

**State Fiscal Year (SFY) 2004**  
**COMMONWEALTH OF VIRGINIA**



**Infant & Toddler**  
**Connection of Virginia**

**LOCAL CONTRACT FOR CONTINUING**  
**PARTICIPATION IN PART C**

EARLY INTERVENTION FOR INFANTS AND TODDLERS WITH  
DISABILITIES AND THEIR FAMILIES

James S. Reinhard, M.D., Commissioner  
Department of Mental Health, Mental Retardation and Substance Abuse Services

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CONTRACT # \_\_\_\_\_

**State Fiscal Year (SFY) 2004 COMMONWEALTH OF VIRGINIA  
LOCAL CONTRACT FOR CONTINUING PARTICIPATION IN PART C  
EARLY INTERVENTION FOR INFANTS AND TODDLERS WITH DISABILITIES AND THEIR FAMILIES**

**THIS DOCUMENT CONSTITUTES AN AGREEMENT BETWEEN:**

The {Name of Local Interagency Coordinating Council}, hereinafter referred to as the **LICC**, and the {Agency Name}, {address}, hereinafter referred to as the **Fiscal Agent**, on behalf of and as the agent for the LICC

**AND**

**The Department of Mental Health, Mental Retardation and Substance Abuse Services**; P. O. Box 1797, 1220 Bank Street, Richmond, Virginia 23219, hereinafter referred to as the **DMHMRSAS**;

**AND IS DATED:** {date of agreement}

**I.0 DEFINITIONS**

**Core Group** – the group comprised of designees from the local community services board, department(s) of health, department(s) of social services, and school division(s) who are authorized to make funding and policy decisions and who must serve on the local interagency coordinating council in accordance with the *Code of Virginia*, § 2.2-5305.

**Council Chair** – an individual elected by the local interagency coordinating council to preside over council operations. Specific duties of the council chair are outlined in the Virginia Part C Policies and Procedures.

**Council Coordinator** – an individual employed by any local agency as determined by the local interagency coordinating council to serve as “staff” to the local interagency coordinating council and to serve as an advocate of the Part C system at the local level. Specific responsibilities of the council coordinator are detailed in the Virginia Part C Policies and Procedures.

**Days** – as used within this contract, refers to calendar days unless clearly specified otherwise.

**Early Intervention Services** – services provided through Part C of the Individuals with Disabilities Education Act (20 U.S.C. § 1431 et seq.), as amended, designed to meet the developmental needs of each child and the needs of the family related to enhancing the child’s development and provided to children from birth to age three who have (i) a twenty-five percent developmental delay in one or more areas of development, (ii) atypical development, or (iii) a handicapping condition. Early intervention services are selected in collaboration with the parent(s) and are provided under public supervision by qualified personnel; in conformity with an individualized family service plan (IFSP); at no cost, unless subject to Federal or Virginia law which provides for a system of payment by families, including a schedule of sliding fees; and in accordance with Virginia Part C Policies and Procedures.

**Family-Centered Practices** – a way of planning and providing early intervention services in which families are involved in all aspects of decision-making, families’ cultures and values are respected, and families are provided with accurate and sufficient information to be able to make informed decisions. Family-centered practices include establishing trust and rapport with families, keeping the focus on the developmental needs of the child while including family concerns and needs in the decision-making process, and helping families develop skills to best meet their child’s needs.

**Family Survey** – an instrument designed to collect and track individual family-level data at two points in a family’s experience in Virginia’s early intervention system: at the time of the initial IFSP, and at the time of transition from early intervention. This two-stage instrument captures a family’s views about its experiences when accessing the early intervention system, preparing for and developing an individualized family service plan, during service delivery, and during transition out of early intervention. The family survey has been integrated into Virginia’s Monitoring and Improvement Measurement System.

**Fiscal Agent/Intermediary** – a local public agency designated by the local interagency coordinating council to administer Part C funds at the local level.

**Individualized Family Service Plan (IFSP)** – a written plan, as required by Part C of the Individuals with Disabilities Education Act, for providing Part C early intervention services to eligible infants and toddlers and their families and that:

1. Is developed jointly by the family and appropriate qualified personnel providing early intervention services;
2. Is based on the multidisciplinary evaluation and assessment of the child and the assessment of the resources, priorities and concerns of the child’s family as determined by the family;
3. Includes outcomes, strategies, and services necessary to enhance the development of the child and the capacity of the family to meet the special needs of the child; and
4. Contains all of the required elements as specified in Component VII of Virginia’s Part C Policies and Procedures.

**Infant and Toddler Online Tracking System (ITOTS)** – secured, web-based data entry system for collection and tracking of child-specific data on all children served under Virginia’s Part C early intervention system.

**Local Interagency Coordinating Council (LICC)** – entities established on a statewide basis by the DMHMRSAS, in consultation with the Virginia Interagency Coordinating Council, to enable early intervention service providers to establish working relationships that will increase the efficiency and effectiveness of early intervention services. There are 40 LICCs across the state. The *Code of Virginia*, § 2.2 – 5305 defines the composition of the local councils, which include families and public and private agency representatives. The duties of LICCs, as defined in the *Code of Virginia*, § 2.2-5305 include, but are not limited to, the following:

1. Identifying existing early intervention services and resources;
2. Identifying gaps in the service delivery system and developing strategies to address these gaps;
3. Identifying alternative funding sources;
4. Facilitating the development of interagency agreements and supporting the development of service coalitions;
5. Assisting in the implementation of policies and procedures that will promote interagency collaboration;

6. Developing local procedures and determining mechanisms for implementing policies and procedures in accordance with state and federal statutes and regulations; and
7. Implementing consistent and uniform policies and procedures on or before January 1, 2002, for public and private providers to determine parental liability and to charge fees for early intervention services pursuant to regulations, policies and procedures adopted by the lead agency in § 2.2-5304.

**Local Participating Agency or Provider** – any public agency, or its contracting agency or provider, who provides early intervention services or other activities according to Virginia Part C Policies and Procedures to Part C eligible children and their families; or another public or private agency or provider that agrees to do so by interagency agreement, memorandum of understanding, or letter of agreement.

**Local Plan of Improvement** – the written plan developed by a locality to address any compliance issues identified through the Monitoring and Improvement Measurement System (MIMS). Specific timelines are required for each identified area of improvement. DMHMRSAS monitors and supports the successful completion of the improvement actions included in the plan within the specified time.

**Monitoring and Improvement Measurement System (MIMS)** – Virginia’s interagency system of evaluation and monitoring of the Part C system that is utilized to ensure local compliance with federal regulations and Virginia Part C Policies and Procedures. MIMS also serves as the mechanism for local improvement planning and implementation.

**Natural Environments** – settings that are natural, or normal, for a child’s age peers who have no disability.

**Public Agency** – Any department, authority, board, post, commission, division, institution, committee, office, entity or political subdivision, including local governing bodies, created by law to exercise some sovereign power or to perform some governmental duty, and empowered by law to undertake the prescribed activities.

## 2.0 SCOPE OF WORK

### 2.1 LICC

The LICC, which includes the Fiscal Agent and its other local public and private participating agencies/providers, shall complete the activities listed below. The LICC may establish and/or use any structures (including, but not limited to, the core group, committees, and/or task forces) necessary to complete the following activities.

#### 2.1.1 ADMINISTRATION:

- a. Develop local policies and procedures that comply with all Federal, State and local Part C policies and procedures to ensure that an efficient and effective interagency system of early intervention services is in effect for Part C eligible children and their families that provides the greatest personal outcomes for children and families while minimizing the burden on the taxpaying public. This includes, but is not limited to, meeting the following Part C requirements:

- (1). Family-centered services within the context of the natural environments provisions under Virginia Part C Policies and Procedures;
  - (2). The 45-day timeline requirements under Virginia Part C Policies and Procedures related to completing the initial evaluation/assessment to determine eligibility and an individualized family service plan for all eligible children;
  - (3). The statewide uniform ability to pay policies and procedures effective January 1, 2002 in accordance with Component XIII and Appendix X of the Virginia Part C Policies and Procedures.
  - (4) Procedural safeguards and dispute resolution procedures under Virginia Part C Policies and Procedures.
  - (5) Access all appropriate sources of funding and services prior to the use of Federal Part C funds for early intervention services or activities. Those funding sources may include, based upon local availability and accessibility and individual eligibility requirements, the following:
    - (a) Medicaid — Medicaid-eligible children must receive early intervention services from Medicaid providers. Early intervention services may be covered based on eligibility and other factors through Medicaid programs including, but not limited to, Medallion I, Medallion II, the MR Community-based Waiver, Technology Assisted Waiver, Elderly and Disabled Waiver, State Plan Services (including, but not limited to, Targeted Case Management (TCM), occupational therapy, physical therapy, speech-language pathology),
    - (b) Other Federal funds, including, but not limited to, Maternal Child Health;
    - (c) CHAMPUS/TriCare;
    - (d) State General Funds;
    - (e) Local government funds;
    - (f) Private funds, including private third party insurance with parental permission;
    - (g) Donations;
    - (h) Family fees; and
    - (i) All other locally-identified sources of funding that apply to Part C services.
- b. Re-evaluate local policies and procedures annually and revise as needed to ensure effectiveness. Provide the most current version to Infant and Toddler Connection of Virginia Technical Assistance Consultant for technical assistance purposes.
  - c. Facilitate development, review and revision of local interagency agreement(s), contract(s), and memoranda of understanding, as

necessary, to ensure that all local public and private participating agencies/providers comply with Part C requirements when providing Part C services.

