


**New Mexico LEA Responsibilities Regarding
Child Find for Preschool Students who Reside
on a Reservation within LEA Jurisdiction**



**Q & A
GUIDANCE
DOCUMENT**

June 2009

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This document is intended to be used by LEAs (part B-619 and C), BIE (Tribal, Grant Schools, Family and Child Education (FACE) program, and BIE schools), Head Start Programs, and other agencies working with 3-5 children on reservations.

Purpose

There has been confusion about who is responsible for providing special education services for preschool children (age 3-5) who reside on a Reservation within the Local Education Agency's (LEA's) jurisdiction.

The document is a result of a combined meeting of Representatives from NM-LEAs, BIE (FACE), NM-PED, and Office of Special Education Programs (OSEP).

Framing the Issue

There are many children in New Mexico (age 3-5) who reside on a Reservation within an LEA's Jurisdiction. Sometimes it is unclear as to who is responsible for providing special education services, reporting to OSEP, and ensuring that Child Find is carried out for those children.

- How are Child Find responsibilities carried out?
- How do the Bureau of Indian Education (BIE) 3-5 population and Family and Child Education (FACE) programs interface with LEAs?
- How should Memorandums of Understanding (MOUs) be used to ensure services are provided for children (3-5) residing on Reservations and LEAs that have Jurisdiction for those children?



Questions and Responses

1. Tribes receive Funds for Child Find; under Section 618 of the IDEA, who counts the children when reporting to OSEP?

Response: Each state is required to submit an annual report of the number of students receiving special education and related services. 34 CFR § 300.644 Annual Report of children Served.

Tribes receive IDEA Part B funds to assist States in conducting child find for children aged three through five suspected of having a disability on reservations. However, BIE is not responsible for conducting child find or providing special education and related services to children with disabilities aged three through five on reservations (with the exception of five-year-old children enrolled in an elementary school operated or funded by the Secretary of the Interior).

Therefore, BIE should not be counting the students in the Annual Report of children Served. An LEA is responsible for conducting child find and providing special education and related services to children with disabilities aged three through five who reside on a reservation within the LEA's jurisdiction. Therefore, the LEAs are responsible for including those children in their child count, reporting data under section 618 of IDEA, reporting in the Student Teacher Accountability Reporting System (STARS) completing evaluations, and determining eligibility.

2. How is a placement for a 3- to 5-year-old child decided; in other words, in what environment should the special education services be provided?

Response: Placement is an IEP decision: the team determines the appropriateness of the setting and where services will be provided. If the parent questions whether their child's placement is providing FAPE in LRE, they have a right to access the alternative dispute resolution process or formal dispute resolution system to resolve the dispute.

Note: Under 34 CFR 300.116(a), the placement decision must be made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options. In some States, the IEP team serves as the group making the placement decision. This

does not violate the IDEA so long as the required members of the group that determines the educational placement meet the requirements of the IDEA as set forth in §300.116(a)(1).

Regulations Governing Placement: 34 CFR § 300.114 to 300.116

Sec. 300.114 LRE requirements

(a) General.

- 1) Except as provided in Sec. 300.324(d)(2) (regarding children with disabilities in adult prisons), the State must have in effect policies and procedures to ensure that public agencies in the State meet the LRE requirements of this section and Sec. Sec. 300.115 through 300.120.
- 2) Each public agency must ensure that –
 - i) To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and
 - ii) Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

(b) Additional requirement--State funding mechanism –

1) General.

- i) A State funding mechanism must not result in placements that violate the requirements of paragraph (a) of this section; and
- ii) A State must not use a funding mechanism by which the State distributes funds on the basis of the type of setting in which a child is served that will result in the failure to provide a child with a disability FAPE according to the unique needs of the child, as described in the child's IEP.

- 2) Assurance. If the State does not have policies and procedures to ensure compliance with paragraph (b)(1) of this section, the State must provide the Secretary an assurance that the State will revise the funding mechanism as soon as feasible to ensure that the mechanism does not result in placements that violate that paragraph.

