

<b>Original</b>	<b>HR 1350</b>	<b>S 1248</b>
<p><b>Public Law 105-17 INDIVIDUALS WITH DISABILITIES EDUCATION ACT (reauthorization).</b></p> <p><b>Including: PART C -- INFANTS AND TODDLERS WITH DISABILITIES</b></p> <p>Passed: June 4, 1997</p>	<p><b>RESULTS FOR CHILDREN WITH DISABILITIES ACT OF 2003.</b></p> <p><b>Including: TITLE III – INFANTS AND TODDLERS WITH DISABILITIES</b></p> <p>Committee on Education and the Workforce (House of Representatives)</p> <p>Introduced: May 19, 2003            Amended: April 7, 2003            Amended: April 9, 2003            Approved: April 10, 2003</p> <p>US House of Representatives</p> <p>Amended: April 29, 2003            Passed: April 30, 2003</p>	<p><b>REAUTHORIZATION OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT</b></p> <p><b>Including: PART C – INFANTS AND TODDLERS WITH DISABILITIES</b></p> <p>US Senate Committee on Health, Education, Labor, &amp; Pensions</p> <p>Introduced: June 12, 2003</p> <p>Mark-up scheduled for June 25, 2003</p>
<p>Contains Sections 631-644 as listed below:</p> <p>Section 631 Findings &amp; Policy            Section 632 Definitions            Section 633 General Authority            Section 634 Eligibility            Section 635 Requirements for Statewide System            Section 636 Individualized Family Service Plan</p>	<p>Contains Sections 631-638 as listed below:</p> <p>Section 631 Findings &amp; Policy            Section 632 Definitions            Section 633 General Authority            Section 634 Eligibility            Section 635 Requirements for Statewide System            Section 636 Individualized Family Service Plan</p>	<p>Contains Sections 631-644 as listed below:</p> <p>Section 631 Findings &amp; Policy            Section 632 Definitions            Section 633 General Authority            Section 634 Eligibility            Section 635 Requirements for Statewide System            Section 636 Individualized Family</p>

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Section 637 State Application & Assurances Section 638 Uses of Funds Section 639 <i>Procedural Safeguards</i> Section 640 <i>Payor of Last Resort</i> Section 641 State Interagency Coordinating Council Section 642 Federal Administration Section 643 Allocation of Funds Section 644 <i>Federal Interagency Coordinating Council</i> Section 645 Authorization of Appropriations	Section 637 State Application & Assurances Section 638 Uses of Funds - <i>639 not included but nothing substituted instead</i> - <i>640 not included but nothing substituted instead</i> Section 641 State Interagency Coordinating Council Section 642 Federal Administration Section 643 Allocation of Funds - <i>Federal Interagency Coordinating Council (removed)</i> Section 644 Authorization of Appropriations  See specific changes, by section, below-	Section 637 Service Plan Section 637 State Application & Assurances Section 638 Uses of Funds Section 639 Procedural Safeguards Section 640 Payor of Last Resort Section 641 State Interagency Coordinating Council Section 642 Federal Administration Section 643 Allocation of Funds Section 644 Authorization of Appropriations <i>Federal Interagency Coordinating Council (removed)</i>  See specific changes, by section, below-
<b>See specific changes, by section, below-</b>		
<b>SEC. 631. FINDINGS AND POLICY</b>		Changes:
(1 )to enhance the development of infants and toddlers with disabilities, and to minimize their potential for developmental delay;	Remains the same as 1997	(1) to enhance the development of infants and toddlers with disabilities, to minimize their potential for developmental delay, <b>and to recognize the significant brain development which occurs during a child ’s first 3 years of life;</b>
3) <i>to minimize the likelihood of</i>	Remains the same as 1997	(3) to maximize the potential for