- d. Ensure that the LICC has both a council chairperson and council coordinator in accordance with local operational procedures and implement operational procedures for the core group and LICC including reviewing and revising as needed.
- e. Designate through formal LICC action a local fiscal agent/intermediary to administer Part C funds at the local level.
- f. Develop local mechanisms to meet the Part C assurances listed in Section 4.0 of this contract, including review and revision as needed.
- g. Review and revise (as needed) the list of locally-identified potential informal resources and supports within the community (as identified in previous years through the process of community mapping) and add, as necessary, formal resources and supports (e.g. third party payors, local participating agencies/providers) to local early intervention systems in order to ensure that the payor of last resort provisions of Part C of the Individuals with Disabilities Education Act are met and to increase service capacity.
- h. Facilitate development and implementation of local interagency agreement(s), contract(s), and memoranda of understanding with additional local public and private agencies/providers, as necessary, in order to fill gaps in services and ensure access to all potential payors in accordance with the payor of last resort provision of Part C of the Individuals with Disabilities Education Act.
- i. Develop and revise local Part C budgets, as necessary, in accordance with DMHMRSAS requirements and procedures. A LICC may make budget revisions of any amount **within** a budget category without prior approval of the DMHMRSAS. A LICC also may revise up to 10% of its budget between categories without the approval of the DMHMRSAS. When seeking to move funds between budget categories, revisions, either singular or cumulative, exceeding 10% of the amount of this Contract must be submitted in writing to the DMHMRSAS and approved prior to the use of funds for newly proposed expenditures. Indicate all budget revisions on subsequent expenditure reports in accordance with DMHMRSAS requirements.
- j. Ensure that the LICC Coordinator's signature is provided on all Part C expenditure reports, which must also be signed by the Fiscal Agent.
- k. Determine jointly with the Fiscal Agent who will notify the DMHMRSAS as soon as concerns are identified about any projected budget shortfalls following an analysis of fiscal Part C expenditures in relationship to the Part C budget, child find data trends relating to potential numbers of children, projection of anticipated costs, current

resources being accessed, and identification of potential financial resources not being maximized. The notification shall be in accordance with the Additional Funds process established by the DMHMRSAS (using LICC Budget FY04 form in Attachment B, instructions in Attachment C. and Budget Justification Narrative in Attachment D) and shall include the signatures of both the Fiscal Agent and the LICC Coordinator. Once the notification is submitted, the following steps shall be followed:

- (1) The LICC, in coordination with its Fiscal Agent, shall respond to requests and agreed upon timelines from DMHMRSAS for additional or clarifying information to assist in the analysis of the data in the determination of the need for additional funds.
  - (2) The LICC shall participate with the Fiscal Agent in a site visit by the DMHMRSAS and other state officials, if necessary, to:
    - (1) analyze the LICC's and the Fiscal Agent's efforts to maximize all potential resources;
    - (2) determine if there are ways to improve the cost-effectiveness and efficiency of service delivery;
    - (3) identify any short-term or long-term options and strategies available to address the financial issues; and
    - (4) determine if immediate additional financial resources are necessary in order to sustain services until financial resources can be accessed for long-term support.
  - (3) If the DMHMRSAS determines it to be appropriate, the LICC, the Fiscal Agent and the DMHMRSAS shall mutually develop a technical assistance plan to assist the LICC, the Fiscal Agent and the other local participating agencies and providers in meeting the areas of improvement identified in the written summary of the data analyses prepared by the DMHMRSAS. The technical assistance plan shall include at a minimum:
    - (1) actions to be taken;
    - (2) responsible parties and individuals; and
    - (3) timelines, to ensure maximizing all available funding resources and the provision of cost-effective and efficient services that meet Part C requirements.
  - (4) The LICC, in conjunction with the Fiscal Agent and the DMHMRSAS, agrees to aggressively pursue funding sources and improvements in the efficiencies of service delivery in an effort to ensure that all sources of revenue are accessed to support services to infants and toddlers with disabilities.
- I. Respond to data requests from the DMHMRSAS including, but not limited to, federal- and State-required data, including personnel data as captured by the "Personnel Table" (Attachment E) and child data as captured on Infant and Toddler Online Tracking System, and other requested data captured via other methods as developed and implemented in Virginia and in accordance with timelines established

by DMHMRSAS (see list in Attachment G). It is expected that LICCs will meet the established timelines for responding to required data elements/reports. LICCs are encouraged to respond in a reasonably expeditious manner to those requests by DMHMRSAS for data identified as not required. Specifically, the LICC will enter child specific data that meet the Individual Child Data Form data elements into the secure web-based system (phase one) in accordance with instructions and guidance provided by the DMHMRSAS (see the ITOTS web page or [www.infantva.org](http://www.infantva.org)). Child specific data is required by the DMHMRSAS to meet federal reporting requirements and to assist with state and local planning, accountability, compliance and systems improvement.

- m. Participate in Virginia's Monitoring and Improvement Measurement System (MIMS) in accordance with the guidance from the DMHMRSAS in order to: a) ensure that local Part C systems are accountable to the children and families they serve; b) assure quality and efficiency while also assuring compliance with Federal, State, and local Part C requirements; and c) promote local quality improvement of early intervention services. Carry out the following MIMS requirements:
  - (1) Implement all MIMS procedures, data elements, reports and other requirements in accordance with the requirements and timelines of the MIMS cycle that the LICC is participating in including self-assessment based on MIMS indicators, hosting site visit, development of plan of improvement, and status reports according to MIMS requirements and guidance.
  - (2) Implement the statewide family survey with guidance and technical assistance from DMHMRSAS. Enter family survey data in the database provided by DMHMRSAS and submit data in accordance with DMHMRSAS requirements and timelines, as family surveys are completed, or at least quarterly.
  - (3) Re-evaluate local Part C policies and procedures annually and revise as needed.
  - (4) Review interagency agreements, contracts, and memoranda of understanding or letters of agreement annually and revise as necessary and make available for review by DMHMRSAS as part of MIMS.
- n. Identify and report substantial, recurring non-compliance with contract issues related to Part C on behalf of its participating agencies or providers in accordance with the following process:
  - (1) The LICC, including the Fiscal Agent and all other participating agencies or providers shall, to the greatest extent practicable, attempt to resolve the issue locally prior to submitting a notice to the DMHMRSAS. Technical assistance is available from the

DMHMRSAS to assist localities in their efforts at local resolution. When local issues of non-compliance, like those listed below, cannot be resolved at the local level then they are defined as substantial, recurring non-compliance issues. Substantial, recurring non-compliance issues include, but are not limited to, the following situations:

- (a) Non-compliance with payor of last resort and local maintenance of effort provisions of Part C of the Individuals with Disabilities Education Act or paying for non-Part C activities or services for non-Part C children;
  - (b) Significant barrier in providing early intervention services, including delaying or preventing children from receiving services in accordance with requirements;
  - (c) Lack of required public agency participation on the LICC;
  - (d) Inability to provide required services as a result of provider limitations;
  - (e) Reporting delays to the LICC or the Fiscal Agent by Part C participating agencies or providers regarding required data or requested or required information that impacts the LICC's ability to report in a timely fashion to DMHMRSAS;
  - (f) Failure to obtain required data from local participating agencies or providers;
  - (g) The content or the implementation of local interagency agreements, memorandum of understanding are not in compliance with Part C requirements;
  - (h) Personnel are not being hired in accordance with Part C requirements; and
  - (i) Lack of participation and compliance with the MIMS process and requirements including implementing the family survey, indicator analysis and required information and local plan of improvement.
- (2) The DMHMRSAS shall respond in writing to the LICC within 15 days of receipt of the notification of the substantial, recurring non-compliance and shall identify the status or next steps that it proposes to take to resolve the non-compliance.
- (3) DMHMRSAS and the LICC shall commit to making good faith efforts to develop plans and implement strategies to resolve issues of substantial, recurring non-compliance or barriers identified that prevent or delay children from receiving services.

