

**MEMORANDUM OF UNDERSTANDING BETWEEN
SAN ANDREAS REGIONAL CENTER AND
MONTEREY COUNTY SPECIAL EDUCATION LOCAL PLAN AREA**

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

I. PURPOSE

The purpose of this agreement is to describe policies and procedures of San Andreas Regional Center and the Monterey County Special Education Local Plan Area relating to the implementation of Part C of the Individuals with Disabilities Education Act (hereinafter referred to as “Part C”) and its implementing regulations. Specifically, this agreement will define the financial responsibilities of each agency, procedures for resolving disputes, and other components necessary to insure effective cooperation and coordination between the two agencies.

II. PARTIES

The parties to this agreement are San Andreas Regional Center (hereinafter referred to as SARC) and the Monterey County Special Education Local Plan Area (hereinafter referred to as SELPA).

III. UNDERLYING PHILOSOPHY

SARC and each participating Local Education Agency (hereinafter referred to as LEA) within the SELPA endorse the following philosophy statements:

- Children are our communities’ most valuable resource and have the right to appropriate and necessary services.
- Eligible infants and toddlers should be served within the context of their families and community in natural environments,
- Families play a unique and critical role in the development of their eligible infants and toddlers.
- A family’s independence should be supported so that the family’s capacity to care for their eligible infant or toddler will be enhanced.
- A comprehensive, coordinated, multidisciplinary, interagency, family-centered system of early intervention services is necessary.

IV. AUTHORITY

This agreement fulfills requirements of Title 20 United States Code (USC) Section 1471 et seq., and 34 (CFR) Section 303.523 and is based upon state policy and authority contained in the Welfare and Institutes Code Section 4500 et. seq., the California

Education Code, Part 30, C.C.R. Sections 52000-52175, and the approved state application submitted under the authority of 34 CFR, Sections 303.140 through 303.148, 303.161 through 303.176. Other state and federal codes may be fulfilled as identified in specific sections.

V. TARGET POPULATION

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

VI. BASIS FOR PROVISION OF AND PAYMENT FOR SERVICES

A. Services Provided Through SARC

1. SARC shall provide, arrange, or purchase early intervention services, as required by the child's IFSP and be payor of last resort for Part C eligible children except for those with solely a visual, hearing, or severe orthopedic impairment, or any combination of those impairments.
2. SARC shall be the payor of last resort after all other public and private sources for payment have been reviewed to determine if a referral shall be made by the service coordinator and/or the parent. Referrals may include but not be limited to California Children's Service, Medi-Cal, or private insurance providers that may have responsibility for payment. This review shall not delay the provision of early intervention services specified on the IFSP. Early intervention services specified on the IFSP shall begin as soon as possible. The use of the family's private insurance to pay for evaluation, assessment, and required early intervention services specified on the IFSP shall be utilized as appropriate.

B. Services Provided Through SELPA

1. Two LEAs, Monterey County Office of Education (hereinafter referred to as MCOE) and Monterey Peninsula Unified School District (hereinafter referred to as MPUSD) provide Early Start services within the Monterey County SELPA.
2. These participating LEAs shall provide, arrange, or purchase early intervention services, as required by the child's IFSP, and be payor of last resort for children with a solely visual, hearing, or severe orthopedic impairment, or any combination of those impairments.

C. Services Provided to Dually Eligible Children

For children who are eligible to receive services from both SARC and the participating LEAs, SARC shall be responsible for providing or purchasing appropriate early intervention services unless the participating LEA is operating below its funded capacity. If the LEA is above its funded capacity, it has the option

of becoming a SARC vendor in order to serve children beyond its funded capacity through a contract with SARC.

(5 C.C.R. §§ 3030 (a)(b)(d)(e) and 3031; G.C. § 95014(b)(1-3); E.C. §§ 56026 and 56026.5; and 17 C.C.R. §52109(a-b))

VII. PROGRAM IMPLEMENTATION POLICIES

A. Child Find

Child find activities, pursuant to E.C. § 52040, are designed to locate all children who may be eligible for early intervention services. A close relationship is maintained with the Monterey County Family Resource Center (FRC) with whom outreach efforts are coordinated. Outreach targets all populations including those that are culturally diverse. The following are examples of child-find activities that are conducted in Monterey County:

1. Presentations regarding the programs that are available through SARC and the participating LEAs of the SELPA to agencies providing medical, social, and education services in the community;
2. Distribution of early intervention materials including eligibility criteria, contact persons, telephone numbers, and types of early intervention services to individuals and agencies;
3. Production and display of all brochures, pamphlets, and other written communication in English, Spanish, and other languages as needed; and
4. Periodic collaboration meetings held with referring hospitals and NICUs (Stanford, UCSF, Good Samaritan, Salinas Valley Memorial, CHOMP, Natividad, and Mee Memorial).

