

These comments are submitted on behalf of the Early Intervention (Part C) section in the Missouri Department of Elementary and Secondary Education.

IDEA Part C Statute (2004)	Code of Federal Regulation (2011)	Comment
<p>INDIVIDUALIZED FAMILY SERVICE PLAN 636 (d) Content of Plan.--The individualized family service plan shall be in writing and contain. . . (8) the steps to be taken to support the transition of the toddler with a disability to preschool or other appropriate services.</p>	<p>303.344(h)(2)(iii) Confirmation that child find information about the child has been transmitted to the LEA or other relevant agency, in accordance with §303.209(b) (and any policy adopted by the State under §303.401(e)) and, with parental consent if required under §303.414, transmission of additional information needed by the LEA to ensure continuity of services from the part C program to the part B program, including a copy of the most recent evaluation and assessments of the child and the family and most recent IFSP developed in accordance with §§303.340 through 303.345. . .</p>	<p>REPEAL REGULATION The State supports the need to prepare children and families for a smooth transition from Part C. However, the federal regulation goes beyond the authority of the statute and requires States to document confirmation of specific activities at a specific time in a specific manner.</p>
IDEA Part C Statute (2004)	Code of Federal Regulation (2011)	Comment
<p>FINDINGS AND POLICY 631(b)(2) Policy.--It is the policy of the United States to provide financial assistance to States. . . (2) to facilitate the coordination of payment for early intervention services from Federal, State, local, and private sources (including public and private insurance coverage); AND USES OF FUNDS 638 In addition to using funds provided under section 633 to maintain and implement the statewide system required by such section, a</p>	<p>303.520 Policies related to the use of public benefits or insurance or private insurance to pay for Part C services.</p> <p>303.521 System of payments and fees</p>	<p>MODIFY REGULATION The State supports the identification of various funding sources in the statute, and the need to coordinate funding for Part C services. However, the federal regulation goes beyond the authority of the statute to specify procedures that limit the State's ability to create policies (e.g., state laws, state regulations, etc.) to fund the Part C program based on the State's infrastructure. The federal regulations should be revised to eliminate specific steps or</p>

State may use such funds--“(1) for direct early intervention services for infants and toddlers with disabilities, and their families, under this part that are not otherwise funded through other public or private sources;. . .		procedures and only provide general information about using Part C funds and coordinating payments at the State-level.
IDEA Part C Statute (2004)	Code of Federal Regulation (2011)& Department Memo	Comment
MONITORING, TECHNICAL ASSISTANCE, AND ENFORCEMENT 616 (a) Federal and State Monitoring. “(1) In general. --The Secretary shall— “(A) monitor implementation of this part through--“(i) oversight of the exercise of general supervision by the States, as required in section 612(a)(11); and “(ii) the State performance plans, described in subsection (b); “(B) enforce this part in accordance with subsection (e); and “(C) require States to-- “(i) monitor implementation of this part by local educational agencies; and “(ii) enforce this part in accordance with paragraph (3) and subsection (e). “(2) Focused monitoring. --The primary focus of Federal and State monitoring activities described in paragraph (1) shall be on-- “(A) improving educational results and functional outcomes for all children with disabilities; and “(B) ensuring that States meet the program requirements under this part, with a particular emphasis on those requirements that are most closely related to improving educational results	303.700 State monitoring and enforcement 303.701 State performance plans and data collection US DEPARTMENT OF EDUCATION, OFFICE OF SPECIAL EDUCATION (OSEP) MEMO 17-02 for the State Performance Plan/Annual Performance Report – Measurement Table	MODIFY DEPARTMENT MEMO – MEASUREMENT TABLE The State supports the results for infants and toddlers with disabilities and their families as described in the statute and regulation. However, for Part C State Performance Plan indicator 11 State Systemic Improvement Plan, the Measurement Table accompanying the federal memo OSEP 17-02 goes beyond the authority of the statute and regulation to require the State to conduct various steps and activities (i.e., analyze, plan, implement, evaluate) in a specific manner within a specific timeline with no additional funds. The extra work is not necessary and extremely burdensome to the State. The Measurement Table for Indicator 11 of the State Performance Plan should be revised to only identify the parameters for data collection and timelines per statute and regulation. The additional steps and procedures that the State “must” complete are not required and should be removed so the State has the flexibility to

<p>for children with disabilities.</p> <p>“(3) Monitoring priorities.</p> <p>--The Secretary shall monitor the States, and shall require each State to monitor the local educational agencies located in the State (except the State exercise of general supervisory responsibility), using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in the following priority areas:</p> <p>“(A) Provision of a free appropriate public education in the least restrictive environment.</p> <p>“(B) State exercise of general supervisory authority, including child find, effective monitoring, the use of resolution sessions, mediation, voluntary binding arbitration, and a system of transition services as defined in sections 602(34) and 637(a)(9).</p> <p>“(C) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification.</p> <p>“(4) Permissive areas of review.--The Secretary shall consider other relevant information and data, including data provided by States under section 618.</p>		<p>conduct improvement activities for infants and toddlers based on the needs of the State.</p>
IDEA Part C Statute (2004)	Code of Federal Regulation (2011)	Comment
<p>REQUIREMENTS FOR STATEWIDE SYSTEM</p> <p>635(a)(10)</p> <p>A single line of responsibility in a lead agency designated or established by the Governor for carrying out--</p> <p>“(A) the general administration and supervision of programs and activities receiving assistance</p>	<p>303.22</p> <p>Lead agency means the agency designated by the State's Governor under section 635 (a)(10) of the Act and 303.120 that receives funds under section 643 of the Act to administer the State's responsibilities under part C</p>	<p>RETAIN REGULATION</p> <p>The State needs the ability to decide the Lead Agency for Part C based on the State's infrastructure for serving infants and toddlers.</p>

<p>under section 633, and the monitoring of programs and activities used by the State to carry out this part, whether or not such programs or activities are receiving assistance made available under section 633, to ensure that the State complies with this part; `` (B) the identification and coordination of all available resources within the State from Federal, State, local, and private sources; `` (C) the assignment of financial responsibility in accordance with section 637(a)(2) to the appropriate agencies; `` (D) the development of procedures to ensure that services are provided to infants and toddlers with disabilities and their families under this part in a timely manner pending the resolution of any disputes among public agencies or service providers; `` (E) the resolution of intra- and interagency disputes; and` (F) the entry into formal interagency agreements 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.</p>	<p>of the Act.</p>	
IDEA Part C Statute (2004)	Code of Federal Regulation (2011)	Comment
<p>DEVELOPMENTAL DELAY 632.3 Developmental delay.--The term `developmental delay', when used with respect to an individual residing in a State, has the meaning given such term by the State under section 635(a)(1). AND 635(a)(1)</p>	<p>303.21(a)(1) Infant or toddler with a disability means an individual under three years of age who needs early intervention services because the individual-- is experiencing a developmental delay...</p>	<p>RETAIN REGULATION The State needs the flexibility to define developmental delay based on the State's capacity to serve children and in collaboration with other infant and toddler programs in the state.</p>

A rigorous definition of the term `developmental delay' that will be used by the State in carrying out programs under this part in order to appropriately identify infants and toddlers with disabilities that are in need of services under this part.		
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