



IDEA INFANT & TODDLER

COORDINATORS ASSOCIATION

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MESSAGE FROM THE PRESIDENT

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The IDEA Infant and Toddler Coordinators Association is organized as a not-for-profit corporation to promote mutual assistance, cooperation and exchange of information and ideas in the administration of Part C and to provide support to state and territory Part C coordinators.



As summer approaches, hopefully, you have wrapped up your state Annual Performance Reports and applications and are focused back on meeting the ever growing demands of sustaining high quality state early intervention systems. In our office we always joke about the “opportunities” that we have because with each opportunity comes more work and time demands. It is just amazing how we keep making room for expansion by

addressing opportunities.

CAPTA brings us an incredible opportunity to figure out how to assure referral and identify resources to respond to the service needs that have not been met for this incredibly important segment of our potentially eligible population. Each of us knows the concerns and fears when we face the reality of meeting entitlement with resources that are too limited to do the job. We realign, reassign, reallocate and rethink how we operate. We reach out and learn from others and make changes to gain efficiencies. There comes a point where we simply recognize the need for a

stronger commitment of resources. Through it all, Part C Coordinators just keep seizing the opportunities and working through the issues on behalf of the kids and families.

Absolutely amazing!

Mary Jones
ITCA President



Senate Passes IDEA Bill

After many months of anticipation, the full Senate has considered and passed the Senate version of the IDEA reauthorization, S. 1248. The final vote occurred on Thursday May 13, 2004, after two days of debates and consideration of amendments to the bill. The final bill passed by a vote of 95 to 3. Senators James Jeffords (I) and Patrick Leahy (D) of Vermont and Senator Debbie Stabenow (D) from Michigan voted against the final bill.

After the Senate passage, the Chair of the House Education and the Workforce Committee, John Boehner (R-OH) released a statement- "I congratulate Senator Gregg and other Senate leaders on the passage of this legislation, which was improved significantly during action on the Senate floor this week. While some important differences remain between the House and Senate versions, both bills passed with bipartisan support, both include paperwork reduction for teachers, and neither would create a new big-government entitlement spending program through so-called 'mandatory' IDEA spending. House Republicans are eager to work with our Senate counterparts in conference as soon as possible to ensure President Bush has the opportunity to sign legislation this year that will boost support for teachers and improve results for students with special needs." There were no additional

significant changes made to Part C by the Senate amendment process. There were changes made to Part C by the Murray amendment and a few other changes as well. Changes in the final Senate proposal are described in the article in this newsletter on page 4. Attention now turns to issues of importance to Part C through the House-Senate Conference process described below.

Six Amendments Considered by Senate

Last November, a Senate unanimous consent order was agreed to that would allow only four amendments to be offered by the Republicans and four amendments to be offered by the Democrats when the bill went to the Senate floor.

During the floor debate on May 12th and 13th, only six amendments were actually introduced. Language from the five amendments that passed the Senate are now included in the text of S. 1248. Amendments considered on the Senate floor May 12th and 13th included:

- The **full funding amendment**, sponsored by Senators Chuck Hagel (R-NE) and Tom Harkin (D-IA), would have provided mandatory full funding of Part B of IDEA in 6 years. The amendment **did not pass** because it did not have the required 60 votes necessary to waive the Budget Act requirement to include cuts to offset

increases. The amendment had a vote of 56-41, four votes short of the necessary 60.

- Senator Judd Gregg (R-NH) introduced an alternative **funding amendment** which provides annual authorization level increases until full funding is reached for Part B. Funding will not be mandatory and will continue to be in the discretionary side of the budget subject to the annual appropriations process. This amendment **did pass**.
- An amendment addressing the provision of **attorney's fees**, which was introduced by Senator Judd Gregg (R-NH), **passed by a voice vote**. The amendment allows state or local education agencies to be awarded attorney's fees in cases in which the judge determines that the case is "frivolous, unreasonable, or without foundation, or the parent continued to litigate even after it became clear that the case was frivolous," or if the parents' complaint was "presented for any improper purpose." Current law only allows parents to be awarded attorney's fees.
- An amendment introduced by Senator Hillary Clinton (D-NY) that makes the **U.S. Department of Education a partner in the National**

Children's Study passed by a voice vote. The Children's Health Act of 2000 authorized the National Children's Study. Currently, federal departments with jurisdiction over children's health and welfare including the National Institute of Child Health and Human Development (NICHD), the National Institute of Environmental Health Sciences (NIEHS), the Centers for Disease Control and Prevention (CDC), and the Environmental Protection Agency (EPA), are sponsors and partners in the completion of this study. The U.S. Department of Education is not included as a partner in the study according to current law, but will be included with the passage of Senator Clinton's amendment. The study will look at environmental impact on the health and development of children birth to age 21 years, with a special emphasis on children with disabilities.