B. Service Coordination

SARC and the participating LEAs shall assign a service coordinator at the time of referral and when a child is determined eligible for early intervention services. Either agency may be called upon to assume the role of the IFSP Service Coordinator. Service coordinators shall have demonstrated knowledge about all elements of Early Start services. A parent may perform service coordination activities for his or her own child in collaboration with the service coordinator assigned by SARC or the participating LEA. The service coordinator shall:

1. Provide the initial notice to the parent pursuant to 17 C.C.R § 52160;
2. Obtain consents pursuant to E.C. § 52162 and provide written notices pursuant to 17 C.C.R § 56161;

3. Serve as the primary point of contact for coordinating services and assisting the child's parent, service providers, and other public agencies;
4. Inform the parent of the availability of additional non-required services as specified in 17 C.C.R. § 52108(a)(3)(A) which may provide assistance to the family;
5. Facilitate delivery of services on the initiation date identified in the IFSP;
6. Continuously seek the appropriate services and service providers necessary to enhance the development of each child being served for the duration of the child's eligibility;
7. Coordinate the performance of initial and subsequent evaluations and assessments;
8. Participate in the development and review of the IFSP;
9. Monitor the delivery of services and the degree to which progress toward achieving outcomes is being made through the periodic IFSP reviews;
10. Inform the parent of advocacy services and procedural safeguards contained in early intervention regulations; and
11. Facilitate the development of transition steps in the IFSP.

(17 C.C.R. §§ 52120(a-b), 52121(a)(1-12), 52122(a-c); G.C. § 95018)

C. Referral

1. Three points of entry have been established for early intervention services in Monterey County. Staff receiving oral and written referrals at any of the entry points listed below will begin the intake process for children under three years of age:
 - a. Monterey County Office of Education;
 - b. Monterey Peninsula Unified School District; and
 - c. San Andreas Regional Center.
2. The date of the referral is documented and logged by the receiving agency (17 C.C.R. § 52060(a)) and the Service Coordinator is assigned (17 C.C.R. § 52060(b)).
3. Referrals received by SARC will be copied to the appropriate participating LEA and referrals received by either of the participating LEAs will be copied to SARC within two working days. It is preferred that all referral information be faxed to the other agency immediately, but not more than two days after the referral is

received. SARC and participating LEAs utilize the initial referral as the date of record to begin the 45 day timeline, regardless of when the fax is received by the other agency.

4. Information is requested from appropriate individuals and agencies, upon obtaining written parental consent for exchange of information.
5. If LEA or SARC completes the Early Start Intake form and the child appears to be SARC eligible, and if LEA has already met its funded capacity, the services will be funded through SARC and provided by LEAs and/or an alternative vendor. One agency may not determine eligibility or commit to providing services on behalf of the other agency (G.C. § 95014(d)).
6. If Part C eligibility is determined more than 45 days but less than 90 days before the child's third birthday, the Part C provider will notify the child's district of residence as soon as possible after determination of eligibility.
7. Initial referrals received 45 days or less before the child's third birthday will be forwarded to their district of residence for assesment under Part B, and no Part C evaluation will be conducted.

D. Procedures for Evaluation to Determine Eligibility

1. The determination of eligibility for a child shall be made by qualified personnel of SARC or the participating LEA. The determination shall be made by a team that includes at least two disciplines and the parent. The evaluation shall include a voluntary family interview. (17 C.C.R. § 52082(a); G.C. § 95016(a))
2. Evaluations and assessments shall be based on informed clinical opinion and include:
 - a. A review of pertinent records related to the child's health status and medical history provided by qualified health professionals who have evaluated or assessed the child;
 - b. Information obtained from parental observation and report; and
 - c. Evaluation by qualified personnel of the child's level of functioning in cognitive development; physical and motor development (including vision and hearing); communication development, social or emotional development; and adaptive development.(17 C.C.R. § 52082(b)(1-3))
3. No single procedure shall be used as the sole criterion for determining the child's eligibility (17 C.C.R. § 52082(c)).

4. Standardized tests or instruments may be used as part of the evaluation and, if used, they shall:
 - a. Be selected to ensure that, when administered to a child with impaired sensory, motor or speaking skills, the tests produce results that accurately reflect the child's aptitude, developmental level, or any other factors the test purports to measure and not the child's impaired sensory, motor or speaking skills unless those skills are the factors the test purports to measure (17 C.C.R. § 52082(d)(1)); and
 - b. Be validated for the specific purposes for which they are used pursuant to 17 C.C.R. § 52082 (d)(2).
5. SARC will fund diagnostic evaluations not normally provided by the participating LEA if the evaluation is needed to determine the etiology of, or the substantially disabling nature of, a developmental disability. All generic funding sources must be utilized before SARC will purchase an evaluation.

