INTERAGENCY AGREEMENT BETWEEN
GOLDEN GATE REGIONAL CENTER
AND
SAN MATEO COUNTY SPECIAL EDUCATION LOCAL PLAN AREA
REGARDING PART C SERVICES
2019-2020

I. AGREEMENT

The parties to this Agreement are Golden Gate Regional Center and the San Mateo County Special Education Local Plan Area (SELP A). The San Mateo County Office of Education (SMCOE) is the Local Education Agency (LEA) that administers the Early Start Program on behalf of the SELPA.

This Agreement applies to activities and services performed on behalf of infants and toddlers from their birth to thirty-six (36) months of age, and their families who are eligible for early intervention services under Title 14, California Early Intervention Services Act, Chapter 4, Section 95014, and Part C of Title 34 of the Code of Federal Regulations (sections 303.16 to 303.300).

II. PURPOSE

The purpose of this Agreement is to describe selected policies and procedures of Golden Gate Regional Center (GGRC) and SELPA, relating to the implementation of Part C of the Individuals with Disabilities Education Act (IDEA), hereinafter referred to as Part C. GGRC and SELPA will work cooperatively with parents and with other appropriate agencies to enhance coordination, delivery, and quality of services for families. Specifically, this Agreement will define the obligation for provision of services of each agency, the financial responsibilities of each agency, procedures for resolving disputes, and other required components necessary to ensure effective cooperation and coordination between LEAs and GGRC.

III. INTERAGENCY COLLABORATION

A. Financial Responsibility

GGRC and SELPA will operate within the provisions of the October 2004 State Interagency Agreement between the Department of Developmental Services and the California Department of Education. Due to the importance of provisions regarding "Payor of Last Resort", those pertinent sections of the state interagency agreement are set forth below and incorporated herein by reference:

1. In accordance with Title 17 CCR, Section 52000(b)(37), the "payor of last resort" means the regional center or LEA that is required to pay for early intervention services listed on the [Individualized Family Service Plan] IFSP when third party payers or other agencies do not have an obligation to pay as required by 34 CFR 303.527.

2. Regional Center – The regional center is the payor of last resort for eligible infants and toddlers in accordance with Title 17 CCR, Section 52109. The regional center is not the payor of last resort for eligible infants and toddlers with solely Low Incidence disabilities.

3. Local Education Agency – The LEA is the payor of last resort for eligible infants and toddlers with solely Low Incidence disabilities in accordance with Section 95008 of the California Early Intervention Services Act and Title 17 CCR, Section 52110(a).
4. GGRC is the designated payor of last resort for infants served by GGRC and infants jointly served by GGRC and the San Mateo County Office of Education (SMCOE). The SMCOE shall provide services to infants who have solely Low Incidence disabilities and/or who are dually eligible up to the SMCOE maximum funded capacity of twenty-nine (29) infants. Once the SMCOE reaches its maximum funded capacity, at the discretion of SMCOE, it will refer dually eligible infants and their families to GGRC, who will then assume responsibility for providing appropriate Part C services, except for children with solely Low Incidence disabilities. SMCOE and GGRC will share information about available openings under the maximum funded capacity. SMCOE will provide written notification regarding status of program capacity and inform GGRC of program openings.

B. Information Exchange

GGRC and SMCOE staff will have regularly scheduled meetings to exchange information regarding infant and family needs, services, and information about the status of the SMCOE maximum funded capacity. Both agencies agree to participate in regular meetings to discuss Early Start service delivery, agency procedures, changes in funding, and other pertinent matters that may affect services to mutual clients. Regularly scheduled meetings will be the forum for discussion regarding new resource development and the identification of gaps in services and other matters of mutual concern.

For purposes of this MOU, the contacts for GGRC will be the Manager of Early Start Services or the Early Start Supervisor, and for SMCOE the contacts will be the designated SELPA Administrator and the SMCOE Administrator for Early Childhood Education and Related Services. For purposes of transition to PART B services, the Senior SELPA Administrator will send the GGRC a listing of LEA Special Education Directors at least annually.

IV. PROGRAM IMPLEMENTATION

A. Referral Process

GGRC will be the single point of entry for most eligible infants; however, the SMCOE will provide intake of infants with solely Low Incidence disabilities. The agency receiving the initial referral will contact the family, and notify the other agency of the referral if it appears that the child may be eligible for services from the other agency. The interagency referral form agreed upon by GGRC and SMCOE will be exchanged, reviewed and acted upon within appropriate timelines. Every effort will be made to work collaboratively with parents to enhance communication among families and agencies.

