

## Part C – SPP/APR Related Requirements

### IV. Part C SPP/APR Related Requirements

Note: This document includes a list of the Monitoring Priorities and Indicators and the requirements from the statutes and regulations that are related to each priority and indicator. The purpose of this document is to inform States of the statutory and/or regulatory requirements related to each indicator that will be reviewed by OSEP as part of Focused Monitoring. That is, if OSEP determines that it will do Focused Monitoring in a State because that State is low performing or in noncompliance with a specific indicator, OSEP will review the Related Requirements for that indicator as part of the Focused Monitoring. OSEP encourages States to examine their general supervision systems to determine how they address these Related Requirements. Please note that the Related Requirements listed in the right column are abridged statements of the actual language in the regulations. Readers are encouraged to review the full language of the requirements in the regulations to ensure a complete understanding of the requirements.

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| <p>1. Percent of infants and toddlers with IFSPs who receive the early intervention services on their IFSPs in a timely manner.</p> <p>[20 U.S.C. 1416(a)(3)(A) and 1442]</p> | <p>The State lead agency must provide assurances that the State (1) has adopted a policy 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, infants and toddlers with disabilities who are homeless children and their families, and infants and toddlers with disabilities who are wards of the State; and (2) has in effect a statewide system that meets the requirements of 20 U.S.C. 1435. [20 U.S.C. 1434(1)]</p> <p>The State lead agency must have in effect a policy that ensures that appropriate early intervention services based on scientifically based research, to the extent practicable, are available 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 and infants and toddlers with disabilities who are homeless children and their families. [20 U.S.C. 1435(a)(2)]</p> <p>For each infant or toddler with a disability, the lead agency must ensure the development, review, and implementation of an individualized family service plan or IFSP developed by a multidisciplinary team, which includes the parent. [34 CFR §303.340(a)]</p> <p>Each early intervention service (EIS) described in the IFSP must be provided as soon as possible after the parent provides consent for that service. [34 CFR §303.342(e)]</p> <p>The IFSP must include the projected date for the initiation of each EIS, which date must be as soon as possible after the parent consents to the service. [34 CFR §303.344(f)(1)]</p> <p>The contents of the IFSP must be fully explained to the parents and informed written consent must be obtained prior to the provision of EIS described in the IFSP. [34 CFR §§303.342(e), 303.420(a)(3)]</p> <p>EIS may commence for an eligible child and the child’s family before the completion of the evaluation and assessment in accordance with the provisions of an interim IFSP, if parental consent is obtained, and evaluations and assessments are completed within the 45-day timeline described in 34 CFR §303.310. [34 CFR §303.345]</p> <p>The State must provide assurances to the Secretary that the State has adopted a policy that appropriate EIS are available to all infants and toddlers with disabilities in the State and their families and has in effect a statewide system that meets the requirements of 20 U.S.C. 1435, including policies and procedures that address, at a</p> |

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|   | <p>minimum, the components required in §§303.111 through 303.126. [34 CFR §§303.101(a)(1) and (2), 303.112]</p> <p>Each application must include a description of the procedure used by the State to ensure that resources are made available under Part C for all geographic areas within the State. [34 CFR §303.207]</p> <p>The IFSP must include the name of the service coordinator who is responsible for the implementation of the EIS identified in a child’s IFSP. [34 CFR §§303.34; 303.344(g)]</p> <p>The IFSP must include a statement of the specific EIS, based on peer-reviewed research (to the extent practicable), that are necessary to meet the unique needs of the child and the family to achieve the results or outcomes identified in the IFSP. [34 CFR §303.344(d)]</p> <p>EIS includes developmental services selected in collaboration with the parents, that meet the standards of the State, including the requirements of Part C; that are designed to meet the developmental needs of an infant or toddler with a disability and the needs of the family to assist appropriately in the infant’s or toddler’s development; and provided under public supervision, by qualified personnel. [34 CFR §303.13]</p> <p>Each system must include a comprehensive system of personnel development. [34 CFR §303.118]</p> <p>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. [34 CFR §303.119(a)]</p> <p>EIS must be provided at no cost, except, subject to 34 CFR §§303.520 and 303.521, where Federal or State law provides for a system of payments by families, including a schedule of sliding fees. [34 CFR §§303.13(a)(3), 303.500(b), 303.520, 303.521]</p> <p>The inability of the parents of an infant or toddler with a disability to pay for services will not result in a delay or denial of services under Part C to the child or the child's family such that, if the parent or family meets the State’s definition of inability to pay, the infant or toddler with a disability must be provided all Part C services at no cost. [34 CFR §303.521(a)(4)(ii)]</p> <p>Each State must ensure that it has in place methods for State interagency coordination. State law or regulation, signed interagency or intra-agency agreements or other appropriate written methods must be in place to ensure the provision of, and establish the financial responsibility of each agency for paying for EIS (consistent with State law and the requirements of this part). The methods must include procedures for achieving timely resolution of intra-agency and interagency disputes, and mechanisms to ensure that no services that a child is entitled to receive under this part are delayed or denied because of disputes between agencies. [34 CFR §303.511]</p> |
| <p>2. Percent of infants and toddlers with IFSPs who primarily receive early intervention services in the</p> | <p>EIS are developmental services that, to the maximum extent appropriate, are provided in natural environments, as defined in 34 CFR §303.26, and consistent with 34 CFR §§303.126 and 303.344(d). [34 CFR</p>   |