(Approved by the Office of Management and Budget under control number 1820-0030) (Authority: 20 U.S.C. 1412(a)(5))

Sec. 300.115 Continuum of alternative placements

- (a) Each public agency must ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.
- (b) The continuum required in paragraph (a) of this section must –
- 1) Include the alternative placements listed in the definition of special education under Sec. 300.38 (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions); and
 - 2) Make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

(Approved by the Office of Management and Budget under control number 1820-0030) (Authority: 20 U.S.C. 1412(a)(5))

Sec. 300.116 Placements

In determining the educational placement of a child with a disability, including a preschool child with a disability, each public agency must ensure that –

- (a) The placement decision –
- 1) Is made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and
 - 2) Is made in conformity with the LRE provisions of this subpart, including Sec. Sec. 300.114 through 300.118;
- (b) The child's placement –
- 1) Is determined at least annually;
 - 2) Is based on the child's IEP; and
 - 3) Is as close as possible to the child's home;
- (c) Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled;
- (d) In selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs; and

(e) A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

(Approved by the Office of Management and Budget under control number 1820-0030) (Authority: 20 U.S.C. 1412(a)(5))

3. If the IEP team determines that the FACE program is the appropriate placement, how is that data collected?

Response: The FACE program can be considered for all students (with or without disabilities) and may be considered as an integrated setting in which the student is educated with typically developing peers. However, this should be considered on a case-by-case basis. The LEA will be responsible for entering the students into the Student Teacher Accountability Reporting System (STARS) each reporting period.

4. Indicator #7 in the State Performance Plan (Early Childhood Outcomes) requires annual reporting to OSEP. Who is responsible for the data collection and reporting?

Response: The LEA is responsible for data collection and reporting results, by the student's unique identifying number, to the State for submission to OSEP

Indicator 7: Percent of preschool children with IEPs who demonstrate improved:

- Positive social-emotional skills (including social relationships),
- Acquisition and use of knowledge and skills (including early language/communication and early literacy), and
- Use of appropriate behaviors to meet their needs

20 U.S.C. 1416 (a)(3)(A))

5. Does the FACE program provide direct Special Education and Related Services under Part B for the 3-5 population?

Response: No, the LEA is responsible for providing the special education and related services. FACE is a Bureau-funded program but does not receive funding for a preschool program to provide Part B special education and related services for children aged three to five. However, the FACE program

may help with Child Find and Screening. It is important to note that the FACE program is an educational setting.

6. What are the Federal Requirements for States, LEAs, and BIE for child find and services for children aged 3–5 in special education?

Response: Pursuant to 34 CFR § 300.111 (Child Find Responsibility), all children are to be identified, located, and evaluated. For further detail, see the regulations below.

34 CFR § 300.111 Child find

(a) General.

- 1) The State must have in effect policies and procedures to ensure that—
 - i) All children with disabilities residing in the State, including children with disabilities who are homeless children or are wards of the State, and children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated; and
 - ii) A practical method is developed and implemented to determine which children are currently receiving needed special education and related services.

- (b) Use of term developmental delay. The following provisions apply with respect to implementing the child find requirements of this section:
 - 1) A State that adopts a definition of developmental delay under Sec. 300.8(b) determines whether the term applies to children aged three through nine, or to a subset of that age range (e.g., ages three through five).
 - 2) A State may not require an LEA to adopt and use the term developmental delay for any children within its jurisdiction.
 - 3) If an LEA uses the term developmental delay for children described in Sec. 300.8(b), the LEA must conform to both the State's definition of that term and to the age range that has been adopted by the State.
 - 4) If a State does not adopt the term developmental delay, an LEA may not independently use that term as a basis for establishing a child's eligibility under this part.

- (c) Other children in child find. Child find also must include—
 - 1) Children who are suspected of being a child with a disability under Sec. 300.8 and in need of special education, even though they are advancing from grade to grade; and
 - 2) Highly mobile children, including migrant children.

