



# Individuals With Disabilities Education Act Part C: Early Intervention Program for Infants and Toddlers With Disabilities



Final Regulations Side-by-Side  
Comparison  
SUBPART B  
October 2011



Council for  
Exceptional  
Children



Division for  
Early Childhood

The voice and vision of special education



# Subpart B – State Application for a Grant and Requirements for a Statewide System

Individuals with Disabilities Education Act: Part C Early Intervention  
Program for Infants and Toddlers with Disabilities Final Regulations

This side-by-side comparison of the 2011 final regulations to the 1999 Part C regulations serves as a tool to assist readers in understanding the new regulations and preparing their own analysis related to Part C. Permission to copy is not required and distribution is encouraged. Please give credit to CEC/DEC/ITCA



**The Council for Exceptional Children (CEC)** is the largest international professional organization dedicated to improving the educational success of individuals with disabilities and/or gifts and talents. CEC advocates for appropriate governmental policies, sets professional standards, provides professional development, advocates for individuals with exceptionalities, and helps professionals obtain conditions and resources necessary for effective professional practice. [www.cec.sped.org](http://www.cec.sped.org)

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**Division of Early Childhood** is one of seventeen divisions of the Council for Exceptional Children (CEC) - the largest international professional organization dedicated to improving educational outcomes for individuals with exceptionalities, students with disabilities, and/or the gifted. DEC is especially for individuals who work with or on behalf of children with special needs, birth through age eight, and their families. [www.dec-sped.org](http://www.dec-sped.org)

For more information, please contact Sarah Mulligan, Executive Director for the Division for Early Childhood at [sara.mulligan@dec.sped.org](mailto:sara.mulligan@dec.sped.org), or 406-543-872 x224, or Sharon Walsh, Governmental Liaison at [WALSHTAYLO@aol.com](mailto:WALSHTAYLO@aol.com).



**Infant and Toddler Coordinators Association**

The Individuals with Disabilities Education Act (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. [www.ideainfanttoddler.org](http://www.ideainfanttoddler.org)

For more information, please contact Maureen Greer, Executive Director or Sharon Walsh, Governmental Liaison at (317)251-0125 or [ideaitca@aol.com](mailto:ideaitca@aol.com)

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# Introduction

On Sept. 28, 2011, new regulations for the Part C Early Intervention Program for Infants and Toddlers with Disabilities were published in the Federal Register. These regulations, promulgated under the Individuals with Disabilities Education Act (IDEA), were in response to IDEA 2004, the most recent reauthorization of IDEA. Public comments had been received on a Noticed of Proposed Rulemaking (NPRM) for Part C published May 9, 2007. These final regulations are effective Oct. 28, 2011.

The Council for Exceptional Children (CEC), its Division for Early Childhood (DEC) and the IDEA Infant Toddler Coordinators Association (ITCA) are pleased to provide this side-by-side comparison of the 2011 final Part C regulations to the 1999 Part C regulations. This document is designed as a tool to assist readers in understanding the new regulations in relation to the 1999 regulations.

The document is available for downloading in two different formats. The complete document, organized into its eight subparts, can be downloaded or selected subparts can be downloaded. The document is organized according to the subparts in the 1999 regulations with the exception of a new Subpart H, which is based on the new regulations.

Subpart A: General

Subpart B: State Application for a Grant and Requirements for a Statewide System

Subpart C: Procedures for Making Grants to States

Subpart D: Program and Service Components of a Statewide System of Early Intervention Services

Subpart E: Procedural Safeguards

Subpart F: State Administration

Subpart G: State Interagency Coordinating Council

Subpart H: Monitoring and Enforcement; Reporting; and Allocation of Funds

Both formats of the document are available at the Web sites of all three associations:

[www.cec.sped.org](http://www.cec.sped.org)

[www.dec-sped.org](http://www.dec-sped.org)

[www.ideainfanttoddler.org](http://www.ideainfanttoddler.org)

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The side-by-side format of the document includes:

- *Left column* “1999 Part C Regulations” includes the current Part C regulations last published in the Federal Register on March 12, 1999.
- *Middle column* “2011 Part C Regulations” provides sections of the new regulations aligned next to the applicable 1999 regulatory section.
- *Right column* “U.S. Department of Education Selected Analysis of Comments and Changes” includes selected quotes from this introductory section of the new Part C regulations package. These quotes are selected to provide the reader with an understanding of why a particular regulation was changed or not as compared with the NPRM. These quotes also provide additional clarification of the Department’s intent when revising or adding a particular final regulation.

The reader should note a few things in reviewing the new regulations. First, all “notes” that are included in the current regulations have been removed. Also, specific language from 34 CFR Part 300, related to confidentiality and dispute resolution, has been incorporated into relevant sections of the Part C regulations package with necessary changes made for applicability to Part C.

Finally, the reader should note that in many instances, the final regulations represent a reorganization of the existing regulations. Numerous provisions have been moved and resulting citations have changed. These changes made the task of alignment difficult. While we have made every effort to ensure accurate alignment of the new provisions, there may be instances in which this was not possible.

The final Part C regulations contain numerous changes and additions. The reader is encouraged to consider and review the new regulations completely. The following are a selected list of changes made and areas to review:

- Definitions of key terms, including multidisciplinary, natural environments, and native language, have been revised and new definitions, including local educational agency (LEA) and scientifically-based research have been added.
- Transition requirements have been revised, including provisions related to notification to the local educational agency (LEA) and state educational agency (SEA), timelines, an opt-out policy, the transition conference, and the transition plan.

- An optional state screening policy has been added as part of a new organizational structure of pre-referral, referral, and post-referral activities.
- The two working-day requirement from identification to referral has been changed to “as soon as possible but no more than 7 calendar days after identification.”
- The 45-day required timeline from referral to the IFSP meeting has been retained with the addition of some provisions permitting documentation of extraordinary circumstances for a delay.
- Child Find provisions have been changed to add programs with which the lead agency must collaborate.
- Definitions and provisions for evaluation and assessment including family assessment have been revised.
- Required provisions for the “use of informed clinical opinion” have been clarified.
- Natural environment provisions have been revised to reflect the 2004 statutory change.
- Changes in the content of the IFSP have been made including in the “early intervention services” and “other services” components.
- Several changes have been made to procedural safeguards, including provisions related to written prior notice, confidentiality, surrogate parents, and dispute resolution.
- Changes have been made in provisions related to financial responsibility, systems of payment, and ability to pay, as well as to the use of public benefits and insurance and private insurance.
- Provisions related to monitoring, enforcement, reporting, and allocation have been included in a new subpart of the Part C regulations.