Referrals to the SMCOE-ECE Program will be directed to:
Tammy Zigler, Early Childhood Education & Related Services
San Mateo County Schools ECE Program
65 Tower Road
San Mateo, CA 94402 Phone: 650.573.4010 Fax: 650.573.4056

Referrals to GGRC Early Start will be directed to:
Intake Supervisor
Golden Gate Regional Center
3130 La Selva Street Suite 202
San Mateo CA 94403 Phone: 650.574.9232 Fax: 650.522.8901

Referral Forms for Early Start can be located at www.ggrc.org under applying for services. Referral Forms can be faxed to 1-888-339-3306 or emailed to intake@ggrc.org
Referrals will be accepted at all times during the year by both agencies. The forty-five (45) day intake timeline begins on the day the complete referral is received, as documented on each agency’s Early Start Referral Form. (For children in Foster Placement, written consent must be received by the person(s) holding the Educational Rights for the child prior to initiating the referral and subsequent assessment and evaluation). Referrals between GGRC and SMCOE must be exchanged (as indicated) within five (5) working days of the receipt of the complete referral.

When the complete referral is received by GGRC or the SMCOE, a service coordinator will be assigned by the Early Start Program Coordinator for that agency (see Service Coordination). Once a complete referral is received, and a service coordinator is assigned, an assessment for eligibility will be scheduled by the service coordinator.

B. Service Coordination

For children with solely Low Incidence disabilities, SMCOE will provide service coordination. GGRC will assume the responsibility to coordinate services for eligible children who do not have a solely Low Incidence disability. Both agencies will carry out service coordination responsibilities as noted in Title 17 CCR, Section 52121, and will collaboratively determine which agency is responsible for service coordination for children who are dually eligible.

C. Initial Evaluation and Assessment Procedures and Exchange of Information

With written parental consent, qualified Early Intervention staff from the appropriate agency will provide assessments and evaluations based on the following considerations: which agency received the referral, the priorities, needs and concerns of the family, the agency most likely to have services for which the child and family may be eligible, and the status of the mandated capacity for education. The assessment and evaluation may be conducted jointly, with parental consent, if services are likely to be provided by both agencies. SMCOE has responsibility for assessments and evaluations for children with solely Low Incidence disabilities and/or children who may be dually eligible until SMCOE reaches the funded capacity of twenty-nine (29) children. GGRC has responsibility of assessments and evaluations for all other children who may be eligible for GGRC. Assessments and evaluations will be conducted in accordance with 17 CCR, Sections 52082, 52084, and 52086. Assessment/Evaluation data and information obtained by one agency will be made available to the other agency for use in determining eligibility and service needs, with parent consent.

Note: If a referral is received by GGRC or SMCOE of a child previously unknown to either agency who is within six (6) months of turning age three (3), an assessment and evaluation will be conducted, and an initial Individualized Family Service Plan (IFSP) developed. The IFSP will include transition planning and a date for referral to the child’s LEA, no less than 90 days before the 3rd birthday of the child.

D. Individualized Family Service Plans (IFSP)

Both parties to this Agreement will participate in the multi-agency IFSP meeting for any child served by both agencies. Neither agency will make a commitment for the other agency.

The initial IFSP meeting will be held within forty-five (45) days of the documented receipt of the complete referral. The IFSP will contain current information on the child’s level of performance, the family’s priorities, needs and concerns, potential outcomes, and services to be provided. A schedule of services will be noted on the IFSP, with breaks in service indicated. The IFSP team shall determine procedures to ensure the provision of necessary services during periods of breaks when services are required as noted on the
IFSP. GGRC and SMCOE will provide services to eligible children as described in the IFSP until the child turns age three (3).

The service coordinator will provide written notice of all IFSP meetings to the family and to parties providing services. Every attempt will be made to schedule meetings for multi-agency participation, with consideration of appropriate timelines. The parents, GGRC, and SMCOE will participate in the annual IFSP and six-month review meetings for any child served by both agencies. When a service is being requested of either agency whose representative cannot attend the IFSP meeting or be otherwise available, the meeting must be rescheduled. Agreements cannot be made without participation by both agencies. Both agencies will ensure timely provision of services.

Both agencies will follow rules and regulations in accordance with Subchapter 3, Articles 1 and 2, Section 52100, et seq., of Title 17 of the California Code of Regulations. Any changes made to the IFSP must be documented and a copy sent to the other agency.

