

NON-FINANCIAL COOPERATIVE AGREEMENT BETWEEN
WEBB COUNTY FOR THE HEAD START/EARLY HEAD START PROGRAM
AND
COMMUNITY ACTION CORPORATION OF SOUTH TEXAS
PROJECT NINOS EARLY CHILDHOOD INTERVENTION PROGRAM

The purpose of this cooperative agreement is to define roles and responsibilities between Webb County Head Start/Early Head Start and Community Action Corporation of South Texas Project Ninos-Early Childhood Intervention Program (hereinafter, referred to as ECI) within the respective federal and state mandates relating to children with disabilities. This agreement is designed to enhance interagency collaboration and relationships and coordinate an effective system of activities, policies and procedures between Webb County Head Start/Early Head Start and ECI. The intent of this collaborative agreement is to provide the most appropriate program in the least restrictive environment for children with disabilities.

This agreement shall be honored by both ECI and Webb County Head Start/Early Head Start beginning September 1, 2019 through August 31, 2021.

CHILD FIND

Under Part C, ECI programs are responsible for ensuring children eligible for ECI services, birth through 36 months of age are located, identified and evaluated (34 CFR §303.321). Joint efforts to increase community awareness and ensure early identification of children with special needs in the community will be implemented.

In accordance with 34 CFR §303.209(b)(iii), when a referral is received less than 45 days before the child's third birthday, ECI is not required to conduct pre-enrollment procedures, an evaluation, an assessment, or an initial IFSP meetings. If parents are interested, ECI will be given Webb County Head Start/Early Head Start contact information as well as community resources.

ECI will distribute Head Start/Early Head Start literature and/or information during community outreach/recruitment efforts. ECI will also invite Head Start/Early Head Start to any community outreach events organized by ECI in the Head Start/Early Head Start catchment area.

Guidance: Directly from the Memorandum of Understanding between ECI, Department of Assistive and Rehabilitative Services (DARS). For Children and Families Region VI & Region XII, Head Start Bureau, TX Head Start Association, Region VI, XI & XII. Head Start Disability Services Quality Improvement Center and TX Migrant Council, Inc.—Children are eligible to participate in both Early Head Start and Early Childhood Intervention programs if they meet the eligibility for both programs. Children, who meet the eligibility for the ECI program but do not meet the income eligibility for the EIS program, may only, be served if the local Early Head Start Policy Council has selected to accept over-income families. If Early Head Start has met the 10% requirement of enrollment of children with disabilities, then children with and without disabilities compete equally for the remaining slots.

Any child under age three, who is referred to ECI, that is not eligible for ECI services but appears to be eligible for Early Head Start, will be referred with parental consent by ECI. Children, who are no longer eligible for ECI services but appear to continue to be eligible for EHS will be referred with parental consent. The referral will be made to Early Head Start.

Early Head Start Screening and Referral Process:

Early Head Start will refer only children suspected of having a developmental delay to ECI for screening/assessment in order to immediately assist in the identification of children with developmental delays. Early Head Start will receive and maintain copies of assessment/evaluation results with parental consent. Comprehensive evaluations will be conducted to refer Early Head Start children suspected of having a disability. Parents must give written consent for the assessments/evaluations and must be present at the time of the assessment/evaluations. Head Start Performance Standards 45 CFR 04.20 (b) (1).

If concerns about a child's development are identified at any point during the Early Head Start enrollment, on-going assessment process, Early Head Start must refer the child to ECI within 2 days as mandated by Federal and State law (Head Start Program Performance Standards 45 CFR 1304.20 (f) (2) (ii); Federal Regulation 34 CFR Sec 303.321; Texas State Regulation 25 TAC Sec.621.4)

EVALUATION PROCESS FOR ELIGIBILITY DETERMINATION

ECI:

Under 34 CFR §303.421, ECI must give the family a written notice (information received in writing), whenever the program: (1) Proposes to begin or change the identification, evaluation, or placement of the child or the provision of early intervention services to the child; or (2) Refuses to begin or change the identification, evaluation, or placement of the child or the provision of early intervention services to the child. The notice includes a copy of DARS ECI Procedural Safeguards Related to Prior Written Notice and Consent which provides more information.

Children referred to ECI will receive a comprehensive evaluation by an interdisciplinary team consisting of two appropriate licensed and/or certified personnel, representing at least two separate disciplines along with the parent. The comprehensive evaluation/assessment includes vision, hearing and assistive technology screenings. A nutrition review is completed if child is found eligible for services. With parental consent, the service coordinator will refer child for further evaluations, if there are any failed screenings. Service Coordinator will also refer child for further evaluations at any time during enrollment, if needed. The comprehensive evaluation/assessment will determine eligibility for services under IDEA, Part C.