The Department has announced plans to publish a Notice of Proposed Rulemaking (NPRM) related to maintenance of effort (MOE) requirements with an opportunity for public comment in the near future.

As you work to implement these new regulations in order to serve infants and toddlers with disabilities and their families, CEC, DEC, and ITCA stand ready to serve as a resource for you.

**SUBPART B- STATE APPLICATION FOR A GRANT AND REQUIREMENTS FOR A STATEWIDE SYSTEM**

1999 Part C Regulations	2011 Part C Regulations	U.S. Department of Education Selected Analysis of Comments and Changes
<p><b><u>§ 303.100 Conditions of assistance.</u></b>                      General Requirements                      (a) In order to receive funds under this part for any fiscal year, a State must have--                      (1) An approved application that contains the information required in this part, including--                      (i) The information required in §§ 303.140 through 303.148; and                      (ii) The information required in §§ 303.161 through 303.176; and                      (2) The statement of assurances required under §§ 303.120 through 303.128, on file with the Secretary.                      (b) If a State has on file with the Secretary a policy, procedure, or assurance that demonstrates that the State meets an application requirement, including any policy or procedure filed under this part before July 1, 1998, that meets such a requirement, the Secretary considers the State to have met that requirement for purposes of receiving a grant under this part.                      (c) An application that meets the requirements of this part remains in effect until the State submits to the Secretary modifications of that application.                      (d) The Secretary may require a State to modify its application under this part to the extent necessary to ensure the State's compliance with this part if--                      (1) An amendment is made to the Act, or to a regulation under this part;                      (2) A new interpretation is made of the Act by a Federal court or the State's highest court; or                      (3) An official finding of noncompliance with Federal law or regulations is made with respect to the State.</p>	<p><b><u>NOTE: This regulation now appears under Subpart C §303.228 Subsequent State application and modifications of application.</u></b></p>	

SUBPART B- STATE APPLICATION FOR A GRANT AND REQUIREMENTS FOR A STATEWIDE SYSTEM		
1999 Part C Regulations	2011 Part C Regulations	U.S. Department of Education Selected Analysis of Comments and Changes
<p><b><u>§ 303.101 How the Secretary disapproves a State’s application or statement of assurances.</u></b>                      The Secretary follows the procedures in 34 CFR 300.581 through 300.586 before disapproving a State’s application or statement of assurances submitted under this part.</p>	<p><b><u>NOTE: This regulation now appears under Subpart C §303.230 Standard for disapproval of an application.</u></b></p>	
	<p><b><u>§303.102 State conformity with Part C of the Act.</u></b>                      Each State that receives funds under Part C of the Act must ensure that any State rules, regulations, and policies relating to this part conform to the purposes and requirements of this part.</p>	
	<p><b><u>§303.103 Abrogation of State sovereign immunity.</u></b>                      (a) General. A State is not immune under the 11<sup>th</sup> amendment of the Constitution of the United States from suit in Federal court for a violation of Part C of the Act.                      (b) Remedies. In a suit against a State for a violation of Part C of the Act, remedies (including remedies both at law and in equity) are available for such a violation to the same extent as those remedies are available for such a violation in a suit against any public entity other than a State.                      (c) Effective date. Paragraphs (a) and (b) of this section apply with respect to violations that occur in whole or part after October 30, 1990, the date of enactment of the Education of the Handicapped Act Amendments of 1990.</p>	
	<p><b><u>§303.104 Acquisition of equipment and construction or alteration of facilities.</u></b>                      (a) General. If the Secretary determines that a program authorized under Part C of the Act will be improved by permitting program funds to be used</p>	



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	<p><b><u>§303.104 Acquisition of equipment and construction or alteration of facilities.</u></b>                      to acquire appropriate equipment or to construct new facilities or alter existing facilities, the Secretary may allow the use of those funds for those purposes.                      b) Compliance with certain regulations. Any construction of new facilities or alteration of existing facilities under paragraph (a) of this section must comply with the requirements of--                      (1) Appendix A of part 36 of title 28, Code of Federal Regulations (commonly known as the "Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities"); or                      (2) Appendix A of subpart 101-19.6 of title 41, Code of Federal Regulations (commonly known as the "Uniform Federal Accessibility Standards").</p>	
	<p><b><u>§303.105 Positive efforts to employ and advance qualified individuals with disabilities.</u></b>                      Each recipient of assistance under Part C of the Act must make positive efforts to employ and advance in employment, qualified individuals with disabilities in programs assisted under Part C of the Act.</p>	
<p><b><u>§ 303.110 General requirements and timelines for public participation.</u></b>                      (a) Before submitting to the Secretary its application under this part, and before adopting a new or revised policy that is not in its current application, a State shall—                      (1) Publish the application or policy in a manner that will ensure circulation throughout the State for at least a 60-day period, with an opportunity for comment on the application or policy for at least 30</p>	<p><b><u>NOTE: This regulation now appears under Subpart C §303.208 Public participation policies and procedures.</u></b></p>	

**SUBPART B- STATE APPLICATION FOR A GRANT AND REQUIREMENTS FOR A STATEWIDE SYSTEM**

1999 Part C Regulations	2011 Part C Regulations	U.S. Department of Education Selected Analysis of Comments and Changes
<p><b><u>§ 303.110 General requirements and timelines for public participation.</u></b>                      days during that period;                      (2) Hold public hearings on the application or policy during the 60-day period required in paragraph (a)(1) of this section; and                      (3) Provide adequate notice of the hearings required in paragraph (a)(2) of this section at least 30 days before the dates that the hearings are conducted.                      (b) A State may request the Secretary to waive compliance with the timelines in paragraph (a) of this section.                      The Secretary grants the request if the State demonstrates that—                      (1) There are circumstances that would warrant such an exception; and                      (2) The timelines that will be followed provide an adequate opportunity for public participation and comment.</p>		
<p><b><u>§ 303.111 Notice of public hearings and opportunity to comment.</u></b>                      The notice required in § 303.110(a)(3) must—                      (a) Be published in newspapers or announced in other media, or both, with coverage adequate to notify the general public, including individuals with disabilities and parents of infants and toddlers with disabilities, throughout the State about the hearings and opportunity to comment on the application or policy; and                      (b) Be in sufficient detail to inform the public about—                      (1) The purpose and scope of the State application or policy, and its relationship to part C of the Act;                      (2) The length of the comment period and the date,</p>	<p><b><u>NOTE: This regulation now appears under Subpart C §303.208 Public participation policies and procedures.</u></b></p>	

