

**OMB NO. 1820-0550**  
**Expires: 08/31/2014**

**ANNUAL STATE APPLICATION UNDER PART C OF THE  
INDIVIDUALS WITH DISABILITIES EDUCATION ACT AS AMENDED IN 2004  
FEDERAL FISCAL YEAR (FFY) 2012**

**CFDA No. 84.181A**

**ED FORM No. 1 B20--26P**

**UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION PROGRAMS  
Washington, DC 20202-2600**

**Paperwork Burden Statement**

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. Public reporting burden for this collection of information is estimated to average 10 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this collection is required to obtain or retain benefits (20 U.S.C. 1433; 20 U.S.C. 1435). Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, 400 Maryland Ave., SW, Washington, DC 20210-4537 or email [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov) and reference the OMB Control Number 1820-0550. Note: Please do not return the completed Annual State Application form to this address.

Section I

A. Submission Statements for Part C of IDEA

Select 1 or 2 below. Check 3 if appropriate.

1. \_\_\_\_\_ The State's policies, procedures, methods, descriptions, certifications, and assurances meet all application requirements of Part C of the Act as found in the Individuals with Disabilities Education Act (IDEA), codified at 20 U.S.C. 1431 through 1443 and the Part C regulations in 34 CFR Part 303. The State is able to provide and/or meet all policies, procedures, methods, descriptions, and assurances, found in Sections II.A and II.B of this Application.

By selecting this submission statement the State either has on file with the Secretary or has submitted new or revised State policies, procedures, methods, and descriptions that meet all requirements found in Section II.A.

2.  The State cannot provide the policies, procedures, methods, descriptions, and/or assurances for all application requirements of Part C of the Act as found in Part C of the IDEA, 20 U.S.C. 1431 through 1443 and the Part C regulations in 34 CFR Part 303. The State has determined that it is unable to provide the policies, procedures, methods, descriptions, and/or assurances that are checked 'No' in Sections II.A and II.B. However, the State assures that throughout the period of this grant award the State will operate consistent with all requirements of IDEA in 20 U.S.C. 1431 through 1443 and the final Part C regulations in 34 CFR Part 303. The State will develop and/or make such changes to existing policies, procedures, methods, descriptions, and assurances as are necessary to bring the policies, procedures, methods, descriptions, and assurances into compliance with the requirements of the IDEA Part C Act and regulations, as amended, as soon as possible, and not later than June 30, 2013. The State has included the date by which it expects to complete necessary changes associated with policies, procedures, methods, descriptions, and assurances marked 'No'. The items checked 'Yes' in Section II.A. are enclosed with this application as revised or new or are identified as "OF" already on file with the Secretary.<sup>1</sup>

Optional:

3. \_\_\_\_\_ The State is submitting new or modified State policies and procedures previously submitted to the Department and checked in Section II.A, "N", "R" or "OF" cell(s) found in the 'Yes' column. These modifications are a result of: (1) the State revising its applicable State law or regulations; (2) changes required by the Secretary due to new interpretation of the Act or regulations by a Federal court or the State's highest court; and/or (3) because of an official finding of noncompliance with Federal law or regulation.

B. Conditional Approval for Current Grant Year

If the State received conditional approval for the current grant year, check the statement(s) below:

1. Conditional Approval Related to Assurances in Section II.A:

- \_\_\_\_\_ a. Sections II.A and II.B reflect completion of all issues identified in the FFY 2011 conditional approval letter (attach any additional documentation required by the FFY 2011 letter).  
 b. As noted in Sections II.A and II.B, the State has not completed all issues identified in the FFY 2011 conditional approval letter.

2. Conditional Approval Related to Other Issues:

- \_\_\_\_\_ a. The State previously submitted documentation of completion of all issues identified in the FFY 2011 conditional approval letter.  
\_\_\_\_\_ b. The State is attaching documentation of completion of all issues identified in the FFY 2011 conditional approval letter. (Attach documentation showing completion of all issues.)  
\_\_\_\_\_ c. The State has not completed all issues identified in the FFY 2011 conditional approval letter. (Attach documentation showing completion of any issues and a list of items not yet completed.)

<sup>1</sup> If Option 2 is checked, the State is to provide dates in Sections II.A and II.B as to when the required policies, procedures, methods, descriptions, and assurances will be provided, which date can be no later than June 30, 2013.  
Part C Annual State Application: FFY 2012

**Section II**

**A. State Policies, Procedures, Methods, and Descriptions**

As checked below, the State hereby declares that it has or has not filed the following policies, procedures, methods, and descriptions with the U.S. Department of Education, and, as of the date of the signature below, affirms and incorporates by reference those policies, procedures, methods, and descriptions with respect to Part C of the Individuals with Disabilities Education Act (IDEA or Act) in 20 U.S.C. 1431 - 1443 and the final Part C regulations in 34 CFR Part 303 (Part C). By submission of this Section II, the State assures that throughout the period of this FFY 2012 grant award, the State will operate consistent with all requirements of Part C of the IDEA in 20 U.S.C. 1431 through 1443 and the final Part C regulations in 34 CFR Part 303. The State will develop and/or make such changes to existing policies, procedures, methods, descriptions, and assurances as are necessary to bring the policies, procedures, methods, descriptions, and assurances into compliance with the requirements of the IDEA Part C Act and final regulations by the date indicated below and not later than June 30, 2013.