E. Assessment for Service Planning

1. Assessment for service planning for eligible children shall identify all of the following:
 - a. The child's unique strengths and needs in each of the five areas specified in 17 C.C.R. § 52082(b)(3);
 - b. Early intervention and other services appropriate to meet the needs identified in the assessment; and
 - c. If the family consents to a family assessment, the resources, priorities and concerns of the family and the supports and services necessary to enhance the family's capacity to meet the developmental needs of a child with a disability.

(17 C.C.R. § 52084(a)(1-3))
2. SARC and the LEAs may use existing evaluation materials if the multidisciplinary team agrees that the existing materials adequately describe the levels of development and service needs of the child (17 C.C.R. § 52084(b)).
3. Assessment for service planning shall be based on age appropriate methods and procedures which may include any of the following:
 - a. A review of information related to the child's health status and medical history provided by qualified health professionals who have evaluated or assessed the child;
 - b. Developmental observations by qualified personnel and the parent;

- c. Other procedures used by qualified personnel to determine the presence of a qualifying developmental delay or other condition; and
- d. Standardized tests or instruments.

(17 C.C.R. § 52084(c)(1-4))

- 4. Assessments of family resources, priorities and concerns related to enhancing the development of the child that are voluntary on the part of the family. The family assessment shall:
 - a. Be conducted by qualified personnel trained to utilize appropriate methods and procedures;
 - b. Be based on information provided by the family through a personal interview;
 - c. Incorporate the family's description of its resources, priorities and concerns related to enhancing the development of the child; and
 - d. Be conducted in the language of the family's choice or other mode of communication unless it is not feasible to do so.

(17 C.C.R. 52084(d)(1-4))

- 5. Assessments for service planning shall be conducted in natural environments whenever possible (17 C.C.R. § 52084(e)).

F. Timelines for Completion of Evaluation and Assessment

- 1. The initial evaluation and assessment of each child shall be completed within 45 days of the date that SARC or participating LEA received the referral. Two exceptions to the 45 day timeline are when the child or parent are not available due to exceptional family circumstances or the parent doesn't consent despite documented and repeated attempts. If one or both of these exceptions occur, the case manager shall document the circumstances in the child's record. The evaluation and assessment must be completed as soon as possible after the documented circumstance no longer exists and/or the parent provides consent.
- 2. If a child has been determined eligible but the assessment required in 17 C.C.R. § 52082 has not been completed within 45 days of receiving a referral because of an exceptional circumstance, the service coordinator shall document the exceptional circumstance in the child's record and inform the parent of the reasons for the delay (17 C.C.R. § 52086(c)(1-2)). An interim IFSP may be provided as described in section G below.

G. Interim Individual Family Service Plan (IFSP)

1. If a child has been determined eligible for early intervention services but the required assessment has not been completed within the 45 day timeline, the early intervention services may begin before the completion of the assessment if there is an immediate need and the child's parent has given written consent. In such circumstances, an interim IFSP shall be developed that includes:
 - a. Timelines for completion of assessments;
 - b. The name of the service coordinator responsible for facilitating the completion of evaluation and assessment;
 - c. The services agreed upon at the interim IFSP meeting; and
 - d. The immediate need for services.
2. The existence of an interim IFSP does not absolve SARC or the participating LEA from complying with the 45-day time period to complete the initial assessment. An interim IFSP shall be followed by an IFSP meeting within the 45-day period from receipt of referral except when exceptional circumstances have been documented and the appropriate procedure has been followed for extending the 45-day timeline as described under section F above.
(17 C.C.R. § 52107)

H. Individual Family Service Plan (IFSP)

1. The SARC or LEA service coordinator schedules IFSP meetings and sends a written meeting notice to the parent and all appropriate staff and agency representatives. The notice shall contain the date, time, and location of the meeting. Notices shall be sent 15 working days prior to the scheduled meeting.
2. Participants in IFSP meetings shall include the parent; the service coordinator; person(s) who conducted evaluations or assessments (initial and annual meetings); other family members, an advocate, or person outside of the family if requested by the parent; and service providers. If an evaluator or assessor is unable to attend an initial or annual IFSP meeting, arrangement should be made for the person's involvement through other means including telephone conference, attendance at the meeting of a knowledgeable representative, and provision of pertinent written records at the meeting. (17 C.C.R. § § 52104)
3. Written IFSPs are developed for all eligible children and address the developmental needs of the child and the needs of the family related to meeting the developmental needs of the child. An IFSP shall be developed and implemented for each child who has been evaluated, assessed and determined eligible for early intervention services (17 C.C.R. § § 52100; G.C. § 95020(a), E.C. § 56426.8(a)). The IFSP shall contain all of the required elements as outlined in 17 C.C.R. § § 52106(b)(1-9) and G.C. § 95020(d)(1-9).
4. Each service on the IFSP shall be designated as one of the following:

- a. A required early intervention service which shall be provided, purchased, or arranged by a regional center or educational agency;
- b. Other public programs providing services that may benefit the child or family for which they are eligible to receive; or
- c. A referral to a community service which may be provided to a child or his family but is not required under State code.