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<p><b><u>§ 303.111 Notice of public hearings and opportunity to comment.</u></b>                      time, and location of each hearing; and                      (3) The procedures for providing oral comments or submitting written comments.</p>		
<p><b><u>§ 303.112 Public hearings.</u></b>                      Each State shall hold public hearings in a sufficient number and at times and places that afford interested parties throughout the State a reasonable opportunity to participate.</p>	<p><b>NOTE: This regulation now appears under Subpart C <u>§303.208 Public participation policies and procedures.</u></b></p>	
<p><b><u>§ 303.113 Reviewing public comments received.</u></b>                      (a) Review of comments. Before adopting its application, and before the adoption of a new or revised policy not in the application, the lead agency shall—                      (1) Review and consider all public comments; and                      (2) Make any modifications it deems necessary in the application or policy.                      (b) Submission to the Secretary. In submitting the State’s application or policy to the Secretary, the lead agency shall include copies of news releases, advertisements, and announcements used to provide notice to the general public, including individuals with disabilities and parents of infants and toddlers with disabilities.</p>	<p><b>NOTE: This regulation now appears under Subpart C <u>§303.208 Public participation policies and procedures.</u></b></p>	
<p><b><u>§ 303.120 General.</u></b>                      (a) A State’s statement of assurances must contain the information required in §§ 303.121 through 303.128.                      (b) Unless otherwise required by the Secretary, the statement is submitted only once, and remains in effect throughout the term of a State’s participation under this part.                      (c) A State may submit a revised statement of</p>	<p><b>NOTE: This regulation now appears under Subpart C <u>§303.200 State application and assurances.</u></b></p>	

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<p><b><u>§ 303.120 General.</u></b>                      assurances if the statement is consistent with the requirements in §§ 303.121 through 303.128.</p>		
<p><b><u>§ 303.121 Reports and records.</u></b>                      The statement must provide for—                      (a) Making reports in such form and containing such information as the Secretary may require; and                      (b) Keeping such records and affording such access to those records as the Secretary may find necessary to assure compliance with the requirements of this part, the correctness and verification of reports, and the proper disbursement of funds provided under this part.</p>	<p><b>NOTE: This regulation now appears under Subpart C <u>§303.224 Reports and records.</u></b></p>	
<p><b><u>§ 303.122 Control of funds and property.</u></b>                      The statement must provide assurance satisfactory to the Secretary that—                      (a) The control of funds provided under this part, and title to property acquired with those funds, will be in a public agency for the uses and purposes provided in this part; and                      (b) A public agency will administer the funds and property.</p>	<p><b>NOTE: This regulation now appears under Subpart C <u>§303.223 Control of funds and property.</u></b></p>	
<p><b><u>§ 303.123 Prohibition against commingling.</u></b>                      The statement must include an assurance satisfactory to the Secretary that funds made available under this part will not be commingled with State funds.</p>	<p><b>NOTE: This regulation now appears under Subpart C <u>§303.225 Prohibition against supplanting; indirect costs.</u></b></p>	
<p><b><u>§ 303.123 Prohibition against commingling.</u></b>                      NOTE: As used in this part, commingle means depositing or recording funds in a general account without the ability to identify each specific source of funds for any expenditure. Under that general definition, it is clear that commingling is prohibited. However, to the extent that the funds from each of</p>		

**SUBPART B- STATE APPLICATION FOR A GRANT AND REQUIREMENTS FOR A STATEWIDE SYSTEM**

1999 Part C Regulations	2011 Part C Regulations	U.S. Department of Education Selected Analysis of Comments and Changes
<p><b><u>§ 303.123 Prohibition against commingling.</u></b>                      a series of Federal, State, local, and private funding sources can be identified— with a clear audit trail for each source—it is appropriate for those funds to be consolidated for carrying out a common purpose. In fact, a State may find it essential to set out a funding plan that incorporates, and accounts for, all sources of funds that can be targeted on a given activity or function related to the State’s early intervention program. Thus, the assurance in this section is satisfied by the use of an accounting system that includes an “audit trail” of the expenditure of funds awarded under this part. Separate bank accounts are not required.</p>		
<p><b><u>§ 303.124 Prohibition against supplanting.</u></b>                      (a) The statement must include an assurance satisfactory to the Secretary that Federal funds made available under this part will be used to supplement the level of State and local funds expended for children eligible under this part and their families and in no case to supplant those State and local funds.                      (b) To meet the requirement in paragraph (a) of this section, the total amount of State and local funds budgeted for expenditures in the current fiscal year for early intervention services for children eligible under this part and their families 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 preceding fiscal year for which the information is available. Allowance may be made for—                      (1) Decreases in the number of children who are</p>	<p><b>NOTE: This regulation now appears under Subpart C <u>§303.225 Prohibition against supplanting; indirect costs.</u></b></p>	

SUBPART B- STATE APPLICATION FOR A GRANT AND REQUIREMENTS FOR A STATEWIDE SYSTEM		
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<p><b><u>§ 303.124 Prohibition against supplanting.</u></b>                      eligible to receive early intervention services under this part; and                      (2) Unusually large amounts of funds expended for such long-term purposes as the acquisition of equipment and the construction of facilities.</p>		
<p><b><u>§ 303.125 Fiscal control.</u></b>                      The statement must provide assurance satisfactory to the Secretary that such 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 this part.</p>	<p><b>NOTE: This regulation now appears under Subpart C <u>§303.226 Fiscal control.</u></b></p>	
<p><b><u>§ 303.126 Payor of last resort.</u></b>                      The statement must include an assurance satisfactory to the Secretary that the State will comply with the provisions in § 303.527, including the requirements on—                      (a) Nonsubstitution of funds; and                      (b) Non-reduction of other benefits.</p>	<p><b>NOTE: This regulation now appears under Subpart C <u>§303.222 Payor of last resort.</u></b></p>	
<p><b><u>§ 303.127 Assurance regarding expenditure of funds.</u></b>                      The statement must include an assurance satisfactory to the Secretary that the funds paid to the State under this part will be expended in accordance with the provisions of this part, including the requirements in § 303.3.</p>	<p><b>NOTE: This regulation now appears under Subpart C <u>§303.221 Expenditure of funds.</u></b></p>	
<p><b><u>§ 303.128 Traditionally underserved groups.</u></b>                      The statement must include an assurance satisfactory to the Secretary that policies and practices have been adopted to ensure—                      (a) That traditionally underserved groups, including minority, low-income, and rural families, are meaningfully involved in the planning and implementation of all the requirements of this part;</p>	<p><b>NOTE: This regulation now appears under Subpart C <u>§303.227 Traditionally underserved groups.</u></b></p>	

