eligible in a timely and coordinated manner improves program effectiveness.
7. Collaboration between agencies strengthens statewide implementation of CIS/EI.
8. Working collaboratively towards a Comprehensive System of Personnel Development supports IDEA by promoting ongoing recruitment, retention and professional development of early intervention providers.

## **CO-LEAD AGENCY RESPONSIBILITIES**

The Governor designated the AHS and the AOE as co-lead agencies responsible for the general oversight of Vermont's Part C CIS/EI. Vermont has a comprehensive system for child-find including policies and procedures for children birth-21. To identify, screen, and meet the developmental needs of children birth to three and their families who may be eligible for services through Vermont's Part C CIS/EI in an effective and coordinated manner, this agreement delineates the shared and separate roles and responsibilities of the co-lead agencies.

As co-lead agencies, the AHS and the AOE will work together, as practicable, to:

1. Comply with all statutory requirements of IDEA Part C and inform LEAs and CIS/EI programs of any subsequent changes to statutes or rule;
2. Develop and /or revise, adopt and execute the State of Vermont Special Education Rules for Part C services in Vermont delivered by CIS/EI;
3. Collaborate on, implement and deliver to the LEAs and regional CIS/EI joint agency guidance, training and technical assistance regarding the implementation of State special education rules and evidence-based practices necessary to carry out Part C rules;
4. Provide technical assistance and guidance to LEAs and regional CIS/EI programs for the

- development, implementation, and effectiveness of regional Part C interagency agreements;
5. Collaborate on policy and funding decisions;
  6. Ensure timely and accurate data collection, electronic data sharing cross-agency and reporting as required by federal and state rule, and any additional data sharing as agreed upon by AHS and AOE per the Memorandum of Understanding Between the Agency of Human Services and its Constituent Departments and the Agency of Education dated October 17, 2018;
  7. Jointly identify and act on systemic issues;
  8. Work together to identify resources in support of children who require intensive and extensive services related to low incidence disabilities;
  9. Ensure timely communication of the results of delegated responsibilities of monitoring, procedural safeguards, corrective actions, and other activities;
  10. The Secretary of AOE and the Secretary of AHS, or their designees, will meet at least annually to review existing data, information and evaluate the implementation of this agreement and Vermont's obligations under Part C and relevant provisions of Part B of the IDEA in order to improve results for eligible children with disabilities and their families;
  11. Ensure representatives from both agencies are full participants in the Vermont Interagency Coordinating Council, and any other state-wide initiatives related to special education populations.
  12. Write and submit a status report on Part C and relevant Part B data annually to the Vermont legislature as agreed upon between AHS and AOE.

AHS is specifically assigned lead responsibility for the general administrative, operational, and financial functions of Part C of the IDEA.

**As such, AHS shall:**

1. Carry out the day-to-day responsibilities for oversight, management, supervision and continuous improvement of Part C CIS/EI;
2. Monitor all Part C partners, and CIS/EI programs to ensure compliance with Part C;
3. Monitor all Part C partners and CIS/EI programs to ensure that procedures for filing

administrative complaints, corrective action plans, finding/s and resolution are completed in a timely manner, adhered to and enforced;

4. Report known issues to AOE for follow-up regarding Child Find and Transition;
5. Write and submit reports, applications and plans as required by federal and or state governments;
6. Conduct financial planning, monitoring, and management of CIS/EI;
7. Solicit input from AOE on the development, creation, and execution of policy decisions and technical assistance that impact LEAs and regional CIS/EI, such as deciding whether to exercise options or pilots allowed under IDEA, and planning for and providing professional development;
8. Develop and implement procedures to ensure compliance with Part C requirements;
9. Provide technical assistance to regional CIS/EI programs for the development, implementation, and effectiveness of regional Part C interagency agreements;
10. Contribute data to reports as requested by AOE.