(17 C.C.R. § 52108 (a)(1-3); G.C. § 95020(e)(1-3))

5. IFSPs shall be developed using SARC and SELPA approved forms. Draft IFSP forms may be completed prior to the meeting and are finalized at the meeting by the team members, including the parent. Copies of completed forms are dispersed to all appropriate agencies and the family by SARC or the participating LEA.
6. The initial IFSP shall be developed by SARC or the appropriate participating LEA within 45 days of receipt of the oral or written referral (17 C.C.R. § 52102(a); G.C. § 95020(b)).
7. Periodic reviews shall be conducted every six months, or more frequently if service needs change, or if the parent requests a review. The review shall include documentation about the degree of progress made toward achieving the IFSP outcomes and all modifications or revisions made to the IFSP. The periodic review may be conducted by convening a meeting or by another means that is acceptable to the parent and other participants. (17 C.C.R. § 52102(b-d); G.C. 95020(f))
8. An annual meeting shall be conducted to review the IFSP document the child's progress, and revise its provisions (17 C.C.R. § 52102(e); G.C. 95020(f)). Information from ongoing assessment shall be used in reviewing and revising outcomes and determining appropriate services (17 C.C.R. § 52102(f)).
9. IFSP meetings shall be held in settings and at times that are reasonably convenient to the parent and in the language of the parent (17 C.C.R. § 52102(g)(1-2)).
10. The agency's representative attending the IFSP meetings will have the authority to sign the IFSP document for the agency.
11. A program schedule, phone numbers, and other contact information will be provided to the parent at the IFSP meeting. Phone numbers and contact information will include those of the participating LEA, SARC, and the Service Coordinator.
12. If English is not the primary language of the family, the agency providing the primary services will arrange for an interpreter to be present at the IFSP meeting and to translate the IFSP document, if necessary.

13. Early education services shall be provided for the purpose of observing the child in his or her natural environment, presenting developmentally appropriate activities, modeling and demonstrating developmentally appropriate activities to parents, siblings, and care-givers, interacting with and discussing parent and care-giver concerns, and assisting parents to solve problems and establish linkages with appropriate community agencies. Services shall be provided through home visits and/or group settings with other infants, with or without the parent. Activities shall conform with the child's IFSP and shall include:

- a. Opportunities for the child to socialize and participate in play and exploration activities;
- b. Transdisciplinary activities by therapists, psychologists, and other specialists, as appropriate; and
- c. Access to developmentally appropriate equipment and specialized materials.

Home-based services shall be provided once or twice a week, depending on the needs of the child and the family. The frequency of group services shall not exceed three hours a day for up to, and including, three days per week, and shall be determined on the basis of the needs of the child and family. The frequency of home visits, provided in conjunction with group services, shall range from one to eight visits per month, depending on the needs of the child and family. Group services shall be provided in a ratio of no more than four children to one adult. Parent participation in group services shall be encouraged.

In addition to home-based or home-based and group services, appropriate related services shall be available to the child and family and may be provided in the home or at a center, according to the needs of the child and family.

Family involvement activities, including parent education, training, and support groups, shall be offered at least once a month. Participation by families shall be voluntary.

(E.C. §§ 56426, 56426.1(a)(1-6) and (b), 56426.2(a)-f), 56426.3, 56426.4(a-c))

14. Any service to be provided to the child during periods of program breaks will be discussed and written in the IFSP.

I. Transition from Early Intervention Services

All children receiving Early Intervention Services are potentially eligible for special education and related services at age three, and therefore must be referred to Part B for assessment to determine eligibility.

1. To facilitate this process:

- a. SELPA will annually provide SARC with contact information and calendars for all districts;
 - b. Using this information, SARC will send a list of students by initials, date of birth, and District of Residence to the SELPA on a quarterly basis;
 - c. SELPA will forward the list to the appropriate DOR; and
 - d. The DOR will review lists to identify the number of children served and those who will soon turn three years of age.
2. The SARC service coordinator shall:
- a. Inform the parent of a toddler who may be eligible for special education and related services under Part B of the IDEA that transition planning will occur no fewer than 90 days, or at the discretion of all parties, not more than 9 months prior to the child's third birthday;
 - b. Inform the LEA where the toddler resides that there will be an IFSP meeting requiring the attendance of an LEA representative, no fewer than 90 days, or at the discretion of all parties, not more than 9 months prior to the child's third birthday to specify the transition steps necessary for movement into services under Part B of the IDEA; and
 - c. Schedule an IFSP meeting no later than 90 days prior to the Child's third birthday to establish the transition steps necessary for movement into services under Part B on a date agreed upon by the family, the Part C provider, and (with parent approval), the child's district of residence.
3. Each district of residence shall, participate in the transition planning for children served in Part C programs, who may be eligible for preschool programs under Part B of the IDEA to ensure that an IEP has been developed and is implemented by the toddler's third birthday. (17 C.C.R. § 52112(a); 34 C.F.R. § 303.344),

(E.C. § 52112(b)(1-3))

Note: The special education administrator or designee from the child's district of residence shall make all reasonable attempts to be available to attend the transition meeting on the date proposed by SARC or the participating LEA provider. In the event that there is a schedule conflict that cannot be resolved, the district of residence shall contact the child's case manager within one week of receiving notice of the proposed date and time to reschedule.