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<i>institutionalization of individuals with disabilities</i> and maximize the potential for their independently living in society;		individuals with disabilities to live independently in society;
5) to enhance the capacity of State and local agencies and service providers to identify, evaluate, and meet the needs of <i>historically underrepresented populations</i> , particularly minority, low-income, inner-city, and rural populations.	Remains the same as 1997	(5) to enhance the capacity of State and local agencies and service providers to identify, evaluate, and meet the needs of <b>all</b> children, particularly minority, low-income, inner city, and rural <b>children</b> .
<b>SEC. 632. DEFINITIONS.</b>	<b>Changes:</b>	
(4)(C) are designed to <i>meet the developmental needs</i> of an infant or toddler with a disability in any one or more of the following areas --	(C) are designed to <b>address family-identified priorities and concerns that are determined by individualized family service plan team to relate to enhancing the child’s development</b> in any one or more of the following areas— (3/19/03)	Remains the same as 1997
(4)(F) are provided by qualified personnel, including – (viii) – nutritionists (ix) family therapists (x) orientation and mobility specialists; and (xi) pediatricians and other physicians	(4)(F) are provided by qualified personnel, including – (viii) – <b>registered dietitians</b> (ix) family therapists (x) <b>vision specialists, including ophthalmologists and optometrists</b> (xi) orientation and mobility specialists; and (xii) pediatricians and other physicians (4/9/03)	Remains the same as 1997
	<b>(5)(C) may also include, at a State’s discretion, a child aged 3-5, who previously received services under this part and who is eligible for services under section 619 if-</b>	Remains the same as 1997

	<p>(i) <b>service provided to this age group under this part include an educational component that promotes school readiness and incorporates scientifically based pre-literacy, language, and numeracy skills; and</b></p> <p>(ii) <b>parents are provided a written notification of their rights and responsibilities in determining whether their child will continue to receive services under this part or participate in preschool programs assisted under section 619. (4/7/03)</b></p>	
<b>SEC. 633. GENERAL AUTHORITY.</b>	Remains the same as 1997	Remains the same as 1997
<b>SEC. 634. ELIGIBILITY.</b>	Remains the same as 1997	Remains the same as 1997
<b>SEC. 635. REQUIREMENTS FOR STATEWIDE SYSTEM.</b>	Changes:	Changes:
<p>a) IN GENERAL- A statewide system described in section 633 shall include, at a minimum, the following components:</p> <p>(1) A definition of the term 'developmental delay' that will be used by the State in carrying out programs under this part.</p>	Remains the same as 1997	<p>a) IN GENERAL- A statewide system described in section 633 shall include, at a minimum, the following components:</p> <p>(1) A definition of the term 'developmental delay' that —  <b>(A)</b> will be used by the State in carrying out programs under this part; and  <b>(B) covers, at a minimum, all infants and toddlers with —</b>  <b>(1) A definition of the term 'developmental delay' that —</b></p>

		<p><b>(i) a developmental delay of 35 per-cent or more in 1 of the developmental areas described in section 632(5)(A)(i);or</b>  <b>(ii) a developmental delay of 25 percent or more in 2 or more of the developmental areas described in section 632(5)(A)(i).</b></p>
<p>(a)(2) A State policy that is in effect and that ensures that appropriate early intervention services are available to all infants and toddlers with disabilities and their families, including Indian infants and toddlers and their families residing on a reservation geographically located in the State.</p>	<p>(2) A State policy that is in effect and that ensures that appropriate early intervention services <b>based on scientifically based research</b> are available to all infants and toddlers with disabilities and their families, including Indian infants and toddlers and their families residing on a reservation geographically located in the State.          (3/19/03)</p>	<p>Remains the same as 1997</p>
<p>(a)(6) A public awareness program focusing on early identification of infants and toddlers with disabilities, including the preparation and dissemination by the lead agency designated or established under paragraph [10] to all primary referral sources, especially hospitals and physicians, of information for parents on the availability of early intervention services, and procedures for determining the extent to which such sources disseminate such information to parents of infants and toddlers.</p>	<p>(6) A public awareness program focusing on early identification of infants and toddlers with disabilities, including the preparation and dissemination by the lead agency designated or established under paragraph [10] to all primary referral sources, especially hospitals and physicians, of information <b>to be given to parents, especially to inform parents with premature infants or infants with other physical risk factors associated with learning or developmental complications,</b> on the availability of early intervention services <b>under this part and of services</b></p>	<p>Remains the same as 1997</p>