**SUBPART B- STATE APPLICATION FOR A GRANT AND REQUIREMENTS FOR A STATEWIDE SYSTEM**

1999 Part C Regulations	2011 Part C Regulations	U.S. Department of Education Selected Analysis of Comments and Changes
<p><b>§ 303.128 Traditionally underserved groups.</b> And (b) That these families have access to culturally competent services within their local geographical areas.</p>		
<p><b>§ 303.140 General.</b> A State’s application under this part must contain information and assurances demonstrating to the satisfaction of the Secretary that— (a) The statewide system of early intervention services required in this part is in effect; and (b) A State policy is in effect that ensures that appropriate early intervention services are available to all infants and toddlers with disabilities in the State and their families, including Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the State.</p>	<p><b>§303.101 State eligibility--requirements for a grant under this part.</b> In order to be eligible for a grant under Part C of the Act for any fiscal year, a State must meet the following conditions: (a) Assurances regarding early intervention services and a statewide system. The State must provide assurances to the Secretary that-- (1) The State has adopted a policy that appropriate early intervention services, as defined in §303.13, are available to all infants and toddlers with disabilities in the State and their families, including-- (i) Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the State; (ii) Infants and toddlers with disabilities who are homeless children and their families; and (iii) Infants and toddlers with disabilities who are wards of the State; and (2) The State has in effect a statewide system of early intervention services that meets the requirements of section 635 of the Act, including policies and procedures that address, at a minimum, the components required in §§303.111 through 303.126. (b) State application and assurances. The State must provide information and assurances to the Secretary, in accordance with subpart C of this part, including-- (1) Information that shows that the State meets the</p>	<p>The Department “determined that it is more appropriate to describe in subpart B-- rather than subpart C--of these regulations the State’s obligation to obtain prior Secretarial approval of those policies and procedures that are required to be submitted with the State’s application. For this reason, we have moved proposed §303.208(b) to new §303.101(c), and further specified in §303.101(c), those policies and procedures that are required to be submitted as part of the State’s application.”</p>

**SUBPART B- STATE APPLICATION FOR A GRANT AND REQUIREMENTS FOR A STATEWIDE SYSTEM**

1999 Part C Regulations	2011 Part C Regulations	U.S. Department of Education Selected Analysis of Comments and Changes
	<p><b><u>§303.101 State eligibility--requirements for a grant under this part.</u></b>                      State application requirements in §§303.200 through 303.212; and                      (2) Assurances that the State also meets the requirements in §§303.221 through 303.227.                      (c) Approval before implementation. The State must obtain approval by the Secretary before implementing any policy or procedure required to be submitted as part of the State’s application in §§303.203, 303.204, 303.206, 303.207, 303.208, 303.209, and 303.211.</p>	
<p><b><u>§ 303.141 Information about the Council.</u></b>                      Each application must include information demonstrating that the State has established a State Interagency Coordinating Council that meets the requirements of subpart G of this part.</p>	<p><b><u>§303.125 State interagency coordinating council.</u></b>                      Each system must include a State Interagency Coordinating Council (Council) that meets the requirements of subpart G of this part.</p>	
<p><b><u>§ 303.142 Designation of lead agency.</u></b>                      Each application must include a designation of the lead agency in the State that will be responsible for the administration of funds provided under this part.</p>	<p><b>NOTE: This regulation now appears under Subpart C <u>§303.201 Designation of lead agency.</u></b></p>	
<p><b><u>§ 303.143 Designation regarding financial responsibility.</u></b>                      Each application must include a designation by the State of an individual or entity responsible for assigning financial responsibility among appropriate agencies.</p>	<p><b>NOTE: This regulation now appears under Subpart C <u>§303.202 Certification regarding financial responsibility.</u></b></p>	
<p><b><u>§ 303.144 Assurance regarding use of funds.</u></b>                      Each application must include an assurance that funds received under this part will be used to assist the State to maintain and implement the statewide system required under subparts D through F of this part.</p>	<p><b>NOTE: This regulation now appears under Subpart C <u>§303.220 Assurances satisfactory to the Secretary.</u></b></p>	



**SUBPART B- STATE APPLICATION FOR A GRANT AND REQUIREMENTS FOR A STATEWIDE SYSTEM**

1999 Part C Regulations	2011 Part C Regulations	U.S. Department of Education Selected Analysis of Comments and Changes
<p><b>§ 303.145 (a) Description of use of funds.</b>                      (a) General. Each application must include a description of how a State proposes to use its funds under this part for the fiscal year or years covered by the application. The description must be presented separately for the lead agency and the Council, and include the information required in paragraphs (b) through (e) of this section.</p>	<p><b>NOTE: This regulation now appears under Subpart C §303.205 Description of use of funds.</b></p>	
<p><b>§ 303.145 Description of use of funds.</b>                      (b) Administrative positions. Each application must include—                      (1) A list of administrative positions, with salaries, and a description of the duties for each person whose salary is paid in whole or in part with funds awarded under this part; and                      (2) For each position, the percentage of salary paid with those funds.</p>	<p><b>NOTE: This regulation now appears under Subpart C §303.205 Description of use of funds.</b></p>	
<p><b>§ 303.145 Description of use of funds.</b>                      (c) Maintenance and implementation activities. Each application must include—                      (1) A description of the nature and scope of each major activity to be carried out under this part in maintaining and implementing the statewide system of early intervention services; and                      (2) The approximate amount of funds to be spent for each activity.</p>	<p><b>NOTE: This regulation now appears under Subpart C §303.205 Description of use of funds.</b></p>	
<p><b>§ 303.145 Description of use of funds.</b>                      (d) Direct services.                      (1) Each application must include a description of any direct services that the State expects to provide to eligible children and their families with funds under this part, including a description of any services provided to at-risk infants and toddlers as defined in § 303.16(b), and their families,</p>	<p><b>NOTE: This regulation now appears under Subpart C §303.205 Description of use of funds.</b></p>	