- An amendment related to ensuring timely appropriate IDEA services for children with disabilities who are **homeless, are in foster care, and in military families**. This amendment, which was **approved by voice vote**, was introduced by Senators Patty Murray (D-WA), Mike DeWine (R-OH), and Russ Feingold (D-WI).

- An amendment introduced by Senator Rick Santorum (R-PA) related to **paperwork reduction** was *approved by voice vote*. The amendment would allow up to 15 states to obtain waivers from the Department of Education to reduce paperwork requirements, while maintaining the rights of children and families.

To view the full text of all the amendments, go to the Thomas Web site at: <http://thomas.loc.gov> and type in S. 1248 where it asks for "Bill Number"; hit Search; then click on the 2nd bill. Click on "Link to the Bill Summary & Status File," and you'll find complete information on the bill.

Next Step Conference Committee

Now we have a House and Senate passed IDEA bill. The House IDEA bill, H.R. 1350, passed the full House last spring 2003. At this point, a conference committee made up of representatives of the House and the Senate from both parties will be appointed to resolve differences in the two bills.

According to hill sources, Democrats are expressing frustration with Republicans about their role in conference committees. Because Republicans are in the majority in both the House and the Senate, they lead all committee and conference activity. Democrats reportedly are concerned that during other conference committee activities throughout the 108th Congress, they

have not had equal opportunity to be heard or be part of decisions made by conference committees. It is expected that the Democrats will ask for a pre-conference agreement to respond to these issues.

The House-Senate Conference process results in a conference agreement that must be passed by the full House and the full Senate and signed into law by the President. Because there are significant differences between the House and Senate bills, and there are so few legislative days remaining in the 108th Congress, the IDEA process may not be able to be completed before adjournment this fall.

In addition to the regularly scheduled Congressional recesses, including the entire month of August, both parties have their national conventions this summer with the Democratic Convention in July and the Republican Convention in August. This is a Presidential election year with all House members and 1/3 of the Senate up for reelection. An October adjournment is planned to allow members time to return home for campaigning.

Other Action

In early May, the Senate did approve the Family Opportunity Act as an amendment to tax legislation. This legislation has had bipartisan support since 1999. It allows families with incomes up to 250% of poverty with a child with a disability to buy into Medicaid. Action now moves to the House which has not yet passed

parallel legislative language.

Meanwhile, the Senate has taken the Child Care and Development Block Grant (CCBDG)/TANF (Temporary Assistance for Needy Families) reauthorization off the Senate floor schedule after a disagreement over rules for consideration of amendments before Senate passage of the bill, H.R. 4. This occurred after bipartisan passage of an amendment championed by Senators Snowe (ME) and Dodd (CT) to increase funding for child care (which passed by a vote of 78-20). The Congress recently passed a new extension to keep the CCBDG/TANF legislation funded under current provisions until June 30, 2004.

It is also not clear what will happen with the Head Start reauthorization this session. The Senate Head Start bill is waiting for consideration by the full Senate. A House bill was passed last year.

ITCA Activity

ITCA is continuing to offer information and assistance to Congressional staff on the IDEA bill. Board approved ITCA conference recommendations on issues important to Part C are being developed and will be submitted to all members of the House-Senate Conference Committee.

If you have questions or want to discuss the IDEA reauthorization, please contact Sharon Walsh, ITCA Governmental Relations Consultant.

ITCA LEGISLATIVE COMMITTEE

The Infant Toddler Coordinators Association's Legislative Committee has established a monthly conference call schedule to discuss legislative matters and provide advice and guidance to the Board of Directors. Issues discussed in our most recent calls focused on reaction to the recent CAPTA conference call (member states should carefully review conference call notes provided to you recently by Maureen Greer) and on-going discussion of IDEA reauthorization. At present, it would appear unlikely that IDEA reauthorization will be completed prior to the November presidential election. Accordingly, opportunities may exist for states to continue to address matters of concern for the Part C program with individual state congressional delegations. Additional attention was devoted to discussion of the appropriations process and how member states' advocacy, through the development of a appropriation's press release documenting the need for significantly increased federal support, could have a positive impact on Part C funding. ITCA positions on reauthorization and Part C funding can be found on the ITCA web site.

Please contact Ron Benham, Part C Coordinator in Massachusetts, if you are interested in participating. Ron can be reached at 617-624-5962 or e-mail at ron.benham@state.ma.us.