- (d) Construction. Nothing in the Act requires that children be classified by their disability so long as each child who has a disability that is listed in Sec. 300.8 and who, by reason of that disability, needs special education and related services is regarded as a child with a disability under Part B of the Act.

(Approved by the Office of Management and Budget under control number 1820-0030) (Authority: 20 U.S.C. 1401(3)); 1412(a)(3))

Note: SEAs often assign LEAs the responsibility for conducting child find for children suspected of having a disability within the jurisdiction of the LEA.

34 CFR § 300.712 Payments for education and services for Indian children with disabilities aged three through five

- (a) General. With funds appropriated under section 611(i) of the Act, the Secretary makes payments to the Secretary of the Interior to be distributed to tribes or tribal organizations (as defined under section 4 of the Indian Self-Determination and Education Assistance Act) or consortia of tribes or tribal organizations to provide for the coordination of assistance for special education and related services for children with disabilities aged three through five on reservations served by elementary schools and secondary schools for Indian children operated or funded by the Department of the Interior. The amount of the payments under paragraph (b) of this section for any fiscal year is equal to 20 percent of the amount allotted under Sec. 300.701(b).
- (b) Distribution of funds. The Secretary of the Interior must distribute the total amount of the payment under paragraph (a) of this section by allocating to each tribe, tribal organization, or consortium an amount based on the number of children with disabilities aged three through five residing on reservations as reported annually, divided by the total of those children served by all tribes or tribal organizations.
- (c) Submission of information. To receive a payment under this section, the tribe or tribal organization must submit the figures to the Secretary of the Interior as required to determine the amounts to be allocated under paragraph (b) of this section. This information must be compiled and submitted to the Secretary.
- (d) Use of funds.
- 1) The funds received by a tribe or tribal organization must be used to assist in child find, screening, and other procedures for the early identification

of children aged three through five, parent training, and the provision of direct services. These activities may be carried out directly or through contracts or cooperative agreements with the BIA, LEAs, and other public or private nonprofit organizations. The tribe or tribal organization is encouraged to involve Indian parents in the development and implementation of these activities.

- 2) The tribe or tribal organization, as appropriate, must make referrals to local, State, or Federal entities for the provision of services or further diagnosis.
- (e) Biennial report. To be eligible to receive a grant pursuant to paragraph (a) of this section, the tribe or tribal organization must provide to the Secretary of the Interior a biennial report of activities undertaken under this section, including the number of contracts and cooperative agreements entered into, the number of children contacted and receiving services for each year, and the estimated number of children needing services during the two years following the year in which the report is made. The Secretary of the Interior must include a summary of this information on a biennial basis in the report to the Secretary required under section 611(h) of the Act. The Secretary may require any additional information from the Secretary of the Interior.
- (f) Prohibitions. None of the funds allocated under this section may be used by the Secretary of the Interior for administrative purposes, including child count and the provision of technical assistance.

(Authority: 20 U.S.C. 1411(h)(4))

Note: While tribes receive Part B funds to assist in child find, screening, and other procedures for the early identification of children aged three through five, it is the SEA that is responsible for conducting child find for all children aged three through five on reservations, with the exception of five-year-olds enrolled in an elementary school operated or funded by the Secretary of the Interior.

Bureau of Indian Education (BIE)

The U.S. Department of Education provides Part B funds to the Secretary of Interior for providing Special Education and Related Services to children with disabilities on reservations aged five through 21 enrolled in elementary and secondary schools operated or funded by BIE.

SEAs and LEAs may provide Part B funds, through MOUs, to the tribes to assist them in coordinating child find and providing direct services to preschool children with disabilities aged three through five living on reservations. However, as noted above, the SEA and LEA remain responsible for conducting

child find and making a free appropriate public education available to those children.

Note: It's still the LEA's responsibility to report on the IDEA Section 618 data for child count and educational environments.

34 CFR § 300.707 Use of amounts by Secretary of the Interior.

(a) Definitions. For purposes of Secs. 300.707 through 300.716, the following definitions apply:

- 1) Reservation means Indian Country as defined in 18 U.S.C. 1151.
- 2) Tribal governing body has the definition given that term in 25 U.S.C. 2021(19).