| Check and enter date(s) as applicable.<br>Enclose relevant documents.   |  |    | N = 'New' Policy and/or Procedure<br>R = 'Revised' Policy and/or Procedure<br>OF = Policy and/or Procedure is already 'On File' with the USDE  |
|---|--|----|--|
| Yes<br><br>(If New or Revised is checked, the State is submitting policies, procedures, methods, and descriptions with this application. If already 'On File with OSEP', check OF.) | No<br><br>(Policies, procedures, methods, and descriptions have not been provided. Provide date by which State will submit to OSEP required documentation, which date shall be no later than June 30, 2013.) |    |  |
| N   | R  | OF |  |
|   |  |    | <b>State Policies, Procedures, Methods, and Descriptions</b>   |
|   |  |    | <b>Subpart C – State Policies and Procedures</b>   |
|   |  | X  | 1. Each application must include the name of the State lead agency, as designated under §303.120, that will be responsible for the administration of funds provided under this part. (34 CFR §303.201)   |
|   |  |    | June 30, 2013<br>2. Each application must include a description of services to be provided under Part C to infants and toddlers with disabilities and their families through the State's system. (34 CFR §303.203(a))  |
|   |  | X  | 3. Each application must include the State's policies and procedures regarding the identification and coordination of all available resources within the State from Federal, State, local, and private sources as required under subpart F of 34 CFR Part 303.<br><br><i>The State must have policies and procedures that meet the requirements listed in 3(a) and the methods identified in 3(b), and must provide responses to those</i> |

| Check and enter date(s) as applicable.<br>Enclose relevant documents.   |  |  | N = 'New' Policy and/or Procedure<br>R = 'Revised' Policy and/or Procedure<br>OF = Policy and/or Procedure is already 'On File' with the USDE  |
|---|--|--|--|
| Yes<br><br>(If New or Revised is checked, the State is submitting policies, procedures, methods, and descriptions with this application. If already 'On File with OSEP', check OF.) | No<br><br>(Policies, procedures, methods, and descriptions have not been provided. Provide date by which State will submit to OSEP required documentation, which date shall be no later than June 30, 2013.) |  |  |
| N   | R  | OF   | State Policies, Procedures, Methods, and Descriptions  |
|   |  |  | entries. If the State has not adopted a system of payments, it may respond "NA" to 3(a).   |
|   |  | June 30, 2013  | (a) If the State has adopted a system of payments, each application must include any policies or procedures adopted by the State as its system of payments and those policies and procedures must meet the requirements in §§303.510, 303.520 and 303.521 (regarding the use of public insurance or benefits, private insurance, or family costs or fees).<br><br>(34 CFR §303.203(b)(1))<br><br><b>The policies and procedures listed in 3(a) are optional. Enter 'NA' in the cells to the left if the State has elected not to adopt a system of payments (which includes a system to use public insurance or benefits or private insurance or family fees to pay for Part C services); otherwise check the appropriate response under the 'Yes' column and, if checking 'N' or 'R', attach policies and procedures.</b><br><br><b>The State's response under 3(a) of Section II-A must match the State's response under Section IV.A.</b> |
|   |  | Revised interagency agreement will be submitted by August 1, 2012. | (b) Each application must include the methods (State law, regulation, signed interagency or intra-agency agreements or other appropriate written method(s) approved by the Secretary) used by the State to implement the payor of last resort and fiscal responsibility requirements in §303.511(b)(2) and (3).<br><br>(34 CFR §303.203(b)(2))<br><br><b>If the State uses signed interagency or intra-agency agreements or "other appropriate written</b>   |

| Check and enter date(s) as applicable.<br>Enclose relevant documents.   |  |    |               | <i>N = 'New' Policy and/or Procedure</i><br><i>R = 'Revised' Policy and/or Procedure</i><br><i>OF = Policy and/or Procedure is already 'On File' with the USDE</i>   |
|---|--|----|---------------|--|
| Yes<br><br>(If New or Revised is checked, the State is submitting policies, procedures, methods, and descriptions with this application. If already 'On File with OSEP', check OF.) | No<br><br>(Policies, procedures, methods, and descriptions have not been provided. Provide date by which State will submit to OSEP required documentation, which date shall be no later than June 30, 2013.) |    |               |  |
| N   | R  | OF |               | State Policies, Procedures, Methods, and Descriptions  |
|   |  |    |               | <p><i>method(s) to meet the requirements in 3(b),” please check ‘N’ or ‘R’ and submit with the application. If the State’s method is a State statute or regulation, the State does not need to submit that method (the statute or regulation) with its application.</i></p>  |
|   |  |    | June 30, 2013 | <p>4. Each application must include the State’s rigorous definition of developmental delay as required under §§303.10 and 303.111. Each Statewide system must include the State’s rigorous definition of <u>developmental delay</u>, consistent with §§303.10 and 303.203(c), that will be used by the State in carrying out programs under Part C of the Act in order to appropriately identify infants and toddlers with disabilities who are in need of services under Part C of the Act. The definition must--</p> <p>(a) Describe, for each of the areas listed in §303.21(a)(1), the evaluation and assessment procedures, consistent with §303.321, that will be used to measure a child’s development; and</p> <p>(b) Specify the level of developmental delay in functioning or other comparable criteria that constitute a developmental delay in one or more of the developmental areas identified in §303.21(a)(1).</p> <p>(34 CFR §§303.203(c) &amp; 303.111)</p> |
| NA  | NA   | NA | NA            | <p>5. If the State provides services under Part C to at-risk infants and toddlers through the statewide system, the application must include--</p> <p>(a) The State’s definition of at-risk infants and toddlers with disabilities who are eligible in the State for services under Part C (consistent with §§303.5 and 303.21(b)); and</p>  |