**As a co-lead agency for Part C of IDEA, AOE shall:**

1. Provide staff resources for AOE's Part C duties described in this agreement;
2. As appropriate, provide input to support AHS responsibilities;
3. Contribute data to reports, as requested by AHS;
4. Collaborate with AHS in the development, provision, and dissemination of joint agency guidance, training and technical assistance to LEAs and regional CIS/EI personnel;
5. Provide guidance to LEAs to fulfill Part C comprehensive Child Find system for children birth up to age three and transition activities as identified in this Agreement, consistent with federal and State rule;
6. Administer mediation, administrative complaint and due process systems for families to pursue their complaints;
7. Administer educational surrogate parent program and assign an individual to act as an educational surrogate parent not more than 30 days after CIS/EI or other responsible agency determines that a child needs a surrogate VT Special Education Rule 2369;
8. Provide technical assistance to LEAs for the development, implementation, and effectiveness of regional Part C interagency agreements;

9. Develop and maintain as feasible state longitudinal data, including incorporating data provided from AHS CIS/EI.

## **COORDINATION OF SERVICES**

AHS and AOE have joint and separate responsibilities related to oversight of the Part C early intervention program. In accordance with state regulations and this Interagency Agreement:

1. AOE will ensure LEAs have guidance and technical assistance to carry out their responsibilities for Child Find, as primary referral sources including “Universal Developmental Screening” activities as stated in the section below, and Transition.
2. AHS will ensure Regional CIS/EI have guidance and technical assistance to carry out their responsibilities to verify Universal Developmental Screening has been or needs to be completed, and, if warranted, conduct screening and/or an initial evaluation to determine eligibility for Part C CIS-EI is responsible for the coordination and provision of direct services to infants, toddlers, and families found eligible for Part C services, and Transition.
3. AHS and AOE will review, through each agency’s respective monitoring efforts, and work jointly as needed, to ensure the compliance and performance activities outlined in regional interagency agreements developed and implemented by regional CIS/EI programs and LEAs.
4. AHS will ensure that data regarding LEA notifications are transferred to AOE monthly in the agreed-upon electronic format.

## **DISPUTE RESOLUTION**

1. AHS and AOE are responsible for resolving intra- and interagency disputes regarding financial responsibility for services or other matters related to Vermont’s Part C program according to the following procedures:
  - a. The dispute resolution process for both intra- and interagency disputes about payments for services or other matters related to Vermont’s Part C program will be fulfilled in compliance with 34 CFR § 303.430-303.434. This dispute resolution process does not replace the procedural safeguards—due process, mediation, and administrative

complaints—available to families.

- b. Staff of the involved agency(ies) attempts to resolve the dispute within 30 days.
- c. If it appears by the 30th day that the involved agency(ies) will not be able to resolve the dispute, the following will occur:
  - The State CIS Early Intervention Administrator and 619 Coordinator will be notified by phone or in writing of any local concerns or issues between the regional CIS/EI and LEAs that cannot be resolved.
  - The State CIS Early Intervention Administrator and 619 Coordinator will work together to provide support to regions to resolve any inter-agency issues or concerns they are unable to resolve themselves within 30 days of being notified of the concern or issue.
- d. If the State CIS Early Intervention Administrator and 619 Coordinator are unable to resolve the regional concerns to the satisfaction of CIS/EI or the LEA representative, the region may submit a written explanation of the dispute to the Deputy Commissioner of Department for Children and Families, Child Development Division (CDD) and the Agency of Education's (AOE) division directors of Integrated Support for Learning and General Supervision and Monitoring.
  - Within 15 days, the CDD Deputy Commissioner and AOE division directors shall meet in person or by phone to resolve the dispute consistent with this interagency agreement and related federal and State statute and regulations.
  - Within 5 days of reaching the resolution, written notification of the resolution will be provided to the parties, as well as the chairperson of the Vermont Interagency Coordinating Council and the chairperson of the Special Education Advisory Council.
- e. If the Deputy Commissioner and Division Directors are unable to agree on a resolution or if either party to the complaint disagrees with the resolution; the dispute may be appealed to the Secretary of AOE and Commissioner of the Department for Children and Families (DCF). Appeals must be brought to the Secretary of AOE and Commissioner of DCF no later than 45 days from the date of the decision.
  - The Secretary and Commissioner may resolve the issues on appeal and render a



written decision or may arrange for a hearing pursuant to Chapter 25 of Title 3. If a hearing is held, it shall be conducted by a hearing officer appointed by the Secretary and Commissioner. The Secretary and the Commissioner may affirm, reverse, or modify the proposals of the hearing officer.

