

Sample Memorandum of Understanding (MOU) Template

This is an example Memorandum of Understanding (MOU) template that was developed for use by Early Intervention programs and/or Local Education Agencies (LEAs) to create an MOU. Parties should draft MOUs to meet the needs of their individual circumstances and in accordance with state and local requirements for transition from early intervention to early childhood special education programs. Places that must be filled in with specific information are underlined throughout the document.

Memorandum of Understanding

Between

Name of LEA

And

Name of Early Intervention Service Program (EIS)

This Memorandum of Understanding, hereinafter referred to as “Agreement”, is between Name of LEA, a Local Education Agency (LEA), and Name of Early Intervention Service Program (EIS) and is in effect from Enter Applicable Date.

I. Purpose

The purpose of this Agreement is to establish a cooperative relationship and working procedures between Name of LEA and Name of EIS (EIS) in the provision of a smooth and high-quality transition from early intervention services through EIS to Part B preschool services through Name of LEA.

The specific goal of this agreement is to ensure a successful transition of children and their families exiting the IDEA Part C system and entering the IDEA Part B system in accordance with the Part C regulations in [34 CFR §303.209\(a\)\(3\)\(ii\)](#) and [34 CFR §303.209\(b\) through \(f\)](#) {including any policies adopted by the Department of Public Health (DPH) under [34 CFR §303.401\(d\)](#) and [\(e\)](#), and [§303.344\(h\)](#)} and the IDEA Part B regulations in [34 CFR §303.101\(b\)](#), [§300.124](#), [§300.321\(f\)](#), and [§303.323](#) {including any policies adopted by the Department of Elementary and Secondary Education (DESE) under [34 CFR §303.101\(b\)](#), [§300.124](#), [§300.321\(f\)](#), and [§303.323](#) (Massachusetts special education regulations [603 CMR 28:04 - 28:06](#))}.

The principles expressed in this Agreement will guide both parties in the coordination of activities across programs in implementing Part B and Part C of the Individuals with Disabilities Education Act (IDEA) as well as assist families with a smooth transition from early intervention into Part B preschool program.

This document was developed by AnLar under contract and in collaboration with the Massachusetts Departments of Elementary and Secondary Education (DESE) and Public Health (DPH). It represents AnLar's best efforts to pull together for ease of use the current state of knowledge and practice in the field, representing a variety of sources, including links to external websites maintained by other organizations. The views expressed here are multidimensional, and the state of knowledge is constantly evolving; therefore, this document does not necessarily reflect the positions or policies of DESE or DPH.

II. Transition Agreement

A. Opt-Out Option

Name of EIS provides notification to the child's parent(s) advising the parent(s) of the information to be disclosed to Name of LEA, including minimally personally identifiable information. In accordance with IDEA and the [DPH Early Intervention Operational Standards](#); Section IX; Subsection E; page 40, minimally personally identifiable information is defined as the child's name and date of birth and parents' name, address, and telephone number.

Parents are informed by the early intervention provider or service coordinator from Name of EIS of the option to opt out of notification to Name of LEA. In accordance with the [DPH Early Intervention Operational Standards](#); Section IX; Subsection E; page 40, parents have 30 calendar days from the date they are informed of the option to opt out to inform Name of EIS they wish to opt out of disclosure of minimally personally identifiable information and not refer their child for Part B preschool program.

In accordance with the [DPH Early Intervention Operational Standards](#); Section IX; Subsection E; page 40, if the family does not opt out in writing within 30 days, the Name of EIS will send minimally personally identifiable information to the Name of LEA.

B. Transition Notification

In accordance with the [DPH Early Intervention Operational Standards](#); Section IX; Subsection E; page 40, if a parent has not chosen to opt out in writing, Name of EIS will send notification regarding potentially eligible children according to the [DPH Early Intervention Standards](#) page 38-39 and the [DESE disability categories](#) (603 CMR 28.02(7)) to Name of LEA at least 90 days and, at the discretion of the parties, not more than 9 months prior to a child's 3rd birthday. (Source: [DPH Early Intervention Operational Standards](#); Section IX; Subsection E; page 40 and [DESE Technical Assistance Advisory SPED 2019-1](#)).

According to the [DPH Early Intervention Operational Standards](#); Section IX; Subsection E; page 40, Name of EIS is strongly encouraged to provide notification when the child is 30 months old whenever possible. To adhere to this guidance, Name of EIS will make every effort to provide notification when the child is 30 months old.

Notification consists of letting Name of LEA know a child that resides in the district is potentially eligible for Part B services and must include minimally personally identifiable information, which is the child's name, date of birth, parent's names, address, and telephone number.

The date Name of LEA is notified serves as the referral date and is documented in the Transition Plan on the IFSP ([DPH Early Intervention Operational Standards](#); Section IX; Subsection E; page 40).

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With written parental consent, Name of EIS transmits any additional information about the child as identified with Name of LEA, which includes the most recent evaluation, assessments, and the IFSP to assist in avoiding duplication of evaluations, support the process for determining Part B eligibility, contribute to the development of an IEP, and facilitate the continuity of services ([DPH Early Intervention Operational Standards](#); Section IX; Subsection E; page 40).

C. LEA Response

The transition notification from the Name of EIS is considered a referral to special education. Therefore, the Name of LEA responds to the transition notification, or referral, by sending the parents the [Parent's Notice of Procedural Safeguards](#) in preparation for the initial evaluation ([DESE Parent's Notice of Procedural Safeguards – Memo to School Districts](#)).