| Check and enter date(s) as applicable.<br>Enclose relevant documents.   |  |          | N = 'New' Policy and/or Procedure<br>R = 'Revised' Policy and/or Procedure<br>OF = Policy and/or Procedure is already 'On File' with the USDE | State Policies, Procedures, Methods, and Descriptions   |
|---|--|----------|---|---|
| Yes<br><br>(If New or Revised is checked, the State is submitting policies, procedures, methods, and descriptions with this application. If already 'On File with OSEP', check OF.) | No<br><br>(Policies, procedures, methods, and descriptions have not been provided. Provide date by which State will submit to OSEP required documentation, which date shall be no later than June 30, 2013.) |          |   |   |
| N   | R  | OF       |   |   |
|   |  |          |   | (b) A description of the early intervention services provided under Part C to at-risk infants and toddlers with disabilities who meet the State's definition described in §303.204(a).<br><br>(34 CFR §303.204).<br><br><b>The policies and procedures listed in 5 are optional (i.e., they only apply if the State opts to serve at-risk children). Enter 'NA' in the cells to the left if the State has elected not to provide services under Part C to at-risk infants and toddlers; otherwise check the appropriate response under the 'Yes' column and, if checking 'N' or 'R', attach the definition and description.</b> |
|   |  | <b>X</b> |   | 6. Each State application must include a description of the State's use of funds under Part C for the fiscal year or years covered by the application. The description must be presented separately for the lead agency and the State Interagency Coordinating Council (Council), and include the information required in attached Section III of this application. (34 CFR §303.205)   |
|   |  |          | As soon as possible but no later than Dec. 31, 2012   | 7. Each application must include the State's policies and procedures that require the referral for early intervention services under Part C of specific children under the age of three, as described in §303.303(b) (which includes children who are the subject of a substantiated case of abuse or neglect, or directly affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure). (34 CFR §303.206)   |
|   |  | <b>X</b> |   | 8. 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   |

| Check and enter date(s) as applicable.<br>Enclose relevant documents.   |  |               | N = 'New' Policy and/or Procedure<br>R = 'Revised' Policy and/or Procedure<br>OF = Policy and/or Procedure is already 'On File' with the USDE  |
|---|--|---------------|--|
| Yes<br><br>(If New or Revised is checked, the State is submitting policies, procedures, methods, and descriptions with this application. If already 'On File with OSEP', check OF.) | No<br><br>(Policies, procedures, methods, and descriptions have not been provided. Provide date by which State will submit to OSEP required documentation, which date shall be no later than June 30, 2013.) |               |  |
| N   | R  | OF            | State Policies, Procedures, Methods, and Descriptions  |
|   |  |               | areas within the State. (34 CFR §303.207)  |
|   |  | June 30, 2013 | 9. Each application must include a description of the policies and procedures used by the State to ensure that, before adopting any new policy or procedure (including any revision to an existing policy or procedure) needed to comply with Part C of the Act and 34 CFR Part 303, the lead agency-- <ol style="list-style-type: none"> <li>(1) Holds public hearings on the new policy or procedure (including any revision to an existing policy or procedure);</li> <li>(2) Provides notice of the hearings held in accordance with §303.208(b)(1) at least 30 days before the hearings are conducted to enable public participation; and</li> <li>(3) Provides an opportunity for the general public, including individuals with disabilities, parents of infants and toddlers with disabilities, EIS providers, and the members of the Council, to comment for at least 30 days on the new policy or procedure (including any revision to an existing policy or procedure) needed to comply with Part C of the Act and 34 CFR Part 303.</li> </ol> (34 CFR §303.208(b)) |
|   |  | June 30, 2013 | 10. (a) <u>Application Requirements</u> : Each State must include the following in its application: <ol style="list-style-type: none"> <li>(1) A description of the policies and procedures it will use 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 (for toddlers with disabilities) or exiting the program for infants and toddlers with</li> </ol>   |