**SUBPART B- STATE APPLICATION FOR A GRANT AND REQUIREMENTS FOR A STATEWIDE SYSTEM**

1999 Part C Regulations	2011 Part C Regulations	U.S. Department of Education Selected Analysis of Comments and Changes
<p><b><u>§ 303.145 Description of use of funds.</u></b>                      consistent with §§ 303.521 and 303.527.                      (2) The description must include information about each type of service to be provided, including—                      (i) A summary of the methods to be used to provide the service (e.g., contracts or other arrangements with specified public or private organizations); and                      (ii) The approximate amount of funds under this part to be used for the service.</p>		
<p><b><u>§ 303.145 Description of use of funds.</u></b>                      (e) At-risk infants and toddlers. For any State that does not provide direct services for at-risk infants and toddlers described in paragraph (d)(1) of this section, but chooses to use funds as described in § 303.3(e), each application must include a description of how those funds will be used.</p>	<p><b>NOTE: This regulation now appears under Subpart C <u>§303.501 Permissive use of funds by the lead agency.</u></b></p>	
<p><b><u>§ 303.145 Description of use of funds.</u></b>                      (f) Activities by other agencies. If other agencies are to receive funds under this part, the application must include—                      (1) The name of each agency expected to receive funds;                      (2) The approximate amount of funds each agency will receive; and                      (3) A summary of the purposes for which the funds will be used.</p>	<p><b>NOTE: This regulation now appears under Subpart C <u>§303.501 Permissive use of funds by lead agency.</u></b></p>	
<p><b><u>§ 303.146 Information about public participation.</u></b>                      Each application must include the information on public participation that is required in §303.113(b).</p>	<p><b>NOTE: This regulation now appears under Subpart C <u>§303.208 Public participation policies and procedures.</u></b></p>	
<p><b><u>§ 303.147 Services to all geographic areas.</u></b>                      Each application must include a description of the procedure used to ensure that resources are made  </p>	<p><b>NOTE: This regulation now appears under Subpart C <u>§303.207 Availability of resources.</u></b></p>	

SUBPART B- STATE APPLICATION FOR A GRANT AND REQUIREMENTS FOR A STATEWIDE SYSTEM		
1999 Part C Regulations	2011 Part C Regulations	U.S. Department of Education Selected Analysis of Comments and Changes
<p><b>§ 303.147 Services to all geographic areas.</b> available under this part for all geographic areas within the State.</p>		
<p><b>§ 303.148 Transition to preschool programs.</b> Each application must include a description of the policies and procedures to be used to ensure a smooth transition for children receiving early intervention services under this part to preschool or other appropriate services, including— (a) A description of how the families will be included in the transition plans; (b) A description of how the lead agency under this part will— (1) Notify the local educational agency for the area in which the child resides that the child will shortly reach the age of eligibility for preschool services under Part B of the Act, as determined in accordance with State law; (2)(i) In the case of a child who may be eligible for preschool services under Part B of the Act, with the approval of the family of the child, convene a conference among the lead agency, the family, and the local educational agency at least 90 days, and at the discretion of the parties, up to 6 months, before the child is eligible for the preschool services, to discuss any services that the child may receive; or (ii) In the case of a child who may not be eligible for preschool services under Part B of the Act, with the approval of the family, make reasonable efforts to convene a conference among the lead agency, the family, and providers of other appropriate services for children who are not eligible for preschool services under Part B, to discuss the appropriate services that the child may receive; (3) Review the child’s program options for the</p>	<p><b>NOTE: This regulation now appears under Subpart C §303.209 Transition to preschool and other programs.</b></p>	

SUBPART B- STATE APPLICATION FOR A GRANT AND REQUIREMENTS FOR A STATEWIDE SYSTEM		
1999 Part C Regulations	2011 Part C Regulations	U.S. Department of Education Selected Analysis of Comments and Changes
<p><b>§ 303.148 Transition to preschool programs.</b>                      period from the child’s third birthday through the remainder of the school year; and (4) Establish a transition plan; and                      (c) If the State educational agency, which is responsible for administering preschool programs under part B of the Act, is not the lead agency under this part, an interagency agreement between the two agencies to ensure coordination on transition matters.</p>		
<p><b>§ 303.148 Transition to preschool programs.</b>                      NOTE: Among the matters that should be considered in developing policies and procedures to ensure a smooth transition of children from one program to the other are the following:                      · The financial responsibilities of all appropriate agencies.                      · The responsibility for performing evaluations of children.                      · The development and implementation of an individualized education program (“IEP”) or an individualized family service plan (“IFSP”) for each child, consistent with the requirements of law (see § 303.344(h) and sections 612(a)(9) of the Act).                      · The coordination of communication between agencies and the child’s family.                      · The mechanisms to ensure the uninterrupted provision of appropriate services to the child.</p>		
<p><b>§ 303.160 Minimum components of a statewide system.</b>                      Each application must address the minimum components of a statewide system of coordinated, comprehensive, multidisciplinary, interagency</p>	<p><b>§303.110 Minimum components of a statewide system.</b>                      Each statewide system (system) must include, at a minimum, the components described in §303.111 through §303.126.</p>	

**SUBPART B- STATE APPLICATION FOR A GRANT AND REQUIREMENTS FOR A STATEWIDE SYSTEM**

1999 Part C Regulations	2011 Part C Regulations	U.S. Department of Education Selected Analysis of Comments and Changes
<p><b><u>§ 303.160 Minimum components of a statewide system.</u></b>                      programs providing appropriate early intervention services to all infants and toddlers with disabilities and their families, including Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the State. The minimum components of a statewide system are described in §§303.161 through 303.176.</p>	<p><b><u>§303.112 Availability of early intervention services.</u></b>                      Each system must include a State policy that is in effect and that ensures that appropriate early intervention services are based on scientifically based research, to the extent practicable, and are available to all infants and toddlers with disabilities and their families, including--                      (a) Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the State; and                      (b) Infants and toddlers with disabilities who are homeless children and their families.</p>	
<p><b><u>§ 303.161 State definition of developmental delay.</u></b>                      Each application must include the State’s definition of “developmental delay,” as described in §303.300.</p>	<p><b><u>§303.111 State definition of developmental delay.</u></b>                      Each system must include the State's rigorous definition of developmental delay, consistent with §§303.10 and 303.203(c), that will be used by the State in carrying out programs under Part C of the Act in order to appropriately identify infants and toddlers with disabilities who are in need of services under Part C of the Act. The definition must--                      (a) Describe, for each of the areas listed in §303.21(a)(1), the evaluation and assessment procedures, consistent with §303.321, that will be used to measure a child's development; and                      (b) Specify the level of developmental delay in functioning or other comparable criteria that constitute a developmental delay in one or more of the developmental areas identified in §303.21(a)(1).</p>	