D. Transition Conference

After the referral to the LEA, a transition conference is convened by Name of EIS, with the parent's approval, at least 90 days and not more than 9 months prior to a child's 3rd birthday to discuss services a child may be eligible to receive under Part B of IDEA ([DPH Early Intervention Operational Standards](#); Section IX; Subsection E; page 39).

The purpose of the transition conference is to review the child's services and development, discuss possible options including potential placement options for the toddler's third birthday through the remainder of the school year, and establish or review transition activities ([DPH Early Intervention Operational Standards](#); Section IX; Subsection E; page 40).

Name of EIS will schedule the conference at a mutually agreeable time for both the parent(s) and a representative from the LEA, and in the native language of the family or other modes of communication used by the family unless it is clearly not feasible to do so. Name of EIS maintains documentation of the invitation to the transition conference in the child's file.

Name of EIS provides prior written notice to parents or other caregivers as well as Part C Family Rights Notice and Part B Procedural Safeguards prior to the transition conference.

Name of EIS invites a Name of LEA representative to the transition conference. A representative from Name of LEA is required to participate in the transition conference, either in person, by phone, or via video conference.

Through the transition process, Name of LEA will obtain parental consent for an initial evaluation and to disclose assessment/evaluation information to Name of EIS.

E. Late Referrals

1. A child is determined eligible for Part C at least 45 days before, and within 90 days of the third birthday.

- a. Unless the parent opts out, Name of EIS will notify Name of LEA as soon as possible of the child's potential eligibility for Part B services.
 - b. With parental consent, Name of EIS will provide Name of LEA additional information about the child, including the most recent evaluation, assessments, and IFSP.
 - c. Name of EIS will schedule the conference at a mutually agreeable time for both the parent(s) and a representative from the LEA. time a place convenient for the family and in the native language of the family or other modes of communication used by the family unless it is clearly not feasible to do so. Name of Early Intervention Provider maintains documentation of invitation to the transition conference in the child's file.
2. A child is referred for Part C fewer than 45 days prior to the third birthday and is determined to be potentially eligible for Part B:
- a. Name of EIS may obtain parental consent and refer the child directly to Name of LEA. With parental consent, Name of LEA will be notified of the child's potential eligibility.

Reference for this section: ([DPH Early Intervention Operational Standards](#); Section IX; Subsection E; page 41).

F. Inviting EI Program Representative to Eligibility Determination/IEP Team Meeting.

At the request of the parent, an invitation will be sent to Name of EIS to attend the eligibility determination meeting or the IEP team meeting if eligibility will be determined at the IEP team meeting. (School districts are encouraged, with the consent of the parent, to invite relevant EI program staff to the eligibility determination meeting. [DESE Technical Assistance Advisory SPED 2019-1](#))

Name of EIS will attend the initial IEP meeting as appropriate. (DPH Early Intervention Operational Standards; Section IX; Subsection E; page 40)

G. Developing and Implementing the IEP by the Third Birthday for Eligible Children under Part B

In order to ensure a smooth and effective transition for children with disabilities who received Part C services and are eligible for Part B preschool services, Name of LEA will ensure that an IEP has been developed and is implemented by the child's third birthday.

- Name of LEA will obtain parental consent to move forward with evaluation no later than 60 days prior to the child's third birthday ([DESE Technical Assistance Advisory SPED 2019-1](#)).
- Name of LEA will convene an evaluation team meeting to review the referral with a team of qualified professionals.

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- Name of LEA will determine what evaluations are needed to determine eligibility and obtain evaluation information from Name of EIS. Name of EIS evaluation information will be used whenever appropriate to reduce over-evaluating a child.
- Name of LEA will convene an evaluation team meeting to determine special education eligibility.
- A summary of assessments with recommendations must be completed prior to the team meeting and, upon request, must be provided to the parent at least two days prior to the team meeting. [603 CMR 28.04\(2\)\(c\)](#)
- If eligibility is determined, Name of LEA will obtain parental consent for special education.
- If the child is ineligible, Name of LEA will refer the parent to appropriate resources.
- Name of LEA will ensure compliance with state and federal regulations including parent notification, meeting participants, and prior written notice.
- Name of LEA will develop the IEP as required by federal and state regulations, including ensuring FAPE in the LRE.
- Name of LEA will follow up with parents after the IEP meeting regarding signatures, registration, proof of residency, or provision of required forms that might be needed to minimize delays and assure the timely implementation of services.
- The IEP will commence by the child's third birthday.
- Name of LEA will ensure identified services begin for the child at age three.

Reference for this section: DESE Technical Assistance Advisory SPED 2019-1

H. Partnering Together for Successful Transitions

To ensure a seamless transition Name of EIS and Name of LEA will work closely together to coordinate the transition process. The following will be coordinated between agencies:

- Establish a contact person(s) within each agency
- Keep each other informed of changes in personnel and the current contact person(s) for transition
- Schedule the transition conference at a mutually agreeable time and place
- Joint facilitation of the transition conference
- Support parent(s) in participating in the eligibility determination for Part B
- After the IEP meeting, obtaining required signatures, registrations, and documentation of proof of residency
- If child is found ineligible for Part B, providing parents with alternative options
- Communicate whenever necessary to ensure the transition is complete by the time the child turns three.

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III. Duration

This agreement shall be effective upon signature of all parties below and shall remain in effect until terminated. It shall be reviewed every two (2) years and may be amended at any time with mutual agreement of participating parties.

IV. Signatures

Name of LEA Director

Date

Name of EIS Program Director

Date

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