(b) Provision of amounts for assistance. The Secretary provides amounts to the Secretary of the Interior to meet the need for assistance for the education of children with disabilities on reservations aged 5 to 21, inclusive, enrolled in elementary schools and secondary schools for Indian children operated or funded by the Secretary of the Interior. The amount of the payment for any fiscal year is equal to 80 percent of the amount allotted under section 611(b)(2) of the Act for that fiscal year. Of the amount described in the preceding sentence, after the Secretary of the Interior reserves funds for administration under Sec. 300.710, 80 percent must be allocated to such schools by July 1 of that fiscal year and 20 percent must be allocated to such schools by September 30 of that fiscal year.

(c) **Additional requirement. With respect to all other children aged 3 to 21, inclusive, on reservations, the SEA of the State in which the reservation is located must ensure that all of the requirements of Part B of the Act are implemented.**

(Authority: 20 U.S.C. 1411(h)(1))

7. What should be included in the MOU between the LEAs and the BIE to ensure special education and related services and child find are appropriately provided for children residing on reservations within the jurisdiction of the LEA?

Response

- Define which service will be provided by each party.
- Ensure that children eligible for special education services receive a free appropriate public education (FAPE), as required by law, in the least restrictive environment (LRE).

- Ensure that each party cooperatively maintains communication and shares leadership responsibilities at the local level to ensure available resources are used in the most effective manner.
- Ensure that cooperative arrangements between LEAs and FACE are developed, implemented, and preserved.

Suggested MOU Format

MEMORANDUM OF UNDERSTANDING
BETWEEN
Name of County PUBLIC SCHOOLS
AND
School Name

This Memorandum of Understanding, hereinafter referred to as "Agreement", is between Name of County County Schools, a Local Education Agency (LEA), hereinafter referred to as "Initials of County" and School Name, hereinafter referred to as "School Initials" and its Family and Child Education Program, hereinafter referred to as "FACE", respectively, and is in effect from January 2009 to January 2012.

I. PURPOSE

The purpose of this Agreement is to establish a cooperative relationship and working procedures between Initials of County and School Initials FACE program in the provision of special education and related services to eligible children in compliance with applicable federal, Tribal Name and state laws and regulations. Eligible children are those children, ages 3 to 5, with disabilities who reside in Initials of County.

The intent of this Agreement is to

1. define which services will be provided by each party;
2. ensure that children eligible for special education services receive a free appropriate public education (FAPE), as required by law, in the least restrictive environment (LRE);
3. ensure that each party cooperatively maintains communication and shares leadership responsibilities at the local level to ensure available resources are used in the most effective manner; and
4. ensure that cooperative arrangements between Initials of County and School's FACE are developed, implemented, and preserved.

II. PROGRAM MANDATES

Initials of County will be responsible for

1. providing services to eligible children, ages 3-5, on a mandatory basis as defined by Public Law 108-446, Individuals with Disabilities Education Act (IDEA 2004; IDEIA);

2. providing eligible children a free appropriate public education (FAPE), including the development and implementation of an Individual Education Program (IEP), which contains all of the required components, as well as parental participation, procedural safeguards, and the provision of related services; and
3. determining and placing eligible children in the most appropriate setting, which shall be the least restrictive environment (LRE) with multiple opportunities to learn, develop, and form positive relationships with peers who do not have disabilities.

FACE will be responsible for

1. supporting Child Find activities;
2. screening children for potential problems in health and early development within 45 days of enrollment when Initials of County has not performed such screening; and
3. referring children determined to have developmental delays to appropriate professionals, including Initials of County providers, for diagnostic evaluation within established time frames.

Initials of County and FACE will be responsible for

1. working closely with community and other agencies in order to provide effective services to eligible children;
2. working cooperatively with parents/legal guardians to develop and implement IEPs for eligible children; and
3. providing native language interpretation for families as needed.