| Check and enter date(s) as applicable.<br>Enclose relevant documents.   |  |    | N = 'New' Policy and/or Procedure<br>R = 'Revised' Policy and/or Procedure<br>OF = Policy and/or Procedure is already 'On File' with the USDE  |
|---|--|----|--|
| Yes<br><br>(If New or Revised is checked, the State is submitting policies, procedures, methods, and descriptions with this application. If already 'On File with OSEP', check OF.) | No<br><br>(Policies, procedures, methods, and descriptions have not been provided. Provide date by which State will submit to OSEP required documentation, which date shall be no later than June 30, 2013.) |    |  |
| N   | R  | OF | State Policies, Procedures, Methods, and Descriptions  |
|   |  |    | disabilities.<br>(2) A description of how the State will meet each requirement in §303.209(b) through (f).<br>(3) (i)(A) If the lead agency is not the SEA, an interagency agreement between the lead agency and the SEA; or (B) If the lead agency is the SEA, 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<br>(ii) To ensure a seamless transition between services under Part C and under Part B of the Act, an interagency agreement under paragraph (a)(3)(i)(A) of this section or an intra-agency agreement under paragraph (a)(3)(i)(B) of this section must address how the lead agency and the SEA will meet the requirements of paragraphs (b) through (f) of this section (including any policies adopted by the lead agency under §303.401(d) and (e)), §303.344(h), and 34 CFR 300.101(b), 300.124, 300.321(f) and 300.323(b).<br>(4) Any policy the lead agency has adopted under §303.401(d) and (e).<br>(b) <u>Notification to the SEA and appropriate LEA.</u> The State must ensure that--<br>(1) Subject to paragraph (b)(4) of this section, 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, as determined in accordance with State law; or |

| Check and enter date(s) as applicable.<br>Enclose relevant documents.   |  |    | N = 'New' Policy and/or Procedure<br>R = 'Revised' Policy and/or Procedure<br>OF = Policy and/or Procedure is already 'On File' with the USDE   |
|---|--|----|---|
| Yes<br><br>(If New or Revised is checked, the State is submitting policies, procedures, methods, and descriptions with this application. If already 'On File with OSEP', check OF.) | No<br><br>(Policies, procedures, methods, and descriptions have not been provided. Provide date by which State will submit to OSEP required documentation, which date shall be no later than June 30, 2013.) |    |   |
| N   | R  | OF | State Policies, Procedures, Methods, and Descriptions   |
|   |  |    | (2) Subject to paragraph (b)(4) of this section, if the lead agency determines that the toddler is eligible for early intervention services under Part C of the Act more than 45 but less than 90 days before that toddler's third birthday and if that toddler may be eligible for preschool services under Part B of the Act, the lead agency, as soon as possible after determining the child's eligibility, notifies the SEA and the LEA for the area in which the toddler with a disability resides that the toddler on his or her third birthday will reach the age of eligibility for services under Part B of the Act, as determined in accordance with State law; or<br>(3) Subject to paragraph (b)(4) of this section, if a toddler is referred to the lead agency fewer than 45 days before that toddler's third birthday and that toddler may be eligible for preschool services under Part B of the Act, the lead agency, with parental consent required under §303.414, refers the toddler to the SEA and the LEA for the area in which the toddler resides; but, the lead agency is not required to conduct an evaluation, assessment, or an initial IFSP meeting under these circumstances;<br>(4) The notification required under paragraphs (b)(1), (2), and (3) of this section is consistent with any policy that the State has adopted, under §303.401(e), permitting a parent to object to disclosure of personally identifiable information.<br>(c) <u>Conference to discuss services.</u> The State must ensure that—<br>(1) If a toddler with a disability may be eligible for preschool services under Part B of the |

| Check and enter date(s) as applicable.<br>Enclose relevant documents.   |  |    | N = 'New' Policy and/or Procedure<br>R = 'Revised' Policy and/or Procedure<br>OF = Policy and/or Procedure is already 'On File' with the USDE   |
|---|--|----|---|
| Yes<br><br>(If New or Revised is checked, the State is submitting policies, procedures, methods, and descriptions with this application. If already 'On File with OSEP', check OF.) | No<br><br>(Policies, procedures, methods, and descriptions have not been provided. Provide date by which State will submit to OSEP required documentation, which date shall be no later than June 30, 2013.) |    |   |
| N   | R  | OF | State Policies, Procedures, Methods, and Descriptions   |
|   |  |    | <p>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.</p> <p>(2) If a toddler with a disability is determined to not be potentially eligible for preschool services under Part B of the Act, the lead agency, with the approval of the family of that toddler, makes reasonable efforts to convene a conference among the lead agency, the family, and providers of other appropriate services for the toddler to discuss appropriate services that the toddler may receive.</p> <p>(d) <u>Transition plan</u>. The State must ensure that for all toddlers with disabilities –</p> <p>(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</p> <p>(ii) Each family of a toddler with a disability who is served under Part C is included in the development of the transition plan required under this section 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 of the parties, not more than 9 months--before the toddler's third birthday; and</p> <p>(3) The transition plan in the IFSP includes, consistent with §303.344(h), as appropriate—</p> |