4. For all toddlers with an IFSP, the transition steps contained in the IFSP at two years nine months or earlier shall include discussions with and provision of information to parents regarding:

- a. The toddler's transition to special education for a toddler with a disability who may be eligible for special education and related services under Part B of the IDEA; and steps to prepare the toddler for changes in service delivery, including steps to help the toddler adjust to, and function in, a new setting;
- b. Community resources, such as Head Start, Child Development Preschools, private or public preschools for a toddler who will not be eligible for special education services after thirty-six months of age; and
- c. A projected date for conducting a final review of the IFSP to review the early intervention services and the transition outcomes by age three.

(17 C.C.R. § 52112(c)(1-3))

- 5. For toddlers who may be eligible for preschool services from the LEA of residence under Part B of the IDEA, the transition steps necessary for movement into services under Part B or other appropriate program, written at the IFSP meeting before the toddler is two years nine months, or, at the discretion of all parties, up to six months before the toddler's third birthday, shall include all of the following:
 - a. With parental consent, the transmission of information about the toddler to the LEA including evaluation and assessment information and copies of IFSPs that have been developed and implemented;
 - b. Identification of needed assessments to determine regional center and special education eligibility, and determination of regional center or LEA responsibility and time lines for completing the needed assessments;
 - c. Statements of the steps necessary to ensure that the referral to an LEA is received by the LEA in a timely manner to ensure that assessments required under the provisions of Part B of the Individuals with Disabilities Education Act are completed and an IEP is implemented by the toddler's third birthday;
 - d. A referral for evaluation and assessment for services under Part B of the IDEA (see attached referral process), no later than the time that the toddler is two years nine months of age or before the LEA's break in school services if the toddler will become three years of age during a break in school services (E.C. §§ 56321 and 56344); and
 - e. Identification of those responsible for convening an IEP team meeting, final IFSP meeting, and an IPP meeting, if necessary, for a toddler by age three to review the progress toward meeting the early intervention services outcomes identified in the IFSP and set a date for the IEP team meeting meeting, determine the eligibility for special education and develop the IEP; and develop an IPP if the toddler is also eligible for services under the Lanterman Developmental Disabilities Services Act as required in Welfare and Institutions Code Section 4646 (17 C.C.R. § 52112(d)(1-5)).

6. If a toddler is older than two years and six months on the date of the initial IFSP, the IFSP shall include steps to ensure transition to Special Education Services under Part B of the IDEA or other services that may be appropriate (17 C.C.R. §52112(e)).
7. SARC may consider the continuation of purchasing services for a Lanterman eligible preschooler (via special education process):
 - a. Until the beginning of the next school term after a toddler's third birthday during a period when the LEA special education preschool program is not in session; and
 - b. When the multidisciplinary team determines that services are necessary until the LEA special education program resumes.

(17 C.C.R. § 52112(f)(1-2))

8. A child who becomes three years of age while participating in Part C services may continue until June 30 of the current program year, if the IEP team determines that the child is eligible under Part B, develops an IEP, and determines that Part C services remain appropriate. No later than June 30 of that year, the IEP team shall meet to review the child's progress and revise the IEP accordingly. Representatives of the Part C program shall be invited to that meeting. If the child's third birthday occurs during the summer, the IEP team shall determine the start date for IEP services. (E.C. § 56426.9(d))

J. Transfer

1. Any child transferring into Monterey County from within the state of California with an active IFSP is immediately scheduled for an interim IFSP meeting so service delivery is not interrupted. SARC accepts Early Start transfers and coordinates with family and participating LEAs to implement services as soon as District Manager receives the case.
2. SARC and the participating LEA shall use existing information whenever possible to determine continued eligibility and to minimize delay in the provision of appropriate early intervention services when an eligible child's residence changes to another regional center or LEA (17 C.C.R. § 52111(a)).
3. The procedures contained in Welfare and Institutions Code Section 4643.5, pertaining to transfers between regional centers, shall apply for a child with an existing IFSP who moves from an area where he or she received early intervention services from a regional center into another regional center area (17 C.C.R. § 52111(b)).
4. The procedures contained in E.C. § 56325, pertaining to an IEP, shall apply for a child with an existing IFSP who moves from an area within the state of California where he or she received early intervention services from an LEA into another

LEA that provides early intervention services and the LEA is operating below the funded capacity, or for a child with a solely low incidence disability (17 C.C.R. § 52111(c)).