**SUBPART B- STATE APPLICATION FOR A GRANT AND REQUIREMENTS FOR A STATEWIDE SYSTEM**

1999 Part C Regulations	2011 Part C Regulations	U.S. Department of Education Selected Analysis of Comments and Changes
<p><b><u>§ 303.162 Central directory.</u></b>                      Each application must include information and assurances demonstrating to the satisfaction of the Secretary that the State has developed a central directory of information that meets the requirements in § 303.301.</p>	<p><b><u>§303.117 Central directory.</u></b>                      Each system must include a central directory that is accessible to the general public (i.e., through the lead agency’s Web site and other appropriate means) and includes accurate, up-to-date information about--                      (a) Public and private early intervention services, resources, and experts available in the State;                      (b) Professional and other groups (including parent support, and training and information centers, such as those funded under the Act) that provide assistance to infants and toddlers with disabilities eligible under Part C of the Act and their families; and                      (c) Research and demonstration projects being conducted in the State relating to infants and toddlers with disabilities.</p>	
<p><b><u>§ 303.164 Public awareness program.</u></b>                      Each application must include information and assurances demonstrating to the satisfaction of the Secretary that the State has established a public awareness program that meets the requirements in § 303.320.</p>	<p><b><u>§303.116 Public awareness program.</u></b>                      Each system must include a public awareness program that--                      (a) Focuses on the early identification of infants and toddlers with disabilities; and                      (b) Provides information to parents of infants and toddlers through primary referral sources in accordance with §303.301.</p>	
<p><b><u>§ 303.165 Comprehensive child find system.</u></b>                      Each application must include—                      (a) The policies and procedures required in § 303.321(b);                      (b) Information demonstrating that the requirements on coordination in § 303.321(c) are met;                      (c) The referral procedures required in § 303.321(d), and either—</p>	<p><b><u>§303.115 Comprehensive child find system.</u></b>                      Each system must include a comprehensive child find system that meets the requirements in §§303.302 and 303.303.</p>	

**SUBPART B- STATE APPLICATION FOR A GRANT AND REQUIREMENTS FOR A STATEWIDE SYSTEM**

1999 Part C Regulations	2011 Part C Regulations	U.S. Department of Education Selected Analysis of Comments and Changes
<p><b><u>§ 303.165 Comprehensive child find system.</u></b>                      (1) A description of how the referral sources are informed about the procedures; or                      (2) A copy of any memorandum or other document used by the lead agency to transmit the procedures to the referral sources; and                      (d) The timelines in § 303.321(e).</p>		
<p><b><u>§ 303.166 Evaluation, assessment, and nondiscriminatory procedures.</u></b>                      Each application must include information to demonstrate that the requirements in §§ 303.322 and 303.323 are met.</p>	<p><b><u>§303.113 Evaluation, assessment, and nondiscriminatory procedures.</u></b>                      (a) Subject to paragraph (b) of this section, each system must ensure the performance of--                      (1) A timely, comprehensive, multidisciplinary evaluation of the functioning of each infant or toddler with a disability in the State; and (2) A family-directed identification of the needs of the family of the infant or toddler to assist appropriately in the development of the infant or toddler.                      (b) The evaluation and family-directed identification required in paragraph (a) of this section must meet the requirements of §303.321.</p>	
<p><b><u>§ 303.167 Individualized family service plans.</u></b>                      Each application must include—                      (a) An assurance that a current IFSP is in effect and implemented for each eligible child and the child’s family;                      (b) Information demonstrating that—                      (1) The State’s procedures for developing, reviewing, and evaluating IFSPs are consistent with the requirements in §§ 303.340, 303.342, 303.343 and 303.345; and                      (2) The content of IFSPs used in the State is consistent with the requirements in § 303.344; and</p>	<p><b><u>§303.114 Individualized family service plan (IFSP).</u></b>                      Each system must ensure, for each infant or toddler with a disability and his or her family in the State, that an IFSP, as defined in §303.20, is developed and implemented that meets the requirements of §§303.340 through 303.345, and that includes service coordination services, as defined in §303.34.</p>	

**SUBPART B- STATE APPLICATION FOR A GRANT AND REQUIREMENTS FOR A STATEWIDE SYSTEM**

1999 Part C Regulations	2011 Part C Regulations	U.S. Department of Education Selected Analysis of Comments and Changes
<p><b><u>§ 303.167 Individualized family service plans.</u></b>                      (c) Policies and procedures to ensure that—                      (1) To the maximum extent appropriate, early intervention services are provided in natural environments; and                      (2) The provision of early intervention services for any infant or toddler occurs in a setting other than a natural environment only if early intervention cannot be achieved satisfactorily for the infant or toddler in a natural environment.</p>	<p><b><u>§303.126 Early intervention services in natural environments.</u></b>                      Each system must include policies and procedures to ensure, consistent with §§303.13(a)(8) (early intervention services), 303.26 (natural environments), and 303.344(d)(1)(ii) (content of an IFSP), that early intervention services for infants and toddlers with disabilities are provided--                      (a) To the maximum extent appropriate, in natural environments; and                      (b) In settings other than the natural environment that are most appropriate, as determined by the parent and the IFSP Team, only when early intervention services cannot be achieved satisfactorily in a natural environment.</p>	
<p><b><u>§ 303.168 Comprehensive system of personnel development (CSPD).</u></b>                      Each application must include information to show that the requirements in § 303.360(b) are met.</p>	<p><b><u>§303.118 Comprehensive system of personnel development (CSPD).</u></b>                      Each system must include a comprehensive system of personnel development, including the training of paraprofessionals and the training of primary referral sources with respect to the basic components of early intervention services available in the State. A comprehensive system of personnel development--                      (a) Must include--                      (1) Training personnel to implement innovative strategies and activities for the recruitment and retention of EIS providers;                      (2) Promoting the preparation of EIS providers who are fully and appropriately qualified to provide early intervention services under this part; and (3) Training personnel to coordinate transition services for infants and toddlers with disabilities who are transitioning from an early intervention service program under Part C of the Act to a</p>	