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| <p>home or programs for typically developing children.<br/>[20 U.S.C. 1416(a)(3)(A) and 1442]</p>  | <p>§303.13(a)(8)]</p> <p>Natural environments means settings that are natural or typical for a same-aged infant or toddler without a disability, may include the home or community settings, and must be consistent with the provisions of 34 CFR §303.126. [34 CFR §303.26]</p> <p>Each system must include policies and procedures to ensure, consistent with 34 CFR §§303.13(a)(8), 303.26, and 303.344(d)(1)(ii), that EIS 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. [34 CFR §303.126]</p> <p>The IFSP must include a statement that each EIS is provided in the natural environment for that child or service to the maximum extent appropriate consistent with 34 CFR §§303.13(a)(8), 303.26 and 303.126, or, subject to 34 CFR §303.344(d)(1)(ii)(B), a justification as to why an early intervention service will not be provided in the natural environment. The determination of the appropriate setting for providing EIS to an infant or toddler with a disability, including any justification for not providing a particular EIS in the natural environment for that infant or toddler with a disability and service, must be (1) made by the IFSP Team (which includes the parent and other team members); (2) consistent with the provisions in 34 CFR §§303.13(a)(8), 303.26, and 303.126; and (3) based on the child’s outcomes that are identified by the IFSP Team in 34 CFR §303.344(c). [34 CFR §303.344(d)(1)(ii)]</p>   |
| <p>3. Percent of infants and toddlers with IFSPs who demonstrate improved:</p> <ul style="list-style-type: none"> <li>A. Positive social-emotional skills (including social relationships);</li> <li>B. Acquisition and use of knowledge and skills (including early language/communication); and</li> <li>C. Use of appropriate behaviors to meet their needs.</li> </ul> <p>[20 U.S.C. 1416(a)(3)(A) and 1442]</p> | <p>The State lead agency must have a statewide system as described in 20 U.S.C. 1433 that provides for each infant or toddler with a disability, and the infant's or toddler's family, to receive: a multidisciplinary assessment of the unique strengths and needs of the infant or toddler and the identification of services appropriate to meet such needs. The IFSP shall be in writing and contain a statement of the infant's or toddler's present levels of physical development, cognitive development, communication development, social or emotional development, and adaptive development, based on objective criteria; a statement of the family's resources, priorities, and concerns relating to enhancing the development of the family's infant or toddler with a disability; a statement of the measurable results or outcomes expected to be achieved for the infant or toddler and the family, including pre-literacy and language skills, as developmentally appropriate for the child, and the criteria, procedures, and timelines used to determine the degree to which progress toward achieving the results or outcomes is being made and whether modifications or revisions of the results or outcomes or services are necessary. [20 U.S.C. 1436(a)(1), (d)(1) through (3)]</p> <p>The IFSP must include a statement of the infant or toddler with a disability's present levels of physical development (including vision, hearing, and health status), cognitive development, communication development, social or emotional development, and adaptive development. With the concurrence of the family, the IFSP must include a statement of the family's resources, priorities, and concerns related to enhancing the development of the child. The IFSP must include a statement of the measurable results or</p> |

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|                                      | <p>measurable outcomes expected to be achieved for the child and family, and a statement of the specific early intervention services that are necessary to meet the unique needs of the child and family. [34 CFR §303.344(a) through (d).]</p> <p>The IFSP for a child and the child’s family must be reviewed every six months, or more frequently if conditions warrant, or if the family requests a review, to determine the degree to which progress toward achieving the results or outcomes identified in the IFSP is being made, and whether modification or revision of the results, outcomes or EIS identified in the IFSP is necessary. A meeting must be conducted on at least an annual basis to evaluate and revise, as appropriate, the IFSP for a child and the child’s family. [34 CFR §303.342(b) and (c)]</p> <p>EIS include developmental services, provided in conformity with an IFSP, that are designed to meet the developmental needs of an infant or toddler with a disability and the needs of the family to assist appropriately in the infant’s or toddler’s development, as identified by the IFSP team. [34 CFR §§303.13; 303.114]</p> <p>The lead agency must ensure that, subject to obtaining parental consent in accordance with 34 CFR §303.420(a)(2), each child under the age of three who is referred for evaluation or EIS under Part C and suspected of having a disability, receives a timely, comprehensive, multidisciplinary evaluation of the child, unless eligibility is established under 34 CFR §303.321(a)(3)(i). The evaluation procedures must include identifying the child’s level of functioning in each of the developmental areas in 34 CFR §303.21(a)(1). [34 CFR §303.321(a)(1)(i) and (b)(3)]</p> <p>Each child determined eligible as an infant or toddler with a disability as defined in 34 CFR §303.21 must receive a multidisciplinary assessment of the unique strengths and needs of that infant or toddler including the identification of the child’s needs in each of the developmental areas in 34 CFR §303.21(a)(1), and the services appropriate to meet those needs. [34 CFR §303.321(a)(1)(ii)(A) and (c)(1)(iii)]</p> <p>Infant or toddler with a disability means (1) an individual under three years of age who needs early intervention services because the individual is experiencing a developmental delay, as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: (i) Cognitive development, (ii) Physical development, including vision and hearing, (iii) Communication development, (iv) Social or emotional development, or (v) Adaptive development; or (2) Has a diagnosed physical or mental condition that has a high probability of resulting in developmental delay. [34 CFR §303.21(a)] Each public agency or EIS provider who has a direct role in the provision of EIS is responsible for making a good faith effort to assist each eligible child in achieving the outcomes in the child’s IFSP. However, Part C of the Act does not require that any public agency or EIS provider be held accountable if an eligible child does not achieve the growth projected in the child’s IFSP. [34 CFR §303.346]</p> |

