

Intensive Interagency Coordination

20 U.S.C. §1412(a)(12)

DATE OF ISSUE: December 16, 2002

REPLACES: Services for Students Under the *Cordero* Court Order, BEC 22 Pa. Code §14.32, issued September 1, 1997, *expired* July 31, 2001

PURPOSE

Pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. §1401, *et seq.*, and the litigation known as *Cordero*, the Department has participated with other child-serving agencies in developing a system for providing intensive interagency coordination to students with disabilities whose school districts have determined that they cannot be appropriately educated in a public educational setting and who have waited more than 30 days for the provision of an appropriate educational placement. This system is also aimed at providing assistance to students who are at substantial risk of waiting more than 30 days for an appropriate educational placement.

PROCEDURES

The system of intensive interagency coordination is not intended to replace the local interagency process. In the vast majority of situations requiring interagency efforts, local IEP and Interagency teams do not require additional assistance to assure the provision of appropriate educational programs and placements for the students they serve. Intensive interagency coordination is designed for the rare situations when the local teams are not able to arrange for the placements of students in the public educational setting and the students have waited or are at risk of waiting more than 30 days for an appropriate educational placement.

Local educational agencies have a crucial role in identifying which students require intensive interagency coordination, since these are students whom the school district has determined cannot currently be served in the public educational setting. In addition to assisting school districts with providing appropriate educational programs and placements, the system of intensive interagency coordination also works toward the goal of enhancing the capacity of school district programs so that the needs of students with disabilities can be met in public educational settings in most situations.

If there is a dispute about the appropriateness of the student's program or placement, this dispute must be resolved through mediation and/ or due process hearing procedures. Program and/or placement disputes cannot be resolved through intensive interagency coordination.

Since school districts have the crucial role of initial identification of students requiring intensive interagency coordination, the Department requires school districts to submit a report on the form attached to this Basic Education Circular. As stated above, the students who must be identified are those: (1) whose districts have determined that they cannot currently be served in the public educational setting; and (2) who have waited more than 30 days for the provision of an appropriate educational placement (or are at substantial risk of waiting more than 30 days for a placement). These reports must be filed within 5 days of initial identification of these students and must be updated on a continuous basis until an

appropriate placement is provided. In addition to school districts' responsibility to notify the Department regarding students requiring intensive interagency coordination, parents, advocates, representatives of other child serving agencies, and other individuals may call ConsultLine at (800) 879-2301 regarding a student who may potentially require intensive interagency coordination.

School districts must also report students with disabilities who are placed on instruction conducted in the home or who receive homebound instruction in accordance with BEC 34 CFR §300.26(a)(1), Instruction Conducted in the Home, so that the Department can determine whether these students require intensive interagency coordination.

Once a school district reports a student utilizing the attached form, the student's case will be referred to a Regional Interagency Coordinator (RIC). The RIC will make an initial determination regarding whether the student requires intensive interagency coordination, or if he or she can be served by another portion of the special education system, such as the Office for Dispute Resolution (for contested matters) or the Division of Compliance Monitoring and Planning (for matters involving non-compliance with special education laws and regulations).

If the student requires intensive interagency coordination to access an appropriate educational placement, the RIC will assess the matter and determine the barrier preventing the student from receiving the agreed-upon placement. If necessary to resolve the matter, the RIC will promptly schedule a meeting of the local interagency team, which should include the family of the student, the school district and Intermediate Unit (IU), and other relevant child serving agencies, such as county offices of Mental Retardation, Mental Health, and Children, Youth and Families, and regional offices of Vocational Rehabilitation. Section 1412(a)(12)(A)(i) of the 1997 amendments to the IDEA requires the State Medicaid Agency's financial responsibility to precede the financial responsibility of a local education agency. If the student's placement is not resolved within 30 calendar days (with the exception of the summer months) by the local interagency team, the RIC will forward a report to the office of the Director of the Bureau of Special Education for appropriate intervention with other state agencies based on the presenting issue(s).

The RICs, in collaboration with the Bureau of Special Education, will regularly review their referrals to identify whether any illustrate the need to enhance the capacity of local school district or IU programs. When the need to enhance local capacity is identified, the school districts or IUs at issue will incorporate specific details of capacity-building activities that will be undertaken to remedy the need in their special education plans (school districts) or annual plans (IUs). The Bureau of Special Education will then monitor the school district's or IU's progress in building the identified capacity.

In addition to the case referral system described above, in accordance with the 1997 amendments to the IDEA related to interagency coordination, the Commonwealth of Pennsylvania developed a Memorandum of Understanding (MOU) among its child-serving agencies, i.e., the Departments of Education, Public Welfare, Labor & Industry and Health. The full text of the MOU is found at [Semou.pdf](#). The MOU identifies the manner in which services should be coordinated among child-serving agencies to ensure that students with disabilities receive a free appropriate public education in the least restrictive environment. The MOU also formed the Interagency Committee to Coordinate Services for Individuals with Disabilities, which meets on a regular basis to discuss issues related to interagency collaboration, including issues related to capacity building that are beyond the control of school districts or IUs. In addition to serving as a forum for raising issues of interagency collaboration, the Interagency Committee to Coordinate Services for Individuals with

Disabilities also resolves funding disputes between districts and other child serving agencies and oversees training and technical assistance initiatives aimed at improving interagency coordination.

REFERENCES:

State Board of Education Regulations

[22 Pa. Code Chapter 14](#)

Federal Statutes

20 U.S.C. §1401, et seq.

Federal Regulations

34 CFR Part 300

Other

[BEC 34 CFR §300.26\(a\)\(1\), Instruction Conducted in the Home](#)

Cordero v. Commonwealth of Pennsylvania and Pennsylvania Department of Education, 795 F. Supp. 1352, 18 IDELR 1099 (E.D. Pa. 1992).

ATTACHMENTS:

[PDE/BSE Intensive Interagency Definitions](#)

[PDE/BSE Intensive Interagency INITIAL Report](#)

[PDE/BSE Intensive Interagency UPDATE Report](#)

CONTACT BUREAU/OFFICE:

Michael Carricato
Bureau of Special Education
Pennsylvania Department of Education
333 Market Street
Harrisburg PA 17126-0333
(717) 783-2311
ConsultLine (800) 879-2301