III. PROGRAM CONTACT INFORMATION

A. For Initials of County:

First and Last name, Superintendent
 Name of County
 P.O. Box Address
 City, State, Zip Code
 (Area Code) Phone Number

B. For School District:

First and Last Name, Superintendent
 District Name
 Street Address
 P.O. Box Address
 City, State, Zip Code
 (Area Code) Phone Number

IV. SPECIAL EDUCATION SERVICES

A. Child Find/Screening

Initials of County and FACE will

1. participate jointly on Child Find teams to plan and assist with Child Find screening events for children, ages 3-5, who reside in Initials of County;
2. coordinate the screening process and procedures as well as the selection and use of screening instruments and assessment materials; and
3. conduct Child Find screenings together at designated community-based sites in Initials of County, preferably at Name of School FACE located in Initials of County.

Initials of County will

1. provide screening results to parents/guardian(s) and FACE and inform parents/guardians(s) of program options that may be available to them and their child; and
2. provide a native language interpreter for families and children who need such assistance throughout the Child Find screening process.

FACE will

1. provide transportation, when needed, to families and children, ages 3-5, residing in Initials of County; and
2. provide a native language interpreter for families and children who need such assistance throughout the Child Find screening process.

B. Referral for Evaluation

Initials of County will

1. follow all Initials of County and New Mexico Public Education Department (NMPED) guidelines for referral;
2. provide referral forms and a “single” point of contact or use appropriate FACE forms to avoid duplication;
3. provide training to FACE staff on the delivery of special education services and the timely completion of referral forms;
4. provide all appropriate written evaluation reports to FACE; and
5. schedule and facilitate IEP team meetings, using a native language interpreter when needed, to share evaluation results with parents/guardian(s) and

appropriate staff and to collaboratively develop IEP learning goals/objectives/activities that meet each child's educational needs.

FACE will

1. obtain information documenting the need for referral;
2. provide a referral for each child by completing designated referral forms; and
3. submit completed referral forms to Initials of County for action as per Initials of County/NMPED and Name of School timelines.

C. Comprehensive Evaluation

Initials of County will

1. formally evaluate children who may require special needs services at FACE, in their most natural environment, with agreed upon assessments for vision, hearing, speech/language (SLP), occupational therapy (OT), physical therapy (PT), and psycho- educational development;
2. whenever possible, conduct appropriate evaluations at designated Name of School sites;
3. provide evaluation assessments, materials and testing protocols;
4. provide a native language interpreter for families in need of such assistance for all formal evaluations;
5. provide written evaluation reports according to IDEIA requirements; and
6. initiate Individualized Education Program (IEP) meetings, when appropriate.

FACE will

1. provide initial developmental, hearing, and vision screening within 45 days after a child's enrollment and report results to Initials of County when there are identifiable concerns;
2. compile background information for all children with identified concerns using the appropriate Initials of County and FACE forms;
3. obtain signatures from parents/ guardian(s) for permission to share information that may result in an evaluation;
4. notify Initials of County that parental permission to share information has been obtained within twenty-four (24) hours of obtaining consent;
5. notify parents/ guardian(s) verbally and in writing of the date, time and place of evaluation;

6. provide families with transportation, when necessary, to appointments at designated Initials of County sites and/or Name of School sites;
7. provide a native language interpreter for families in need of such assistance for all evaluations; and
8. participate in IEP team meetings when appropriate and notify parents/guardian(s) in a timely manner of such meetings.

D. Individualized Education Program (IEP) Development

Initials of County and FACE will

1. set up IEP meetings cooperatively, including the provision of a native language interpreter when needed; and
2. develop IEP goals and objectives cooperatively with parents/guardian(s) to meet each child's educational needs and in accordance with ADA requirements.

Initials of County will

1. initiate the IEP process by notifying appropriate Name of School staff that all evaluations are completed;
2. use Initials of County's IEP forms; and
3. provide copies of each child's IEP to parents/guardian(s) and to appropriate Name of School staff and teachers, with the signed parent consent form.