	<p><b>under 619 of this Act</b>, and procedures for <b>assisting</b> such sources <b>in disseminating</b> such information to parents of infants and toddlers. (4/9/03)</p>	
<p>(a)(8) A comprehensive system of personnel development, including the training of paraprofessionals and the training of primary referral sources respecting the basic components of early intervention services available in the State, <i>that is consistent with the comprehensive system of personnel development described in section 612(a)(14)</i> and may include --</p> <p>(A) implementing innovative strategies and activities for the recruitment and retention of early education service providers;</p> <p>(B) promoting the preparation of early intervention providers who are fully and appropriately qualified to provide early intervention services under this part;</p> <p>(C) training personnel to work in rural and inner-city areas; and</p> <p>(D) training personnel to coordinate transition services for infants and toddlers served under this part from an early intervention program under this part to preschool or other appropriate services.</p>	<p>(8) A comprehensive system of personnel development, including the training of paraprofessionals and the training of primary referral sources respecting the basic components of early intervention services available in the State</p> <p>(A) <b>shall</b> include --</p> <p>(i) implementing innovative strategies and activities for the recruitment and retention of early education service providers;</p> <p>(ii) promoting the preparation of early intervention providers who are fully and appropriately qualified to provide early intervention services under this part;</p> <p>(iii) training personnel to coordinate transition services for infants and toddlers served under this part from an early intervention program under this part <b>and under part B (other than section 619)</b>, to preschool or <b>another appropriate program</b>.</p> <p>(B) may include—</p> <p>(i) training personnel to work in</p>	<p>(8) A comprehensive system of personnel development, including the training of paraprofessionals and the training of primary referral sources with respect to the basic components of early intervention services available in the State, <b>which comprehensive system may include</b> —</p> <p>rest remains the same as 1997</p>

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	(ii) rural and inner-city areas; and <b>training personnel in the emotional and social development of young children.</b> (3/19/03)	
<i>(a)(9)(B) to the extent such standards are not based on the highest requirements in the State applicable to a specific profession or discipline, the steps the State is taking to require the retraining or hiring of personnel that meet appropriate professional requirements in the State; except that nothing in this part, including this paragraph, prohibits the use of paraprofessionals and assistants who are appropriately trained and supervised, in accordance with State law, regulations, or written policy, to assist in the provision of early intervention services to infants and toddlers with disabilities under this part.</i>	Completely removed (3/19/03)	(a) (9) no longer divided into subsections (A) & (B) – (A) is incorporated into (9), and first part of (B) is removed, with last part of (B) incorporated into (9).  (a)(9) Subject to subsection (b), policies and procedures relating to the establishment and maintenance of standards...except that nothing in this part, including this paragraph, prohibits the use of paraprofessionals and assistants who are appropriately trained and supervised, in accordance with State law, regulations, or written policy, to assist in the provision of early intervention services to infants and toddlers with disabilities under this part.
(16) Policies and procedures to ensure that, consistent with section 636(d)(5) --  (A) to the maximum extent appropriate, early intervention services are provided in natural environments; and  (B) the provision of early intervention services for any infant or toddler occurs in a	(a)(16)(B) the provision of early intervention services for any infant or toddler occurs in a setting other than a natural environment only when early intervention cannot be achieved satisfactorily for the infant or toddler in a natural environment <b>or in a setting that is most appropriate, as determined by the parent and the individualized family</b>	(16) Policies and procedures to ensure that, consistent with section 636(d)(5) to the maximum extent appropriate, early intervention services are provided in natural environments unless <b>a specific outcome</b> cannot be met satisfactorily for the infant or toddler in a natural environment.