2. During the pendency of an interagency dispute, the CIS/EI is responsible to provide the services required by the approved IFSP/One Plan for eligible children and their families.
3. Nothing in this agreement shall be construed to limit any existing substantive or procedural protections of state or federal law or regulations.
4. AHS and AOE are responsible for working together to resolve family complaints related to Vermont's Part C program in accordance with State Rule 2365.2.12 and the following procedures:
  - a. The State CIS Early Intervention Administrator and 619 Coordinator will be notified of any mediation, administrative complaints and due process for families that are formally submitted through the AOE complaint process.
  - b. In cases where either entity, the State CIS Early Intervention Administrator or 619 Coordinator, receives the complaint directly, that entity will forward that complaint to the AOE Counsel designee and copy their counterpart in the AHS.
  - c. Throughout mediations, complaints or other due process proceedings, the AOE Counsel designee will keep both the State CIS Early Intervention Administrator and 619 Coordinator informed.
  - d. The State CIS Early Intervention Administrator and 619 Coordinator will check in together at least monthly during any active mediation, complaint, or due process proceedings.

## **PUBLIC AWARENESS AND CHILD FIND**

Pursuant to 34 CFR §303.300-303.303; 303.311, and VT Special Education Rule 2360.5.2, Vermont has a comprehensive Child Find system including policies and activities that are also coordinated with all other major efforts by other state agencies responsible for administering the various health, social service programs and education to ensure that each and every child who may be eligible for services under Part C are identified, located, screened, referred and evaluated. Each and every child is inclusive of Native American children residing on reservations; children who are homeless, in foster care or wards of the state;

children who are the subject of substantiated case of child abuse and neglect; or children identified as directly affected by illegal substance abuse or withdrawal symptoms resulting from prenatal exposure to drugs or alcohol.

For the purpose of this Part C Interagency Agreement, "Child Find" means the methods and activities used by CIS and Part C CIS/EI personnel or Part B (619) school district personnel and other entities as defined in rule to locate children birth to age three who are in need of, or potentially in need of, early intervention services operated as part of the Individuals with Disabilities Education Act (IDEA). The term refers to the efforts and activities of regional CIS, Part C CIS/EI, LEAs and other entities as defined in rule to locate, identify, screen, and refer to CIS/EI or LEAs. Child find activities include a variety of public awareness activities, outreach strategies, developmental screening, and CIS/EI and LEA joint and separate agency activities.

1. AHS, through Help Me Grow/211, or the equivalent, and CIS, will implement public awareness activities including outreach to primary referral sources in order to connect families to Child Find activities.
2. AOE will provide technical assistance to LEAs about their Child Find responsibilities for implementing public awareness activities that supplement those provided by AHS.
3. AOE will ensure that LEAs implement their child find responsibilities in accordance with their regional interagency agreement as developed consistent with Part C state rules. Child Find activities may include public awareness and Universal Developmental Screening activities, and referral to CIS/EI as warranted.
4. AHS will ensure that regional CIS/EI personnel offer information and referral to other local services/resources, including Help Me Grow/211, for children who are found ineligible for Part C.
5. AHS and AOE will ensure that a Part C CIS/EI and LEA agency and personnel central directory (34 C.F.R 303.117) is accessible to the public and includes up to date information about Part C and Part B (619) services and resources.

## **FINANCIAL RESPONSIBILITIES**

Pursuant to 20 U.S.C. §1435, 34 C.F.R. 303.521(b), and other pertinent federal and state regulations and rules, children and their families eligible under Part C are entitled to Child Find; a timely, comprehensive, multidisciplinary evaluations; and a One Plan, including service coordination, pursuant to 20 U.S.C. §1436. Children determined eligible for Part C and their families shall receive required early intervention services described in their One Plan, developed consistent with this agreement and federal and State regulations, rules, and State system of payments.