5. For a child, with an existing IFSP who is receiving early intervention services from an LEA, has not been determined eligible for regional center services, and moves from an area within the state of California where an LEA provides early intervention services to an area where there are no services available for the child through the LEA, the LEA shall:
 - a. With parent consent, if informed about the move by the family, notify the receiving regional center as soon as possible of a move to the new area and transmit the child's records to expedite service delivery in the new area; or
 - b. With parent consent, if not previously informed of the move by the family, transmit the child's records upon request of the receiving regional center.

SARC shall:

- a. Assign a service coordinator as specified in 17 C.C.R. § 52060;
- b. Arrange, purchase or provide early intervention services to the extent possible within existing resources as specified on the child's current IFSP as soon as possible; and,
- c. Within 30 days of receipt of evaluation and assessment materials from the LEA determine eligibility and conduct a periodic review of the IFSP.

(17 C.C.R. § 52111(d)(1-2))

2. If a child moves into Monterey County with an IFSP from out of state, procedures set forth in section D of Procedures for Evaluation to Determine Eligibility on page 5 of this document shall be followed.

B. Common Use/Revision of Forms

SARC and the participating LEA agree to use SELPA-approved Early Start Program Forms that meet compliance with regulations for both agencies. The forms will be reviewed regularly to determine the need for modifications and will be revised as needed. Any modifications made to forms must continue to meet requirements for both agencies.

C. Procedural Safeguards

1. Initial and Annual Notice

Prior to the initial evaluation and assessment to determine eligibility, the service coordinator shall give written notice to the parent which shall include all required elements as outlined in 17 C.C.R. § 52160(a-c).

2. General Notice Requirements

Written notice shall be given to the parent of a child who is eligible or suspected of being eligible a reasonable time before SARC or a participating LEA proposes or refuses to initiate or change the identification, evaluation, assessment, placement, or early intervention services of a child or the child's family (17 C.C.R. § 52161(a)(1-2)).

The notice shall be in sufficient detail to inform the parent about the action being proposed or refused, the reasons for taking the action, and all procedural safeguards that are available (17 C.C.R. § 52161(b)(1-3)).

The notice shall be written using words that are understandable to the general public and provided in the language of the parent's choice, unless it is clearly not feasible to do so. SARC or the participating LEA shall ensure that the parent understands the notice. (17 C.C.R. § 52161(c)(1-2))

3. Consent

The service coordinator shall obtain written parental consent before the initial evaluation and assessment of a child is conducted and early intervention services are initiated.

The child's record shall contain written evidence that the parent has been informed of all required information as specified in 17 C.C.R. § 52162.

D. Maintenance of Effort

Although SARC is the designated payer of last resort for children jointly served by SARC and the participating LEA, the LEA shall provide special education and related services to infants who meet both agencies' eligibility criteria, provided the participating LEA does not exceed its 1980 – 1981 mandate or its 1992 – 1993 level of state funding, whichever is greater.

1980-81 Mandate
23 Infants

1992-93 Mandate
 $8.52 \times 14 = 119$ Infants

Current Mandate
 $9.13 \times 12 = 110$ Infants

The participating LEAs will serve all eligible solely low incidence children. If the funding/service capacity has not been reached (74 infants for MCOE and 36 infants for MPUSD), each participating LEA will additionally serve dually eligible children until the total of solely low incidence and dually eligible children reaches the

established capacity. When the participating LEA exceeds its established capacity, SARC will vendor early intervention services through the appropriate participating LEA or through a private vendor.

VIII. SURROGATE PARENTS

A. SARC or the participating LEA shall assign an individual to act as a surrogate parent if:

1. No parent can be identified;
2. The child is a dependent of the juvenile court and the parental rights of the parent have been limited by the court or relinquished and there is no court appointed educational representative; or
3. The parent cannot be located, after reasonable efforts by SARC or participating LEA;

(17 C.C.R. § 52175(a)(1-3))

B. SARC and the appropriate participating LEA agree that:

1. The LEA, upon request by SARC, will share potential sources for recruiting surrogate parents with SARC;
2. A surrogate parent will be assigned by the agency providing Part C services to the child;
3. Ensure that surrogates have no interest that conflicts with the interests of the child he or she represents;
4. Ensure that surrogates have knowledge and skills to provide adequate representation of the child;
5. Ensure that the surrogate parent is not an employee of any regional center, participating LEA or service provider involved in the provision of early intervention services to the child. A person who otherwise qualifies as a surrogate parent is not an employee solely because he or she is paid by a regional center, or participating LEA to serve as surrogate parent; and
6. If the LEA resources don't result in the identification and selection of a surrogate parent, SARC will initiate its surrogate parent appointment process.

