

**XIV. INTERAGENCY AGREEMENTS AND RESOLUTION OF DISPUTES****A. Interagency Agreements****1. POLICIES**

- a. The Lead Agency (DMHMRSAS) has *entered into formal interagency agreement with other state-level agencies involved in Virginia's early intervention program. The primary agreement, signed by the participating State agencies, with its addendum (included in Appendix K), meets the requirements in paragraphs (b) through (d) of this section.* (34 CFR 303.523(a))
- b. The Lead Agency has included in the *agreement the financial responsibility of the respective agency(ies) for paying for early intervention services (consistent with Virginia law and the requirements of Part C).*
- c. The Lead Agency has included in the *agreement* reference to the use of *procedures for resolving disputes.* (In this section see B - Resolution of Interagency Disputes, 1 - Policies, a.)
- d. The Lead Agency has included in the *agreement any additional components necessary to ensure effective cooperation and coordination among all agencies involved in Virginia's early intervention program.*
- e. The Lead Agency has an agreement with the Virginia Department of Education which addresses areas of joint responsibility between the two agencies (included in Appendix K).
- f. The Lead Agency requires the development of local interagency agreements in accordance with Part C policies and procedures.
- g. The Lead Agency requires that Part C early intervention services are provided only by local participating agencies/providers. Local participating agencies/providers are those agencies/ providers who have agreed to comply with Part C requirements in the provision of early intervention services through a local interagency agreement, contract, or memorandum of understanding.

**2. PROCEDURES**

- a. The participating State agencies signing the agreements have agreed to send copies of the State interagency agreement and additional letters, and update information as necessary, to local and regional counterparts delineating support and mechanisms to enhance local participation and cooperation.
- b. The local interagency coordinating councils (LICCs) facilitate the participation and involvement of all local participating agencies/providers in the development of local interagency agreements in accordance with Part C policies and procedures. Local interagency agreements include language that ensures that local participating agencies/providers comply with Part C requirements in the provision of early intervention services.

**B. Resolution of Interagency Disputes****1. POLICIES**

- a. The Lead Agency has included in the agreement procedures for resolving disputes as follows:
  - (1) *Include procedures for achieving a timely resolution of intra- and interagency disputes about payments for a given service, or disputes about other matters related to Virginia's early intervention program. Procedures include a mechanism for making a final determination that is binding upon the agencies involved;*

- (2) *Permit the agency to resolve its own internal disputes (based on the agency's procedures) so long as the agency acts in a timely manner; and*
  - (3) *Include the process that the Lead Agency will follow in achieving resolution of intra-agency disputes, if a given agency is unable to resolve its own internal disputes in a timely manner.*
- b. *The Lead Agency resolves individual disputes, in accordance with the procedures below.*
- (1) *During the pendency of a dispute, the Governor, who is responsible for assigning financial responsibility among the appropriate agencies, will:*
    - (a) *Assign financial responsibility to an agency, subject to the provisions in c. of this section; or*
    - (b) *Assign the Lead Agency to pay for the service, in accordance with the "payor of last resort" provisions in §303.527.*
  - (2) *If, in resolving the dispute, the Governor determines that the assignment of financial responsibility under B.1.b.(1) of this section was inappropriately made, the:*
    - (a) *Governor reassigns the responsibility to the appropriate agency; and*
    - (b) *Lead Agency makes arrangements for reimbursement of any expenditures incurred by the agency originally assigned responsibility.*
  - (3) *To the extent necessary to ensure compliance with its action in c. of this section, the Lead Agency:*
    - (a) *Refers the dispute to the Governor; and*
    - (b) *Implements procedures to ensure that services are provided to eligible children and their families in a timely manner, pending the resolution of disputes among public agencies and/or other participating agencies/providers in accordance with §303.525. (34 CFR 303.524)*
  - (4) *All local participating agencies/providers through procedures established by LICCs must make every effort to resolve intra- and inter-agency disputes at the local level, pursuing all avenues of appeal, prior to initiating a state-level interagency dispute.*
2. PROCEDURES
- a. LICCs develop and implement policies and procedures (including mechanisms) for resolution of intra- and inter-agency disputes. These local policies and procedures must include steps that address the following:
    - (1) All local participating agencies/providers ensure that services are provided to eligible children and their families in a timely manner, pending the resolution of disputes.
    - (2) All local participating agencies/providers must make every effort to resolve disputes at the local level by following dispute procedures established by the agency(ies) to whom the dispute pertains. This includes pursuit of all appeal procedures available including appeal to the respective State agency if such procedures are available.
    - (3) If the dispute cannot be resolved at the local level within ninety (90) days following the dispute and appeal procedures, a written request to initiate a state-level interagency dispute may be filed with the Lead Agency. The written request must include a written summary of all steps taken to resolve the dispute and a written summary of the findings.
    - (4) All local participating agencies/providers must initiate or continue to provide services as listed on the IFSP pending resolution of a dispute.
    - (5) Upon receipt of a written request to initiate an interagency dispute from a local or State participating agency/provider, the Lead Agency with the assistance of the Office of the Attorney General reviews all materials submitted to determine if the request warrants the initiation of the state-level interagency dispute process or if the

- dispute needs to be resolved through other channels.
- (6) If the Lead Agency determines the dispute needs to be resolved through the state-level interagency dispute process, the Lead Agency refers the dispute to the Secretary of Health and Human Resources and/or the Secretary of Education for resolution. If the dispute cannot be resolved by the Secretary(ies) within 30 days, the dispute is referred to the Governor.
  - (7) When resolutions of disputes are reached at any level, as appropriate, resolutions are put in writing and are binding on all parties.
  - (8) When issues, disputes, or resolutions appear to impact the early intervention system, such information should be forwarded to the attention of the Early Intervention Interagency Management Team (EIIMT).
- b. For disputes that initiate at the state level, the following procedures are followed:
- (1) Participating State agencies must make every effort to resolve their own disputes according to the procedures within their agency. If a dispute involves two or more state agencies, resolution is reached through discussion between the state agencies involved.
  - (2) If participating State agencies are unable to resolve disputes in a timely manner, a State agency may forward a written request to the Commissioner of the Lead Agency to initiate an interagency dispute along with a summary of the steps taken to resolve the interagency dispute.
  - (3) Upon receipt of a written request to initiate an interagency dispute from a local or State participating agency/provider, the Lead Agency with the assistance of the Office of the Attorney General reviews all materials submitted to determine if the request warrants the initiation of the state-level interagency dispute process or if the dispute needs to be resolved through other channels.
  - (4) If the Lead Agency determines the dispute needs to be resolved through the state-level interagency dispute process, the Lead Agency refers the dispute to the Secretary of Health and Human Resources and/or the Secretary of Education for resolution. If the dispute cannot be resolved by the Secretary(ies) within 30 days, the dispute is referred to the Governor.
  - (5) When resolutions of disputes are reached at any level, as appropriate, resolutions are put in writing and are binding on all parties.
  - (6) When issues, disputes, or resolutions appear to impact the early intervention system, such information should be forwarded to the attention of the Early Intervention Interagency Management Team (EIIMT).

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