**A. General Administration of Federal Part C Funds and Assurances**

1. Non-supplantation: Acceptance of Part C federal funds are used to supplement State and local funds expended to eligible children and their families; federal funds are not to be used to supplant State and local funds. in accordance 34 CFR §303.225(a) (2).
2. AHS is responsible for the administration of funds, as described below. To the extent that other federal and State funds do not cover the costs associated with the administration of the Part C and the implementation of AHS responsibilities under this agreement, AHS will use Part C funds under the payer of last resort provision set out below.

**B. AHS has responsibility as follows:**

1. AHS will monitor actual and budgeted levels of State, local, and other federal funds. Allowance may be made for decreases in the number of eligible children and unusually large amounts of funds expended for such long-term purposes as the acquisition of equipment and the construction of facilities.
2. AHS will conduct an analysis of the total state actual expenditures and budget information for Part C.
3. AHS will consult with AOE on any potential shortfalls in State, local and other federal funds budgeted for Child Find and other Part C activities.
4. AHS will ensure that budgeted levels of State, local, and other federal funds for Vermont's Part C activities for the current year are not less than the actual expenditures from these funds for the prior year.

### **C. AHS Payer of Last Resort**

Part C funds are expended consistent with the requirements of 34 CFR §§303.500 and 303.510. These provisions require that Part C funds are spent only for Part C activities when no other federal, State, local or private source is available.

1. When determining ability to pay for public and private insurance premiums, deductibles, or co-pays there is financial assistance available to all families through the State's System of Payments.
2. The State's System of Payments policies include an assurance that families will not be charged any more than the actual cost of the Part C services factoring in any amount received from other sources for payment of that service (34 CFR §303.521(a) (4) (iii)).
3. The State's System of Payments includes an assurance that families with public insurance or benefits, or private insurance are not charged disproportionately more than families who do not have public insurance or benefits, or private insurance.
4. Therefore, Part C or other federal, State or local funds may be used to pay for costs such as the premiums, deductibles, or co-payments (34 CFR §303.521(a)(6)) in accordance with Vermont's System of Payments.

### **D. AHS Conditions and Terms of Reimbursement**

Federal Part C funds are not used to satisfy a financial commitment for services which would have been paid for from another public or private source, except that these Part C funds may be used to prevent a delay in the timely receipt of appropriate early intervention services. Such an expenditure will be reimbursed by the agency which has the ultimate responsibility for the payment. If a child is not able to obtain Part C services, the CIS/EI program responsible for developing the child's One Plan shall provide or pay for these services for the child in a timely manner. Reimbursement can then be claimed pursuant to 34 CFR §303.122 and 303.510(b) by the CIS/EI program responsible for developing the child's One Plan and in accordance with Vermont's System of Payments.

## **E. AHS Funding for Coordination and Early Intervention Services**

Consistent with 34 CFR§303.501, AHS shall use federal Part C funds to maintain, implement and enhance capacity for a statewide system of early intervention for eligible children and their families, including, but not limited to, provision of early intervention services as described in 34 CFR §303.13 and service coordination as described in 34 CFR §303.34.

The following are funding sources for services that may appear in an One Plan, consistent with §303.520 policies related to use of public benefits or insurance or private insurance to pay for Part C services:

1. **Medicaid and Private Insurance:** Families who have Medicaid or Private Insurance and will be asked to provide written consent to use their benefits.
  - a) If eligible for Medicaid, including Early Periodic Screening and Diagnostic Treatment or EPSDT, and with the family's consent, Medicaid will be used to pay for early intervention services, as described in 42 U.S.C. § 1396d (a) and § 1396d(r) (5).
  - b) Medicaid is specifically available as a source of funding for services that appear in an One Plan. See 42 U.S.C. § 1396d(r) (1) (B) and 42 U.S.C. § 1396d (a) (6) and (7). Families not currently enrolled in Medicaid will be encouraged and supported to apply. Ultimately, families decide whether or not to apply and whether to consent to use Medicaid or private insurance to pay for services.
2. **AHS Payor of Last Resort:** AHS will utilize, as appropriate, other resources consistent with the payer of last resort provision as set out above. Resources may include:
  - i. Children's Integrated Services
  - ii. Maternal and Child Health/Title V
  - iii. Children with Special Health Needs/Title V
  - iv. Early Periodic Screening and Diagnostic Treatment
  - v. Early Head Start
  - vi. State General Fund