### 2.1.2. PERSONNEL

- a. Ensure through local interagency agreements, contracts and/or memoranda of understanding that all local participating agencies utilize hiring practices for employing early intervention personnel that meet Component IX, Personnel Standards in *Virginia Policies and Procedures for the Implementation of Part C of the Individuals with Disabilities Education Act*. In order to comply with the following:
  - (1) Effective July 1, 2002, all personnel employed as Early Intervention Generalists to provide Part C services must meet a highest standard as specified in Component IX, Personnel Standards in the Virginia Part C Policies and Procedures.
  - (2) Complete the required documentation on the Personnel Data – Reporting Form (Attachment F) by May 1, 2004 to:
    - (a) Ensure that early intervention personnel who do not meet a highest standard when hired complete necessary course work within three years to meet a highest standard; and
    - (b) Identify those persons employed as Early Intervention Assistants who are in the process of achieving approval of their qualifications within eighteen months from their date of hire.

### 2.1.3. SERVICE DELIVERY:

- a. Ensure through local interagency agreements, contracts and/or memoranda of understanding that all local participating agencies utilize consistent statewide forms (see [www.infantva.org](http://www.infantva.org) for forms) or, with the exception of Procedural Safeguards forms, utilize electronic capabilities to produce substantially equivalent forms in content, sequence, format, and appearance in accordance with state guidance. Any electronically produced form shall be readily available in hard copy. Statewide service delivery forms include, but are not limited to, the following:
  - (1) “Individualized Family Service Plan (IFSP)” Form;
  - (2) “Notice and Consent for Initial Evaluation/Assessment” Form;
  - (3) “Confirmation of Initial Evaluation and Assessment Schedule” Form (optional);
  - (4) “Confirmation of Individualized Family Service Plan (IFSP) Schedule” Form;
  - (5) “Confirmation of Evaluation/Assessment and Individualized Family Service Plan (IFSP) Meeting” Form;

- (6) "Declining Early Intervention Services" Form;
  - (7) "Parental Prior Notice" Form;
  - (8) "Notice and Consent for Screening" Form; and
  - (9) "Notice of Child and Family Rights in the Infant and Toddler Connection of Virginia System (December 2002)".
- b. Implement the local plan (that was developed by October 15, 2000) that identifies the steps that the LICC and its local participating agencies are taking to ensure full compliance with the natural environment requirements as outlined in the April 1999 and May 2000 state training and in available technical assistance materials.
  - c. Assist families in accessing formal and informal supports and community resources (including third party and other financial resources) to promote attainment of IFSP outcomes through various learning opportunities that naturally occur during the family's typical daily activities and routines.
  - d. Develop and implement specific family support activities to promote family-centered practices and family participation/involvement in all aspects of the early intervention system. Such activities should be designed to: a) enhance each family's capacity to support their child's development and learning; b) support families in making informed decisions; c) empower families to gain self-sufficiency and independence; and d) facilitate full integration of the family in the community.
  - e. Utilize public awareness materials disseminated by the Infant and Toddler Connection of Virginia Early Intervention Office to ensure a consistent statewide public awareness campaign. This includes adopting and utilizing the consistent statewide identity and logo in the local early intervention system.

## 2.2 FISCAL AGENT

The Fiscal Agent, on behalf of and as the agent for the LICC of which it is a part, shall:

- 2.2.1 Purchase or contract for services and disburse funds in accordance with the interagency Part C budget developed by the LICC, of which the Fiscal Agent is a part, and approved by the DMHMRSAS.
  - a. The Fiscal Agent shall ensure adherence to its own requirements, as well as those of the DMHMRSAS, including Part C of the Individuals with Disabilities Education Act (IDEA), for managing funds – including audits, hiring of personnel, and complying with the Virginia Public

Procurement Act when contracting for services, other Part C functions and/or purchasing supplies/equipment.

- b. The Fiscal Agent shall provide accurate and detailed information to the LICC regarding its requirements, as well as those of DMHMRSAS, for procuring services and disbursing funds in order to facilitate interagency decisions and recommendations for use of funds within given parameters.
- c. The Fiscal Agent shall include a requirement for compliance with all Virginia Part C Policies and Procedures in all of its contracts with Part C service providers.
- d. The Fiscal Agent shall monitor all of its contracts with Part C service providers for compliance with Virginia Part C Policies and Procedures and shall notify the LICC if non-compliance is found.

2.2.2 Prepare and submit all reports required by the DMHMRSAS. Specifically the Fiscal Agent shall:

- a. Prepare and submit Part C expenditure reports (Attachment B – Quarterly Report Forms) that reflect expenditures incurred during each quarter of the fiscal year (7/1/03 – 6/30/04). Any federal or state Part C funds unexpended at June 30 may be obligated and expended during the period of July 1, 2003 through September 30, 2004. Any unspent funds after September 30, 2004 will be returned to the department. The expenditure reports, which must include signatures of the Fiscal Agent and the LICC Coordinator, are due 30 days following each quarter. If an expenditure report is submitted later than 45 days following a quarter, the DMHMRSAS shall suspend payments to the Fiscal Agent until the report is received in accordance with this contract.

Report quarters and submission deadlines are as follows:

<b>First report</b>	(07/01/03 thru 09/30/03)	Due October 31, 2003
<b>Second Report</b>	(10/01/03 thru 12/31/03)	Due February 2, 2004
<b>Third Report</b>	(01/01/04 thru 03/31/04)	Due May 3, 2004
<b>Fourth/Final Report</b>	(04/01/04 thru 06/30/04)	Due August 2, 2004

The LICC Coordinator is required to sign each Part C expenditure report. Thus, the Fiscal Agent may choose to complete the report(s), sign, and then forward to the LICC Coordinator for review, signature, and submission.

- b. Prepare and submit budget revisions in collaboration with the LICC, within the LICC Part C allocation award amount. A LICC may make budget revisions of any amount **within** a budget category without prior approval of the DMHMRSAS. A LICC also may revise up to 10% of its budget between categories without the approval of the DMHMRSAS. When seeking to move funds between budget categories, revisions, either singular or cumulative, exceeding 10% of

the amount of this Contract must be submitted in writing to the DMHMRSAS and approved prior to the use of funds for newly proposed expenditures. These revisions shall be indicated on subsequent expenditure reports.

- c. Prepare and submit the Department of Social Services (DSS) Funds – Monthly Reporting Form (Attachment B – DSS Request for Reimbursement Form) in collaboration with the LICC, for DSS funds.

Submission deadlines are 20 days following the end of the previous month.

- 2.2.3 Determine jointly with the LICC who will notify the DMHMRSAS as soon as concerns are identified about any projected budget shortfalls following an analysis of fiscal Part C expenditures in relationship to the Part C budget, child find data trends relating to potential numbers of children, projection of anticipated costs, current resources being accessed, and identification of potential financial resources not being maximized. The notification shall be in accordance with the Additional Funds process established by the DMHMRSAS (using LICC Budget FY04 form in Attachment B, instructions in Attachment C. and Budget Justification Narrative in Attachment D) and shall include the signatures of both the Fiscal Agent and the LICC Coordinator. Once the notification is submitted, the following steps shall be followed:
  - a. The Fiscal Agent, in coordination with the LICC, shall respond to requests and agreed upon timelines from DMHMRSAS for additional or clarifying information to assist in the analysis of the data in the determination of the need for additional funds.
  - b. The Fiscal Agent shall make available local Part C system financial data for a financial audit, if that is determined to be necessary by the DMHMRSAS.
  - c. The Fiscal Agent shall participate with the LICC in a site visit by the DMHMRSAS and other state officials, if necessary, to: (1) analyze the LICC's and the Fiscal Agent's efforts to maximize all potential resources; (2) determine if there are ways to improve the cost-effectiveness and efficiency of service delivery; (3) identify any short-term or long-term options and strategies available to address the financial issues; and (4) determine if immediate additional financial resources are necessary in order to sustain services until financial resources can be accessed for long-term support.
  - d. If the DMHMRSAS determines it to be appropriate, the LICC, the Fiscal Agent, and DMHMRSAS shall mutually develop a technical assistance plan to assist the LICC, the Fiscal Agent and the other local participating agencies and providers in meeting the areas of improvement identified in the written summary of the data analyses prepared by the DMHMRSAS. The technical assistance plan shall include at a minimum: (1) actions to be taken; (2) responsible parties

and individuals; and (3) timelines, to ensure maximizing all available funding resources and the provision of cost-effective and efficient services that meet Part C requirements.