|  |   |           |   |
|--|---|-----------|---|
| <p><i>Check and enter date(s) as applicable.<br/>Enclose relevant documents.</i></p>   |   |           | <p><i>N = 'New' Policy and/or Procedure<br/>R = 'Revised' Policy and/or Procedure<br/>OF = Policy and/or Procedure is already 'On File' with the USDE</i></p>   |
| <p align="center"><b>Yes</b></p> <p>(If New or Revised is checked, the State is submitting policies, procedures, methods, and descriptions with this application. If already 'On File with OSEP', check OF.)</p> | <p align="center"><b>No</b></p> <p>(Policies, procedures, methods, and descriptions have not been provided. Provide date by which State will submit to OSEP required documentation, which date shall be no later than June 30, 2013.)</p> |           |   |
| <b>N</b>   | <b>R</b>  | <b>OF</b> | <p align="center"><b>State Policies, Procedures, Methods, and Descriptions</b></p>  |
|  |   |           | <ul style="list-style-type: none"> <li>(i) Steps for the toddler with a disability and his or her family to exit from the Part C program; and</li> <li>(ii) Any transition services that the IFSP Team identifies as needed by that toddler and his or her family.</li> </ul> <p>(e) <u>Transition conference and plan meeting requirements.</u> Any conference conducted under paragraph (c) of this section or meeting to develop the transition plan under paragraph (d) of this section (which conference and meeting may be combined into one meeting) must meet the requirements in §§303.342(d) and (e) and 303.343(a).</p> <p>(f) <u>Applicability of transition requirements.</u></p> <ul style="list-style-type: none"> <li>(1) The transition requirements in paragraphs (b)(1) and (2), (c)(1), and (d) of this section apply to all toddlers with disabilities receiving services under this part before those toddlers turn age three, including any toddler with a disability under the age of three who is served by a State that offers services under §303.211.</li> <li>(2) In a State that offers services under §303.211, for toddlers with disabilities identified in paragraph (b)(1) of this section, the parent must be provided at the transition conference conducted under paragraph (c)(1) of this section: (i) An explanation, consistent with §303.211(b)(1)(ii), of the toddler's options to continue to receive early intervention services under this part or preschool services under section 619 of the Act; (ii) The initial annual notice referenced in §303.211(b)(1).</li> <li>(3) 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)(ii).</li> </ul> |

| Check and enter date(s) as applicable.<br>Enclose relevant documents.   |  |    |               | N = 'New' Policy and/or Procedure<br>R = 'Revised' Policy and/or Procedure<br>OF = Policy and/or Procedure is already 'On File' with the USDE   |
|---|--|----|---------------|---|
| Yes<br><br>(If New or Revised is checked, the State is submitting policies, procedures, methods, and descriptions with this application. If already 'On File with OSEP', check OF.) | No<br><br>(Policies, procedures, methods, and descriptions have not been provided. Provide date by which State will submit to OSEP required documentation, which date shall be no later than June 30, 2013.) |    |               |   |
| N   | R  | OF |               | State Policies, Procedures, Methods, and Descriptions   |
|   |  |    |               | (34 CFR §303.209)   |
|   |  |    | June 30, 2013 | 11. 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> , as amended), early education and child care programs, and services under Part C. (34 CFR §303.210)  |
|   |  | X  |               | 12. Each application must include, as required by Section 427 of the General Education Provisions Act (GEPA), a description of how the State has identified barriers and developed strategies to address the barriers and has provided a description of the steps the State is taking to ensure equitable access to, and participation in, Part C. (34 CFR §303.212(a))   |
| NA  | NA   | NA | NA            | 13. (a) (1) A State may elect to include in its application for a grant under Part C a State policy, developed and implemented jointly by the lead agency and the SEA, under which a parent of a child with a disability who is eligible for preschool services under section 619 of the Act and who previously received early intervention services under Part C, may choose the continuation of early intervention services under Part C for his or her child after the child turns three until the child enters, or is eligible under State law to enter, kindergarten or elementary school.<br>(2) A State that adopts the policy described in paragraph (a)(1) of this section may determine whether it applies to children with disabilities--<br>(i) From age three until the beginning of the school year following the child's third birthday;<br>(ii) From age three until the beginning of the school year following the child's fourth birthday; or |

