

# Intensive Interagency Coordination

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*20 U.S.C. §1412(a)(12)*

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September 7, 2016

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

This Basic Education Circular (BEC) has been revised to replace the words “school district(s)” with the words “local educational agency(ies) or LEA(s)”. In addition, the attachments titled *PDE/BSE Intensive Interagency INITIAL Report* and *PDE/BSE Intensive Interagency UPDATE Report* have been replaced with this link to access required forms on-line in the [Special Education Students @ Home Reporting System](#) in order to report students with disabilities who are “at risk” or “active” per definitions provided in this BEC.

## PURPOSE

Pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. §1401, *et seq.*, and the litigation known as *Cordero*, the Pennsylvania Department of Education (Department) has participated with other child-serving agencies in developing a system for providing intensive interagency coordination to students with disabilities whose local educational agencies (LEAs) 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.

LEAs 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, in the [Special Education Students @ Home Reporting System](#), so that the Department can determine whether these students require intensive interagency coordination.

## PROCEDURES

The system of intensive interagency coordination is not intended to replace the local interagency process. In the majority of situations requiring interagency efforts, local Individualized Education Program (IEP) and Interagency teams do not require additional assistance to assure the provision of appropriate educational programs and placements for the students who they serve. Intensive interagency coordination is designed for rare situations when local teams are not able to arrange for the placement 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.

LEAs have a crucial role in identifying which students require intensive interagency coordination, since these are students whom the LEA has determined cannot currently be served in the public educational setting. In addition to assisting LEAs with providing appropriate educational programs and placements,

the system of intensive interagency coordination also works toward the goal of enhancing the capacity of LEA 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.**

The Department requires LEAs to identify any student in need of intensive interagency coordination and to submit a report in the [Special Education Students @ Home Reporting System](#).

- LEAs should use their Administrative Unit Number as the user name to log in to the website. The password is identical to the one used to log in to the Compliance Monitoring System on Leaderservices.com.
- Initial reports must be filed within five days of initial identification of these students and reports must be updated on a monthly basis until an appropriate placement is provided.
- As stated above, the students who must be identified are those: (1) whose LEA has 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.)

In addition, parents, advocates, representatives of child serving agencies, and other individuals may call ConsultLine at 800.879.2301 regarding a student who may potentially require intensive interagency coordination.

Once an LEA reports a student by completing the required form located in the [Special Education Students @ Home Reporting System](#), 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 Bureau of Special Education's (BSE) Division of Monitoring and Improvement-East (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 work with the IEP and Interagency teams to determine the barrier(s) 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 LEA and Intermediate Unit (IU), and other relevant child serving agencies, such as county offices of Intellectual Disabilities, Mental Health, and Children, Youth and Families, and regional offices of Vocational Rehabilitation. Section 1412(a) (12) (A) (i) of the Individuals with Disabilities Education Act (IDEA) requires the State Medicaid Agency's financial responsibility to precede the financial responsibility of an LEA. 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 BSE Director for appropriate intervention with other state agencies based on the presenting issue(s).

The RICs, in collaboration with the BSE, will regularly review their referrals to identify whether any illustrate the need to enhance the capacity of an LEA or IU program. When the need to enhance local

capacity is identified, the LEAs 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 (LEAs) or annual plans (IUs). The BSE will then monitor the LEAs or IUs progress in building the identified capacity.

In addition to the case referral system described above, in accordance with 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, Human Services, Labor & Industry, and Health. 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 LEAs 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 LEAs 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](#)

### Code of Federal Regulations

[34 CFR Part 300](#)

### United States Code

[20 U.S.C. §1401, et seq.](#)

### Other

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

*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](#)

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