<p>setting other than a natural environment only when <u>early intervention</u> cannot be achieved satisfactorily for the infant or toddler in a natural environment.</p>	<p><b>service plan team.</b> (4/29/03)</p>	
<p>(3) a written individualized family service plan developed by a multidisciplinary team, including the parents, as required by subsection (e).</p>	<p>Remains the same as 1997</p>	<p>(3) a written individualized family service plan developed by a multidisciplinary team, including the parents ,as required by subsection (e), <b>including a description of the appropriate transition services for the child.</b></p>
	<p><b>(c) TREATMENT OF CHILDREN AGED 3 THROUGH 5.-</b>  <b>(1) IN GENERAL – If a State includes children described in section 632(5)(C) in the system described in section 633, the State shall be considered to have fulfilled any obligation under part B with respect to the provision of a free appropriate public education to those children during the period in which they are receiving services under this part.</b>  <b>(2) CONSTRUCTION – Nothing in paragraph (1) shall be construed to alter or diminish the rights and protections afforded under this part to children described in such paragraph.</b> (4/7/03)</p>	



SEC. 636. INDIVIDUALIZED FAMILY SERVICE PLAN.	Changes:	Changes:
(a)(3) a written individualized family service plan developed by a multidisciplinary team, including the parents, as required by subsection (e)	(a)(3) a written individualized family service plan developed by a multidisciplinary team, including the parents, as required by subsection (e), <b>including a description of the appropriate transition services for the child’s entrance in school.</b> (3/19/03)	Remains the same as 1997
(d)(3) a statement of the <i>major outcomes</i> expected to be achieved for the infant or toddler and the family, and the criteria, procedures, and timelines used to determine the degree to which progress toward achieving the <i>outcomes</i> is being made and whether modifications or revisions of the outcomes or services are necessary;	(3) a statement of the <b>measurable goals</b> expected to be achieved for the infant or toddler and the family, <b>including pre-literacy and language skills, as developmentally appropriate for the child,</b> and the criteria, procedures, and timelines used to determine the degree to which progress toward achieving the <b>goals</b> is being made and whether modifications or revisions of the outcomes or services are necessary; (3/19/03) (4/7/03)	‘(3)a statement of the <b>measurable</b> outcomes expected to be achieved for the infant or toddler and the family, <b>including, as appropriate, pre-literacy and language skills,</b> and the criteria, procedures, and timelines used to determine the degree to which progress toward achieving the outcomes is being made and whether modifications or revisions of the outcomes or services are necessary;
(5) a statement of the natural environments in which early intervention services <i>shall</i> appropriately be provided, including a justification of the extent, if any, to which the services will not be provided in a natural environment;	Remains the same as 1997	(5) a statement of the natural environments in which early intervention services <b>will</b> appropriately be provided, including a justification of the extent, if any, to which the services will not be provided in a natural environment;
(6) the projected dates for initiation of services and the anticipated duration of the	Remains the same as 1997	(6) the projected dates for initiation of services and the anticipated <b>length, duration, and frequency</b> of the

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services;		services;
(7) the identification of the service coordinator from the profession most immediately relevant to the infant's or toddler's or family's needs (or who is otherwise qualified to carry out all applicable responsibilities under this part) who will be responsible for the implementation of the plan and coordination with other agencies and persons;	Remains the same as 1997	(7) the identification of the service coordinator from the profession most immediately relevant to the infant 's or toddler 's or family 's needs (or who is otherwise qualified to carry out all applicable responsibilities under this part) who will be responsible for the implementation of the plan and coordination with other agencies and persons, <b>including transition services</b> ;
<b>SEC. 637. STATE APPLICATION AND ASSURANCES.</b>	Changes:	Changes:
(a)(3) information demonstrating eligibility of the State under section 634, including -- <i>(A) information demonstrating to the Secretary's satisfaction that the State has in effect the statewide system required by section 633; and</i> (B) a description of services to be provided to infants and toddlers with disabilities and their families through the system;	(a)(3) information demonstrating eligibility of the State under section 634, including a description of services to be provided to infants and toddlers with disabilities and their families through the system; (3/19/03)	Remains the same as 1997.
(a)(5) a description of the uses for which funds will be expended in accordance with this report;	<b>(a)(5) a description of the State policies and procedures requiring referral of a child under the age 3 who is involved in a substantiated case of child abuse or neglect for an evaluation consistent with</b>	<b>(6) a description of the State policies and procedures that require the referral for early intervention services of a child under the age of 3 who —</b>
(a)(6) a description of the procedure used to		