| Check and enter date(s) as applicable.<br>Enclose relevant documents.   |  |    | N = 'New' Policy and/or Procedure<br>R = 'Revised' Policy and/or Procedure<br>OF = Policy and/or Procedure is already 'On File' with the USDE  |
|---|--|----|--|
| Yes<br><br>(If New or Revised is checked, the State is submitting policies, procedures, methods, and descriptions with this application. If already 'On File with OSEP', check OF.) | No<br><br>(Policies, procedures, methods, and descriptions have not been provided. Provide date by which State will submit to OSEP required documentation, which date shall be no later than June 30, 2013.) |    |  |
| N   | R  | OF | State Policies, Procedures, Methods, and Descriptions  |
|   |  |    | (iii) From age three until the beginning of the school year following the child's fifth birthday.<br><br>(3) However, in no case may a State provide services under this section beyond the age at which the child actually enrolls in, or is eligible under State law to enter, kindergarten or elementary school in the State.<br>(b) <u>Requirements</u> . If a State's application for a grant under Part C includes the State policy described in paragraph (a) of this section, the system must ensure the following:<br>(1) Parents of children with disabilities who are eligible for services under section 619 of the Act and who previously received early intervention services under Part C will be provided annual notice (the initial annual notice must be provided as set forth in §303.209(f)(2)(ii)) that contains--<br>(i) A description of the rights of the parents to elect to receive services pursuant to §303.211 or under Part B of the Act; and<br>(ii) An explanation of the differences between services provided pursuant to §303.211 and services provided under Part B of the Act, including--<br>(A) The types of services and the locations at which the services are provided;<br>(B) The procedural safeguards that apply; and<br>(C) Possible costs (including the costs or fees to be charged to families as described in §§303.520 and 303.521), if any, to parents; and<br>(2) Consistent with §303.344(d), services provided pursuant to §303.211 will include an educational component that promotes school |

| Check and enter date(s) as applicable.<br>Enclose relevant documents.   |  |    | N = 'New' Policy and/or Procedure<br>R = 'Revised' Policy and/or Procedure<br>OF = Policy and/or Procedure is already 'On File' with the USDE   |
|---|--|----|---|
| Yes<br><br>(If New or Revised is checked, the State is submitting policies, procedures, methods, and descriptions with this application. If already 'On File with OSEP', check OF.) | No<br><br>(Policies, procedures, methods, and descriptions have not been provided. Provide date by which State will submit to OSEP required documentation, which date shall be no later than June 30, 2013.) |    |   |
| N   | R  | OF | State Policies, Procedures, Methods, and Descriptions   |
|   |  |    | readiness and incorporates preliteracy, language, and numeracy skills.<br>(3) The State policy ensures that any child served pursuant to this section has the right, at any time, to receive FAPE (as that term is defined at §303.15) under Part B of the Act instead of early intervention services under Part C of the Act under §303.211.<br>(4) The lead agency must continue to provide all early intervention services identified in the toddler with a disability's IFSP under §303.344 (and consented to by the parent under §303.342(e)) beyond age three until that toddler's initial eligibility determination under Part B of the Act is made under 34 CFR §300.306. This provision does not apply if the LEA has requested parental consent for the initial evaluation under §300.300(a) and the parent has not provided that consent.<br>(5) The lead agency must obtain informed consent from the parent of any child with a disability for the continuation of early intervention services pursuant to this section for that child. Consent must be obtained before the child reaches three years of age, where practicable.<br>(6)(i) For toddlers with disabilities under the age of three in a State that offers services under this section, the lead agency ensures that the transition requirements in §303.209(b)(1) and (2), (c)(1) and (d) are met.<br>(ii) For toddlers with disabilities age three and older in a State that offers services under this section, the lead agency ensures a smooth transition from services under this section to preschool, kindergarten or elementary school by: |

| Check and enter date(s) as applicable.<br>Enclose relevant documents.   |  |    | N = 'New' Policy and/or Procedure<br>R = 'Revised' Policy and/or Procedure<br>OF = Policy and/or Procedure is already 'On File' with the USDE  |
|---|--|----|--|
| Yes<br><br>(If New or Revised is checked, the State is submitting policies, procedures, methods, and descriptions with this application. If already 'On File with OSEP', check OF.) | No<br><br>(Policies, procedures, methods, and descriptions have not been provided. Provide date by which State will submit to OSEP required documentation, which date shall be no later than June 30, 2013.) |    |  |
| N   | R  | OF | State Policies, Procedures, Methods, and Descriptions  |
|   |  |    | <p>(A) Providing the SEA and LEA where the child resides, consistent with any State policy adopted under §303.401(e), the information listed in §303.401(d)(1) not fewer than 90 days before the child will no longer be eligible under subsection (a)(2) of this section to receive early intervention services under this section; (B) With the approval of the parents of the child, convening a transition conference, among the lead agency, the parents, and the LEA, not fewer than 90 days--and, at the discretion of all parties, not more than 9 months--before the child will no longer be eligible under subsection (a)(2) of this section to receive, or will no longer receive, early intervention services under this section, to discuss any services that the child may receive under Part B of the Act; and (C) Establishing 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 child will no longer be eligible under subsection (a)(2) of this section to receive, or no longer receives, early intervention services under this section.</p> <p>(7) In States that adopt the option to make services under Part C available to children ages three and older pursuant to §303.211, there will be 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, et seq.</p> <p>(c) <u>Reporting requirement.</u> If a State includes in its application a State policy described in §303.211(a), the State must submit to the Secretary, in the State's report under §303.124,</p> |