## **F. AOE Financial Responsibilities**

AOE is responsible to ensure that LEAs are fulfilling, and funding Part C Child Find activities including: public awareness activities; pre-referral screening, referral to CIS/EI required by 34 CFR §§303.115, 303.302, and 303.303. To the extent that LEAs voluntarily agree to provide early intervention services pursuant to their regional plans, AOE shall inform LEAs of possible funding sources for such elected activities. AOE is responsible to provide to AHS financial information required for OSEP and State reporting purposes regarding Part C activities fulfilled by the AOE and LEAs.

## **G. AOE Ensuring Child Find Activities Conducted by LEAs:**

1. Part B funds: AOE receives Federal Part B funds that may be used by LEAs to conduct Part C Child Find activities including: public awareness activities; pre-referral screening, referral to CIS/EI.
2. ECSE State Grant – If funds are available, given the LEA has complied with IDEA Part B requirements for three through five-year old's, then LEAs may utilize ECSE State Grant funds for Part C Child Find activities including: public awareness activities; screening, referral to CIS/EI.
3. Other Funding: To the extent that the above funds do not cover the LEA costs associated with conducting Child Find activities described in this agreement, LEAs will pursue other federal funds and state funds necessary to meet their responsibilities.

## **H. AOE Payer of Last Resort**

AOE will ensure that Part B and Part C funds expended by AOE and LEAs are expended consistent with the relevant IDEA Payer of Last Resort requirements: Part B funds, allowable for Child Find expenses, shall be used pursuant to 34 CFR § 300.162 so that each non-educational public agency, including State Medicaid, must precede the financial responsibility of the LEA. Part C funds are expended consistent with the requirements of 34 CFR §§ 303.222 and 303.510.

## **Part C Regional Interagency Agreements Shall Include**

Each Regional Part C CIS/EI program and Part B LEA shall develop, maintain and implement a regional interagency agreement that is consistent with state rules and this interagency agreement. By way of this agreement for the provision of Early Intervention Services, the role and responsibilities of regional CIS/EI programs and LEAs shall be detailed and maintained in a regional interagency agreement. The regional interagency agreement must include the following:

1. Identification of and delineation of responsibilities for any sharing of data between the regional CIS/EI programs and LEA's and assurances that any such data sharing is done in compliance with both the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and The Family Educational Rights and Privacy Act of 1974 (FERPA).
2. Identification of and delineation of responsibilities for sharing any child-specific documentation or information between the regional CIS/EI programs and LEA's and assurances that this is done in compliance with both HIPAA and FERPA.
3. Delineation of responsibilities for public awareness and Child Find activities including pre-referral screening to identify children and their families who may be in need of early intervention services including:
  - a. identification of processes for the preparation, and dissemination of resources, materials and information for families on the availability of early intervention services to all primary referral sources (2360.5.2(3)).
  - b. identification of processes for receiving and responding to referrals for children identified as the subject of a substantiated case of child abuse or neglect, or children identified as directly affected by illegal substance or alcohol abuse or withdrawal symptoms resulting from prenatal exposure (34 CFR 303.303(b) and the Comprehensive Addiction and Recovery Act of 2016), including developmental screening procedures if one has not already been conducted and referrals to CIS/EI regardless of the screening results for more information on CIS/EI services and follow-up supports.