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| <p>4. Percent of families participating in Part C who report that early intervention services have helped the family:</p> <ul style="list-style-type: none"> <li>A. Know their rights;</li> <li>B. Effectively communicate their children's needs; and</li> <li>C. Help their children develop and learn.</li> </ul> <p>[20 U.S.C. 1416(a)(3)(A) and 1442]</p> | <p>The contents of the IFSP must be fully explained to the parents and informed written consent must be obtained prior to the provision of EIS described in the IFSP. [20 U.S.C. 1436(e), 34 CFR §§303.342(e), 303.420(a)(3)]</p> <p><u>Consent</u> means that (a) The parent has been fully informed of all information relevant to the activity for which consent is sought, in the parent’s native language, as defined in §303.25; (b) The parent understands and agrees in writing to the carrying out of the activity for which the parent’s consent is sought, and the consent form describes that activity and lists the early intervention records (if any) that will be released and to whom they will be released; and (c)(1) The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time; and (2) If a parent revokes consent, that revocation is not retroactive (i.e., it does not apply to an action that occurred before the consent was revoked). [34 CFR §303.7]</p> <p>Prior written notice must be provided to parents a reasonable time before the lead agency or an EIS provider proposes, or refuses, to initiate or change the identification, evaluation, or placement of their infant or toddler, or the provision of early intervention services to the infant or toddler with a disability and that infant’s or toddler’s family. [34 CFR §303.421]</p> <p>A family-directed assessment must be conducted by qualified personnel in order to identify the family’s resources, priorities, and concerns and the supports and services necessary to enhance the family's capacity to meet the developmental needs of the family’s infant or toddler with a disability. [34 CFR §303.321(c)(2)]</p> <p>The family-directed assessment must (i) be voluntary on the part of each family member participating in the assessment; (ii) be based on information obtained through an assessment tool and also through an interview with those family members who elect to participate in the assessment; and (iii) include the family’s description of its resources, priorities, and concerns related to enhancing the child’s development. [34 CFR §303.321(c)(2)]</p> <p>The IFSP shall be in writing and with the concurrence of the family contain a statement of the family's resources, priorities, and concerns relating to enhancing the development of the child as identified through the assessment of the family. [34 CFR §303.344(b)]</p> <p>Service coordination services means services provided by a service coordinator to assist and enable an infant or toddler with a disability and the child’s family to receive the services and rights, including procedural safeguards, required under Part C. Service coordination is an active, ongoing process that involves assisting parents of infants and toddlers with disabilities in gaining access to, and coordinating the provision of, the early intervention services required under Part C. Service coordination services include informing families of their rights and procedural safeguards. [34 CFR §303.34(a)(1), (a)(3)(i) and (b)(8)]</p> <p>Each lead agency must establish or adopt procedural safeguards that meet the requirements of Part C, including the provisions on confidentiality, parental consent and notice, surrogate parents, and dispute resolution in 34 CFR §§303.400 through 303.449. [34 CFR §§303.400 through 303.449]</p> |

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| <p>5. Percent of infants and toddlers birth to 1 with IFSPs compared to National data.<br/>[20 U.S.C. 1416(a)(3)(B) and 1442]</p> <p>6. Percent of infants and toddlers birth to 3 with IFSPs compared to National data.<br/>[20 U.S.C. 1416(a)(3)(B) and 1442]</p> | <p>For the purposes of the annual report required by section 618 of the Act and 34 CFR §303.720, the lead agency must count and report the number of infants and toddlers receiving EIS on any date between October 1 and December 1 of each year. The report must include the number and percentage of infants and toddlers with disabilities in the State, by race, gender, and ethnicity, who are receiving EIS and the number and percentage of at-risk infants and toddlers, by race and ethnicity, who are receiving EIS. [34 CFR §303.721(a)(1) and (a)(3)]</p> <p>A statewide comprehensive, coordinated, multidisciplinary interagency system to provide EIS for infants and toddlers with disabilities and their families must include the following components: (1) pre-referral policies and procedures that include a public awareness program, as described in 34 CFR §303.301, and a comprehensive child find system, as described in 34 CFR §303.302; (2) referral procedures, as described in 34 CFR §303.303; and (3) post-referral procedures that include screening, if applicable, as described in 34 CFR §303.320, evaluations and assessments, as described in 34 CFR §§303.321 and 303.322, and IFSP development, review and implementation, as described in 34 CFR §§303.340 through 303.346. [34 CFR §§303.301 through 303.303, 303.320 through 303.322 and 303.340 through 303.346.]</p> <p>Each system must include a public awareness program that requires the lead agency to prepare and disseminate information regarding the availability of EIS, the child find system, and the central directory to all primary referral sources. [34 CFR §§303.116, 303.301 and 303.303(c)]</p> <p>Each system must include a comprehensive child find system, consistent with Part B (see 34 CFR §300.111), that includes a system for making referrals to lead agencies or EIS providers under Part C that ensures rigorous standards for appropriately identifying infants and toddlers with disabilities that will reduce the need for future services, and meets the requirements of 34 CFR §§303.302, 303.303, 303.310, 303.320, and 303.321. [34 CFR §§ 303.302, 303.303, 303.310, 303.320, and 303.321].</p> <p>The term ‘infant or toddler with a disability’ means an individual under three years of age who needs EIS because the individual: is experiencing a developmental delay, as measured by appropriate diagnostic instruments and procedures, in one or more of the areas listed in 34 CFR §303.21 or has a diagnosed physical or mental condition that has a high probability of resulting in developmental delay, including the conditions listed in 34 CFR §303.21. [34 CFR §§303.10, 303.21 and 303.111]</p> <p>The term ‘infant or toddler with a disability’ may include, at a State's discretion, an at-risk infant or toddler (as defined in 34 CFR §303.5). [34 CFR §§303.5 and 303.21(b)]</p> <p>Evaluations must be conducted by qualified personnel, and must include: (1) administering an evaluation instrument; (2) taking the child’s history (including interviewing the parent); (3) identifying the child’s level of functioning in each of the developmental areas in 34 CFR §303.21(a)(1); (4) gathering information from other sources such as family members, other care-givers, medical providers, social workers, and educators, if necessary, to understand the full scope of the child’s unique strengths and needs; and (5) reviewing medical, educational, or other records. No single procedure may be used as the sole criterion for determining a child’s</p> |