SUMMARY OF SENATE PROPOSED CHANGES TO PART C OF IDEA

The Senate IDEA bill, S. 1248, was passed by the full Senate on May 13, 2004. The bill had been reported out of the Senate HELP Committee on November 3, 2003. The following describes changes proposed to Part C current law by S. 1248 as passed by the full Senate. Differences in this Senate bill and the House passed H.R. 1350 will be reconciled when the House-Senate IDEA Conference Committee is appointed. It is not clear when that activity will occur.

- Changes the Part C Findings language in Sec. 631(a) in several ways:
 - o Adds the phrase “and to recognize the significant brain development which occurs during a child’s first 3 years of life”;
 - o Deletes the phrase “to minimize the likelihood of institutionalization”; and
 - o Regarding the Finding to “met the needs of...”, deletes the phrase “historically underrepresented populations” and adds the phrase **“all children”** to read **“to meet the needs of all children, particularly minority, low-income, inner-city, and rural children, and infants and toddlers in foster care.”**
- Changes the Policy language in Sec. 631(b) by adding “high” to the phrase “to enhance State capacity to provide **high** quality early intervention services...”
- There are changes to the Definitions section (Sec. 632):
 - The phrase “and sign language and cued language services” has been added as follows: “speech-language pathology and audiology services, **and sign language and cued language services.**” in Sec. 632(4)(E)(iii).
 - Adds **“teachers of the deaf”** and **“vision specialists, including ophthalmologists and optometrists”** to the list of qualified personnel under Sec. 632(4)(F).
 - A new (ii) has been added to the category of children States may elect to serve under Part C under Sec. 632(5)(B). These are **“children with disabilities who are eligible for services under Sec. 619 and who previously received services under this part until such children enter, or are eligible under State law to enter, kindergarten.”**
- There are no changes made to the Part C General Authority (Sec. 633)
- The following language was added to the Eligibility section (Sec. 634) which requires a statewide policy that appropriate early intervention services are available to **“...infants or toddlers with disabilities who are homeless children, infants or toddlers with disabilities who are wards of the State, and infants or toddlers with disabilities who have a parent who is a member of the Armed Forces, including a member of the National Guard or Reserves;”**
- There are a number of changes to the Part C Components for a Statewide System (Sec. 635) included in the bill. These are:
 - Adds a minimum criteria to the definition of developmental delay, indicating that the State’s definition of developmental delay, “covers, at a minimum, all infants and toddlers with-
 - o A developmental delay of 35 percent or more in 1 of the developmental areas described in section 632(5)(A)(i); or
 - o A developmental delay of 25 percent or more in 2 or more of the developmental areas described in section 632(5)(A)(i)”. (Sec.635(a)(1)(B)).
 - Adds to the language requiring a public awareness program with distribution of materials to “... homeless family shelters, Medicaid and State child health insurance program enrollment offices, health and mental health clinics, public schools in low-income areas serving low-income children, staff in State and local child welfare agencies, judges, and base commanders or their designees,” (Sec. 635(a)(6))
 - Deletes the reference to coordination with Part B CSPD in the Part C CSPD component (Sec. 635(a)(8)).
 - Deletes highest standards language and language relating to the steps the state would take if all personnel do not meet the personnel standards at (a)(9)(B). The bill maintains the qualified standards language in current law at (a)(9)(A). (Sec. 635(a)(9)).
 - Changes the language related to the natural environment component as follows- (bolded language is the new language)-“...To the maxi-

imum extent appropriate, early intervention services are provided in natural environments unless a specific outcome cannot be met satisfactorily for the infant or toddler in a natural environment.” However, (B) was deleted which in current law reads – “The provision of early intervention services for any infant or toddler occurs in a setting other than a natural environment only when early intervention cannot be achieved satisfactorily for the infant or toddler in a natural environment.”

(Sec. 635(a)(16)(B)).

- Deletes the language at 635(b) that allows states to create policies to make ongoing good faith efforts to recruit and hire qualified personnel in areas of the state where shortages exist.
- Adds a new component at 635(a)(17) as follows- “A procedure to ensure that early intervention services and evaluations are available to infants and toddlers with disabilities who are- (A) homeless children; and (B) wards of the State or in foster care, or both.”
- Adds a new Construction clause at Sec. 635 (c) as follows – “Nothing in this subsection (a)(5) shall be construed to alter the responsibility of a state under title XIX of the Social Security Act with respect to early and periodic screening, diagnostic, and treatment services (as defined in Sec. 1905(r) of such Act).”
- Adds a new subsection (b) entitled “Flexibility to Serve Children 3 Years of Age To Under 6 Years of Age”. Language is provided below-