- e. If additional funds are awarded by the DMHMRSAS, then the Fiscal Agent shall provide status reports to the DMHMRSAS on the use of funds and on the status of efforts to address the areas identified as needing improvement.
- f. The Fiscal Agent, in coordination with the LICC and DMHMRSAS, agrees to aggressively pursue funding sources and improvements in the efficiencies of service delivery in an effort to ensure that all sources of revenue are accessed to support services to infants and toddlers with disabilities.

2.2.4 Make available Part C funds to ensure access to and maintenance for all necessary computer resources in accordance with DMHMRSAS requirements to ensure: a) the council coordinator's communication with the state office (e.g., email and Internet access); b) the completion of all necessary written activities for compliance with this contract; and c) the management of data required for MIMS and other required/requested data needs (see [www.infantva.org](http://www.infantva.org) for required MIMS data elements) via Microsoft Access Software or other software as provided by the state.

2.2.5 Return unspent Part C funds at the end of the fiscal year to DMHMRSAS according to timelines and guidance provided by DMHMRSAS.

### 2.3 DMHMRSAS

DMHMRSAS shall:

- 2.3.1 Disperse state and federal Part C funds, subject to the LICC's and the Fiscal Agent's compliance with the provisions of this contract.
- 2.3.2 Provide advance notice in requesting additional information or data or in changing established timelines. The amount of advance notice may vary depending upon the circumstances of the request.
- 2.3.3 Disseminate consistent statewide public awareness campaign materials and strategies and provide guidance for implementation.
- 2.3.4 Make available, upon request, multiple copies of Procedural Safeguards forms.
- 2.3.5 Make available on its website ([www.infantva.org](http://www.infantva.org)) copies of all forms that are required for use by participating agencies in providing Part C services, in addition to policy and technical assistance documents and minutes from various meetings.

- 2.3.6 Provide communication to the LICC and the Fiscal Agent on a regular basis, identifying updated information on the DMHMRSAS's website ([www.infantva.org](http://www.infantva.org)) and other pertinent resources and information
- 2.3.7 Provide technical assistance to the LICC, Fiscal Agent, and local participating agencies or providers.
- 2.3.8 Conduct random or planned fiscal audits as DMHMRSAS deems appropriate.
- 2.3.9 Respond to the LICC and the Fiscal Agent within 15 business days of the written notification of projected insufficient financial resources and identify the next steps, including the need for additional information or scheduling a site visit to address the concerns. In addition, the following steps will be followed:
  - a. The DMHMRSAS shall provide a written summary within 15 business days, of the analysis of the data and site visit, if conducted, to the LICC and the Fiscal Agent including identification of any areas of improvement that must be addressed by the LICC, the Fiscal Agent and the local participating agencies and providers.
  - b. If the DMHMRSAS determines it to be appropriate, the LICC, the Fiscal Agent and the DMHMRSAS shall mutually develop a technical assistance plan to assist the LICC, the Fiscal Agent and the local participating agencies and providers in meeting the areas of improvement identified in the written summary of the data analysis. The technical assistance plan shall include at a minimum: (1) actions to be taken; (2) responsible parties and individuals; and (3) timelines, to ensure maximizing all available funding resources and the provision of cost-effective and efficient services that meet Part C requirements.
  - c. If data substantiates an immediate need for funds or that all potential resources have been accessed and that services are provided in a cost-effective and efficient manner, the DMHMRSAS shall provide additional funding, to the extent it is available, to the LICC and the Fiscal Agent to support provision of necessary Part C early intervention services.
  - d. The DMHMRSAS agrees to aggressively pursue funding sources and improvements in the efficiencies of service delivery in an effort to ensure that all sources of revenue are accessed to support services to infants and toddlers with disabilities.
- 2.3.10 Conduct site visits with the LICC, the Fiscal Agent and local participating agencies or providers for the purposes of monitoring and determining the need for additional funds, and for assistance in resolving issues through technical assistance.
- 2.3.11 Provide training or guidance to the LICC, the Fiscal Agent and local participating agencies or providers based on changes or modifications to

the state level interagency agreement and Virginia Part C Policies and Procedures, which are reviewed at least annually and revised as necessary, and on other information as appropriate.

- 2.3.12 Acknowledge to Fiscal Agent receipt of the notification of substantial, recurring non-compliance or projected insufficient financial resources within 15 business days and identify steps and proposed timeframes for resolution.
- 2.3.13 Maintain interagency agreements with the participating state agencies: the Departments of Health; of Education; of Medical Assistance Services; of Mental Health, Mental Retardation and Substance Abuse Services; and of Social Services; the Departments for the Deaf and Hard-of-Hearing, for the Blind and Vision Impaired, and for Rights of Virginians with Disabilities; and the Bureau of Insurance with the State Corporation Commission. In addition, the DMHMRSAS will resolve disagreements relating to these interagency agreements and seek compliance from the state agencies at the local level after reasonable local effort.
- 2.3.14 Delineate between those data requests to which a response is required (e.g., federally-required, State-required, requested by Virginia legislature) and those to which a response is not required, per se, but necessary for the purpose of making informed policy decisions.

### 3.0 DELIVERABLES

#### 3.1 LICC

The LICC, which includes the Fiscal Agent and all other local participating agencies/providers, shall provide to the DMHMRSAS the following:

- 3.1.1 Monitoring and Improvement Measurement System (MIMS) documents and data as follows in accordance with the requirements of the MIMS cycle in which the LICC is participating in and in accordance with submission timelines as specified by the DMHMRSAS and in accordance with the Scope of Work of this contract:
  - a. Family Survey Data – due dates as follows:

Report period May – July	Due: August 1, 2003
Report period August – October	Due: November 1, 2003
Report period November – January	Due: February 1, 2004
Report period February – April	Due: May 1, 2004
  - b. MIMS Indicator Data; and
  - c. Local Plan of Improvement or a Status Report (for those LICCs that have completed a local plan of improvement and are not in the self-assessment phase).

- 3.1.2 Child-specific data, in accordance with the Infant and Toddler Online Tracking System (ITOTS) data elements as children enter the system or at least by the last day of each month.
- 3.1.3 Revised local policies and procedures by May 1, 2004.
- 3.1.4 Completed Department of Social Services (DSS) Funds – Monthly Reporting Form

Submission deadlines:

<u>Report Month</u>	<u>Due Date</u>
July 2003	August 20, 2003
August 2003	September 20, 2003
September 2003	October 20, 2003
October 2003	November 20, 2003
November 2003	December 20, 2003
December 2003	January 20, 2004
January 2004	February 20, 2004
February 2004	March 20, 2004
March 2004`	April 20, 2004
April 2004	May 20, 2004
May 2004	June 20, 2004
June 2004	July 20, 2004

- 3.1.5 Report of Non-Compliance submitted within 30 days of identification of the non-compliance including; a) identification of the substantive recurring non-compliance issue, b) the agencies or providers involved, c) the length of time that the non-compliance has occurred, and d) the steps taken to resolve the issue at the local level.
- 3.1.6 The federally-required Part C “Personnel Table” (Attachment E) by 9/15/03.
- 3.1.7 The required documentation related to personnel who do not meet highest standards in accordance with the Personnel Data – Reporting Form: Documentation of Personnel Currently Employed in LICC’s Early Intervention System As Early Intervention Assistants by May 1, 2004 (Attachment F).

3.2 FISCAL AGENT

The Fiscal Agent, on behalf of and as the agent for the LICC of which it is a part, shall provide to the DMHMRSAS the following:

- 3.2.1 Executed contract documents as specified on the Contract form included herein.

Although the Fiscal Agent is submitting the executed documents on behalf of the LICC, the Fiscal Agent is not solely responsible for

completing all of the contract documents, many of which require input and collaboration of the LICC and its local participating public and private agencies.