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|                                      | <p>eligibility under this part. [34 CFR §303.321(a)(2)(i) and (b)]</p> <p>Each system must include a central directory that is accessible to the general public, and includes accurate, up-to-date information on public and private EIS, resources, and experts available in the State; 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 and their families; and research and demonstration projects being conducted in the State relating to infants and toddlers with disabilities. [34 CFR §303.117]</p> <p>Each system must include a comprehensive system of personnel development, including the training of primary referral sources on the basic components of EIS available in the State. [34 CFR §303.118]</p> <p>Each system must include the State’s rigorous definition of the term developmental delay in order to appropriately identify infants and toddlers with disabilities who are in need of services under Part C. [34 CFR §§303.10, 303.21(a)(1), 303.111 and 303.203(c)]</p> <p>The lead agency, as part of the child find system, must ensure that all infants and toddlers with disabilities in the State who are eligible for EIS under Part C are identified, located and evaluated, including Indian infants and toddlers with disabilities residing on a reservation geographically located in the State, and infants and toddlers with disabilities who are homeless, in foster care, and wards of the State. [34 CFR §303.302(b)]</p> <p>If the State provides Part C services to at-risk infants and toddlers, the application must include the State’s definition of at-risk infants and toddlers with disabilities who are eligible in the State for services under Part C, and a description of the EIS provided to at-risk infants and toddlers with disabilities. [34 CFR §303.204]</p> <p>The child find system must include procedures for referring to the Part C system a child under the age of three who is the subject of a substantiated case of abuse or neglect, or is identified as affected by illegal substance abuse, or withdrawal symptoms resulting from prenatal drug exposure. [34 CFR §§303.206 and 303.303(b)]</p> <p>In States that make services available to children ages three and older under this part, the State must have policies and procedures that ensure a referral to the Part C system, dependent upon parental consent, of a child under the age of three who directly experiences a substantiated case of trauma due to exposure to family violence (as defined in section 320 of the Family Violence Prevention and Services Act, 42 U.S.C. 10401 <u>et seq.</u>) [34 CFR §303.211(b)(7)]</p> <p>The State Interagency Coordinating Council shall provide assistance to ensure that the child find system under Part C is coordinated with all other major efforts to locate and identify children by other State agencies responsible for administering the various education, health, and social service programs relevant to Part C. [34 CFR §303.302(c), 303.604(a)(3)]</p> <p>The statewide system must include a system for compiling and reporting timely and accurate data. [34 CFR</p> |

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|  | §§303.124, 303.720-303.724]  |
| <p>7. Percent of eligible infants and toddlers with IFSPs for whom initial evaluation, initial assessment, and the initial IFSP meeting were conducted within Part C’s 45-day timeline.<br/>[20 U.S.C. 1416(a)(3)(B) and 1442]</p> | <p>Each infant or toddler with a disability in the State must have a timely, comprehensive, multidisciplinary evaluation, and a family-directed identification of the needs of each family of such an infant or toddler, to assist appropriately in the development of the infant or toddler. [20 U.S.C. 1435(a)(3)]</p> <p>Each infant or toddler with a disability in the State must have an IFSP in accordance with 20 U.S.C. 1436, including service coordination services in accordance with such service plan. [20 U.S.C. 1435(a)(4)]</p> <p>The IFSP shall be developed within a reasonable time after the assessment required by 20 U.S.C. 1436(a)(1) is completed. With the parents' consent, early intervention services may commence prior to the completion of the assessment [20 U.S.C. 1436(c)]</p> <p>Within 45 days from the date the lead agency or EIS provider receives the referral of the child, any screening under §303.320 (if the State has adopted a policy and elects, and the parent consents, to conduct a screening of a child); the initial evaluation and the initial assessments of the child and family under §303.321; and the initial IFSP meeting under §303.342 must be completed. [34 CFR §303.310(a), 303.342(a)]</p> <p>Subject to the requirements in §303.310(c), the 45-day timeline described above does not apply for any period when: (1) the child or parent are unavailable to complete the screening (if applicable), the initial evaluation, the initial assessments of the child and family, or the initial IFSP meeting due to exceptional family circumstances that are documented in the child’s early intervention records; or (2) the parent has not provided consent for the screening (if applicable), the initial evaluation, or the initial assessment of a child, despite documented, repeated attempts by the lead agency or EIS provider to obtain parental consent. [34 CFR §303.310(b) and (c)]</p> <p>The lead agency may adopt procedures, consistent with the requirements of §303.320, to screen children under the age of three who have been referred to the Part C program to determine whether they are suspected of having a disability under this part. [34 CFR §303.320]</p> <p>An initial evaluation refers to the child’s evaluation to determine his or her initial eligibility under this part. [34 CFR §303.321(a)(2)(i)]</p> <p>Evaluations must be conducted by qualified personnel, and must include: (1) administering an evaluation instrument; (2) taking the child’s history (including interviewing the parent); (3) identifying the child’s level of functioning in each of the developmental areas in 34 CFR §303.21(a)(1); (4) gathering information from other sources such as family members, other care-givers, medical providers, social workers, and educators, if necessary, to understand the full scope of the child’s unique strengths and needs; and (5) reviewing medical, educational, or other records. No single procedure may be used as the sole criterion for determining a child’s eligibility under this part. [34 CFR §303.321(a)(2)(i) and (b)]</p> <p>Initial assessments refer to the assessment of the child and the family assessment conducted prior to the child’s</p> |