If English is not the primary language of the family, it is agreed the service coordinator’s agency will provide the services of an interpreter. The IFSP will indicate necessary interpreter/translation services.

E. Transition Procedures

GGRC, SMCOE, and SELPA will work together to assist with smooth transition from services under Part C of the Individuals With Disabilities Education Act (IDEA) to services under IDEA, Part B. GGRC, SMCOE, and SELPA will schedule quarterly meetings with service coordinators and LEA representatives to plan for transition, to assist with calendaring transition meetings for families. Participants in the quarterly “Forum” will have opportunities for input regarding ways to improve either agency’s services to eligible children and families. GGRC and SELPA will work closely with the local Family Resource Center and SELPA’s Resource Parent Council - CAC to support parents and develop strategies to increase parent knowledge of rights and involvement in transition planning.

1. TRANSITION PLANNING

- When a child receiving Early Start Services turns 2-years 6-months, the service coordinator from the responsible agency will initiate the transition process from IDEA Part C to Part B services.
- The parent is notified that transition planning will occur within the next three to six (3-6) months. The IFSP Meeting is held to review child’s progress and parents are notified of the termination of early start services as of the child’s 3rd birthday.

2. NOTIFICATION OF IFSP TRANSITION CONFERENCE

- With parental consent, the LEA where the child resides is notified that there will be an IFSP transition planning meeting requesting the attendance of an LEA representative no less than ninety (90) days before the 3rd birthday of the child. An IFSP Transition Conference meeting may be scheduled as early as 2-years 3-months, or at the discretion of all parties, up ninety (90) days prior to the child’s 3rd birthday.
- Within thirty (30) days of the parent and LEA being notified, the family and service coordinator shall agree on the date for the IFSP Transition Conference meeting, and inform the LEA of the agreed upon date, to plan the transition steps necessary for movement into services under Part B. Parent may decline to have the local LEA representative at the IFSP Transition Conference meeting and this will be documented in the IFSP.
3. CONTENT OF TRANSITION CONFERENCE

At the IFSP Transition Conference meeting the team will plan the transition steps necessary for movement into services of Part B IDEA and exit from Early Start – Part C IDEA. The IFSP transition planning meeting must include parent concerns and priorities regarding transition, information regarding general education preschool opportunities, steps for transition, and when the Notification of Referral will be sent to the LEA in cases when the transition planning meeting is held prior to ninety (90) days before the 3rd birthday. The IFSP Transition Conference is not considered a Notice of Referral for Part B services.

4. POTENTIALLY ELIGIBLE

The State of California has determined that all children in Early Start are “potentially eligible” for Part B services at the age of three (3). No later than ninety (90) days prior to the age of three (3), GGRC will provide a directory of information of “potentially eligible” students, which is called the Notification of Referral (NOR), to the LEA where the student resides. This is in accordance with Family Educational Rights and Privacy Act (FERPA) and Child Find responsibility of Part B IDEA.

The NOR will include (34 CFR Sec. 303.401 (d)):

- Child’s name and date of birth
- Parent contact information (including names, addresses and telephone numbers)
- Service coordinator’s name and contact information

The NOR may additionally include, depending on the circumstances:

- Release/Exchange of Information Form
- The language spoken by the child and family
- With parent consent, Early Start records, including IFSPs and developmental reports.

5. NOTIFICATION OF REFERRAL (NOR)

The Notification of Referral is considered a formal referral. Each LEA will work with GGRC and/or SMCOE on the timeline for the NOR, which will be no later than ninety (90) days before the 3rd birthday (34 CFR Sec. 303.209 (b)). A referral for evaluation and assessment for services under Part B of the IDEA, Title 20 USC Sections 1400-1420, will be made no later than ninety (90) days prior to the 3rd birthday or before the LEA’s break in school services longer than 5 days if the child will become three (3) years of age during a break in school services. The transition IFSP shall contain steps necessary to satisfy the referral and the IEP development requirements contained in Education Code Sections 56321 and 56344. The State of California does not have an opt-out policy for parents and parents cannot decline an NOR (under FERPA). Parents will be informed of this procedure and that Early Start Records are protected under the Health Insurance Portability and Accountability Act (HIPAA). Early Start Records, such as IFSPs and developmental reports, require Release/Exchange of Information permission by the parent before they can be provided to any LEA.