To be eligible for early intervention services, a child must be under 36 months of age and meet initial eligibility criteria to receive early childhood intervention services. Initial eligibility is established by:

- A medically diagnosed condition that has a high probability of resulting in a developmental delay. This has been approved by the DARS ECI Assistant Commissioner based on prevailing medical opinion. Copies of the list of medically qualifying diagnoses can be obtained from DARS at <http://www.dars.state.tx.us/ecis/resources/diagnoses.asp>. To determine eligibility for a child who has a qualifying medical diagnosis, the interdisciplinary team must review medical documentation to determine initial and continuing eligibility as well as determine and document a need for early childhood intervention services.
- An auditory or visual impairment as defined by the Texas Education Agency rule at 19 TAC §89.1040 (aa) (relating to Eligibility Criteria).
- A developmental delay based on a comprehensive evaluation using a standardized tool designated by DARS ECI. To be eligible to receive early childhood intervention services, the child must have: a documented delay of, at least, 25% in one or more of the following developmental areas: communication, cognitive, gross motor, fine motor, social emotional or adaptive; a documented delay of at least 33% for children whose only delay is in expressive language; or
- A qualitative determination of delay, as indicated by responses or patterns, that is disordered or qualitatively different from what is expected for the child's age, and significantly interferes with the child's ability to function in his or her environment. When the interdisciplinary team determines there is evidence that the results of the standardized tool do not accurately reflect the child's development, eligibility must be established using a supplemental protocol designated by DARS ECI.

Services are voluntary and provided from a full array of services based on the child's individual needs. The development of the Individual Family Service Plan (IFSP) must be completed within 45 days from the date of the child's referral to the program (108 CFR § 303.310)

Individual Family Service Plan (IFSP)

Under 34 CFR §303.421, ECI must give the family a written notice (information received in writing), whenever the program: (1) Proposes to begin or change the identification, evaluation, or placement of the child or the provision of early intervention services to the child; or (2) Refuses to begin or change the identification, evaluation, or placement of the child or the provision of early intervention services to the child. The notice includes a copy of DARS ECI Procedural Safeguards Related to Prior Written Notice and Consent which provides more information.

The IFSP team must develop a written initial IFSP during a face-to-face meeting with the family and must be developed based on evaluation and assessment.

ECI must deliver early childhood intervention services according to the IFSP and the team must conduct a periodic review of the IFSP at a minimum of once every 6 (six) months.

The IFSP team must conduct an annual meeting to evaluate the IFSP or more frequently if the parent requests.

Documentation in the child's record must reflect compliance with all related state and federal requirements. Changes to the IFSP are made by revising rather than by rewriting the entire IFSP. The documentation must reflect continuing or changed services throughout the child's enrollment.

The IF SP team considers the child's medical history before planning services and throughout the child's enrollment.

With parental consent, ECI must also invite Early Head Start staff members to the initial IFSP meeting and annual meetings if the family is jointly served.

Early Head Start

Guidance 1

When ECI and Early Head Start jointly serve a child, a collaborative IFSP will be developed which includes the ECI required elements as well as the EHS service areas required in the Family Partnership Agreement. The intents are to develop one document that meets the needs of the child and family and satisfies the requirements of both programs. Following the ECI-IFSP process, Early Head Start staff will collaboratively participate as members of the interdisciplinary IFSP team to areas where both ECI and Early Head Start have responsibility. The team should maximize the array of services available to the child and family while ensuring

NATURAL ENVIRONMENTS/LEAST RESTRICTIVE ENVIRONMENT

All services, including AINI, will be provided in the home and/or in settings that the family has identified as a natural environment in which the child lives, learns, plays and spends time on a daily basis. The program can consider the provision of early intervention services for any child in a location other than the child's natural environment, only when early intervention cannot be achieved satisfactorily for the infant or toddler in their natural environment. The program must show sufficient documentation to support the team's decision that the child's outcomes could not be met by providing the service in the child's natural environment, even with supplementary supports that could be provided by ECI.

TRANSITION

Under 34 CFR §303.421, ECI must give the family a written notice (information received in writing), whenever the program: (1) Proposes to begin or change the identification, evaluation, or placement of the child or the provision of early intervention services to the child; or (2) Refuses to begin or change the identification, evaluation, or placement of the child or the provision of early intervention services to the child. The notice includes a copy of DARS ECI Procedural Safeguards Related to Prior Written Notice and Consent which provides more information.

Transition is a process of change for the child and family. Throughout the early childhood years, children with disabilities and their families experience multiple transitions. There is a need to ensure seamless transitions for children and their families as they leave ECI for other activities, places or programs, so that they have timely access to appropriate services. Families need to move smoothly from one program/system to another or among services within a program/system. Services are provided to support the child and family through the transition process to exit early intervention. Planning for transition occurs jointly with families, includes recommendations from the IFSP team and reflects the parent's desire for the child. Strategies listed in the IFSP to support the child and family through the transition process will change as families explore the various transition options available in the community.