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|   | <p>first IFSP meeting. [34 CFR §303.321(a)(2)(iii)]</p> <p>Qualified personnel must conduct assessments to identify the child’s unique strengths and needs and the early intervention services appropriate to meet those needs. The assessment of the child must include the following: (i) A review of the results of the evaluation; (ii) Personal observations of the child; and (iii) The identification of the child’s needs in each of the developmental areas in §303.21(a)(1). [34 CFR §303.321(c)(1)]</p> <p>A family-directed assessment must be conducted by qualified personnel in order to identify the family’s resources, priorities, and concerns and the supports and services necessary to enhance the family’s capacity to meet the developmental needs of the family’s infant or toddler with a disability. A family-directed assessment must (i) be voluntary on the part of each family member participating in the assessment; (ii) be based on information obtained through an assessment tool and also through an interview with those family members who elect to participate in the assessment; and (iii) include the family’s description of its resources, priorities, and concerns related to enhancing the child’s development. [34 CFR §303.321(c)(2)]</p> <p>Nondiscriminatory evaluation and assessment procedures must be in place. [34 CFR §300.321(a)(4)]</p> <p>For each infant or toddler with a disability, the lead agency must ensure the development, review, and implementation of an IFSP consistent with the definition in 34 CFR §303.20 that meets the requirements in 34 CFR §§303.342 through 303.346. [34 CFR §303.340]</p> <p>The IFSP must include information about the child’s status, family information, the measurable results or measurable outcomes expected to be achieved for the child and family, and a statement of the specific early intervention services that are necessary to meet the unique needs of the child and family. [34 CFR §303.344(a) through (d)]</p> <p>Service coordination services include coordinating evaluations and assessments and facilitating and participating in the development, review, and evaluation of IFSPs. [34 CFR §303.34(b)(3) and (4)].</p> <p>Policies and procedures must be in place to ensure that prior written notice is provided to the parents a reasonable time before the lead agency or an EIS provider proposes, or refuses, to initiate or change the identification, evaluation, or placement of their child, or the provision of appropriate EIS to the infant or toddler with a disability and that infant’s or toddler’s family. [34 CFR §§303.322 and 303.421(a) and (b)]</p> <p>Each system must include a comprehensive system of personnel development. [34 CFR §303.118]</p> |
| <p>8. The percentage of toddlers with disabilities exiting Part C with timely transition planning for whom the Lead Agency has:</p> <p>A. Developed an IFSP with transition steps and services at least 90 days (and, at the discretion of all parties, not more than nine months) prior to</p> | <p>The State lead agency must have policies and procedures in effect to ensure a smooth transition for toddlers receiving early intervention services under Part C (and children receiving those services under 20 U.S.C. 1435(c)) to preschool, school, other appropriate services, or exiting the program, including a description of how the families of such toddlers and children will be included in the transition plans required by 20 U.S.C. 1437(a)(9)(C); and the lead agency designated or established under 20 U.S.C. 1435(a)(10) will notify the local educational agency for the area in which such a child resides that the child will shortly reach the age of eligibility for preschool services under Part B, as determined in accordance with State law; in the case of a</p>  |

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| <p>the toddler’s third birthday;</p> <p>B. Notified (consistent with any opt-out policy) the SEA and LEA where the toddler resides at least 90 days prior to the toddler’s third birthday for toddlers potentially eligible for Part B preschool services; and</p> <p>C. Conducted the transition conference held with the approval of the family at least 90 days (and, at the discretion of all parties, not more than nine months) prior to the toddler’s third birthday for toddlers potentially eligible for Part B preschool services.</p> <p>(20 U.S.C. 1416(a)(3)(B) and 1442)</p> | <p>child who may be eligible for such preschool services, with the approval of the family of the child, convene a conference among the lead agency, the family, and the local educational agency not less than 90 days (and at the discretion of all such parties, not more than 9 months) before the child is eligible for the preschool services, to discuss any such services that the child may receive; and in the case of a child who may not be eligible for such preschool services, 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; to review the child's program options for the period from the child's third birthday through the remainder of the school year; and to establish a transition plan, including, as appropriate, steps to exit from the program. [20 U.S.C. 1437(a)(9)]</p> <p>The lead agency must have policies and procedures to ensure a smooth transition for infants and toddlers with disabilities under the age of three and their families from receiving early intervention services under Part C to preschool or other appropriate services or to exit the program. [34 CFR §303.209(a)]</p> <p>The State must ensure that for all toddlers with disabilities: (1)(i) It reviews the program options for the toddler with a disability for the period from the toddler's third birthday through the remainder of the school year; and (ii) Each family of a toddler with a disability who is served under this part is included in the development of the transition plan required under 34 CFR §§303.209(d) and 303.344(h);</p> <p>(2) It establishes a transition plan in the IFSP not fewer than 90 days--and, at the discretion of all parties, not more than 9 months--before the toddler’s third birthday; and (3) The transition plan in the IFSP includes, consistent with §303.344(h), as appropriate: (i) Steps for the toddler with a disability and his or her family to exit from the Part C program; and (ii) Any transition services that the IFSP Team identifies as needed by that toddler and his or her family. [34 CFR §303.209(d)]</p> <p>The IFSP must include the steps and services to be taken to support the smooth transition of the child, in accordance with 34 CFR §§303.209 and 303.211(b)(6), from Part C services to: (i) preschool services under Part B of the Act, to the extent that those services are appropriate; (ii) elementary school or preschool services (for children participating under 34 CFR §303.211); or (iii) other appropriate services. Those steps must include: (i) discussions with, and training of, parents, as appropriate, regarding future placements and other matters related to the child’s transition; (ii) procedures to prepare the child for changes in service delivery, including steps to help the child adjust to, and function in, a new setting; (iii) confirmation that child find information about the child has been transmitted to the LEA or other relevant agency, in accordance with 34 CFR §303.209(b) (and any policy adopted by the State under 34 CFR §303.401(e)) and, with parental consent if required under 34 CFR §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 34 CFR §§303.340 through 303.345; and (iv) identification of transition services and other activities that the IFSP Team determines are necessary to support the transition of the child. [34 CFR §303.344(h)]</p> |