6. LEA RESPONSE TO NOR

Once the NOR is received the LEA will review the referral and determine if an assessment and evaluation would be appropriate. Parent input will be included, and it is understood that a
parent may choose to decline assessment and evaluation at any time. Prior Written Notice will be provided to the parent informing them of the proposed actions by the LEA regarding the referral. The LEA will respond to the parent in writing within fifteen (15 days) of receipt of the referral. If the LEA and parent agree that the child should be assessed and evaluated, a proposed Assessment Plan with a letter of explanation will be mailed to the family. The parent will sign the Assessment Plan accepting or declining the proposed assessment and evaluation under Part B of the IDEA. If, after review of the referral, the LEA does not agree to assess/evaluate the child, a Prior Written Notice indicating the decision will be sent to the parents within fifteen (15) days of the receipt of the NOR. The LEA will provide referral status to GGRC Service Coordinator. When GGRC obtains appropriate exchange/release of information, LEA will provide a copy of the Prior Written Notice and/or information for IEP, including date and time of IEP, to the GGRC Service Coordination.

7. **LANTERMAN ACT ELIGIBILITY DETERMINATION**

GGRC will complete evaluations and assessment by age three (3) to determine if children will continue to be served after the age of three (3) and will develop Person Centered Individual Program Plans to ensure continuation of services under the Lanterman Act. At parent request, or for infants whom GGRC and/or SMCOE determines through evaluations completed at age 2.6 that the infant will likely not be eligible for Part B services through the LEA or continue to be eligible for GGRC ongoing services, information will be given to the family regarding alternative services.

8. **IEP DEVELOPMENT**

The LEA is obligated to develop an IEP, as appropriate, before the child’s 3rd birthday for any child who is deemed eligible for special education services and who had previous been receiving services provided by Early Start or early intervention services under an IFSP. In the case of children turning three (3) after the last day of the regular or extended school year, or during LEA vacation breaks longer than five (5) days, IEP meetings should be held before the break, with implementation of services to begin when school resumes. The LEA is obligated to consider the unique circumstances of each child with an IEP and consider whether the implementation of the IEP should begin on the child’s 3rd birthday or on a date most appropriate for the child and the program where the child would receive appropriate services and/or placement. When provided with appropriate exchange/release of information consent, or at parent request, the LEA will ensure that the Service Coordinator is informed of the date and time of the IEP and with a copy of the completed IEP document.

9. **SERVICES DURING SUMMER BREAK**

GGRC may provide or purchase services only for preschool students determined eligible for regional center services under the Lanterman Act. (Title 17, Chapter 2, Subchapter 3, Article 3, 52112 (f). GGRC continues to act as the payor of last resort when the LEA and other payment resources have been exhausted. The purchase of educational services by GGRC with the following exceptions: If GGRC is requested to fund services for a child during a time when school is not in session and the person is a Lanterman eligible child, the GGRC may grant an exemption. The exemption would be on an individual basis in extraordinary circumstances to permit the purchase of a service identified above when the GGRC determines that the service is a primary or critical means for ameliorating the physical, cognitive, or psychosocial effects of the person's developmental disability, or the service is necessary to enable the person to remain in his or her home and no alternative service is available to meet
the person's need. A determination of the need to apply this exemption is based on a multidisciplinary team process undertaken by the GGRC.

10. **REFERRALS MADE WITH LESS THAN NINETY DAYS PRIOR TO TRANSITION**

For children who are referred to GGRC and/or SMCOE between the ages of 2-years 6-months and 2-years 10.5-months, transition planning will occur simultaneously with the development of the initial IFSP. The LEA will be notified as early as possible, but in no case later than at the time of eligibility for GGRC services. For children who are referred to GGRC and/or SMCOE forty-five (45) to ninety (90) days before the 3rd birthday, a NOR will be made to the LEA by GGRC and/or the SMCOE, and the required steps will be completed for transition as noted above. A transition conference may be held but is not mandatory. For children referred to GGRC and/or SMCOE less than or equal to forty-five (45) days before the 3rd birthday, a referral will be made to the LEA only with parent consent. In the event that a child does not start the GGRRC assessment process and/or an IFSP is not developed, then a NOR, a transition plan and a transition meeting are not required. It is the responsibility of the IFSP Service Coordinator to provide the family with transition information as required in Title 17 CCR section 52112. Parties agree to abide by the timetable of activities outlined in IFSP transition plan documents.

11. **EXIT IFSP**

An exit IFSP will be developed with parent by the 3rd birthday to review outcomes and completion of the steps for Transition. The exit IFSP can be completed in conjunction with the IEP. When provided with exchange/release of information consent, or at parent request, the Service Coordinator will provide a copy of the final IFSP and Early Start Records to LEA.