The IFSP team, which includes the parent, must meet, in accordance with 34 CFR §303.209, §303.342 (d) and (e), and 303.343, to plan appropriate steps and transition services. This can occur after the child is 27 months of age but no later than 33 months of age for a child exiting the program. The appropriate steps and transition services that the IFSP team plans must be documented in the IFSP and must include:

- timelines and a responsible parties for each transition activity;
- the family's choice for the child to transition into a community or educational program or for the child to remain in the home;
- appropriate steps and transition services to support the family's exit from early childhood intervention services to LEA special education services or other appropriate activities, places, or programs the family would like the child to participate in after exiting early childhood intervention services; and
- program options, if the child is potentially eligible for special education services, for the period from the child's third birthday through the remainder of the school year.

If the child is referred 45 days to six months before the child's third birthday, the IFSP team must plan and document appropriate steps and transition services as a part of the initial IFSP development.

Early Head Start/Head Start will:

- Obtain parents' written consent before the child is referred to the ECI,
- Attend and participate in Interdisciplinary team meetings and assist in the formulation of an IFSP,
- Participate in transition activities,
- Schedule classroom visitation to familiarize parent and child with the Head Start personnel prior to child's third birthday,
- Set transition conference between parent and Head Start/Early Head Start personnel prior to the child's third birthday.

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ECI FAMILY COST SHARE SYSTEM

Consistent with CFR §303.13(a) and §303.203(b), a State may establish a system of payments for early intervention services, including a schedule of sliding fees.

The Family Cost Share system is designed so families with the ability to pay will share in the cost of services. ECI staff will work with families to determine their monthly maximum charge. The monthly maximum charge is the maximum amount a family can be charged per month regardless of how many services are being received or how many children (in the same family) are enrolled in the program.

Families above 100% of the federal poverty guidelines will pay a family cost share based on their family size and their annual income. A sliding fee scale which is organized by family size and income will be used to calculate a family's monthly maximum payment. ECI permits families to claim deductions for certain expenses and the resulting, "adjusted income," is used to determine the monthly maximum charge for ECI services.

ECI will collect co-pays, co-insurance and deductibles as set by the family's insurance plan; however, ECI will not collect more than the monthly maximum charge. Families that refuse to give ECI permission to bill, will pay the maximum charge as determined by their placement on the DARS ECI sliding fee scale. Families that do not disclose third-party coverage, family size, deductions or gross income information on the required Family Cost Share Attestation Form, will pay the full cost of services.

ECI must fully inform families of the following rights before collecting information regarding third-party coverage, income, and before any maximum charge payment is assessed. The right to:

- (1) receive certain early childhood intervention services at no cost;
- (2) refuse any early childhood intervention services they do not wish to receive;
- (3) receive information about any method the contractor may use to verify the family's allowable deductions;
- (4) receive information about the contractor's process for determining their maximum charge before signing the family cost share agreement;
- (5) not have their personally identifiable information released for billing purposes without prior written consent; and
- (6) not have their private insurance billed without prior written consent.

If a family is unable to pay for ECI services, they will not be responsible for any out-of-pocket cost. A family's inability to pay for early childhood intervention services will not result in the delay, change, or denial of said services in accordance with 40 TAC (Part 2) §108.1409 (n).

Early Childhood Intervention Services provided with no out-of-pocket cost from the parent are:

- child find,
- evaluation and assessment,
- development of the IFSP,
- AI/VI services,
- Case Management,
- translation and interpreter services, and
- Administrative and coordinator activities related to the implementation of procedural safeguards and other components of the statewide system of early childhood intervention services.

A fee can be charged for all other services provided as part of an IFSP. The state respite program funded with state discretionary funds is not subject to the cost share system.

PARENT DISPUTE RESOLUTION/COMPLAINTS

Parents, ECI and Webb County Head Start/Early Head Start are encouraged to resolve concerns at the local level with the ECI Program Director and/or the Webb County Head Start/Early Head Start Director to avoid the need for more formal dispute resolution mechanisms.

PERSONNEL

ECI will provide licensed and appropriate certified staff to work with children birth to 36 months of age.

ECI Program concerns should be addressed to the ECI Area Director, Anna R. Perez, at 956-728-1769.


Webb County Head Start/Early Head Start Program concerns should be addressed to the Program Director, Aliza Oliveros, at 956-795-1515.

CONFIDENTIALITY

All agencies will adhere to the Family Educational Rights and Privacy Act (FERPA) to guarantee confidentiality of parent and child information. All agencies will also adhere to local agency policies and procedures and will obtain informed written consent to release information, when sharing information among agencies.


ATTEST:

TANO E. TIJERINA
Webb County Judge




Ann E. Awalt
Executive Director
Community Action Corporation of South Texas

Margie Ramirez Ibarra
Webb County Clerk



Esperanza Garcia
ECI Project Ninos-Program Director
Community Action Corporation of South Texas

APPROVED AS TO FORM:



Ramon A. Villafranca, Jr.
Assistant General Counsel
Webb County Civil Legal Division*

*The General counsel, Civil Legal Division's office, may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contract or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval, and should seek review and approval of their own respective attorney(s).