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<p>ensure that resources are made available under this part for all geographic areas within the State;</p>	<p><b>section 635(a)(5) or who is born and identified with Fetal Alcohol Effects, Fetal Alcohol Syndrome, neonatal intoxication, or neonatal physical or neurological harm resulting from prenatal drug exposure.</b>          (insert and renumber others) (3/19/03)          (4/9/03)</p>	<p><b>(A) is involved in a substantiated case of child abuse or neglect; or</b>   <b>(B) is identified as affected by illegal substance abuse, or withdrawal symptoms resulting from prenatal drug exposure;</b>           (retain the rest as the same)</p>
	<p><b>(a)(10) a description of the state efforts to promote collaboration between Early Head Start programs, childcare, and services under Part C of this act; and</b>          (insert and renumber others) (4/9/03)</p>	
<p><b>SEC. 638. USES OF FUNDS.</b></p>	<p>Remains the same</p>	<p>Remains the same</p>
<p><b>SEC. 639 PROCEDURAL SAFEGUARDS</b></p>	<p><b>NOT INCLUDED IN HR 1350 – not sure if it is removed or still pending</b></p>	<p>Remains the same as 1997.</p>
<p><b>SEC. 640 PAYOR OF LAST RESORT</b></p>	<p><b>NOT INCLUDED IN HR 1350 – not sure if it is removed or still pending</b></p>	<p>Remains the same as 1997.</p>
<p><b>SEC. 641. STATE INTERAGENCY COORDINATING COUNCIL.</b></p>	<p>Changes:</p>	<p>Changes:</p>
<p>(b)(1)(G) Agency for Health Insurance – At least one member shall be from the agency responsible for the State governance of health insurance.</p>	<p><b>(b)(1)(J) MENTAL HEALTH AGENCY. At least one representative from the State agency responsible for children’s mental health.</b>  <b>(b)(1)(K) CHILD WELFARE AGENCY. At least one representative from the State agency responsible for child protective services.</b>  <b>(b)(1)(L) OFFICE OF THE COORDINATOR FOR THE</b></p>	<p><b>(b)(1)(G) State Medicaid Agency – At least one member shall be from the agency responsible for the State medicaid program.</b></p>

	<b>EDUCATION OF HOMELESS CHILDREN AND YOUTH. At least one representative designated by the Office of the Coordinator.</b>  (4/7/03)	
<b>SEC. 642. FEDERAL ADMINISTRATION.</b>	Remains the same	Remains the same
<b>SEC. 643. ALLOCATION OF FUNDS.</b>	Remains the same	Changes:
(a)(1) In General – from the sums appropriated to carry out this part for any fiscal year, the Secretary may reserve up to 1 percent for payments to Guam, American Samoa, the Virgin Islands...	Remains the same as 1997	(a)(1) In General – from the sums appropriated to carry out this part for any fiscal year, the Secretary may reserve <b>not more than</b> 1 percent for payments to Guam, American Samoa, the <b>United States</b> Virgin Islands...
(c)(2) Minimum Allotments – Except as provided in paragraphs (2) and (3), no State shall receive an amount under this section for any fiscal year that is less than the greatest of...	Remains the same as 1997	(c)(2) Minimum Allotments – Except as provided in <b>paragraph (3)</b> , no State shall receive an amount under this section for any fiscal year that is less than the <b>greater</b> of...
(c)(3) Special Rule for 19098 and 1999...	Remains the same as 1997	Section (3) completely removed, subsequent sections re-numbered
<b>SEC.644. FEDERAL INTERAGENCY COORDINATING COUNCIL</b>	<b>REMOVED</b>	<b>REMOVED</b>
<b>SEC. 645 AUTHORIZATION APPROPRIATIONS</b>	Changes:	Changes:
For the purpose of carrying out this part, there are authorized to be appropriated <b>\$400,000,000</b> for fiscal year 1998 and such sums as may be necessary for each of the fiscal years 1999 through 2002	For the purpose of carrying out this part, there are authorized to be appropriated <b>\$447,000,000</b> for fiscal year <b>2004</b> and such sums as may be necessary for each of the fiscal years <b>2005 through 2009</b> (3/19/03)	For the purpose of carrying out this part, there are authorized to be appropriated <b>such sums as may be necessary for each of the fiscal years 2004 through 2009.</b>