- 3.2.2 Completed Part C expenditure reports for report quarters and due dates as follows:

First report:	(07/01/03 thru 09/30/03)	Due October 31, 2003
Second report	(10/01/03 thru 12/31/03)	Due February 2, 2004
Third report	(01/01/04 thru 03/31/04)	Due May 3, 2004
Fourth/final report	(04/01/04 thru 06/30/04)	Due August 2, 2004

If an expenditure report is submitted later than 45 days following a quarter, the DMHMRSAS shall suspend payments to the Fiscal Agent until the report is received in accordance with this contract.

- 3.2.3 Revised local Part C budgets, as necessary, developed in collaboration with the LICC and in accordance with DMHMRSAS requirements and procedures.
- 3.2.4 Returned unspent Part C funds at the end of the fiscal year to the DMHMRSAS according to timelines and guidance provided from the DMHMRSAS.

### 3.3 DMHMRSAS

DMHMRSAS shall provide to the Fiscal Agent, LICC, and local participating agencies and providers, the following:

- 3.3.1 Statewide public awareness materials for use by the LICC and local participating agencies and providers.
- 3.3.2 State website ([www.infantva.org](http://www.infantva.org)) for local access to required forms, policy and technical assistance documents, minutes from meetings.
- 3.3.3 Training and technical assistance to the LICC, Fiscal Agent and local participating agencies based upon state and local needs and issues.
- 3.3.4 State and Federal Part C funds in accordance with this Contract.

## 4.0 ASSURANCES

The LICC, which includes the Fiscal Agent and all other local participating agencies/providers, assures through the terms and conditions of interagency agreements, contracts, and purchase orders, the following:

- 4.1 Federal funds made available under Part C will not be commingled with State funds.

(34 CFR 303.123)

State funds in this assurance references Federal, State, local and private funding sources other than federal Part C funds. This assurance is satisfied by the use of an accounting system that includes an “audit trail” of the expenditure of funds awarded under Part C. Separate bank accounts are not warranted.

- 4.2 Federal funds made available under Part C will be used to supplement and increase the level of State and local funds expended for infants and toddlers with disabilities and their families and in no case supplant such State and local funds appropriated or budgeted at the state and local level for Part C services.

(34 CFR 303.124)

To meet this requirement, the total amount of State and local funds budgeted for expenditures in the current fiscal year for early intervention services for Part C eligible children must be at least equal to the total amount of State and local funds actually expended for early intervention services for these children and their families in the most recent fiscal year for which information is available.

- 4.3 Fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under Part C.

(34 CFR 303.125)

- 4.4 Every effort will be made during planning and implementation of the interagency system of early intervention services to consider and access all available sources of funds prior to use of Part C funds. To meet the payor of last resort provision, the requirements on non-substitution of funds and non-reduction of other benefits must be met.

(34 CFR 303.126)

In accordance with this payor of last resort provision, Part C funds may not be used as a reimbursement source:

- 4.4.1 For a family with private insurance, Part C funds may not be used to make up the difference between the usual and customary rate paid by the insurance company for a service and the local participating agency's/provider's cost to provide that service. By being a provider for that insurance company, the local participating agency/provider has agreed to accept that usual and customary rate.

- 4.4.2 For a child with Medicaid, Part C funds cannot be used to make up the difference between the amount reimbursed by Medicaid and the local participating agency's/provider's cost of providing that service. As a Medicaid provider, the local participating agency/provider has agreed to accept reimbursement at the Medicaid rate.

- 4.4.3 For a child whose family is paying according to the statewide Part C ability to pay scale, Part C funds cannot be used to reimburse the agency for the family fee if the family states they are unable to pay the fee (even after all appeals are exhausted) if state, local or federal funds are used to support the provision of any early intervention services provided by the agency.

Specifically, this requirement applies primarily to public agencies including, but not limited to, CSBs and Health Departments that use public funds to provide early intervention services. It also applies to private agencies that provide early intervention services via a lump sum contract with a public agency. This does not apply, however, if early intervention services are purchased from a vendor at a per service rate.

- 4.5 The LICC, which includes the Fiscal Agent and all other participating local agencies/providers, will:
- a. Provide financial reports containing information that the State may require; and
  - b. Keep financial records and afford access to those records as the State may find necessary to assure the correctness and verification of reports and proper disbursement of funds provided under Part C.  
(34 CFR 303.122)
- 4.6 Part C funds will be used by the LICC to plan, develop, and implement a local interagency system of early intervention services for Part C eligible children and their families as defined in State policies and will be expended in accordance with Federal requirements, including requirements for the provision of direct services not provided or funded by other sources.  
(34 CFR 303.3; 34 CFR 303.144; and 34 CFR 303.127)
- 4.7 Local policies and practices will be implemented which ensure that traditionally-underserved groups, including minority, low income, and rural families have access to culturally-competent services within their local geographic areas.  
(34 CFR 303.128)
- 4.8 All Federal, State, and local policies and procedures for Part C implementation are implemented through local interagency agreements, contracts, and/or memoranda of understanding.
- 4.9 The LICC and its Fiscal Agent further assure that all local participating agencies/providers are informed of the assurances listed above and that the obligation to comply with these assurances is included in all contracts, agreements, and purchase orders with local Part C services providers.

## 5.0 GENERAL CONDITIONS:

- 5.1 **Applicable Laws and Courts:** This contract shall be governed in all respects by the laws of the Commonwealth of Virginia and any litigation with respect thereto

shall be brought in the courts of the Commonwealth. The LICC and its Fiscal Agent shall comply with all federal, state and local laws, rules and regulations.

- 5.2 **Anti-Discrimination:** The LICC and its Fiscal Agent certify to the DMHMRSAS that they shall conform to the provisions of the Federal Civil Rights Act of 1964, as amended, as well as the Virginia Fair Employment Contracting Act of 1975, as amended, where applicable, the Virginians With Disabilities Act, the Americans With Disabilities Act and § 2.2-4311 of the *Virginia Public Procurement Act*. If the award is made to a faith-based organization, the organization shall not discriminate against any recipient of goods, services, or disbursements made pursuant to the contract on the basis of the recipient's religion, religious belief, refusal to participate in a religious practice, or on the basis of race, age, color, gender or national origin and shall be subject to the same rules as other organizations that contract with public bodies to account for the use of the funds provided; however, if the faith-based organization segregates public funds into separate accounts, only the accounts and programs funded with public funds shall be subject to audit by the public body. (*Code of Virginia*, § 2.2-4343.1E).

In every contract over \$10,000 the provisions in 1. and 2. below apply:

- 5.2.1 During the performance of this contract, the LICC and its Fiscal Agent agree as follows:

- a. The LICC and its Fiscal Agent shall not discriminate against any employee or applicant for employment because of race, religion, color, sex or national origin, or disabilities, except where religion, sex or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of the LICC or its Fiscal Agent. The LICC and its Fiscal Agent agree to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
- b. The LICC and its Fiscal Agent, in all solicitations or advertisements for employees placed by or on behalf of the Fiscal Agent, shall state that such Fiscal Agent is an equal opportunity employer.
- c. Notices, advertisements and solicitations placed in accordance with federal law, rule or regulation shall be deemed sufficient for the purpose of meeting the requirements of this section.

- 5.2.2 The LICC and its Fiscal Agent shall include the provisions of 1. above in every contract for services or purchase order over \$10,000, so that the provisions shall be binding upon each contractor or vendor.

- 5.3 **Compliance:** The LICC and its Fiscal Agent shall incorporate compliance with the following requirements into all contracts, interagency agreements, and memoranda of understanding for the implementation of Part C of the Individuals with Disabilities Education Act (IDEA): (*Links to many of these documents may be found on our website and can be accessed at: [www.infantva.org](http://www.infantva.org)*).