FACE will

confirm the date/time/place of IEP meetings with parents/guardian(s) verbally and in writing.

E. Placement

Initials of County will

1. follow federal and state guidelines and requirements for placement;
2. conduct IEP meetings with parents/guardian(s) to determine the least restrictive environment (LRE) for each child and inform them of procedural safeguards and due process; and
3. provide a native language interpreter for families when needed.

FACE will

1. provide community-based placement for identified children in the least restrictive environment (LRE);
2. follow eligibility criteria for enrollment in FACE; and
3. provide program information packets to parents/guardian(s) of children referred to any of Name of School's family/early education programs.

F. Specific Program Service Delivery

Initials of County will

1. provide direct educational and related services and/or consultative therapy to meet each child's IEP goals;
2. plan and conduct continuous in-service training to FACE staff on culturally sensitive techniques for working with and supporting young children with disabilities; and
3. provide ongoing staff consultation and training to meet each child's IEP goals.

FACE will

1. collaborate with Initials of County to implement IEP goals;
2. provide educational materials and equipment for classroom curriculum and IEP implementation;
3. provide appropriate services to children in accordance with ADA eligibility guidelines as necessary; and
4. provide transportation for children, when needed, to designated community sites for service delivery.

G. Procedures for Review/Monitoring Child's Progress

Initials of County will

1. provide ongoing consultation to appropriate FACE staff regarding each child's progress;
2. prepare written progress reports for each child as requested by parents/guardian(s) to maintain consistent communication and submit them to the appropriate FACE staff;
3. initiate an annual review meeting on the child's progress with parents/guardian(s) and appropriate staff and, when needed, provide native language interpretation; and

4. notify parents/ guardian(s) of the annual review meeting in a timely manner, verbally and in writing.

FACE will

1. keep daily attendance records for each child served and a current log of Initials of County and other service provider visits;
2. consult with Initials of County staff regarding each child's progress;
3. report the child's progress to parents/ guardian(s) at scheduled meetings;
4. meet with parents/ guardian(s) when Initials of County progress reports are received to share and explain their child's progress and Initials of County progress reports; and
5. participate in annual review meetings with Initials of County staff and parents/ guardian(s).

H. Procedures for Hiring and Supervising Staff Providing Special Services

Initials of County and Name of School will

1. follow their own specific hiring procedures;
2. hire and supervise their own staff;
3. provide appropriate personnel for carrying out the terms of this Agreement;
4. notify each other of any concerns and needs of the staff on site at Name of School; and
5. communicate with each other about any other pertinent information/situations that will affect children and/or the timely delivery of services.

V. SPECIAL EDUCATION SERVICES

FACE will be responsible for:

1. documenting and providing written observations of each child's social-emotional development and any identified issues/concerns, in collaboration with other Name of School staff;
2. obtaining a completed Medical Health History for each child enrolled;
3. using the Ages & Stages Questionnaire (ASQ) and Ages & Stages Questionnaire: Social Emotional Checklist (ASQ:SE) to assess the developmental level of each child within 45 days after enrollment;

4. conducting interviews with parents/guardian(s) on their child's social-emotional development when there are concerns that staff and/or parents/guardian(s) may have identified;
5. conducting more specific screening of a child by appropriate staff and/or health professionals when the observational assessments indicate a need for further attention;
6. immediately informing parents/guardian(s) when further screening of their child indicates the need for special education services and requesting their permission, with signed consent forms, to have their child undergo further professional evaluation by
 - i. Mental Health Physician (Westernized Mental Health Services) or
 - ii. Native Practitioner (Traditional Diagnostician/Healer) or
 - iii. Both
7. making referrals for FACE children by
 - i. having parents/guardian(s) and their child's teacher complete the appropriate assessments as mandated by each program (e.g., ASQ, ASQ:SE, Work Sampling System, Mental Health Behavior Checklist); and
 - ii. completing the appropriate referral and consent forms for each child and forwarding them to Initials of County; and
8. ensuring that each child and family will have transportation to the evaluation and assessment site(s).