“(b) Flexibility To Serve Children 3 Years of Age to Under 6 Years of Age-

***“(1) IN GENERAL-* A statewide system described in section 633 may include a State policy, developed and implemented jointly by the lead agency and the State educational agency, under which parents of children with disabilities who are eligible for services under section 619 and previously received services under this part, may choose the continuation of early intervention services (which shall include an educational component that promotes school readiness and incorporates preliteracy, language, and numeracy skills) for such children under this part until such children enter, or are eligible under State law to enter, kindergarten.**

***“(2) REQUIREMENTS-* If a statewide system includes a State policy described in paragraph (1), the statewide system shall ensure--**

“(A) that parents of infants or toddlers with disabilities (as defined in section 632(5)(A)) provide informed written

consent to the State, before such infants and toddlers reach 3 years of age, as to whether such parents intend to choose the continuation of early intervention services pursuant to this subsection for such infants or toddlers;

“(B) that the State policy will not affect the right of any child served pursuant to this subsection to instead receive a free appropriate public education under part B;

“(C) that parents of children served pursuant to this subsection are provided with annual notice--

“(i) of such parents' right to elect services pursuant to this subsection or under part B; and

“(ii) fully explaining the differences between receiving services pursuant to this subsection and receiving services under part B, including--

“(I) the types of services available under both provisions;

“(II) applicable procedural safeguards under both provisions, including due-process protections and mediation or other dispute resolution options; and

“(III) the possible costs, if any (including any fees to be charged to families as described in section 632(4)(B)) to parents under both provisions;

“(D) that the conference under section 637(a)(9)(A)(ii)(II), the review under section 637(a)(9)(B), and the establishment of a transition plan under section 637(a)(9)(C) occur not less than 90 days (and at the discretion of the parties to the conference, not more than 9 months) before each of the following:

“(i) the time the child will first be eligible for services under part B, including under section 619; and

“(ii) if the child is receiving services in accordance with this subsection, the time the child will no longer receive those services;

“(E) the continuance of all early intervention services outlined in the child's individualized family service plan under section 636 while any eligibility determination is being made for services under this subsection;

“(F) that services provided pursuant to this subsection include an educational component that promotes school readiness and incorporates preliteracy, language, and numeracy skills and are provided in accordance with an individualized family service plan under section 636; and

“(G) the referral for evaluation for early intervention services of a child below the age of 3 who experiences a substantiated case of exposure to violence or trauma.

***“(3) REPORTING REQUIREMENT-* If a statewide system includes a State policy described in paragraph (1), the State shall submit to the Secretary, in the State's report under section 637(b)(4)(A), a report on--**

“(A) the percentage of children with disabilities who are eligible for services under section 619 but whose parents choose for such children to continue to receive early intervention services under this part; and

“(B) the number of children who are eligible for services

under section 619 who instead continue to receive early intervention services under this part.

“(4) RULE OF CONSTRUCTION- Nothing in this subsection shall be construed to require a provider of services under this part to provide a child served under this part with a free appropriate public education.

“(5) AVAILABLE FUNDS- If a statewide system includes a State policy described in paragraph (1), the policy shall describe the funds (including an identification as Federal, State, or local funds) that will be used to ensure that the option described in paragraph (1) is available to eligible children and families who provide the consent described in paragraph (2)(A), including fees to be charged to families as described in section 632(4)(B).

- There are a number of changes proposed to the Part C Individualized Family Service Plan language (Sec. 636). These include:
 - Adds the phrase **“including a description of the appropriate transition services for the child”** to the overall requirement that IFSPs must be developed. (Sec. 636(a)(3)).
 - The phrase “major outcomes” was changed to **“measurable outcomes”** and the phrase **“including, as appropriate, pre-literacy and language skills,”** was added to the description of the outcomes to be included in the IFSP. (Sec 636(d)(3)).
 - Adds the terms **“length” and “frequency”** to the requirement to include the anticipated duration of the services in the IFSP. (Sec. 636(d)(6)).
 - Adds the phrase **“including transition services”** to the description in the IFSP of the responsibilities of the named service coordinator, as follows – “...who will be responsible for the implementation of the plan and coordination with other agencies and persons, **including transition services.”** (Sec. 636(d)(7)).
 - Adds the word **“only”** in front of the phrase – “... if the parents do not provide consent with respect to a particular early intervention service, then **only** the early intervention services to which consent is obtained shall be provided.” (Sec. 636(e)).
- There are a number of changes to the Part C State Application and Assurances (Sec. 637) Section. These include:
 - Changes the phrase “a designation of an individual or entity responsible for assigning financial responsibility among appropriate agencies”

to **“a certification to the Secretary that the arrangements to establish financial responsibility for services provided under this part pursuant to section 640(b) are current as of the date of submission of the certification.”** (Sec. 637(a)(2)).

