



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



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



Council for  
Exceptional  
Children



Division for  
Early Childhood

The voice and vision of special education



# Subpart G – State Interagency Coordinating Council

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 G- STATE INTERAGENCY COORDINATING COUNCIL**

1999 Part C Regulations	2011 Part C Regulations	U.S. Department of Education Selected Analysis of Comments and Changes
<p><b><u>§ 303.600 Establishment of Council.</u></b>                      (a) A State that desires to receive financial assistance under this part shall establish a State Interagency Coordinating Council.                      (b) The Council must be appointed by the Governor. The Governor shall ensure that the membership of the Council reasonably represents the population of the State.                      (c) The Governor shall designate a member of the Council to serve as the chairperson of the Council or require the Council to do so. Any member of the Council who is a representative of the lead agency designated under § 303.500 may not serve as the chairperson of the Council.</p>	<p><b><u>§303.600 Establishment of Council.</u></b>                      (a) A State that desires to receive financial assistance under Part C of the Act must establish a State Interagency Coordinating Council (Council) as defined in §303.8.                      (b) The Council must be appointed by the Governor. The Governor must ensure that the membership of the Council reasonably represents the population of the State.                      (c) The Governor must designate a member of the Council to serve as the chairperson of the Council or require the Council to do so. Any member of the Council who is a representative of the lead agency designated under §303.201 may not serve as the chairperson of the Council.</p>	<p>The Department indicated “that the appointment to the Council of parents of children with disabilities who are also employed by EIS providers could bring a unique perspective to the work of the Council. For this reason, we have removed proposed §303.601(a)(1)(iii), which would have prohibited an employee of a public or private agency involved in providing early intervention services from being appointed and serving as a parent member of the Council. The language in proposed §303.601(a)(1)(iii) reflected the Department’s recommendation in the note to current §303.600 that parents selected to serve on the Council not be employees of any agency involved in providing early intervention services. With the removal of proposed §303.601(a)(1)(iii), parents who are employees of a public or private agency involved in providing early intervention services could serve as parent members of the Council in accordance with the requirements that at least 20 percent of the Council be comprised of parent members of children with disabilities aged 12 or younger and at least one parent member be the parent of an infant or toddler with a disability or a child with a disability aged six years or younger. Finally, like all Council members, pursuant to §303.601(d), a parent member of the Council who is an employee of a public or private agency involved in providing early intervention services may not cast a vote on any matter that would provide direct financial benefit to that member or otherwise give the appearance of a conflict of interest under State law.”</p>

**SUBPART G- STATE INTERAGENCY COORDINATING COUNCIL**

1999 Part C Regulations	2011 Part C Regulations	U.S. Department of Education Selected Analysis of Comments and Changes
<p><b><u>§ 303.600 Establishment of Council.</u></b>                      NOTE: To avoid a potential conflict of interest, it is recommended that parent representatives who are selected to serve on the Council not be employees of any agency involved in providing early intervention services. It is suggested that consideration be given to maintaining an appropriate balance between the urban and rural communities of the State.</p>		
<p><b><u>§ 303.601 Composition.</u></b>                      (a)The Council must be composed as follows:                      (1)(i) At least 20 percent of the members must be parents, including minority parents, of infants or toddlers with disabilities or children with disabilities aged 12 or younger, with knowledge of, or experience with, programs for infants and toddlers with disabilities.                      (ii) At least one member must be a parent of an infant or toddler with a disability or a child with a disability aged six or younger.                      (2) At least 20 percent of the members must be public or private providers of early intervention services.                      (3) At least one member must be from the State legislature.                      (4) At least one member must be involved in personnel preparation.                      (5) At least one member must—                      (i) Be from each of the State agencies involved in the provisions of, or payment for, early intervention services to infants and toddlers with disabilities and their families; and                      (ii) Have sufficient authority to engage in policy planning and implementation on behalf of these</p>	<p><b><u>§303.601 Composition.</u></b>                      (a) The Council must be composed as follows:                      (1)(i) At least 20 percent of the members must be parents, including minority parents, of infants or toddlers with disabilities or children with disabilities aged 12 years or younger, with knowledge of, or experience with, programs for infants and toddlers with disabilities.                      (ii) At least one parent member must be a parent of an infant or toddler with a disability or a child with a disability aged six years or younger.                      (2) At least 20 percent of the members must be public or private providers of early intervention services.                      (3) At least one member must be from the State legislature.                      (4) At least one member must be involved in personnel preparation.                      (5) At least one member must--                      (i) Be from each of the State agencies involved in the provision of, or payment for, early intervention services to infants and toddlers with disabilities and their families; and                      (ii) Have sufficient authority to engage in policy planning and implementation on behalf of these</p>	

