

Appendix A

IDEA Regulations Relevant to Interagency Coordinating Councils (Updated 01/18/2013)

Regulations by Section

Subpart G - State Interagency Coordinating Council Sec. 303.600 Establishment of Council

- (a) A State that desires to receive financial assistance under this Part C of the Act must establish a State Interagency Coordinating Council (Council) as defined in 303.8.
 - (b) The Council must be appointed by the Governor. The Governor must ensure that the membership of the Council reasonably represents the population of the State.
 - (c) The Governor must designate a member of the Council to serve as the chairperson of the Council or require the Council to do so. Any member of the Council who is a representative of the lead agency designated under Sec. 303.201 may not serve as the chairperson of the Council.
- (Authority: 20 U.S.C. 1441(a))

Note: To avoid a potential conflict of interest, it is recommended that parent representatives who are selected to serve on the Council not be employees of any agency involved in providing early intervention services.

It is suggested that consideration be given to maintaining an appropriate balance between the urban and rural communities of the State.

Subpart G-State Interagency Coordinating Council General Sec. 303.601 Composition.

- (a) The Council must be composed as follows:
 - (1) (i) At least 20 percent of the members must be parents, including minority parents, of infants or toddlers with disabilities or children with disabilities aged 12 or younger, with knowledge of, or experience with, programs for infants and toddlers with disabilities.
 - (ii) At least one member must be a parent of an infant or toddler with a disability or a child with a disability aged six or younger.
- (2) At least 20 percent of the members must be public or private providers of early intervention services.
- (3) At least one member must be from the State Legislature.
- (4) At least one member must be involved in personnel preparation.
- (5) At least one member must:
 - (i) Be from each of the State agencies involved in the provisions of, or payment for, early intervention services to infants and toddlers with disabilities and their families; and
 - (ii) Have sufficient authority to engage in policy planning and implementation on behalf of these agencies.
- (6) At least one member must:
 - (i) Be from the State Educational Agency (SEA) responsible for preschool services to children with disabilities; and

- (ii) Have sufficient authority to engage in policy planning and implementation on behalf of the SEA.
- (7) At least one member must be from the agency responsible for the State Medicaid and CHIP program.
- (8) At least one member must be from a Head Start or Early Head Start agency or program in the State.
- (9) At least one member must be from a State agency responsible for childcare.
- (10) At least one member must be from the agency responsible for State regulation of private insurance.
- (11) At least one member must be a representative designated by the Office of the Coordination of Education of Homeless Children and Youth.
- (12) At least one member must be a representative from the State Child Welfare agency responsible for foster care.
- (13) At least one member must be from the State agency responsible for children's mental health.
 - (i) The Governor may appoint one member to represent more than one program or agency listed in paragraphs (a)(7) through (a)(13) of section 303.601.
 - (ii) The Council may include other members selected by the Governor, including a representative from the Bureau of Indian Education (BIA) or, where there is no school operated or funded by the BIA, from the Indian Health Service or the tribe or tribal council.

(Authority: 20 U.S.C. 1231d.1441(b).1441(f))

Subpart G-State Interagency Coordinating Council General
Sec. 303.601(d) Conflict of interest.

No member of the Council may cast a vote on any matter that would provide direct financial benefit to that member or otherwise give the appearance of a conflict of interest.

((Authority: 20 U.S.C. 1231d.1441(b).1441(f))

Subpart G-State Interagency Coordinating Council General
Sec. 303.602 Meetings.

- (a) The Council shall meet, a minimum, on a quarterly basis, and in such places as it deems necessary.
- (b) The meetings must:
 - (1) Be publicly announced sufficiently in advance of the dates they are to be held to ensure that all interested parties have an opportunity to attend.
 - (2) To the extent appropriate, be open and accessible to the general public.
 - (3) As needed, provide interpreters for persons who are deaf and other necessary services must be provided at Council meetings, both for Council members and participants. The Council may use funds under this part to pay for those services.

(Authority: 20 U.S.C. 1441 (c))

Subpart G-State Interagency Coordinating Council General
Sec. 303.603 Use of funds by the Council.

- (a) Subject to the approval of the Governor, the Council may use funds under this part:
 - (1) To conduct hearings and forums;

- (2) To reimburse members of the Council for reasonable and necessary expenses for attending Council meetings and performing Council duties (including child care for parent representatives);
 - (3) To pay compensation to a member of the Council if the member is not employed or must forfeit wages from other employment when performing official Council business;
 - (4) To hire staff; and
 - (5) To obtain the services of professional, technical, and clerical personnel, as may be necessary to carry out the performance of its functions under this Part C of the Act.
- (b) Except as provided in paragraph (a) of this section, Council members shall serve without compensation from funds available under this Part C of the Act.
- (Authority: 20 U.S.C. 1438, 1441 (d))

Subpart G-State Interagency Coordinating Council Functions of the Council – required duties

Sec. 303.604 General.

- (a) Advising and assisting the lead agency. The Council must advise and assist the lead agency in the performance of its responsibilities in section 635(a)(10) of the Act, including:
 - (1) Identification of sources of fiscal and other support for services for early intervention service programs under Part C of the Act;
 - (2) Assignment of financial responsibility to the appropriate agency;
 - (3) Promotion of methods (including use of intra-agency and interagency agreements) for intra-agency and interagency collaboration regarding child find under §§ 303.115 and 303.302, monitoring under §§ 303.120 and §§ 303.700 through 303.708, financial responsibility and provision of early intervention services under §§303.202 and 303.511, and transition under §§303.209; and
 - (4) Preparation of applications under this part and amendments to those applications.
- (b) Advising and assisting on transition. The Council must advise and assist the SEA and the lead agency regarding the transition of toddlers with disabilities to preschool and other appropriate services.
- (c) Annual report to the Governor and to the Secretary.
 - (1) The Council must:
 - (i) Prepare and submit an annual report to the Governor and to the Secretary on the status of early intervention service programs for infants and toddlers with disabilities and their families under Part C of the Act operated within the State; and
 - (ii) Submit the report to the Secretary by a date that the Secretary establishes.
 - (2) Each annual report must contain the information required by the Secretary for the year for which the report is made.

(Authority: 20 U.S.C. 1441(e)(1))

**Subpart G-State Interagency Coordinating Council
Sec. 303.605 Authorized activities by the Council.**

The Council may carry out the following activities:

- (a) Advise and assist the lead agency and SEA regarding the provision of appropriate services for children with disabilities for birth to age five.
- (b) Advise appropriate agencies in the State with respect to the integration of services for infants and toddlers with disabilities and at-risk infants and toddlers and their families, regardless of whether at-risk infants and toddlers are eligible for early intervention services in the State.

- (c) Coordinate and collaborate with State Advisory Council on Early Childhood Education and Care for children, as described in section 642B(b)(1)(A)(i) of the Head Start Act, 42 U.S.C. 9837b(b)(1)(A)(i), if applicable, and other State interagency early learning initiatives, as appropriate.

(Authority: 20 U.S.C. 1435(a)(10), 1441(e)(2))

Changes Made to Part C by IDEA Reauthorization of 2011

Federal Register / Vol.76, No. 188/ Wednesday, September 28, 2011/ Rules and Regulations