**SUBPART B- STATE APPLICATION FOR A GRANT AND REQUIREMENTS FOR A STATEWIDE SYSTEM**

1999 Part C Regulations	2011 Part C Regulations	U.S. Department of Education Selected Analysis of Comments and Changes
	<p><b><u>§303.118 Comprehensive system of personnel development (CSPD).</u></b>                      preschool program under section 619 of the Act, Head Start, Early Head Start, an elementary school program under Part B of the Act, or another appropriate program.                      (b) May include--                      (1) Training personnel to work in rural and inner-city areas;                      (2) Training personnel in the emotional and social development of young children; and                      (3) Training personnel to support families in participating fully in the development and implementation of the child’s IFSP; and                      (4) Training personnel who provide services under this part using standards that are consistent with early learning personnel development standards funded under the State Advisory Council on Early Childhood Education and Care established under the Head Start Act, if applicable.</p>	
<p><b><u>§ 303.169 Personnel standards.</u></b>                      (a) Each application must include policies and procedures that are consistent with the requirements in § 303.361.</p>	<p><b><u>§303.119 Personnel standards.</u></b>                      General. Each system must include policies and procedures relating to the establishment and maintenance of qualification standards to ensure that personnel necessary to carry out the purposes of this part are appropriately and adequately prepared and trained.                      (b) Qualification standards. The policies and procedures required in paragraph (a) of this section must provide for the establishment and maintenance of qualification standards that are consistent with any State approved or State-recognized certification, licensing, registration, or other comparable requirements that apply to the profession, discipline, or area in which</p>	

**SUBPART B- STATE APPLICATION FOR A GRANT AND REQUIREMENTS FOR A STATEWIDE SYSTEM**

1999 Part C Regulations	2011 Part C Regulations	U.S. Department of Education Selected Analysis of Comments and Changes
	<p><b><u>§303.119 Personnel standards.</u></b>                      personnel are providing early intervention services.                      (c) Use of paraprofessionals and assistants.                      Nothing in Part C of the Act may be construed to prohibit the use of paraprofessionals and assistants who are appropriately trained and supervised in accordance with State law, regulation, or written policy to assist in the provision of early intervention services under Part C of the Act to infants and toddlers with disabilities.                      (d) Policy to address shortage of personnel. A State may adopt a policy that includes making ongoing good-faith efforts to recruit and hire appropriately and adequately trained personnel to provide early intervention services to infants and toddlers with disabilities, including, in a geographic area of the State where there is a shortage of such personnel, the most qualified individuals available who are making satisfactory progress toward completing applicable course work necessary to meet the standards described in paragraphs (a) and (b) of this section.</p>	
<p><b><u>§ 303.170 Procedural safeguards.</u></b>                      Each application must include procedural safeguards that—                      (a) Are consistent with §§ 303.400 through 303.406, 303.419 through 303.425 and 303.460; and                      (b) Incorporate either—                      (1) The due process procedures in 34 CFR 300.506 through 300.512; or                      (2) The procedures that the State has developed to meet the requirements in §§ 303.419, 303.420(b) and 303.421 through 303.425.</p>	<p><b><u>§303.123 Procedural safeguards.</u></b>                      Each system must include procedural safeguards that meet the requirements of subpart E of this part.</p>	

**SUBPART B- STATE APPLICATION FOR A GRANT AND REQUIREMENTS FOR A STATEWIDE SYSTEM**

1999 Part C Regulations	2011 Part C Regulations	U.S. Department of Education Selected Analysis of Comments and Changes
<p><b><u>§ 303.171 Supervision and monitoring of programs.</u></b>                      Each application must include information to show that the requirements in § 303.501 are met.</p>	<p><b><u>§303.120 Lead agency role in supervision, monitoring, funding, interagency coordination, and other responsibilities.</u></b>                      Each system must include a single line of responsibility in a lead agency designated or established by the Governor that is responsible for the following:                      (a)(1) The general administration and supervision of programs and activities administered by agencies, institutions, organizations, and EIS providers receiving assistance under Part C of the Act.                      (2) The monitoring of programs and activities used by the State to carry out Part C of the Act (whether or not the programs or activities are administered by agencies, institutions, organizations, and EIS providers that are receiving assistance under Part C of the Act), to ensure that the State complies with Part C of the Act, including--                      (i)Monitoring agencies, institutions, organizations, and EIS providers used by the State to carry out Part C of the Act;                      (ii) Enforcing any obligations imposed on those agencies, institutions, organizations, and EIS providers under Part C of the Act and these regulations;                      (iii) Providing technical assistance, if necessary, to those agencies, institutions, organizations, and EIS providers;                      (iv) Correcting any noncompliance identified through monitoring as soon as possible and in no case later than one year after the lead agency’s identification of the noncompliance; and                      (v) Conducting the activities in paragraphs (a)(2)(i) through (a)(2)(iv) of this section, consistent with</p>	

SUBPART B- STATE APPLICATION FOR A GRANT AND REQUIREMENTS FOR A STATEWIDE SYSTEM		
1999 Part C Regulations	2011 Part C Regulations	U.S. Department of Education Selected Analysis of Comments and Changes
	<p><b><u>§303.120 Lead agency role in supervision, monitoring, funding, interagency coordination, and other responsibilities.</u></b>                      §§303.700 through 303.707, and any other activities required by the State under those sections.</p>	
	<p><b><u>§303.120 Lead agency role in supervision, monitoring, funding, interagency coordination, and other responsibilities.</u></b>                      (b) The identification and coordination of all available resources for early intervention services within the State, including those from Federal, State, local, and private sources, consistent with subpart F of this part.</p>	
	<p><b><u>§303.120 Lead agency role in supervision, monitoring, funding, interagency coordination, and other responsibilities.</u></b>                      (c) The assignment of financial responsibility in accordance with Subpart F of this part.</p>	
	<p><b><u>§303.120 Lead agency role in supervision, monitoring, funding, interagency coordination, and other responsibilities.</u></b>                      (d) The development of procedures in accordance with subpart F of this part to ensure that early intervention services are provided to infants and toddlers with disabilities and their families under Part C of the Act in a timely manner, pending the resolution of any disputes among public agencies or EIS providers.</p>	
	<p><b><u>§303.120 Lead agency role in supervision, monitoring, funding, interagency coordination, and other responsibilities.</u></b>                      (e) The resolution of intra- and interagency disputes in accordance with subpart F of this part.</p>	

