



December 28, 2005

The Honorable Secretary Margaret Spellings
U.S. Department of Education
400 Maryland Ave., S.W.
Washington, DC 20202-7100

Dear Secretary Spellings:

I am writing on behalf of the IDEA Infant Toddler Coordinators Association (ITCA), which represents the state lead agencies for Part C Early Intervention systems under IDEA. We are writing to express our concern that the draft regulations regarding Part C of the Individuals with Disabilities Education Improvement Act of 2004 have not yet been issued for public comment. The Department had indicated that final regulations for IDEA 2004 would be issued by the anniversary date of the new law. ITCA is concerned that the IDEA 2004 anniversary has come and gone and not even draft regulations have been released for Part C. In addition, it is our understanding, based on comments made to state representatives at the OSEP National Early Childhood Conference in Washington D.C. on December 13th 2005 that the Part C regulations would not be released until after the Part B regulations are finalized.

While the ITCA recognizes that the reauthorization of the IDEA has meant a busy year for the Office of Special Education and Rehabilitation Services (OSERS), the ITCA must express great disappointment that the Department has decided to delay the Part C regulations until Part B regulations are completed. This is particularly disappointing to the Part C community since final regulations based on the Part C NPRM from IDEA '97 were never released. The delay in the last regulations process was so long that the final publication of these Part C regulations never occurred, as the IDEA 2004 reauthorization process was already underway. The only changes made to Part C regulations as a result of IDEA '97 were the publication of the statutory language in 34 CFR Part 303.

The ITCA submitted comments and recommendations by February 28th 2005, as requested in the Federal Register (December 29, 2004 Volume 69, Number 249), in order to assist OSERS in the development of the proposed regulations for IDEA 2004 Part C. Also, ITCA member States and Territories, along with parents and other concerned citizens attended the series of public meetings in June and July of 2005 in order to give input on the proposed regulations.

Many of the ITCA member States and Territories have expressed concern about the delay in the Part C regulations and its impact on the promulgation of state regulations. States would like to know the proposed timing for completion of Federal Part C regulations and the impact of the delay on the IDEA Part C application process in 2006 and 2007.

While our concern about the delay in Part C regulations is significant, we would like to take this opportunity to express our appreciation for the continued support and assistance provided to states by OSERS and OSEP staff as we all work to implement the changes made by IDEA 2004. The ITCA is committed to work with OSERS and OSEP staff to support states and territories to provide quality early intervention supports and services to infants and toddlers with developmental delays and disabilities and their families.

We look forward to hearing from the Department regarding its plans and timelines for publishing the Part C regulations in the coming year and we remain committed to assisting OSERS in that process.

Sincerely,

A handwritten signature in black ink that reads "Andy Gomm" followed by a horizontal line.

Andy Gomm, ITCA President

c. John Hager, Assistant Secretary
Troy Justesen, Deputy Assistant Secretary
ITCA Member States and Territories