(17 C.C.R. § 62175(b)(1-5))

C. A surrogate parent may represent a child in all matters related to:

1. The evaluation and assessment of the child;

2. Development and implementation of the child's IFSP including annual evaluations, assessments and periodic reviews;
3. The ongoing provision of early intervention services to the child;
4. Requesting mediation or due process hearings; and
5. Any other early intervention service established under Part C of the Individuals with Disabilities Education Act, Title 20 United States Code Sections 1431-445.

(17 C.C.R. § 62175(c)(1-5))

IX. COMPLAINT PROCEDURES

- A. A complaint shall be a written and signed statement alleging that SARC, the participating LEA, or any private service provider receiving funds under Part C of IDEA, has violated a federal or state law or regulation governing the provision of early intervention services provided through Part C of the IDEA, for infants or toddlers and their families (17 C.C.R. § 52170(a)).
- B. Any individual or organization may file a complaint (17 C.C.R. § 52170(b)).
- C. The alleged violation must have occurred not more than one year before the date that the complaint is received by the Department of Developmental Services (34 C.F.R. § 303.432).
- D. The procedures under Chapter 1, commencing with Section 4500 of Division 4.5 of the Welfare and Institutions Code or Part 30, commencing with Section 56500 of the Education Code, or Title 5 California Code of Regulations Section 4600 et seq., shall not be used for resolving complaints regarding California's Early Start Program (17 C.C.R. § 52170(d)).
- E. SARC and the participating LEA shall inform the parent or other interested individuals or organizations of the right to file a complaint directly with the Department of Developmental Services at the following address:

Department of Developmental Services
Attention: Office of Human Rights and Advocacy Services
Early Start Complaint Unit
1600 Ninth Street, MS 2-15
Sacramento, CA 95814

(17 C.C.R. § 52170(e))

- F. If the complainant is unable to provide the complaint in writing, the service coordinator shall directly assist the complainant or provide assistance to identify resources which can aid the complainant in completing the written complaint. (17 C.C.R. § 52170(f))

G. The complaint shall include the following:

1. The name, address and phone number of the complainant;
2. A statement that SARC, the participating LEA or any private service provider receiving funds under Part C of the IDEA, has violated a federal or state law or regulation governing the provision of early intervention services for infants or toddlers and their families in California;
3. A statement of facts upon which the alleged violation is based;
4. The party allegedly responsible; and
5. A description of the voluntary steps taken at the local level to resolve the complaint, if any.

(17 C.C.R. § 52170(g)(1-5))

X. MEDIATION AND DUE PROCESS PROCEDURES

A. A parent may request a mediation conference and/or a due process hearing under any of the following circumstances:

1. SARC or the participating LEA proposes to initiate or change the identification evaluation, assessment, placement or provision of appropriate early intervention services; or
2. SARC or participating LEA refuses to initiate or change the identification, evaluation, assessment, placement or provision of appropriate early intervention services.

(17 C.C.R. § 52172(a)(1-2))

B. SARC or the participating LEA may request a mediation conference and/or a due process hearing when the parent refuses to consent to all or any part of an evaluation and assessment of the child (17 C.C.R. § 52172(b)).

C. All requests for a mediation conference and/or due process hearing shall be in writing and filed with the contractor that the Department of Developmental Services uses for mediation or a due process hearing. The Service Coordinator shall assist the parent in filing the request (17 C.C.R. § 52172(c)).

D. The duration for both mediation and due process hearing shall not exceed a total thirty (30) day period from the receipt of the mediation or due process request to the mailing of the decision (17 C.C.R. § 52172(d)).

E. The location of the mediation and/or due process hearing shall be at a time and place reasonably convenient to the parent (17 C.C.R. § 52172(e)).

- F. During the pendency of mediation and/or due process hearing procedures, the child shall continue to receive the early intervention services listed on the IFSP they are currently receiving. If mediation and/or due process hearing involves the initiation of a service(s) the child shall receive those services that are not in dispute (17 C.C.R. § 52172(f)).
- G. Mediation and due process hearings shall be conducted in English and interpreted in the language of the family's choice or other mode of communication (17 C.C.R. § 52172(g)).
- H. Mediation shall be voluntary (17 C.C.R. § 52173(a)).
- I. The matter being mediated shall proceed to a scheduled due process hearing if either party waives mediation or if mediation fails in whole or in part. The mediator may assist the parties in specifying any unresolved issue(s) to be included in the hearing request (17 C.C.R. § 52173(b)).