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<p><b><u>§ 303.601 Composition.</u></b>                      agencies.                      (6) At least one member must—                      (i) Be from the State educational agency responsible for preschool services to children with disabilities; and                      (ii) Have sufficient authority to engage in policy planning and implementation on behalf of that agency.                      (7) At least one member must be from the agency responsible for the State governance of health insurance.                      (8) At least one member must be from a Head Start agency or program in the State.                      (9) At least one member must be from a State agency responsible for child care.                      (b) The Council may include other members selected by the Governor, including a representative from the BIA or, where there is no school operated or funded by the BIA, from the Indian Health Service or the tribe or tribal council</p>	<p><b><u>§303.601 Composition.</u></b>                      agencies.                      (6) At least one member must--                      (i) Be from the SEA responsible for preschool services to children with disabilities; and                      (ii) Have sufficient authority to engage in policy planning and implementation on behalf of the SEA.                      (7) At least one member must be from the agency responsible for the State Medicaid and CHIP program. (8) At least one member must be from a Head Start or                      Early Head Start agency or program in the State.                      (9) At least one member must be from a State agency responsible for child care.                      (10) At least one member must be from the agency responsible for the State regulation of private health insurance.                      (11) At least one member must be a representative designated by the Office of the Coordination of Education of Homeless Children and Youth.                      (12) At least one member must be a representative from the State child welfare agency responsible for foster care.                      (13) At least one member must be from the State agency responsible for children’s mental health.                      (b) The Governor may appoint one member to represent more than one program or agency listed in paragraphs (a)(7) through (a)(13) of this section.                      (c) The Council may include other members selected by the Governor, including a representative from the Bureau of Indian Education (BIE) or, where there is no school operated or funded by the BIE in the State, from the Indian Health Service or the tribe or tribal council.</p>	

**SUBPART G- STATE INTERAGENCY COORDINATING COUNCIL**

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<p><b><u>§ 303.602 Use of funds by the Council.</u></b>                      (a) General. Subject to the approval of the Governor, the Council may use funds under this part—                      (1) To conduct hearings and forums;                      (2) To reimburse members of the Council for reasonable and necessary expenses for attending Council meetings and performing Council duties (including child care for parent representatives);                      (3) To pay compensation to a member of the Council if the member is not employed or must forfeit wages from other employment when performing official Council business;                      (4) To hire staff; and                      (5) To obtain the services of professional, technical, and clerical personnel, as may be necessary to carry out the performance of its functions under this part.                      (b) Compensation and expenses of Council members. Except as provided in paragraph (a) of this section, Council members shall serve without compensation from funds available under this part.</p>	<p><b><u>§303.603 Use of funds by the Council.</u></b>                      (a) Subject to the approval by the Governor, the Council may use funds under this part to--                      (1) Conduct hearings and forums;                      (2) Reimburse members of the Council for reasonable and necessary expenses for attending Council meetings and performing Council duties (including child care for parent representatives);                      (3) Pay compensation to a member of the Council if the member is not employed or must forfeit wages from other employment when performing official Council business;                      (4) Hire staff; and                      (5) Obtain the services of professional, technical, and clerical personnel as may be necessary to carry out the performance of its functions under Part C of the Act.                      (b) Except as provided in paragraph (a) of this section, Council members must serve without compensation from funds available under Part C of the Act.</p>	
<p><b><u>§ 303.603 Meetings.</u></b>                      (a) The Council shall meet at least quarterly and in such places as it deems necessary.                      (b) The meetings must—                      (1) Be publicly announced sufficiently in advance of the dates they are to be held to ensure that all interested parties have an opportunity to attend; and                      (2) To the extent appropriate, be open and accessible to the general public.                      (c) Interpreters for persons who are deaf and other necessary services must be provided at Council</p>	<p><b><u>§303.602 Meetings.</u></b>                      (a) The Council must meet, at a minimum, on a quarterly basis, and in such places as it determines necessary.                      (b) The meetings must--                      (1) Be publicly announced sufficiently in advance of the dates they are to be held to ensure that all interested parties have an opportunity to attend;                      (2) To the extent appropriate, be open and accessible to the general public; and                      (3) As needed, provide for interpreters for persons who are deaf and other necessary services for</p>	

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<p><b><u>§ 303.603 Meetings.</u></b> meetings, both for Council members and participants. The Council may use funds under this part to pay for those services.</p>	<p><b><u>§303.602 Meetings.</u></b> Council members and participants. The Council may use funds under this part to pay for those services.</p>	
<p><b><u>§ 303.604 Conflict of interest.</u></b> No member of the Council may cast a vote on any matter that would provide direct financial benefit to that member or otherwise give the appearance of a conflict of interest.</p>	<p><b><u>§303.601 Composition.</u></b> (d) No member of the Council may cast a vote on any matter that would provide direct financial benefit to that member or otherwise give the appearance of a conflict of interest under State law.</p>	
<p><b><u>§ 303.650 General.</u></b> (a) Each Council shall— (1) Advise and assist the lead agency in the development and implementation of the policies that constitute the statewide system; (2) Assist the lead agency in achieving the full participation, coordination, and cooperation of all appropriate public agencies in the State; (3) Assist the lead agency in the effective implementation of the statewide system, by establishing a process that includes— (i) Seeking information from service providers, service coordinators, parents, and others about any Federal, State, or local policies that impede timely service delivery; and (ii) Taking steps to ensure that any policy problems identified under paragraph (a)(3)(i) of this section are resolved; and (4) To the extent appropriate, assist the lead agency in the resolution of disputes.</p>		
<p><b><u>§ 303.650 General.</u></b> (b) Each Council may advise and assist the lead agency and the State educational agency regarding the provision of appropriate services for children aged birth to five, inclusive.</p>	<p><b><u>§303.605 Authorized activities by the Council.</u></b> The Council may carry out the following activities: (a) Advise and assist the lead agency and the SEA regarding the provision of appropriate services for children with disabilities from birth through age</p>	