## Part C – SPP/APR Related Requirements

| MONITORING PRIORITIES AND INDICATORS | RELATED REQUIREMENTS  |
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|                                      | <p>The State must ensure that, consistent with 34 CFR §303.401(d) , and any policy that the State has adopted under 34 CFR §303.401(e) permitting a parent to object to disclosure of personally identifiable information, not fewer than 90 days before the third birthday of the toddler with a disability if that toddler may be eligible for preschool services under Part B of the Act, the lead agency notifies the SEA and the LEA for the area in which the toddler resides that the toddler on his or her third birthday will reach the age of eligibility for services under Part B of the Act. [34 CFR §303.209(b)(1)]</p> <p>A lead agency, through its policies and procedures, may require that EIS providers, prior to making the limited disclosure described in 34 CFR §§303.209(b)(1) and (2) and 303.401(d), inform the parent of the intended disclosure and allow the parent a specified time period to object to the disclosure in writing. If a parent (in a State that has adopted the policy described in 34 CFR §303.401(e)(1)) objects during the time period provided by the State, the lead agency and EIS provider are not permitted to make such a disclosure under 34 CFR §§303.209(b)(1) and (2) and 303.401(d). [34 CFR §303.401(e)]</p> <p>The State must ensure that, if a toddler with a disability may be eligible for preschool services under Part B of the Act, the lead agency, with the approval of the family of the toddler, convenes a conference, among the lead agency, the family, and the LEA not fewer than 90 days--and, at the discretion of all of the parties, not more than 9 months--before the toddler's third birthday to discuss any services the toddler may receive under Part B of the Act. [34 CFR §303.209(c)(1)]</p> <p>Any conference conducted under 34 CFR §303.209(c) or meeting to develop the transition plan under 34 CFR §303.209(d) (which conference and meeting may be combined into one meeting) must meet the requirements in 34 CFR §§303.342(d) and (e) and 303.343(a). [34 CFR §303.209(e)]</p> <p>The transition requirements in §303.209(b)(1)(i) and (ii), (c)(1), and (d) apply to all toddlers with disabilities receiving services under Part C before those toddlers turn age three. In a State that offers services under §303.211, for toddlers with disabilities identified in §303.209(b)(1)(i), the parent must be provided at the transition conference conducted under §303.209(c)(1): (i) An explanation, consistent with §303.211(b)(1)(ii), of the toddler's options to continue to receive early intervention services under Part C or preschool services under section 619 of the Act; and (ii) The initial annual notice referenced in §303.211(b)(1). For children with disabilities age three and older who receive services pursuant to §303.211, the State must ensure that it satisfies the separate transition requirements in §303.211(b)(6). [34 CFR §303.209(f)]</p> <p>If the lead agency is not the SEA, the State must include in its application an interagency agreement between the lead agency and the SEA; or if the lead agency is the SEA, the State must include in its application an intra-agency agreement between the program within that agency that administers Part C of the Act and the program within the agency that administers section 619 of the Act. To ensure a seamless transition between services under Part C and under Part B of the Act, the interagency or intra-agency agreement must address how the lead agency and the SEA will meet the requirements of 34 CFR §303.209(b) through (f) (including any policies adopted by the lead agency under 34 CFR §§303.401(d) and (e)) and 303.344(h), and the Part B regulations at</p> |

## Part C – SPP/APR Related Requirements

| MONITORING PRIORITIES AND INDICATORS  | RELATED REQUIREMENTS   |
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|   | <p>34 CFR §§300.101(b), 300.124, 300.321(f) and 300.323(b). [34 CFR §303.209(a)(3)]</p> <p>Each child and family must have one service coordinator who is responsible for facilitating the development of a transition plan to preschool, school, or if appropriate, to other services. [34 CFR §303.34(b)(10)]</p> <p>Each system must include a comprehensive system of personnel development, including the training personnel to coordinate transition services for infants and toddlers with disabilities. [34 CFR §303.118(a)(3)]</p> <p>The SICC must advise and assist the lead agency in the promotion of methods for intra-agency and interagency collaboration regarding transition under 34 CFR §303.209, and must advise and assist the SEA and lead agency regarding the transition of toddlers with disabilities to preschool and other appropriate services. [34 CFR §303.604(a)(3) and (b)]</p> <p>Each application must contain a description of State efforts to promote collaboration among Head Start and Early Head Start programs under the Head Start Act (42 U.S.C. 9801, <u>et seq.</u>), early education and child care programs, and services under Part C. [34 CFR §303.210]</p>  |
| <p>9. General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.</p> <p>[20 U.S.C. 1416(a)(3)(B) and 1442]</p> | <p>In exercising its monitoring responsibilities under §303.700(d), the State must ensure that when it identifies noncompliance with the requirements of Part C by EIS programs and providers, the noncompliance is corrected as soon as possible and in no case later than one year after the State’s identification of the noncompliance. [34 CFR §303.120(a)(2)(iv) and 303.700(e)]</p> <p>The State must ensure that its rules, regulations, and policies relating to Part C conform to the purposes and requirements of this part. [34 CFR §303.102]</p> <p>The State must have a single line of responsibility in a lead agency that is responsible for the general administration, supervision and monitoring of programs and activities used by the State to carry out Part C of the Act, enforcing any obligations imposed, correcting any noncompliance, and providing technical assistance, if necessary. [20 U.S.C. 1435(a)(10); and 34 CFR §§303.120, 303.700, 303.708]</p> <p>The lead agency must monitor the implementation of this part, make determinations annually about the performance of each EIS program, enforce this part consistent with 34 CFR §303.704, and report annually on the performance of the State and each EIS program. [34 CFR §303.700]</p> <p>The State must monitor each EIS program, using quantifiable indicators in the priority areas listed in 34 CFR §303.700(d), and such qualitative indicators as needed to adequately measure performance in those areas. [34 CFR §§303.700(d)]</p> <p>Each State must have in place a performance plan that meets the requirements described in 20 U.S.C. 1416 and 1442; is approved by the Secretary; and includes an evaluation of the State’s efforts to implement the requirements and purposes of Part C of the Act, a description of how the State will improve implementation, and measurable and rigorous targets for the indicators established by the Secretary under the priority areas</p> |