Initials of County will be responsible for

1. accepting the referral and supporting documents from FACE staff and timely action on the concerns identified; and
2. providing formal evaluation and assessment in the following areas:
 - a. Physical Coordination/Development
 - b. Intellectual Development
 - c. Sensory Development
 - d. Emotional Development
 - e. Social Development
 - f. Speech/Language Development
 - g. Physical Examination

Initials of County and Name of School will be responsible for

1. actively participating as members of a Study Team. The Study Team, comprised of the parents/guardian(s), child's teacher, and as appropriate, the Health

Physician/Native Practitioner, Initials of County representative, and other concerned service providers for the child, will attend this meeting; and

2. ensuring that the parents/guardian(s), members of the Study Team and other service providers review the child's progress.

VI. TRANSITION

The transition of children with disabilities in the Name of School Community occurs when a child is exiting the Name of School Early Intervention Program (EI) or another EI program and enters Name of School FACE, Head Start, or a local preschool or child care center. Another transition occurs when a child is exiting from a preschool setting and enters a kindergarten program at Initials of County or at Name of School District Schools, a Bureau of Indian Education (BIE)-funded grant school. Effective transition occurs when all appropriate parties are communicating, including but not limited to Initials of County, Name of School District Schools, EI, and the parents/guardian(s) of the child with a disability. In order to assure the effective transition of children from one educational setting to another, the following procedures have been established.

Initials of County and Name of School will

1. cooperate in coordinating the scheduling of transition activities, including 90-day transition conferences, initiated by EI, for parents/guardian(s) of children exiting EI and appropriate staff to discuss options for the most appropriate placement for their children;
2. cooperate in arranging family visits and transport, when needed, for transitioning children and their parents/guardian(s) to local family/early education programs and schools, before their annual review meeting;
3. provide each family with written parent information for the program/school in which their child has enrolled; and
4. provide a native language interpreter for families in need of such assistance throughout the transition process.

TECHNICAL ASSISTANCE

Initials of County and FACE will

1. inform each other of all pertinent training opportunities related to services for young children with disabilities and invite staff to participate;
2. coordinate Initials of County training and technical assistance activities, as appropriate, with all program calendars to ensure full staff and, as applicable, family participation; and

3. network and collaborate with local/regional resource programs, such as Indian Children’s Program (ICP), Parents Reaching Out (PRO), Educating Parents of Indian Children with Special Needs (EPICS), and National Indian Parent Information Center (NIPIC), on staff training and family/parenting education, advocacy and ongoing support.

VII. CHILD COUNT AND REPORTING

Initials of County and FACE will maintain their own records according to regulatory guidelines and provide documentation and support to any of the other parties as requested.

VIII. DISPUTE RESOLUTION

In the event that a misunderstanding or difference of opinion occurs with regard to the procedures necessary to accomplish the objectives of this Agreement, both parties will meet to find a solution.

X. TERMINATION/REVIEW

This Agreement will be reviewed annually and be revised by Initials of County and Name of School on an as-needed basis, in order to remain in effect. This Agreement may be terminated by either party upon thirty (30) days’ written notice.

XI. SIGNATURES

FOR Initials of County - AUTHORIZED LEA REPRESENTATIVE

First Name & Last Name, Superintendent
Name of School District
P.O. Box Address
City, State, Zip Code
(Area Code) Phone Number

Date

FOR **Name of School** - AUTHORIZED REPRESENTATIVE

First Name & Last Name, Principal _____ Date
School District
School Address
City, State, Zip Code
(Area Code) Phone Number

FOR SCHOOL BOARD PRESIDENT - AUTHORIZED REPRESENTATIVE

First Name & Last Name, Board President _____ Date
School Name
School Address
City, State, Zip Code
(Area Code) Phone Number

FOR EDUCATION LINE OFFICER - AUTHORIZED REPRESENTATIVE

First Name & Last Name _____ Date
Agency Representing
Agency Address
City, State, Zip Code
(Area Code) Phone Number