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	<p><b><u>§303.605 Authorized activities by the Council.</u></b> five.</p>	
<p><b><u>§ 303.650 General.</u></b> (c) Each Council may advise appropriate agencies in the State with respect to the integration of services for infants and toddlers with disabilities and at-risk infants and toddlers and their families, regardless of whether at-risk infants and toddlers are eligible for early intervention services in the State.</p>	<p><b><u>§303.605 Authorized activities by the Council.</u></b> The Council may carry out the following activities: (b) Advise appropriate agencies in the State with respect to the integration of services for infants and toddlers with disabilities and at-risk infants and toddlers and their families, regardless of whether at-risk infants and toddlers are eligible for early intervention services in the State.</p>	
<p><b><u>§ 303.651 Advising and assisting the lead agency in its administrative duties.</u></b> Each Council shall advise and assist the lead agency in the— (a) Identification of sources of fiscal and other support for services for early intervention programs under this part; (b) Assignment of financial responsibility to the appropriate agency; and (c) Promotion of the interagency agreements under § 303.523.</p>	<p><b><u>§303.604 Functions of the Council--required duties.</u></b> (a) Advising and assisting the lead agency. The Council must advise and assist the lead agency in the performance of its responsibilities in section 635(a)(10) of the Act, including-- (1) Identification of sources of fiscal and other support for services for early intervention service programs under Part C of the Act; (2) Assignment of financial responsibility to the appropriate agency; (3) Promotion of methods (including use of intra-agency and interagency agreements) for intra-agency and interagency collaboration regarding child find under §§303.115 and 303.302, monitoring under §303.120 and §§303.700 through 303.708, financial responsibility and provision of early intervention services under §§303.202 and 303.511, and transition under §303.209; and</p>	
<p><b><u>§ 303.652 Applications.</u></b> Each Council shall advise and assist the lead agency in the preparation of applications under this part and amendments to those applications.</p>	<p><b><u>§303.604 Functions of the Council--required duties.</u></b> (a) Advising and assisting the lead agency. (4) Preparation of applications under this part and amendments to those applications.</p>	

**SUBPART G- STATE INTERAGENCY COORDINATING COUNCIL**

1999 Part C Regulations	2011 Part C Regulations	U.S. Department of Education Selected Analysis of Comments and Changes
<p><b><u>§ 303.653 Transitional services.</u></b>                      Each Council shall advise and assist the State educational agency regarding the transition of toddlers with disabilities to services provided under part B of the Act, to preschool and other appropriate services.</p>	<p><b><u>§303.604 Functions of the Council--required duties.</u></b>                      (b) Advising and assisting on transition. The Council must advise and assist the SEA and the lead agency regarding the transition of toddlers with disabilities to preschool and other appropriate services.</p>	
<p><b><u>§ 303.654 Annual report to the Secretary.</u></b>                      (a) Each Council shall—                      (1) Prepare an annual report to the Governor and to the Secretary on the status of early intervention programs operated within the State for children eligible under this part and their families; and                      (2) Submit the report to the Secretary by a date that the Secretary establishes.                      (b) Each annual report must contain the information required by the Secretary for the year for which the report is made.</p>	<p><b><u>§303.604 Functions of the Council--required duties.</u></b>                      (c) Annual report to the Governor and to the Secretary. (1) The Council must--                      (i) Prepare and submit an annual report to the Governor and to the Secretary on the status of early intervention service programs for infants and toddlers with disabilities and their families under Part C of the Act operated within the State; and                      (ii) Submit the report to the Secretary by a date that the Secretary establishes.                      (2) Each annual report must contain the information required by the Secretary for the year for which the report is made.</p>	
	<p><b><u>§303.605 Authorized activities by the Council.</u></b>                      The Council may carry out the following activities:                      (c) Coordinate and collaborate with the State Advisory Council on Early Childhood Education and Care for children, as described in section 642B(b)(1)(A)(i) of the Head Start Act, 42 U.S.C. 9837b(b)(1)(A)(i), if applicable, and other State interagency early learning initiatives, as appropriate.</p>	