- Adds a new requirement that applications must contain “a description of the State policies and procedures that require the referral for evaluation for early intervention services of a child under the age of 3 who-
 - o is involved in a substantiated case of child abuse or neglect; or
 - o is identified as affected by illegal substance abuse, or withdrawal symptoms resulting from prenatal drug exposure;” (Sec. 637(a)(6)).
- Changes the transition requirements in a number of ways:
 - o Adds a new requirement that policies and procedures must be included to ensure a smooth transition for children transitioning from the new optional aged 3-6 program and for toddlers “exiting the program”. This is in addition to the requirement that smooth transitions must be available for children moving to preschool under Part B or to other appropriate services. (Sec. 637(a)(9)(A)).
 - o Regarding the timing of the transition conference convened before a child is eligible for preschool services under Part B, the phrase “up to 6 months...” has been changed to read “not more than 9 months...” (Sec. 637(a)(9)(A)(ii)(II)).
 - o Adds language to the requirement to establish a transition plan to read, “to establish a transition plan, including as appropriate, steps to exit from the program” (Sec. 637(a)(9)(C)).
- Adds a new (11) as follows- “A description of policies and procedures to ensure that infants or toddlers with disabilities who are homeless children and their families and infants or toddlers with disabilities who are wards of the State have access to multidisciplinary evaluations and early intervention services.” (Sec. 637(a)(11)).

- Adds new language to the assurance under Sec 637(b)(7) that ensures meaningful involvement in planning and implementing Part C of "... homeless, ... and children with disabilities who are wards of the State...".
- Adds a new "Use of Part C Funds", to allow Part C funds to be used "with the written consent of the parents, to continue to provide early intervention services under this part to children with disabilities from their third birthday to the beginning of the following school year, in lieu of a free appropriate public education provided in accordance with Part B." (Sec. 638(4))
- Adds a new subsection (b) to the "Payor of Last Resort" provisions at Sec. 640 that was adapted from the Part B interagency language. The new Part C addition reads as follows:

“(b) OBLIGATIONS RELATED TO AND METHODS OF ENSURING SERVICES-

“(1) ESTABLISHING FINANCIAL RESPONSIBILITY FOR SERVICES-

“(A) IN GENERAL- The Chief Executive Officer of a State or designee of the officer shall ensure that an inter-agency agreement or other mechanism for interagency coordination is in effect between each public agency and the State educational agency, in order to ensure--

“(i) the provision of, and financial responsibility for, services provided under this part; and

“(ii) such services are consistent with the requirements of section 635 and the State's application pursuant to section 637, including the provision of such services during the pendency of any dispute.

“(B) CONSISTENCY BETWEEN AGREEMENTS OR MECHANISMS UNDER PARTS B AND D- The Chief Executive Officer of a State or designee of the officer shall ensure that the terms and conditions of such agreement or mechanism are consistent with the terms and conditions of the State's agreement or mechanism under section 612(a) (12).

“(2) REIMBURSEMENT FOR SERVICES BY PUBLIC AGENCY-

“(A) IN GENERAL- If a public agency other than an educational agency fails to provide or pay for the services pursuant to an agreement required under paragraph (1) the local educational agency or State agency (as determined by the Chief Executive Officer or designee) shall provide or pay for the provision of such services to the child.

“(B) REIMBURSEMENT- Such local educational agency or State agency is authorized to claim reimbursement for the services from the public agency that failed to provide

or pay for such services and such public agency shall reimburse the local educational agency or State agency pursuant to the terms of the interagency agreement or other mechanism required under paragraph (1).

“(3) SPECIAL RULE- The requirements of paragraph (1) may be met through--

“(A) State statute or regulation;

“(B) signed agreements between respective agency officials that clearly identify the responsibilities of each agency relating to the provision of services; or

“(C) other appropriate written methods as determined by the Chief Executive Officer of the State or designee of the officer and approved by the Secretary through the review and approval of the State's application pursuant to section 637.

- Changes to the provisions for the State Interagency Coordinating Council (SICC) (Sec. 641) include:

- o Adds new required members to SICC - to include-

(A) Parents – "...not less than one other member shall be a foster parent of a child with a disability, not less than one other member shall be a grandparent or other relative acting in the place of a natural or adoptive parent of a child with a disability, and not less than 1 other member shall be a representative of children with disabilities in military families."

(G) "at least 1 member shall be from the agency responsible for the State Medicaid program;"

(K) "Office of the Coordinator of Education of Homeless Children and Youth – Not less than 1 representative designated by the Office of Coordinator for Education of homeless Children and Youth;"

“(L) State Child Welfare Agency – Not less than 1 representative of the State child welfare agency responsible for foster care;"

“(M) Representative of Foster Children – Not less than 1 individual who represents the interests of children in foster care and understands such children's education needs, such as an attorney for children in foster care, a guardian ad litem, a court appointed special advocate, a judge, or an education

surrogate for children in foster care.”