- 5.3.1 Public Law 105-17, Individuals with Disabilities Education Act (IDEA);
  - 5.3.2 34 CFR Part 303: Early Intervention Program for Infants and Toddlers with Disabilities;
  - 5.3.3 Code of Virginia, § 2.2-5300 et seq.;
  - 5.3.4 Submission, Assurances and Certifications; Part C Grant Application;
  - 5.3.5 Virginia Part C Policies and Procedures (2000), any subsequent revisions, and local policies and procedures;
  - 5.3.6 Department of Mental Health, Mental Retardation and Substance Abuse Services Policy 4037 (CSB) 91-2: Early Intervention Program for Infants and Toddlers with Disabilities and Their Families;
  - 5.3.7 Memorandum of Agreement Among the Agencies Involved in the implementation Of Part C of the Individuals with Disabilities Education Act (IDEA) to Meet Full Implementation Requirements (September 1996) and local interagency agreements or memorandum of understanding; and
  - 5.3.8 Applicable local interagency agreements, contracts, and memoranda of understanding
- 5.4 **Immigration Reform and Control Act of 1986:** The LICC and its Fiscal Agent certify that they do not and shall not during the performance of this contract employ illegal alien workers or otherwise violate the provisions of the federal Immigration Reform and Control Act of 1986.
- 5.5 **Authorities:** Nothing in this contract shall be construed as authority for any party to make commitments that will bind the other party beyond the scope of services contained herein.
- 5.6 **Ethics in Public Contracting:** The LICC and its Fiscal Agent certify that any contract entered into by the Fiscal Agent as a result of this agreement shall be made without collusion or fraud and that it will not offer or receive any kickbacks or inducements from any other parties in connection with its contract and that it will not confer on any public employee having any official responsibility for this procurement transaction any payment, loan, subscription, advance, deposit of money, services or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value was exchanged.
- 5.7 **Performances:** All services provided by the LICC and its Fiscal Agent pursuant to this contract shall be performed to the satisfaction of the DMHMRSAS, and in accordance with all applicable federal, state and local laws, ordinances, rules and regulations. The LICC and its Fiscal Agent shall not receive payment for work found by the DMHMRSAS to be unsatisfactory or performed in violation of Federal, State and local laws, ordinances, rules or regulations. Furthermore, the Fiscal Agent shall, through contract management, hold local public and private agencies to which Part C funds are provided accountable and withhold payment

for services found to be unsatisfactory. Should any disagreements arise under any portion of this contract, both parties agree to attempt to resolve through open discussion any conflicting issues prior to issuing any notice of cancellation.

- 5.8 **Confidentiality:** The LICC and its Fiscal Agent assure that information and data obtained as to personal facts and circumstances related to clients will be held confidential, during and following the term of this agreement, and will not be divulged, except as required to legally meet mandatory requirements, without the individual's written consent and then only in strict accordance with Part C of the Individuals with Disabilities Education Act confidentiality requirements and prevailing laws. Any information to be disclosed, except to the DMHMRSAS must be in summary, statistical, or other form which does not identify particular individuals.
- 5.9 **Modification of Contract:** This Contract may be modified upon the mutual agreement of the DMHMRSAS, the LICC and its Fiscal Agent, including, but not limited to, the Scope of Work, budget, and compensation. Any and all modifications to the Contract must be in writing and signed by both the LICC and its Fiscal Agent and the DMHMRSAS. This procedure does not include changes to original funding. The procedure applicable to changes to funds is under Section 5.0 "General Conditions," item 5.18 "Changes to Funds."
- 5.10 **Termination of Contract:** Either the DMHMRSAS, the LICC or its Fiscal Agent may terminate this contract at any time during the contract period, upon 90 days written notice via certified mail with return receipt. In the event that the LICC or its Fiscal Agent wishes to terminate the contract, the notice of cancellation shall be sent to the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services. In the event the DMHMRSAS wishes to terminate the contract, the notice of cancellation shall be sent to the LICC and its Fiscal Agent. The 90-day notice period shall commence on the date of receipt of the notice by the addressee as documented by the return receipt. In the event that this contract is cancelled for any reason, the LICC and its Fiscal Agent shall cooperate with the DMHMRSAS to implement a transition plan for Part C eligible children and their families served under this contract.
- 5.11 **Audit:** The LICC and its Fiscal Agent shall retain all books, records, and other documents relative to this contract for five years after final payment, or until audited by the Commonwealth of Virginia, whichever is sooner. The DMHMRSAS, its authorized agents, and State and Federal auditors shall have full access to and the right to examine any of said materials during said period.
- 5.12 **Availability of Funds:** It is understood and agreed between the parties that the DMHMRSAS shall be bound hereunder only to the extent of the funds available or which may hereafter become available for the purpose of this contract. See Sections 2.1.1.k, 2.2.3 and 2.3.9 for issues related to financial insufficiencies.
- 5.13 **Assignment of Contract:** This contract shall not be assignable by the LICC and its Fiscal Agent in whole or in part without the written consent of the DMHMRSAS.

- 5.14 **Prompt Payment:** The LICC and its Fiscal Agent shall comply with the terms and conditions of Article 4, Titled “Prompt Payment” of the Virginia Public Procurement Act.
- 5.15 **Drug-Free Workplace:** During the performance of this contract, the LICC and its Fiscal Agent agree to (i) provide a drug-free workplace for the Fiscal Agent’s employees; (ii) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the LICC’s and its Fiscal Agent’s workplace and specifying the actions that will be taken against employees for violations of such prohibition; (iii) state in all solicitations or advertisements for employees placed by or on behalf of the LICC and its Fiscal Agent that the LICC and its Fiscal Agent maintains a drug-free workplace; and (iv) include the provisions of the foregoing clauses in every contract for services or purchase order of over \$10,000.00 so that the provisions will be binding upon each contractor or vendor.

For the purposes of this section “*drug-free workplace*” means a site for the performance of work done in connection with a specific contract awarded to a contractor; the employees of whom are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana during the performance of the contract.

- 5.16 **Precedence of Terms:** The terms and conditions of this contract shall apply in all instances. In the event of a conflict between any of these terms and conditions and those of any other contracts, the terms and conditions of this contract shall apply.
- 5.17 **Renewal of Contract:** This contract may be renewed by the DMHMRSAS upon written agreement of all parties for four (4) successive one year periods, under the terms of the current contract, and at a reasonable time (approximately 90 days) prior to the expiration.
- 5.18 **Changes to Funds:** Upon request by the LICC and its Fiscal Agent for changes in their original funding amounts, DMHMRSAS reserves the right to grant additional funds to the LICC and its Fiscal Agent or to reduce the amount of funds previously allocated to the LICC and its Fiscal Agent. DMHMRSAS will notify the LICC and its Fiscal Agent of the amount of funds added to their original funding amounts and what the additional funds may be used for, or the reduction to their original funding, by issuing a letter to the LICC and its Fiscal Agent. This letter shall be made part of the Contract.

## 6.0 SUBMISSION REQUIREMENTS

The LICC and its Fiscal Agent shall submit to the DMHMRSAS the following documents, incorporated as part of this contract and in the supplemental Excel spreadsheets as Attachments A, B and D, which are required for execution of this contract:

- 6.1 Identification Sheet
- 6.2 Part C Funds LICC Budget

6.3 Local Part C Interagency Budget Justification Narrative

7.0 **PERIOD OF CONTRACT:** This contract commences upon final execution and expires on June 30, 2004, to include work beginning July 1, 2003.

8.0 **COMPENSATION AND PAYMENT**

The DMHMRSAS shall pay the Fiscal Agent semi-monthly (a total of 24 payments). The timely submission of Expenditure Reports by the Fiscal Agent in accordance with §2.2.2.a of this contract, and approved by the LICC is required for the continuance of automatic allocations. The DMHMRSAS shall suspend any further semi-monthly payments until required reports are received in accordance with this contract.

Federal Part C Funds	\$
State General Funds	\$
DSS Funds	\$
One-time Federal Part C Funds:	\$

**TOTAL Part C Allocation 03-04:** \$

8.1 The LICC and its Fiscal Agent shall use these funds for the implementation of the Part C early intervention system in accordance with all requirements and provisions in this contract including:

8.1.1 DSS funds shall be expended prior to federal Part C funds.

8.1.2 All one-time Part C funds obtained through the One Time Funds Process shall be spent for the provision of direct services.

9.0 **SUBMISSION STATEMENT**

The LICC and its Fiscal Agent agree to carry out all services and functions of the LICC and the Fiscal Agent outlined in this contract in compliance with this contract and all terms and conditions imposed herein, as well as all fiscal requirements of Part C of the Individuals with Disabilities Education Act (42 USC 1478 et seq).