**F. Transfer of Infants with Existing IFSPs**

In accordance with 17 CCR Section 52111, each agency, as appropriate, shall arrange for delivery of similar early intervention services as soon as possible for children who have moved to San Mateo County. Assignment of the service provider will be determined using referral procedures as described above, and an IFSP Review meeting will be held within thirty (30) days.

**G. Coordination of Child Find Activities**

GGRC and SMCOE will provide early intervention services to all eligible children within San Mateo County and will coordinate child find efforts within the community. Every effort will be made to provide information to the general public, and to public and private agencies about the availability of early intervention services throughout the San Mateo County.

Each agency, agrees to conduct specific efforts to inform home visiting programs, Child Protection and Welfare (foster care and child protective services) including Child Abuse Treatment and Prevention Act, Family Violence Prevention and Services Act, Early Hearing Detection and Intervention (EHDI), Children's Health Insurance Program (CHIP), homeless shelters, domestic violence shelters and agencies, Child Care (including Early Head Start/Head Start and private/public child care programs), pediatricians, hospital neo-natal intensive care units, and other programs that serve from birth to three (3) years.

GGRC and SMCOE shall inform primary referral sources of the:

1. Eligibility criteria for early intervention services;
2. Types of early intervention services available through the Early Start Program;

3. Names of contact persons and telephone numbers for GGRC and the SMCOE Early Start program;

4. Federal requirement that a referral shall be made to the GGRC or SMCOE Early Start Program within seven (7) working days of identification of an infant or toddler who is in need of early intervention services.

Referrals of children who may be in need of early intervention services will be actively solicited from community members. Efforts will be ongoing to identify children who are not yet in programs or children who have left the program prior to age 2-years 11-months who may be eligible for services.

V. Surrogate Parents

The San Mateo County SELPA will continue to implement a Surrogate Parent program in accordance with the California Education Code. Staff development will include requirements contained in 17 CCR Section 52175. The IFSP service coordinator will arrange for a Surrogate Parent if needed.

VI. Procedural Safeguards

Each agency shall provide annually a written notification to all children and families enrolled in Early Start Programs within San Mateo County of their right to appropriate early intervention services as stipulated in State and Federal statute.

VII. Dispute Resolution

The following steps will be followed if a dispute arises between GGRC and the SELPA/SMCOE as to:

- The eligibility of the child;
- Which agency is responsible for the child and family evaluation and assessment, service coordination, and the development and implementation of the IFSP;
- Which agency is responsible for the provision or purchase of early intervention services;

Step (a): Every attempt will be made to resolve the dispute at the lowest possible administrative level starting with the supervisory level up to the agency Executive Director at GGRC and San Mateo County Associate Superintendent, SELPA.

Step (b): If the resolution of the dispute is not achieved, the two parties will request technical assistance first from local resources.

Step (c): If resolution cannot be reached within 120 calendar days from the date of request for mediation/facilitation or technical assistance, the issue will be jointly referred to Department of Developmental Services (DDS) and/or California Department of Education (CDE) for a state-level review and resolution.

Step (d): The state level review will be conducted jointly by DDS and CDE and a binding decision will be rendered within 120 calendar days of receipt of the written request for review and resolution.

During the pendency of a dispute involving early intervention services, the child may continue to receive the early intervention services currently stated on the IFSP and agreed to by the parent. If the mediation or due process hearing involved the initiation of a service, the child shall receive those services that are not in dispute. Nothing in these dispute resolution procedures shall preclude a parent or an agency from initiating
due process or complaint procedures in accordance with 34 CFR Sections 303.420-303.425 or 34 CFR Sections 303.510-303.512 respectively.

VIII. AGREEMENT IMPLEMENTATION

Agencies agree to schedule quarterly meetings of LEAs, SMCOE, SELPA, and GGRC Service Coordinators for joint consultation regarding the implementation of IDEA, Part C. Parties agree to notify the other party of any staff development opportunities, conferences or workshops pertinent to the implementation of Part C. Early Start program staff and administrators of GGRC, SMCOE, and SELPA, and special education directors and/or their designees, will receive a copy of this Agreement and be informed of the contents of this Agreement for implementation. Future training may be held if new procedures are developed or this Agreement is substantially modified.

IX. TERMS OF AGREEMENT AND REVIEW SCHEDULE

This Agreement shall be in effect from July 1, 2019 until June 30, 2020. Parties will review this Agreement annually and agree to its implementation.

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