



Joint Memo

To: Staff employed/contracted by Children's Integrated Services, the Department of Education, Head Start and Early Head Start programs, and Local Education Agencies (LEAs)

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Date: 7/20/21

Re: Clarification of Federal Head Start and Early Head Start Requirements Regarding Documentation for Young Children with Disabilities

Joint Purpose and Commitment Statement

The purpose of this joint interagency memo is to clarify Federal Head Start requirements regarding documentation regarding infant, toddler, and preschool age children with disabilities who are enrolled in local Head Start or Early Head Start programs and have been determined eligible to receive special education services through the Local Education Agency (LEA) or early intervention services through the local Children's Integrated Services (CIS).

The Vermont Department of Education, the Child Development Division in the Department of Children and Families, Children's Integrated Services, the Vermont Head Start-State Collaboration Office, and the Vermont Head Start Association, strongly encourage collaboration and communication among staff affiliated with LEAs, CIS, Head Start, and Early Head Start to assist Head Start and Early Head Start grantees in their compliance with State of Vermont and federal Head Start/Early Head Start law, regulations and policies. We are committed to establishing and maintaining on-going relationships in order to strengthen local coordination of services among Head Start/Early Head Start programs, LEAs, and CIS to support young children with disabilities and their families across Vermont.

This memo also supports the implementation of the 2010 edition of *Supporting Children with Disabilities and Their Families, An Interagency Agreement Among Early Care, Health and Education Programs and Agencies in Vermont*.¹

Joint Clarification Guidance

- With parental consent, the LEA/CIS provider will provide Head Start agencies with a copy of the child's initial and current One Plan/IFSP/IEP. Head Start agencies are required to maintain this documentation per federal Head Start requirements for coordination of services and federal monitoring purposes.
- In accordance with policy guidance provided by U.S. Department of Health and Human Services, Head Start and Early Head Start programs are not required to obtain from the LEA copies of:
 - Parent consent for evaluation form, or
 - Evaluation Plan and Report (Comprehensive Evaluation)*

**Sharing of Children's Comprehensive Evaluation with Head Start Grantees:* Given parental consent, and pursuant to the parties' confidentiality policies, school districts may provide a copy of the child's Initial Evaluation to Head Start programs for purposes of promoting access and diversifying instruction in the Head Start program, and supporting coordination of services among the parties to optimize outcomes for children and families.

The joint clarification guidance above is based on the following Federal and State Requirements pursuant to the Individuals with Education Disabilities Act of 2004 (IDEA) and the Head Start Act of 2007:

Federal IDEA, Head Start Act and Regulatory Requirements

The Office of Special Education Programs (OSEP) in the U.S. Department of Education has published IDEA regulations requiring that the State of Vermont promote collaboration among Part C Children's Integrated Services (CIS) Early Intervention (EI), LEAs, Head Start and Early Head Start programs, to ensure that young children served by these programs are provided the needed services authorized under IDEA.

The *Improving Head Start for School Readiness Act of 2007* (Head Start Act) requires that no less than 10 percent of a Head Start or Early Head Start grantee's total actual child enrollment consists of children with disabilities. According to the Head Start Act, the State or local agency providing services under Part B, Section 619/Early Childhood Special Education, or Part C EI of IDEA, must determine whether a child enrolled in Head Start or Early Head Start, respectively, is "...eligible for special education and related services or intervention services, as appropriate, as determined

¹ Available at http://education.vermont.gov/new/pdfdoc/pgm_earlyed/head_start_agreement_guide.pdf on September 12, 2012.

under the Individuals with Disabilities Education Act.”² Head Start and Early Head Start programs are required to collaborate closely with their IDEA partners to conduct recruitment, enrollment, and identification of children with disabilities, and to work with their IDEA partners to promptly identify children’s needs so they will receive any needed special services.³

State of Vermont IDEA Part C (Birth to Age 3) and Part B (Ages 3 to 6) Eligibility Requirements

Part C (Birth to Age 3)

In Vermont, during the time period between a child’s birth until the child’s third birthday, the child may be determined eligible to receive early intervention services from the local early intervention program:

- based on an existing medical or genetic condition; or
- using approved evaluation tools that identify a measureable and/or observable delay as identified in the State of Vermont’s Special Education Rules.⁴

If a child is determined eligible to receive early intervention services, an Individualized Family Service Plan/One Plan (IFSP) is developed and implemented for that child.

Part B (Ages 3 to 6)

Children, ages 3 years old and up to the age of 6, may be determined eligible to receive special education services by their local school district Evaluation Planning Team (EPT). The EPT’s primary role is to gather the necessary information about the child’s strengths and concerns, develop the evaluation plan, administer appropriate assessment measures, review results of the evaluation, and determine eligibility based on Vermont’s Special Education Rules criteria for children ages 3 up to 6.⁵ If a child is determined eligible to receive special education services, an Individualized Education Plan (IEP) is developed and implemented for the child within 30 days of the determination meeting.

If a child attends an Early Head Start or Head Start program, the State of Vermont and the federal Office of Head Start highly recommend that an Early Head Start or Head Start representative (such as the child’s home visitor, classroom teacher, or disabilities manager) be invited to participate in the evaluation and the One Plan/IFSP/IEP process.

² *The Improving Head Start for School Readiness Act for 2007*, Section 640(d)(1); U.S. Department of Health and Services, Administration for Children and Families, Office of Head Start. (2009, March 10). *Program Instruction regarding Enrollment of Children with Disabilities*. Log. No. ACF-PI-HS-09-04.

³ U.S. Department of Health and Services, Administration for Children and Families, Office of Head Start. (2009, March 10). *Program Instruction regarding Enrollment of Children with Disabilities*. Log. No. ACF-PI-HS-09-04.

⁴ Vermont Department of Education. (2010, June). *Special Education Guide, State Board of Education Special Education Rules and Other Pertinent Rules*. Section 2360.5.3 Eligibility (a), page 30. Adopted & Effective: Final Proposed to be effective June 2010. Available at http://education.vermont.gov/new/pdfdoc/pgm_spced/laws/educ_spced_guide.pdf on September 12, 2012.

⁵ Vermont Department of Education. (2010, June). *Special Education Guide, State Board of Education Special Education Rules and Other Pertinent Rules*. Section 2361 Essential Early Education (EEE) Eligibility of Children Age Three Years Up To the Sixth Birthday (a), page 37. Adopted & Effective: Final Proposed to be effective June 2010. Available at http://education.vermont.gov/new/pdfdoc/pgm_spced/laws/educ_spced_guide.pdf on September 12, 2012.