- c. As a primary referral source, LEAs act to identify, locate, conduct pre-referral screening for children suspected of having a developmental delay or disability (34 CFR § 303.320, and 2360.5.2 (a)(3)(v)) and based on screening results, refer children who may be in need of early intervention services to the appropriate regional CIS/EI program where the child resides. LEAs will use the CIS/EI referral form (<http://cispartners.vermont.gov/forms>) and include a copy of the screening summary and results.
4. Delineation of roles and responsibilities between the CIS/EI regional agency and the LEA to support seamless C to B Transition and LEA notification for children who may be eligible at age three. In accordance with the 34 CFR §303.344(h), responsibilities shall include:
- a. Assurances that all CIS/EI and LEAs access the on line training modules as needed, available at: <https://education.vermont.gov/sites/aoe/files/documents/part-c-to-part-b-AC-version.pdf>.
  - b. Procedures CIS/EI will use for assessing evidence from State-approved evaluation tools, family/caregiver input, and ongoing assessment of development to indicate if the child may be eligible for Part B services so that an LEA notification can be made.
  - c. Procedures CIS/EI will use for sending notification to the LEA of children who may be eligible between 180 and 90 calendar days prior to the child's 3<sup>rd</sup> birthday
  - d. Procedures or processes CIS/EI will use to coordinate Transition Conferences, including attaining parent/guardian permission, between 180 and 90 calendar days from the child's third birthday. This includes methods/processes for notifying the LEA if parent/guardians do not provide permission for the Transition Conference.
  - e. Procedures or processes for CIS/EI to send documentation to the LEA needed to support the LEA's determination of eligibility for Part B, 619 (2361.2(1)) utilizing AOE form: "*IDEA Part C to B Transition...*" at least 10 calendar days prior to the Transition Conference. This includes methods/processes for notifying the LEA if parent/guardians do not provide permission for the transfer of documentation.
  - f. Procedures for CIS/EI to effectively prepare families to attend the Transition Conference including using the "Moving on Booklet" and any other relevant materials and other resources.



- g. Procedures or processes by which the LEA will attend the Transition Conference and will inform parents/guardians of their rights under Part B.
- h. LEA process for adhering to, using, and completing the AOE form: "*IDEA Part C to B Transition...*"
- i. Procedures or processes for completion of an IEP by the LEA for all children the LEA determines eligible by the child's 3<sup>rd</sup> birthday (2360.5.10). This shall include methods for the LEA to include CIS/EI at any subsequent meeting if necessary and with the parent/guardian permission.
- j. Development of procedures between the LEA and CIS/EI regarding programs being affected by school consolidation or other changes to address updates to the Regional IAA including: Child Find and Transition processes. Given any jurisdiction change(s) under Act 46, procedures shall include how the LEA will communicate with their respective CIS/EI regional program(s) to ensure processes for Child Find and C to B Transition are effective.

## **NON-DISCRIMINATION**

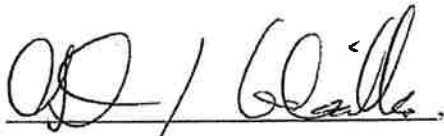
The parties shall comply with all applicable state and federal non-discrimination laws and regulations including the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973 and Vermont's Public Accommodations Act.

## **AMENDMENTS OR MODIFICATIONS**

Any provision in this agreement may be rendered null and void by changes in federal or state law that prevent either or both parties from fulfilling the terms of the agreement. If this circumstance should arise, each party agrees to notify the other as soon as reasonably possible. During the term of the agreement, either party that is a signatory to this agreement may submit a written request to amend or modify this agreement. When such a request is made, the parties shall meet without unnecessary delay to consider the proposed amendment.

**TERM**

March 14, 2019 until federal legislation require change or all parties agree that changes are necessary.



Al Gobeille  
Secretary  
Agency of Human Services,

Date: 18 MAR 19



Daniel M. French, Ed.D.  
Secretary  
Agency of Education

Date: March 15, 2019

## **Glossary of Terms**

Agency of Human Services – AHS

Agency of Education – AOE

Vermont State board of Education – VSBE

Department for Children and Families – DCF

Vermont Department of Health – VDH

Department for Disabilities, Aging and Independent Living – DAIL

Department of Vermont Health Access – DVHA

Children’s Integrated Services – CIS

Children’s Integrated Services/Early Intervention - *CIS/EI Part C in Vermont*

Early Childhood Special Education, Part B 619—ECSE

Local Education Agency – LEA

Early Intervention Program – CIS/EI

One Plan – In Vermont the IFSP is called a One Plan