- o Changes the Conflict of Interest language that prohibits council members from casting votes on any matter “that would provide direct financial benefit” to “that is likely to provide a direct financial benefit”. (Sec. 641(f)).

- A change was made to the Part C Allocation of Funds section creating a new subsection (e) to fund the new optional 3-6 program with a percentage of any increases in the Part C total appropriation as follows:

(e) RESERVATION FOR STATE BONUS GRANTS- The Secretary shall reserve 10 percent of the amount by which the amount appropriated under section 644 for any fiscal year exceeds \$434,159,000 to make allotments to States that are carrying out the policy described in section 635(b), in accordance with the formula described in subsection (c) (1) without regard to subsections (c) (2) and (3). (Sec. 643(e)).

- The Senate bill deletes all provisions related to the Federal Interagency Coordinating Council (**Current Law - Sec. 644**)
- The Authorization of Appropriations section (Sec. 644) provides an authorization level for Part C of “**such sums as may be necessary for 2004-2009**, thus requiring reauthorization in five years. The bill does not include permanent authorization of Part C. (**Sec. 644**).

PART C CHANGES MADE BY THE HOUSE BILL

The changes made to Part C by the House IDEA reauthorization bill, H.R. 1350, “Improving Education Results for Children with Disabilities Act of 2003” are listed below. The bill was passed by the full House on April 30, 2003.

Part C Changes Included in H.R. 1350 Including Changes Made on the House Floor

Citations refer to the bill that passed the House on 4/30/03 - H.R. 1350

- Adds “family therapy” as follows- “family training, family therapy, counseling, and home visits” to the list of early intervention services. (**Sec. 632(4)(E)(i)**)
 - Changes the term “nutritionist” to “registered dietitians” in the list of providers of early intervention services. (**Sec. 632 (4)(F)(viii)**).
 - Adds “vision specialist, including ophthalmologists and optometrists” to the list of providers of early intervention services. (**Sec. 632(4)(F)(x)**)
 - Changes a component of the definition of early intervention services, changing the phrase “...are designed to meet the developmental needs of an infant or toddler with a disability” to “**are designed to address family-identified priorities and concerns that are determined by individualized family service plan team to relate to enhancing the child’s development...**” (**Sec. 632(4)(C)**).
 - Maintains the current required categories of eligible children in current law without change (developmental delay and diagnosed condition). However, the bill adds a new group of children *who may be served at a state’s discretion*. Added language is as follows- “**a child aged 3 through 5, who previously received services under this part and who is eligible for services under section 619, if—(i) services provided to this age group under this part include an educational component that promotes school readiness and incorporates scientifically-based pre-literacy, language and numeracy skills; and (ii) parents are provides a written notification of their rights and responsibilities in determining whether their child will continue to receive services under this part or participate in preschool programs assisted under section 619**”. (**Sec. 632(5)(C)**).
- There is no mention of what funds are to be utilized to pay for this new state option.

Additional language also relates to this new group of optional children. The new language states that **“In general- If a State includes children described in Section 632(5)(C) in the system described in Section 633, the State shall be considered to have fulfilled any obligation under part B with respect to the provision of a free appropriate public education to those children during the period in which they are receiving services under this part”**. The bill also states **“nothing in paragraph (1) shall be construed to alter or diminish the rights and protections afforded under this part to children described in such paragraph”**. (Sec. 635(c))