## Part C – SPP/APR Related Requirements

| MONITORING PRIORITIES AND INDICATORS  | RELATED REQUIREMENTS   |
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|   | <p>described in §303.700(d). [34 CFR §§303.701(a)]</p> <p>Each State must use the targets established in the State’s performance plan under §303.701 and the priority areas described in §303.700(d) to analyze the performance of each EIS program in implementing Part C. [34 CFR §§303.702(a)]</p> <p>The primary focus of State monitoring activities shall be on improving early intervention results and functional outcomes for all infants and toddlers with disabilities, and ensuring that EIS programs meet the program requirements under Part C, with a particular emphasis on those requirements that are most closely related to improving early intervention results for infants and toddlers with disabilities. [34 CFR §303.700(b)]</p> <p>The lead agency must have policies and procedures regarding the use of funds consistent with 34 CFR §§303.501, 303.510 through 521. [34 CFR §§303.203(b), 303.500 through 303.521]</p> <p>The lead agency shall collect valid and reliable information as needed to report annually to the Secretary on the priority areas described in 34 CFR §303.700(d) and the indicators established by the Secretary for the State performance plans. [34 CFR §§303.700(d), 303.701(c), 303.702(b)(2)]</p>  |
| <p>10. Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution, if available in the State.</p> <p>[20 U.S.C. 1416(a)(3)(B) and 1442]</p> | <p>Each lead agency must adopt written State complaint procedures to resolve any State complaints filed by any party regarding any violation of this part that meet the requirements in §§303.432 through 303.434. [34 CFR §303.430(c).]</p> <p>Written procedures consistent with 34 CFR §303.432 must be in place for resolving any complaint filed by an individual or organization. [34 CFR §303.432]</p> <p>Each lead agency must include in its complaint procedures a time limit of 60 days after a complaint is filed under 34 CFR §303.434 to: carry out an independent on-site investigation, if the lead agency determines that an investigation is necessary; give the complainant the opportunity to submit additional information; provide the lead agency, public agency, or EIS provider the opportunity to respond to the complaint; review all relevant information and make an independent determination; and issue a written decision to the complainant that addresses each allegation in the complaint and contains findings of fact and conclusions; and the reasons for the lead agency's final decision. [34 CFR §§303.433, 303.434]</p> <p>The lead agency's procedures also must permit an extension of the 60-day time limit only if: (i) exceptional circumstances exist with respect to a particular complaint; or (ii) the parent (or individual or organization, if mediation is available to the individual or organization under State procedures) and the lead agency, public agency, or EIS provider involved agree to extend the time to engage in mediation pursuant to 34 CFR §303.433(a)(3)(ii). [34 CFR §303.433(b)(1)]</p> |
| <p>11. Percent of adjudicated due process hearing requests that were adjudicated within the applicable timeline</p>   | <p>Each lead agency must adopt written due process hearing procedures to resolve complaints with respect to a particular child regarding any matter identified in 34 CFR §303.421(a), by either adopting-- (1) the Part C due</p>  |