XI. RESOLUTION OF DISPUTES BETWEEN THE PARTIES

- A. The parties agree to abide by an established dispute resolution process should a dispute arise in one or more of the following areas:
 - 1. The eligibility of the infant;
 - 2. Determination of the agency responsible for the evaluation, assessment, service coordination and/or the development and implementation of the IFSP;
 - 3. Determination of the agency responsible for the provision/purchase of appropriate early start services;
- B. The dispute process involves four steps and every attempt should be made to resolve disputes at the lowest possible administrative level:
 - 1. Every attempt will be made to resolve the dispute at the lowest administrative level by bringing the issue to the participating LEA Special Education Administrator and the District Manager for SARC.
 - 2. If resolution of the dispute is not achieved, the issue is brought to a dispute resolution review panel consisting of the SARC Director, the SELPA Executive Director and a third representative chosen by mutual agreement between the SAN ANDREAS Director and the SELPA Executive Director.
 - 3. If necessary, the parties may request technical assistance from Department of Developmental Services (DDS) and the California Department of Education (CDE).
 - 4. If resolution cannot be reached within 60 calendar days, the issue will be referred to DDS and CDE for a state-level review and resolution. The state-level review

will be conducted jointly by DDS and CDE and a decision rendered within 60 calendar days of receipt of the dispute.

- C. During the pendency resolution of a dispute, the child must continue to receive appropriate early start services currently being provided. If the dispute involves initial early start service, the infant must receive all of the early start services identified and agreed to as part of the IFSP.

(17 C.C.R. § 52140 (b) (11))

XII. ADDITIONAL COMPONENTS

- A. Participating LEAs will send representatives to SARC weekly meetings to review cases and schedule IFSP meetings cooperatively, as appropriate and requested. Communication regarding movement of children from over to under funded capacity is handled through telephone and email correspondence.

B. Joint Training

SARC, SELPA, and participating LEAs agree to the joint training of staff regarding the implementation of Early Start within the county. Any information regarding training conferences or workshops pertinent to the implementation of the Early Start Program will be shared.

XIII. TERM OF AGREEMENT AND REVIEW SCHEDULE

This agreement shall be in effect from July 1, 2013 until June 30, 2016. Should either SARC or SELPA request modification during this period, both parties shall review the agreement.

XIV. **IN WITNESS WHEREOF**, THE UNDERSIGNED PARTIES HAVE EXECUTED THIS MEMORANDUM OF UNDERSTANDING THROUGH THEIR DULY AUTHORIZED REPRESENTATIVE AS OF THE DAY AND YEAR DATED.

San Andreas Regional Center

By: *John J. King*

Date: _____

Monterey County SELPA

By: *Carol Hankford*

Date: 12/3/13

By: _____

Date: _____

By: _____

Date: _____

Monterey Peninsula Unified School District

By: *Cheryl R. Meyers*

Date: 11/21/13

Monterey County Office of Education

By: *MLD*

Date: 12/3/13

By: _____

Date: _____

By: _____

Date: _____

PROCEDURE FOR SERVING CHILDREN
OVER THE FUNDED CAPACITY
WHEN SARC VENDORS WITH A PARTICIPATING LEA

Reimbursement

1. Both participating LEAs agree to keep an updated attendance log of all children attending infant programs. Names of all dually eligible children served by the LEA beyond their funded capacity will be submitted to SARC by the 1st of each month and will cover the previous month.
2. SARC District Manager will submit the names of the children over the funded capacity to the SARC Director of Consumer Services South on a monthly basis. SARC District Manager will maintain the master list of children per participating LEA.
3. SARC District Manager will submit a Purchase of Service(s) per each consumer over each LEAs funded capacity.
4. Each participating LEA will receive a SARC authorization document (SARC 9). This document will encumber potential funding for each identified child who may be enrolled through the over-capacity funding process. The authorization will contain the funding dates for each identified child. Each participating LEA will receive a copy of all authorizations for each identified child monthly.
5. A master log for each month is required and reviewed with the SARC Director on a monthly basis. Any reconciliation of this log must be by the third business day of the following month.
6. Participating LEAs will bill on a monthly basis for services rendered in the prior month. The reconciled monthly master lists will be attached to the monthly electronic billing form. Electronic billing forms must be submitted by the fifth business day of each month.
7. SARC will reimburse each participating LEA based on the monthly rate per student identified on the billing form. Payment will be received by the 15th of the following month provided that the bill was received as specified in item 6.

Transfer of Children from Over the Funded Capacity to Within the Funded Capacity Status

1. On a montly basis, each participating LEA will review its master log of students to identify any openings that have occurred within their funded capacity.
2. For each opening within the funded capacity, SARC and the participating LEA will collaboratively identify a child to be transferred from an over funded capacity status.
3. First priority will be given to those children closest to three years of age and with the most severe special needs.

4. For each child identified for transfer, SARC will close out its billing process effective on the last date of the month in which the transfer occurs and the responsible LEA will assume financial responsibility for the child on the same date.

Send Billing Statements To:	Send Payments To:
San Andreas Regional Center Fiscal Department P.O. Box 50002 San Jose, CA 95150-0002	<u>MCOE</u> (Vendor # 275354) P. O. Box 80851 Salinas, CA 93912-0851 Attn: Early Start Coordinator
	<u>MPUSD</u> (Vendor # ZS0539) Monterey Peninsula Unified School District P.O. Box 1031 Monterey, CA 93942-1031 Attn: Student Support Services