**SUBPART B- STATE APPLICATION FOR A GRANT AND REQUIREMENTS FOR A STATEWIDE SYSTEM**

1999 Part C Regulations	2011 Part C Regulations	U.S. Department of Education Selected Analysis of Comments and Changes
	<p><b><u>§303.120 Lead agency role in supervision, monitoring, funding, interagency coordination, and other responsibilities.</u></b>                      (f) The entry into formal interagency agreements or other written methods of establishing financial responsibility, consistent with §303.511, that define the financial responsibility of each agency for paying for early intervention services (consistent with State law) and procedures for resolving disputes and that include all additional components necessary to ensure meaningful cooperation and coordination as set forth in subpart F of this part.</p>	
<p><b><u>§ 303.172 Lead agency procedures for resolving complaints.</u></b>                      Each application must include procedures that are consistent with the requirements in §§ 303.510 through 303.512.</p>	<p><b>NOTE: This regulation now appears under Subpart E <u>§§§ 303.432 Adoption of State complaint procedures, 303.433 Minimum State complaint procedures, and 303.434 Filing a complaint.</u></b></p>	
<p><b><u>§ 303.173 Policies and procedures related to financial matters.</u></b>                      Each application must include—                      (a) Funding policies that meet the requirements in §§ 303.520 and 303.521;                      (b) Information about funding sources, as required in § 303.522;                      (c) Procedures to ensure the timely delivery of services, in accordance with § 303.525; and                      (d) A procedure related to the timely reimbursement of funds under this part, in accordance with §§ 303.527(b) and 303.528.</p>	<p><b><u>§303.122 Reimbursement procedures.</u></b>                      Each system must include procedures for securing the timely reimbursement of funds used under Part C of the Act, in accordance with subpart F of this part.</p>	
<p><b><u>§ 303.174 Interagency agreements; resolution of individual disputes.</u></b>                      Each application must include—                      (a) A copy of each interagency agreement that has been developed under § 303.523; and</p>	<p><b><u>§303.120 Lead agency role in supervision, monitoring, funding, interagency coordination, and other responsibilities.</u></b>                      (e) The resolution of intra- and interagency disputes in accordance with subpart F of this part.</p>	

**SUBPART B- STATE APPLICATION FOR A GRANT AND REQUIREMENTS FOR A STATEWIDE SYSTEM**

1999 Part C Regulations	2011 Part C Regulations	U.S. Department of Education Selected Analysis of Comments and Changes
<p><b><u>§ 303.174 Interagency agreements; resolution of individual disputes.</u></b>                      (b) Information to show that the requirements in § 303.524 are met.</p>	<p><b><u>§303.120 Lead agency role in supervision, monitoring, funding, interagency coordination, and other responsibilities.</u></b>                      (f) The entry into formal interagency agreements or other written methods of establishing financial responsibility, consistent with §303.511, that define the financial responsibility of each agency for paying for early intervention services (consistent with State law) and procedures for resolving disputes and that include all additional components necessary to ensure meaningful cooperation and coordination as set forth in subpart F of this part.</p>	
<p><b><u>§ 303.175 Policy for contracting or otherwise arranging for services.</u></b>                      Each application must include a policy that meets the requirements in § 303.526.</p>	<p><b><u>§303.121 Policy for contracting or otherwise arranging for services.</u></b>                      Each system must include a policy pertaining to the contracting or making of other arrangements with public or private individuals or agency service providers to provide early intervention services in the State, consistent with the provisions of Part C of the Act, including the contents of the application, and the conditions of the contract or other arrangements. The policy must--                      (a) Include a requirement that all early intervention services must meet State standards and be consistent with the provisions of this part; and                      (b) Be consistent with the Education Department General Administrative Regulations in 34 CFR part 80.</p>	
<p><b><u>§ 303.176 Data collection.</u></b>                      Each application must include procedures that meet the requirements in § 303.540.</p>	<p><b><u>§303.124 Data collection.</u></b>                      (a) Each statewide system must include a system for compiling and reporting timely and accurate data that meets the requirements in paragraph (b) of this section and §§303.700 through 303.702 and 303.720 through 303.724.</p>	

**SUBPART B- STATE APPLICATION FOR A GRANT AND REQUIREMENTS FOR A STATEWIDE SYSTEM**

1999 Part C Regulations	2011 Part C Regulations	U.S. Department of Education Selected Analysis of Comments and Changes
	<p><b><u>§303.124 Data collection.</u></b>                      (b) The data system required in paragraph (a) of this section must include a description of the process that the State uses, or will use, to compile data on infants or toddlers with disabilities receiving early intervention services under this part, including a description of the State’s sampling methods, if sampling is used, for reporting the data required by the Secretary under sections 616 and 618 of the Act and §§303.700 through 303.707 and 303.720 through 303.724.</p>	
<p><b><u>§ 303.180 Payments to the Secretary of the Interior for Indian tribes and tribal organizations.</u></b>                      (a) The Secretary makes payments to the Secretary of the Interior for the coordination of assistance in the provision of early intervention services by the States to infants and toddlers with disabilities and their families on reservations served by elementary and secondary schools for Indian children operated or funded by the Department of the Interior.                      (b)(1) The Secretary of the Interior shall distribute payments under this part to tribes or tribal organizations (as defined under section 4 of the Indian Self-Determination and Education Assistance Act), or combinations of those entities, in accordance with section 684(b) of the Act.                      (2) A tribe or tribal organization is eligible to receive a payment under this section if the tribe is on a reservation that is served by an elementary or secondary school operated or funded by the Bureau of Indian Affairs (“BIA”).                      (c)(1) Within 90 days after the end of each fiscal year the Secretary of the Interior shall provide the Secretary with a report on the payments distributed</p>	<p><b>NOTE: This regulation now appears under Subpart C <u>§303.731 Payments to Indians.</u></b></p>	

**SUBPART B- STATE APPLICATION FOR A GRANT AND REQUIREMENTS FOR A STATEWIDE SYSTEM**

1999 Part C Regulations	2011 Part C Regulations	U.S. Department of Education Selected Analysis of Comments and Changes
<p><b><u>§ 303.180 Payments to the Secretary of the Interior for Indian tribes and tribal organizations.</u></b>                      under this section.                      (2) The report must include—                      (i) The name of each tribe, tribal organization, or combination of those entities that received a payment for the fiscal year;                      (ii) The amount of each payment; and                      (iii) The date of each payment.</p>		