## Part C – SPP/APR Related Requirements

| MONITORING PRIORITIES AND INDICATORS  | RELATED REQUIREMENTS  |
|---|---|
| <p>or a timeline that is properly extended by the hearing officer at the request of either party.<br/>[20 U.S.C. 1416(a)(3)(B) and 1442]</p>  | <p>process hearing procedures that-- (i) meet the requirements in 34 CFR §§303.435 through 303.438; and (ii) provide a means of filing a due process complaint regarding any matter listed in §303.421(a); or (2) the Part B due process hearing procedures under 34 CFR §§303.440 through 303.449 (with either a 30-day or 45-day timeline for resolving due process complaints, as provided in 34 CFR §303.440(c)). [34 CFR §303.430(d).]</p> <p style="text-align: center;"><b><u>Part C Timeline</u></b></p> <p>Each lead agency must ensure that, not later than 30 days after the receipt of a parent's due process complaint, the due process hearing is completed and a written decision mailed to each of the parties. A hearing officer may grant specific extensions of time beyond the 30-day time period at the request of either party. [34 CFR §303.437(b) and (c)]</p> <p style="text-align: center;"><b><u>Part B Timeline</u></b></p> <p>The lead agency may adopt a 30- or 45-day timeline, subject to 34 CFR §303.447(a), for the resolution of due process complaints and must specify in its written policies and procedures under 34 CFR §303.123 and in its prior written notice under 34 CFR §303.421, the specific timeline it has adopted. [34 CFR §303.440(c)]</p> <p>The lead agency must ensure that not later than either 30 days or 45 days (consistent with the lead agency's written policies and procedures adopted under 34 CFR §303.440(c)) after the expiration of the 30-day period in 34 CFR §303.442(b), or the adjusted 30-day time periods described in 34 CFR §303.442(c), a final decision is reached in the hearing; and a copy of the decision is mailed to each of the parties. [34 CFR §303.447(a)].</p> |
| <p>12. Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements (applicable if Part B due process procedures are adopted).<br/>[20 U.S.C. 1416(a)(3)(B) and 1442]</p> | <p><b><u>Applicable if Part B Due Process Procedures are Adopted</u></b></p> <p>Each lead agency must adopt written due process hearing procedures to resolve complaints with respect to a particular child regarding any matter identified in 34 CFR §303.421(a), by either adopting-- (1) the Part C due process hearing procedures . . . or (2) the Part B due process hearing procedures under 34 CFR §§303.440 through 303.449 (with either a 30-day or 45-day timeline for resolving due process complaints, as provided in 34 CFR §303.440(c)). [34 CFR §303.430(d).]</p> <p>Prior to the initiation of a due process hearing under 34 CFR §303.443, the lead agency shall convene a meeting with the parents and the relevant member or members of the IFSP team. The resolution session shall occur within 15 days of receiving notice of the parent's request for a due process hearing. [34 CFR §303.442(a)]</p> <p>If the lead agency has not resolved the due process complaint to the satisfaction of the parties within 30 days of the receipt of the due process complaint, the due process hearing may occur [34 CFR §303.442(b)]</p> <p>In a case where a resolution is reached, the parties shall execute a legally binding agreement that is signed by both the parent and a representative of the lead agency who has the authority to bind such agency and is enforceable in any State court of competent jurisdiction or in a district court of the United States, or by the lead agency, if the State has other mechanisms or procedures that permit parties to seek enforcement of resolution</p>  |

## Part C – SPP/APR Related Requirements

| MONITORING PRIORITIES AND INDICATORS   | RELATED REQUIREMENTS  |
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|  | <p>agreements. [34 CFR §303.442(d)]</p> <p>If the parties execute a legally binding agreement, a party may void such agreement within 3 business days of the agreement's execution. [34 CFR §303.442(e)]</p>  |
| <p>13. Percent of mediations held that resulted in mediation agreements.</p> <p>[20 U.S.C. 1416(a)(3)(B) and 1442]</p>   | <p>The lead agency shall ensure that procedures are established and implemented to allow parties to disputes involving any matter under Part C, including matters arising prior to the filing of a due process complaint, to resolve such disputes through a mediation process at any time. [20 U.S.C. 1439(a)(8), and 1415(e), and 34 CFR §§303.430(b), 303.431(a)]</p> <p>If the parties resolve a dispute through the mediation process, the parties shall execute a legally binding agreement that sets forth such resolution. The agreement shall state that all discussions that occurred during the mediation process will remain confidential and may not be used as evidence in any subsequent due process hearing or civil proceeding; be signed by the parent and a representative of the agency who has the authority to bind such agency; and be enforceable in any State court of competent jurisdiction or in a district court of the United States. [34 CFR §303.431(b)(5) and (6)]</p>   |
| <p>14. State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.</p> <p>[20 U.S.C. 1416(a)(3)(B) and 1442]</p> | <p>Each State must have a system for compiling and reporting timely and accurate data that meets the requirements of 34 CFR §§303.700 through 303.702 and 303.720 through 303.724. [20 U.S.C. 1416(a)(3) and 1442, and 34 CFR §§303.124, 303.700 through 303.702 and 303.720 through 303.724]</p> <p>Each State lead agency must submit the State's performance plan to the Secretary for approval in accordance with the approval process described in 20 U.S.C. 1416(c). [20 U.S.C. 1416(b)(1)(B) and 1442; 34 CFR §80.40 (EDGAR)]The State lead agency shall report annually to the Secretary on the performance of the State under the State's performance plan pursuant to 34 CFR §303.702(b)(2). [20 U.S.C. 1416(b)(2)(C)(ii)(II) and 1442, and 34 CFR §§303.701, and 303.702(b)(2). 34 CFR §§ 76.720(b) and 80.40(b)(1) (Education Department General Administrative Regulations)]</p> <p>Each State lead agency shall collect valid and reliable information as needed to report annually to the Secretary on the priority areas described in 20 U.S.C. 1416(a)(3) and 34 CFR §303.700(d). [20 U.S.C. 1416(a)(3) and 1442, and 34 CFR §§303.700(d), 303.701(c), and 303.702(b)(2)]</p> <p>The lead agency must annually report to the Secretary and to the public on the information required by section 618 of the Act at the times specified by the Secretary. [20 U.S.C. 1418(a), and 34 CFR §303.720]</p> <p>Each State shall provide data each year to the Secretary of Education and the public. The data shall be publicly reported by the State lead agency in a manner that does not result in the disclosure of data identifiable to individual children. [34 CFR §§303.702(b)(3), 303.722(a)]</p> <p>Each State that receives assistance under Part C, and the Secretary of the Interior, shall provide data each year to the Secretary of Education and the public. The data shall be publicly reported by the State lead agency in a manner that does not result in the disclosure of data identifiable to individual children. [20 U.S.C. 1418(a) and</p> |

## Part C – SPP/APR Related Requirements

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|                                      | (b)(1); 34 CFR §80.40(EDGAR)] |