| Check and enter date(s) as applicable.<br>Enclose relevant documents.   |  |    | N = 'New' Policy and/or Procedure<br>R = 'Revised' Policy and/or Procedure<br>OF = Policy and/or Procedure is already 'On File' with the USDE  |
|---|--|----|--|
| Yes<br><br>(If New or Revised is checked, the State is submitting policies, procedures, methods, and descriptions with this application. If already 'On File with OSEP', check OF.) | No<br><br>(Policies, procedures, methods, and descriptions have not been provided. Provide date by which State will submit to OSEP required documentation, which date shall be no later than June 30, 2013.) |    |  |
| N   | R  | OF | State Policies, Procedures, Methods, and Descriptions  |
|   |  |    | <p>the number and percentage of children with disabilities who are eligible for services under section 619 of the Act but whose parents choose for their children to continue to receive early intervention services under §303.211.</p> <p>(d) <u>Available funds.</u> The State policy described in §303.211(a) must describe the funds--including an identification as Federal, State, or local funds--that will be used to ensure that the option described in §303.211(a) is available to eligible children and families who provide the consent described in §303.211(b)(5), including fees, if any, to be charged to families as described in §§303.520 and 303.521.</p> <p>(e) <u>Rules of construction.</u> (1) If a statewide system includes a State policy described in §303.211(a), a State that provides services in accordance with this section to a child with a disability who is eligible for services under section 619 of the Act will not be required to provide the child FAPE under Part B of the Act for the period of time in which the child is receiving services under §303.211.</p> <p>(2) Nothing in this section may be construed to require a provider of services under Part C to provide a child served under Part C with FAPE.</p> <p>(34 CFR §303.211)</p> <p><b>The policies and procedures listed in 13 are optional. Enter 'NA' in the cells to the left if the State has elected not to develop and implement a policy under 34 CFR §303.211 to make Part C services to children beyond age three; otherwise check the appropriate response under the 'Yes' column and, if checking 'N' or 'R', attach policies and procedures.</b></p> |

**B. Assurances and Optional Assurance**

The State makes the following assurances and provisions as required by Part C of the Individuals with Disabilities Education Act. (20 U.S.C. 1431 et.seq.; 34 CFR §§303.101-126; 303.220; 303.227)

| <i>Check and enter date(s) as applicable</i>         |   | <b>Subpart B – Assurances</b><br>(20 U.S.C. 1434; 1435; and 1437(b); 34 CFR §§303.101-126; 303.220; 303.227))   |
|--|---|---|
| <b>Yes</b><br><i>(Assurance is hereby provided.)</i> | <b>No</b><br><i>(Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)</i> |   |
| <b>X</b>   |   | <p>1. The State has adopted a policy that appropriate early intervention services, as defined in 34 CFR §303.13, are available to all infants and toddlers with disabilities in the State and their families, including--</p> <ul style="list-style-type: none"> <li>(a) Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the State;</li> <li>(b) Infants and toddlers with disabilities who are homeless children and their families; and</li> <li>(c) Infants and toddlers with disabilities who are wards of the State.</li> </ul> <p>(34 CFR §303.101(a))</p> |
|  | June 30, 2013   | <p>2. The State has in effect a statewide system of early intervention services that meets the requirements of section 635 of the Act, including policies and procedures that address, at a minimum, the components required in 34 CFR §§303.111 through 303.126. (34 CFR §303.101(a))</p>  |
|  | June 30, 2013   | <p>3. The State ensures that any State rules, regulations, policies and procedures relating to 34 CFR Part 303 conform to the purposes and requirements of 34 CFR Part 303. (34 CFR §303.102)</p>   |
|  | June 30, 2013   | <p>4. Each statewide system (system) must include, at a minimum, the components described in §§303.111 through 303.126. (34 CFR §303.110)</p>   |
| <b>X</b>   |   | <p>5. The State has a policy in effect that ensures that appropriate early intervention services are based on scientifically based research, to the extent practicable, and are available to all infants and toddlers with disabilities and their families, including—</p> <ul style="list-style-type: none"> <li>(a) Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the State; and</li> <li>(b) Infants and toddlers with disabilities who are homeless children and their families. (34 CFR §303.112)</li> </ul>  |

| Check and enter date(s) as applicable                |   | <b>Subpart B – Assurances</b><br>(20 U.S.C. 1434; 1435; and 1437(b); 34 CFR §§303.101-126; 303.220; 303.227))  |
|--|---|--|
| <b>Yes</b><br><i>(Assurance is hereby provided.)</i> | <b>No</b><br><i>(Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)</i> |  |
| <b>X</b>   |   | <p>6. (a) The Statewide system ensures the performance of--</p> <ul style="list-style-type: none"> <li>(1) A timely, comprehensive, multidisciplinary evaluation of the functioning of each infant or toddler with a disability in the State; and</li> <li>(2) A family-directed identification of the needs of the family of the infant or toddler to assist appropriately in the development of the infant or toddler.</li> </ul> <p>(b) The evaluation and family-directed identification required in paragraph (a) of this section must meet the requirements of 34 CFR §303.321.</p> <p>(34 CFR §303.113)</p> |
| <b>X</b>   |   | <p>7. The Statewide system ensures that, for each infant or toddler with a disability and his or her family in the State, an IFSP, as defined in 34 CFR §303.20, is developed and implemented that meets the requirements of 34 CFR §§303.340 through 303.345 and that includes service coordination services, as defined in 34 CFR §303.34. (34 CFR §303.114)</p>   |
|  | June 30, 2013   | <p>8. The Statewide system includes a comprehensive child find system that meets the requirements in 34 CFR §§303.302 and 303.303. (34 CFR §303.115)</p>   |
| <b>X</b>   |   | <p>9. The Statewide system includes a public awareness program that--</p> <ul style="list-style-type: none"> <li>(a) Focuses on the early identification of infants and toddlers with disabilities; and</li> <li>(b) Provides information to parents of infants and toddlers through primary referral sources in accordance with 34 CFR §303.301.</li> </ul> <p>(34 CFR §303.116)</p>  |
| <b>X</b>   |   | <p>10. The Statewide system includes a central directory that is accessible to the general public (i.e., through the lead agency's Web site and other appropriate means) and includes accurate, up-to-date information about:</p> <ul style="list-style-type: none"> <li>(a) Public and private early intervention services, resources, and experts available in the State;</li> <li>(b) 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</li> </ul>            |