- Changes current law, which indicates that in order to receive a grant, a State shall demonstrate to the Secretary the State has adopted and implemented the overall policy. The House bill changes “demonstrates” to **“provide assurances that.”** (Sec. 634)
- Of the sixteen components included in Part C, some components were changed in the House bill. These are:
 - Adds the phrase **“based on scientifically based research”** to characterize the services required in the component which ensures that early intervention services are available to all eligible children and their families. (Sec. 635(a)(2)).
 - Amends the public awareness component in Part C, adding language to describe the information made available to primary referral sources to distribute to parents – **“especially to inform parents with premature infants, or infants with other physical risk factors associated with learning or developmental complications on the availability of early intervention services under this part and of services under Section 619 of this Act...”** The public awareness language was also amended changing the current requirement to include **“procedures for determining the extent to which such sources disseminate such information...”** to **“procedures for assisting such sources in disseminating such information.”** (Sec. 635(a)(6))
 - Deletes the reference to coordination with Part B CSPD in the Part C CSPD component and changed the “may” to “shall” when listing the 3 of the 4 activities under CSPD in current law. Also, contains two things the CSPD plan “may include” –
 - “training personnel to work in rural and inner-city areas” (an optional activity in current law) and **“training personnel in the emotional and social development of young children”** (new language). (Sec. 635(a)(8)).
 - Deletes highest standards language and language relating to the steps the state would take if all personnel do not meet the personnel standards at 9(B). The bill maintains the qualified standards language in current law at 9(A), but deletes all language related to paraprofessionals. (Sec. 635(a)(9(B))).
 - Adds additional language to the natural environment component as follows- (bolded language is the new language)- **“The provision of early intervention services for any infant or toddler occurs in a setting other than a natural environment only when early intervention cannot be achieved satisfactorily for the infant or toddler in a natural environment or in a setting that is most appropriate, as determined by the parent and the individualized family service plan team”**. (Sec.635(a)(16)(B)).
- Changes to the Individualized Family Service Plan include:
 - Adds the phrase **“including a description of the appropriate transition services for the child’s entrance in school”** to the overall requirement that IFSPs must be developed. (Sec. 636(a)(3)).
 - Changes the term “major outcomes” in the IFSP components list to **“major goals.”** and uses “goals” throughout this section instead of “outcomes”. Also, the phrase **“including pre-literacy and language skills, as developmentally appropriate for the child”** is added to the description of the “goals”. (Sec 636(a)(3))
 - Adds the phrase **“based on peer-reviewed research, to the extent practicable,”** to the IFSP components as follows - **“a statement of specific early intervention services based on peer-reviewed research, to the extent practicable...”** (Sec. 636(a)(4)).
 - Adds the terms **“length” and “frequency”** to the requirement to include the anticipated duration of the services in the IFSP. (Sec. 636(a)(6)).
 - Adds the phrase **“including transition**

services” to the description in the IFSP of the responsibilities of the named service coordinator as follows – “...who will be responsible for the implementation of the plan and coordination with other agencies and parties, **including transition services.” (Sec. 636(a)(7)).**

- o Adds the word **“only:”** in front of the phrase – “... if the parents do not provide consent with respect to a particular early intervention service, then **only** the early intervention services to which consent is obtained shall be provided.” **(Sec. 636(e)).**
- Changes to State Application and Assurances include:
 - o Deletes the requirement in current law that information be included demonstrating the State has in effect the statewide system. **(Current law - Sec. 637(a)(3)(A)).**
 - o Adds a new requirement that applications must describe **“policies and procedures requiring the referral of a child under age 3 who is involved in a substantiated case of child abuse or neglect consistent with 635(a)(5) or who is born and identified with fetal alcohol effects, fetal alcohol syndrome, neonatal intoxication, or neonatal physical or neurological harm resulting from prenatal drug exposure.” (Sec. 637(a)(5)).**
 - o Adds a new requirement that applications must describe **“state efforts to promote collaboration between Early Head Start programs, child care, and services under Part C of this Act.” (Sec. 637(a)(10)).**
- No changes are included in the bill in the Procedural Safeguards **(Sec. 639)** and Payor of Last Resort sections of Part C of IDEA. **(Sec. 640).**
- Adds new required members to State ICCs to include **at least one representative from the state agency responsible for children’s mental health and at least one representative from the state agency responsible for child protective services, and at least one representative of the Office of the Coordinator for the Education of Homeless Children and Youth. (Sec. 641(b)(1)(J-L)).**
- Allocation of Funds **(Sec. 643)**
This section contains the provisions for the distribution of funds to “outlying areas”, to “Indians” and to states. There were no changes to the distribution

to outlying areas or states. One change is made as follows:

- o Changes the report submission requirement of the tribe, tribal organization or consortium to an annual submission instead of every two years as in current law. It also requires the Secretary of the Interior to report to the Secretary Education annually instead of biennially. **(Sec. 643(b)(5))**
- The Federal Interagency Coordinating Council **(Current Law - Sec. 644)** is deleted in the House bill.
- Authorization of Appropriations **(Sec. 644)**
 - o Adds an authorization level for Part C of **\$447,000,000 for FY’04 and such sums as may be necessary for 2005-2009**, thus requiring reauthorization in five years. The bill does not include permanent authorization of Part C.

The Association will continue to monitor the progress of the reauthorization conference process and will provide timely information for our members

Notes from CAPTA Call

These are bulleted notes from the call and are meant only to be a reminder of key discussion points.