**IN WITNESS WHEREOF**, the parties have caused this Contract to be duly executed intending to be bound thereby:

**{Local Interagency Coordinating Council}**

By: \_\_\_\_\_

{Name of Council Coordinator}

Date: \_\_\_\_\_

**{Fiscal Agent}**

By: \_\_\_\_\_

{Name of Authorized Officer of Fiscal Agent}  
{Title}

Date: \_\_\_\_\_

**Department of Mental Health, Mental Retardation  
And Substance Abuse Services**

James S. Reinhard, M.D.  
Commissioner

By: \_\_\_\_\_

Date: \_\_\_\_\_

**ATTACHMENTS**

ATTACHMENT A – IDENTIFICATION SHEET

ATTACHMENT B – LOCAL PART C INTERAGENCY BUDGET, QUARTERLY REPORTING FORMS, DSS REIMBURSEMENT REQUEST FORM, ONE-TIME FUNDS REQUEST FORMS

ATTACHMENT C – Instructions for 2003-2004 Local Budgets

ATTACHMENT D – State Fiscal Year (SFY) 2003 Local Part C Interagency Budget Justification Narrative

ATTACHMENT E – Personnel Table – Federal Part C Report

ATTACHMENT F – Personnel Data - Reporting Form

ATTACHMENT G – Anticipated Data/Information Required from Local Interagency Coordinating Councils

CONTRACT # \_\_\_\_\_

LICC \_\_\_\_\_

State Fiscal Year (SFY) 2004

COMMONWEALTH OF VIRGINIA  
LOCAL CONTRACT FOR CONTINUING PARTICIPATION IN PART C  
EARLY INTERVENTION FOR INFANTS AND TODDLERS WITH DISABILITIES AND THEIR FAMILIES

**ATTACHMENT A**

**IDENTIFICATION SHEET**

\_\_\_\_\_  
*Name of Fiscal Agent (Fiscal Agent)*

\_\_\_\_\_  
*Contact Person for Fiscal Agent (Fiscal Agent)*

\_\_\_\_\_  
*Address*

\_\_\_\_\_  
*Telephone number*

\_\_\_\_\_  
*Fax number*

\_\_\_\_\_  
*E-mail address*

\_\_\_\_\_  
*Name of LICC*

\_\_\_\_\_  
*Name of LICC Coordinator*

\_\_\_\_\_  
*Address*

\_\_\_\_\_  
*Telephone number*

\_\_\_\_\_  
*Fax number*

\_\_\_\_\_  
*E-mail address*

\_\_\_\_\_  
*Name of LICC Chair*

\_\_\_\_\_  
*Business/Occupation*

\_\_\_\_\_  
*Address*

\_\_\_\_\_  
*Telephone number*

\_\_\_\_\_  
*Fax number*

\_\_\_\_\_  
*E-mail address*

CONTRACT # \_\_\_\_\_

LICC \_\_\_\_\_

State Fiscal Year (SFY) 2004

COMMONWEALTH OF VIRGINIA  
LOCAL CONTRACT FOR CONTINUING PARTICIPATION IN PART C  
EARLY INTERVENTION FOR INFANTS AND TODDLERS WITH DISABILITIES AND THEIR FAMILIES

ATTACHMENT B

LICC Budget and reporting forms as well as One Time Funds Request forms for FFY 03-04 are included in the Excel spreadsheet. Instructions for completing these forms are provided in Attachment C of this Contract.

State Fiscal Year (SFY) 2004                      COMMONWEALTH OF VIRGINIA  
 LOCAL CONTRACT FOR CONTINUING PARTICIPATION IN PART C  
EARLY INTERVENTION FOR INFANTS AND TODDLERS WITH DISABILITIES AND THEIR FAMILIES

ATTACHMENT C

Instructions for 2003-2004 Local Budgets

The 2003-2004 budget form is designed to meet federal requirements for reporting all revenue sources for the local Infant & Toddler Connection system budget. This budget will include not only Part C funds, but also any other state and local funds designated for the local early intervention system as well as the revenue from third party reimbursement and family fees for entitled Part C services provided by positions funded through this budget. The budget form also requires that specific budget amounts be designated for the entitled services (in order to meet federal reporting requirements). Entering the required budget information into the budget form provided (which is an excel spreadsheet) will facilitate calculations of how much and for which entitled direct services additional funds are needed – for those councils that need additional funds.

Step by Step Process:

1. Enter your local council and fiscal agent information in the designated fields on the top left corner of the spreadsheet.
2. Place an “X” in the block labeled “Budget”
3. If your budget includes a request for additional funds, also place an “X” in the block labeled “One Time Funding”
4. Fill in the date you are completing the budget spreadsheet
5. Revenues: In the top row of the budget spreadsheet, enter the amount of revenue from each source for your local Infant & Toddler Connection System.
  - The first three amounts are provided on the table titled FFY 2003-04 Part C Allocation that was sent 5-9-03 from the Part C Office
  - Enter the amount of funding provided by the CSB for the local Infant & Toddler Connection system budget
  - Enter the amount of Medicaid funds used to help fund the local Infant & Toddler Connection system budget
  - Enter the amount of insurance funds collected through the local Infant & Toddler Connection system budget
  - Enter the amount of targeted case management funds collected through the local Infant & Toddler Connection system budget
  - Enter other funds that support the local Infant & Toddler Connection system budget (such as family fees for entitled early intervention services, health department funds, etc)
  - The total funds available for the local Infant & Toddler Connection system will total automatically
6. Expenses: Record the total projected expenses to manage your infant and toddler system in the first column specifying the amount projected for each line item
  - Administration may not exceed 3% of the total of the \$3,125 state Part C funds and the Federal Part C allocation amount
  - Fill in the budgeted totals for council operations and for systems components
  - Fill in the projected budgeted amount for each entitled direct service. ITOTs data and or sampling of IFSP services pages can be used as a basis for estimating the portion of the total entitled direct services budget amount that is needed for each specific service
7. In the next columns under each funding source, list the amount of funds from that funding source that will be spent for each specific line item. (For example, \$94 may be listed under Part C State in the Administration row and 3% of the federal Part C allocation may be listed under Part C Federal in the Administration row).
  - The total amount listed in the expenses column under each revenue source must total the amount listed for that revenue source.
  - Note that Part C DSS funds, Medicaid Funds, and insurance funds are revenue sources **only for entitled direct services** and targeted case management funds are revenue sources **only for the entitled service of service coordination/case management.**
8. If the amount of funds projected to be needed to fund direct services exceeds the amount of revenue sources available for those services, the additional amount needed will be automatically calculated in the one time funding column. If additional funds are requested, the amount requested must be listed on the justification narrative and justification information must be provided for this additional amount.

**State Fiscal Year (SFY) 2004                      COMMONWEALTH OF VIRGINIA**  
**LOCAL CONTRACT FOR CONTINUING PARTICIPATION IN PART C**  
**EARLY INTERVENTION FOR INFANTS AND TODDLERS WITH DISABILITIES AND THEIR FAMILIES**

9. Enter the number of children expected to receive each specific entitled service in the Projected Number of Children Served column. (Individual children may be counted more than once in this column) This column should include all children expected to receive each of the entitled services, including children whose services are funded with DSS funds.
10. At the bottom of the “Projected Number of Children Served”– in the line “Unduplicated Number Of Children Served”, fill in the unduplicated number of children expected to be served (based on child count information and trends).
11. Enter the numbers of children expected to be served with DSS funds in each Direct Service area in the DSS Funds Projected Number of Children Served column.
12. Obtain signatures and dates.
13. Submit completed budget via email to Mary Ann Discenza, Part C Coordinator ([mdiscenza@dmhmrsas.state.va.us](mailto:mdiscenza@dmhmrsas.state.va.us)) and also to your technical assistance consultant and to Bob Schmid, Grants Management, ([bschmid@dmhmrsas.state.va.us](mailto:bschmid@dmhmrsas.state.va.us))
14. For budget revisions, place an “X” in the block labeled “Budget Revision” and follow instructions above for completing the budget, making revisions where necessary.

Page 2 of the Interagency Budget

1. The council and fiscal information will be listed automatically from page one when using the excel spreadsheet budget form provided.
2. As in previous years, specify the amount of the Part C allocation that will be go directly to each of the agencies listed to expend for each line item.

**Note:** If additional funds are being requested as part of the initial budget submission, the justification should be included in the Budget Justification Narrative. A separate form has been included in the budget process packet for justification of requests for additional funds that are made after this initial budget submission.