Host: Evelyn Shaw
Speakers: JoLeta Reynolds
Kala Surprenant

JoLeta made the following points:

- CAPTA provides federal funding for CPS agencies at the state level
- In 2002, 253,000 children under the age of 3 were identified with substantiated abuse or neglect
- All states except IN and PA receive CAPTA funds
- In 2001 246,988 children were served under Part C
- Review of Part C required eligibility

Kala began her presentation with these five focus areas:

Confidentiality 20 USC Section 1431-1445

- ◆ Referral from CPS to Part C has implications under HIPAA and Medicaid
- ◆ CPS agencies will need to determine if they will obtain parent consent to make referrals and to disclose all pertinent information

Parent Consent Requirements

- ◆ Once referral has been received, Part C requirement for parental consent
 - Informed and in writing
 - Definition of Parent 303.19
 - ◇ Can include foster parent if defined in state regulation/policy

Surrogate Parent provisions 303.19(b)

- ◆ If "parent" cannot be identified, appointment of surrogate parent (303.406)

Part C interagency coordination and action required upon referral

- ◆ State Interagency Coordinating Council 303.600
- ◆ Interagency Agreements 303.523-303.525
 - Some states developing a specific agreement between CPS agency and Part C lead agency
 - ◇ Written prior notice regarding evaluation for eligibility
 - ◇ CAPTA does not change the Part C definition of eligibility. Children referred must still meet the state eligibility criteria disability
- ◆ *Recommendations:*
 - *CPS provide as detailed information as possible to determine the need for further evaluation and assessment activity*
 - *Information about other program eligibilities that may have conducted evaluation/assessment activities*
 - ◇ *Written prior notice for proposal or refusal to conduct eligibility activities if child is not suspected by the lead agency to have a delay or disability*
- ◆ *Recommendations: Information included in interagency agreement regarding evaluation activities:*

- *Complaint procedures*
- *Facilitates eligibility determination process*
- *Detailed information regarding previous testing or medical information in order to reduce duplication of evaluation efforts*
- *CPS agency may act as a partner and may provide Written Prior Notice and conduct or coordinate evaluation activities*
- *Financial responsibilities*
- *Dispute resolution criteria*

IFSP development and Part C implementation issues

- ◆ State Application
- ◆ Each state must submit any revised policies to OSEP and meet the public participation requirement
 - ◇ Must be submitted PRIOR to implementation
- ◆ Family Child Inaccessibility Issues
 - ◆ Non response by family member
 - ◇ Before evaluation but after referral
 - States must make reasonable efforts to receive parental consent
 - Written notice that Part C is unable to proceed with evaluation and eligibility determination until consent is received
 - ◇ After evaluation but before eligibility has been determined
 - 321 (e)(2) 45 day time line
 - Lead Agency documentation of family reasons for delay
 - ◇ After eligibility determined and IFSP developed
 - If child is repeatedly not available, state must continue to make those services available through the period of consent for services
 - Lead Agency establishes time line for next IFSP and continues to make services available if the child becomes available
 - 403(b) notice, hold an IFSP meeting to discuss the appropriateness of services
- ◆ IFSP development and content requirement
 - Statement of services needed
 - Information regarding family assessment
 - ◇ Family may need to be defined
 - ◇ Services may be defined within resources, support, counseling
 - Natural environment issues
 - Sources of Funding
 - ◇ Medicaid eligibility should be identified on the IFSP
 - ◇ Other fund sources will be individualized to each state's system of payments

UPDATE: Early Childhood Outcomes Center

In March, the National Early Childhood Technical Assistance Center (NECTAC), the Early Childhood Outcomes (ECO) Center, and the Data Community of Practice (CoP) co-sponsored a Part C and 619 Child Outcomes Think Tank in Albuquerque, New Mexico. Part C and 619 Coordinators representing fifteen states as well as family representatives and ECO Center partners participated in this three day event. The Think Tank was designed to present a framework for developing and measuring early childhood outcomes and to share information among states and ECO Center collaborators about various ap-

proaches that are currently being used by states to evaluate child outcomes for Part C and 619 programs.

Presentations from states included 619 efforts in Connecticut, New York, Delaware, California, and Colorado, Part C efforts in Georgia, Indiana, Connecticut, Delaware, and birth to 5 efforts in Oregon. Discussion of advantages and disadvantages of various approaches as well as recommendations for broader dissemination of information about approaches and resources were generated by Think Tank Participants.

The ECO Center website is

now available at <http://www.fpg.unc.edu/~eco/pages/people.cfm> and being updated regularly.

A complete list of the ECO Center staff, Advisory Board, and Part C and 619 Workgroup members can be found at <http://www.fpg.unc.edu/~eco/pages/people.cfm>.

One useful product that is available on the website is a document entitled *Considerations Related to Developing a System for Measuring Outcomes for Young Children with Disabilities and Their Families* at <http://www.fpg.unc.edu/~eco/pdfs/considerations.pdf> which

provides an overview of various approaches and research efforts as well as information about the work scope of the ECO Center. Look for updates on the work of the ECO Center at upcoming OSEP meetings and events throughout 2004.

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