CONTRACT # \_\_\_\_\_

LICC \_\_\_\_\_

State Fiscal Year (SFY) 2004 COMMONWEALTH OF VIRGINIA  
LOCAL CONTRACT FOR CONTINUING PARTICIPATION IN PART C  
EARLY INTERVENTION FOR INFANTS AND TODDLERS WITH DISABILITIES AND THEIR FAMILIES

ATTACHMENT D

STATE FISCAL YEAR (SFY) 2004 LOCAL PART C INTERAGENCY BUDGET JUSTIFICATION NARRATIVE

Total Part C Base Allocation\*: \_\_\_\_\_

\*includes State Part C Funds [\$3,125], DSS Funds, and Federal Part C Funds

Amount Designated for Administration\*\*: \_\_\_\_\_

\*\*Must not exceed 3% of State and Federal Part C Funds

Explanation:

Amount Designated for Council Operations: \_\_\_\_\_

Explanation:

Amount Designated for Systems Component: \_\_\_\_\_

Explanation:

Amount Designated for Entitled Direct Services: \_\_\_\_\_

Explanation: Include the number of children your council serves; how evaluations and services are provided (provider positions funded, contracts with private providers, etc.); estimated revenues for family fees, third party payment, targeted case management (TCM) and local funding.

If one-time funding beyond the base allocation is being requested upfront with this budget, list the amount of one-time funds requested \_\_\_\_\_ and provide justification information for this one-time amount:

CONTRACT # \_\_\_\_\_

LICC \_\_\_\_\_

State Fiscal Year (SFY) 2004                      COMMONWEALTH OF VIRGINIA  
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**ATTACHMENT E**

**PERSONNEL TABLE – FEDERAL PART C REPORT  
 FOR SUBMISSION 10/01/03**

**2002-2003 (FORM EXPIRES 7/31/04)**

Number and Type of Personnel (in Full Time Equivalency FTE) and Additional Personnel Needed to Provide Early Intervention Services for Infants and Toddlers with Disabilities and Their Families

<b>Early Intervention Services Personnel</b>	<b>(A) FTE Employed and Contracted</b>	<b>(B) FTE Needed</b>
Audiologists		
Nurses		
Nutritionists		
Occupational Therapists		
Orientation and Mobility Specialists		
Paraprofessionals		
Pediatricians		
Physical Therapists		
Physicians (Other than Pediatricians)		
Psychologists		
Social Workers		
Special Educators		
Speech and Language Pathologists		
Other Professional Staff:		
Counselor		
Certified Therapeutic Recreation Ther.		
Educational Interpreter		
Generalist		
<b>TOTAL</b>		

State Fiscal Year (SFY) 2004                      COMMONWEALTH OF VIRGINIA  
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**ATTACHMENT E****Instructions for Completing the Personnel Table – Federal Part C Report**Instructions for Column A, Early Intervention Services Personnel Employed and Contracted

1. Report the number of full-time equivalent personnel employed and contracted who provide Part C early intervention services. *Report all employed personnel who were providing services to the infants and toddlers, for whom you completed an individual Child Data Form (i.e., the total number of infants and toddlers receiving early intervention services).*
2. Include the following in the personnel counts:
  - Personnel providing early intervention services employed by any agency that is a member of the local council.
  - Personnel contracted to provide early intervention services by any agency that is a member of the local council.
  - Personnel who are providing early intervention services to infants and toddlers, employed by private agencies which are under public supervision.
3. The number of personnel should be reported in full-time equivalency (FTE) of assignment. For example, if two half-time personnel are employed in the same category of position, they would equal one full-time employee.
4. If personnel work with children of all ages, count only that proportion of time spent with infants and toddlers with disabilities. For example, a person who works with infants 20 percent of the time would be counted as .2 FTE. (Decimals may be used.)
5. For contracted personnel, calculate the FTE by dividing the total number of hours contracted per week (or month) by the number of hours in a full-time work week (or month). For example, 19 hours contracted and 38 hours in a full-time work week would be counted as .5 FTE
6. For personnel employed by private agencies, calculate the FTE by apportioning staff time to the infants and toddlers whose services are being delivered under public supervision in accordance with Part C (Part C services). For example, in a center based program that serves 5 toddlers, four of whom are receiving services under public supervision, a .8 FTE would be reported for their employees. The program's occupational therapist is employed half-time and works with 10 infants, 7 of whom are receiving services under public supervision, an FTE of .35 would be reported ( $1/2 \times 7/10$ ). (Decimals may be used.)
7. Place zeros (0) in categories where no personnel are employed. For example, if the locality did not employ orientation and mobility specialists in the reporting year, place a zero in that cell.
8. Record all FTEs as decimals. Do not use fractions.

Instructions for Column B, Additional Early Intervention Services Personnel Needed

1. Report the number of additional early intervention personnel needed to provide early intervention services for infants and toddlers; and
2. Include in these figures:
  - The unduplicated number of unfilled vacancies that occurred in the reporting year
  - The number of additional personnel that were needed in the reporting year to fill positions occupied by persons who were *not appropriately and adequately prepared or trained for the position held i.e., they do not hold the highest standard.*
3. These counts should include personnel needed by public and private agencies to provide early intervention services. *Do not* include personnel without budgeted positions. For example, if a program would like to have three more speech pathologists but has no more budgeted positions and no vacancies, the need for that program should be reported as 0.



# **ATTACHMENT G**

## **Anticipated Data/Information Required from Local Interagency Coordinating Councils During SFY-04**

The following table provides a list of data and information required from LICCs during SFY-04, as well as the purpose for collecting this data and the ways the data may be used. While every effort has been made to plan ahead in identifying data requirements of LICCs, there are almost always data needs that arise during the course of a year that were not originally anticipated. When that happens, DMHMRSAS will provide advance notice in requesting the additional information or data, as indicated in 2.3.2 of this contract.

<b>Data/ Information Requirement</b>	<b>Due Date</b>	<b>Purpose for Collecting this Data</b>	<b>How This Data will be Used</b>
Part C Expenditure Reports	10/31/03 2/2/04 5/3/04 8/2/04	To document expenditures of Part C funds during each quarter of the contract year.	This data is used by DMHMRSAS and the Early Intervention Interagency Management Team (EIIMT) to monitor use of funds at the local level and to document trends in use of funding statewide.
Monthly Reporting Form for DSS Funds	On the 20 <sup>th</sup> of each month from August, 2003 through July, 2004	To document expenditures of DSS funds during each month of the contract year.	This data is required by DSS and is used by DMHMRSAS, DSS and the Early Intervention Interagency Management Team (EIIMT) to monitor use of funds at the local level and to document trends in use of funding statewide.
Family Survey Data	8/1/03 11/1/03 2/1/04 5/1/04	To document family satisfaction with their early intervention experience	This data is used for state and local planning, accountability, compliance and systems improvement. It will also be used by localities in planning for local systems improvements.
MIMS indicator data	In accordance with monitoring timelines for each locality	To document compliance with federal Part C requirements and Virginia's Part C Policies and Procedures.	This data is used for state and local planning, accountability, compliance and systems improvement. It should also be used by localities in planning for local systems improvements.
Local Plan of Improvement or Status Report	In accordance with each locality's status within the MIMS process	To document the steps to be taken (or status of those steps) to improve the local Part C system based upon findings of the MIMS self- assessment process.	This information is used to facilitate improvements in the local Part C system and to identify trends across the Commonwealth and possible training and technical assistance needs. This information is also helpful in providing state status reports to OSEP.
Revised local policies and procedures	5/1/04	To document that local policies and procedures are in place and in compliance with state policies and procedures and to identify technical assistance needs.	This data will assist with state and local planning, accountability, compliance and systems improvement. It will also be used to direct technical assistance resources to meet local needs.
Personnel Data - Reporting Form (Attachment H of this contract)	5/1/04	To identify those persons employed as EI Assistants who are in the process of achieving approval of their qualifications and to ensure that EI personnel	This data will assist with state and local planning, accountability, compliance and systems improvement.

<b>Data/ Information Requirement</b>	<b>Due Date</b>	<b>Purpose for Collecting this Data</b>	<b>How This Data will be Used</b>
		who do not meet a highest standard when hired complete necessary course work within 3 years.	
Data for Federal Personnel Table	9/15/03	To meet federal reporting requirements related to personnel	This information must be submitted to OSEP annually. This data will also assist with state and local planning, accountability, compliance and systems improvement.
Child specific data that meet Individual Child Data Form elements (to be entered into the secure web-based data system)	7/10/03 10/10/03 1/10/04 4/10/04	To meet federal reporting requirements related to child count and other child-specific data.	Child count and other required child-specific data must be submitted to OSEP annually. This data will also assist with state and local planning, accountability, compliance and systems improvement.