| Check and enter date(s) as applicable                |   | <b>Subpart B – Assurances</b><br>(20 U.S.C. 1434; 1435; and 1437(b); 34 CFR §§303.101-126; 303.220; 303.227))   |
|--|---|---|
| <b>Yes</b><br><i>(Assurance is hereby provided.)</i> | <b>No</b><br><i>(Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)</i> |   |
|  |   | <p>eligible under Part C of the Act and their families; and</p> <p>(c) Research and demonstration projects being conducted in the State relating to infants and toddlers with disabilities.</p> <p>(34 CFR §303.117)</p>  |
| <b>X</b>   |   | <p>11. The Statewide system includes 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. The State's comprehensive system of personnel development--</p> <p>(a) Includes--</p> <p>(1) Training personnel to implement innovative strategies and activities for the recruitment and retention of EIS providers;</p> <p>(2) Promoting the preparation of EIS providers who are fully and appropriately qualified to provide early intervention services under Part C; and</p> <p>(3) Training personnel to coordinate transition services for infants and toddlers with disabilities who are transitioning from an early intervention services program under Part C of the Act to a preschool program under section 619 of the Act, Head Start, Early Head Start, an elementary school program under Part B of the Act, or another appropriate program.</p> <p>(b) May include--</p> <p>(1) Training personnel to work in rural and inner-city areas;</p> <p>(2) Training personnel in the emotional and social development of young children;</p> <p>(3) Training personnel to support families in participating fully in the development and implementation of the child's IFSP; and</p> <p>(4) Training personnel who provide services under this part using standards that are consistent with early learning personnel development standards funded under the State Advisory Council on Early Childhood Education and Care established under the Head Start Act, if applicable.</p> <p>(34 CFR §303.118)</p> |
| <b>X</b>   |   | <p>12. The Statewide system includes policies and procedures relating to the establishment and maintenance of qualification standards to ensure that personnel necessary to carry out the purposes of Part C are appropriately and adequately prepared and trained. These policies and procedures provide for the establishment and maintenance of qualification standards that are consistent with any State-approved or</p>   |

| Check and enter date(s) as applicable         |  | <b>Subpart B – Assurances</b><br>(20 U.S.C. 1434; 1435; and 1437(b); 34 CFR §§303.101-126; 303.220; 303.227))  |
|---|--|--|
| Yes<br><i>(Assurance is hereby provided.)</i> | No<br><i>(Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)</i> |  |
|   |  | State-recognized certification, licensing, registration, or other comparable requirements that apply to the profession, discipline, or area in which personnel are providing early intervention services. Nothing in Part C of the Act may be construed to prohibit the use of paraprofessionals and assistants who are appropriately trained and supervised in accordance with State law, regulation, or written policy, to assist in the provision of early intervention services under Part C of the Act to infants and toddlers with disabilities. (34 CFR §303.119(a) – (c))  |
|   | Revised interagency agreement will be submitted by August 1, 2012. (See (f))   | <p>13. The Statewide system includes a single line of responsibility in a lead agency designated or established by the Governor that is responsible for the following--</p> <p>(a)(1) The general administration and supervision of programs and activities administered by agencies, institutions, organizations, and EIS providers receiving assistance under Part C of the Act; and</p> <p>(2) The monitoring of programs and activities used by the State to carry out Part C of the Act (whether or not the programs or activities are administered by agencies, institutions, organizations, and EIS providers that are receiving assistance under Part C of the Act), to ensure that the State complies with Part C of the Act, including--</p> <ul style="list-style-type: none"> <li>(i) Monitoring agencies, institutions, organizations, and EIS providers used by the State to carry out Part C of the Act;</li> <li>(ii) Enforcing any obligations imposed on those agencies, institutions, organizations, and EIS providers under Part C of the Act and 34 CFR Part 303;</li> <li>(iii) Providing technical assistance, if necessary, to those agencies, institutions, organizations and EIS providers;</li> <li>(iv) Correcting any noncompliance identified through monitoring as soon as possible and in no case later than one year after the lead agency's identification of the noncompliance; and</li> <li>(v) Conducting the activities in paragraphs (a)(2)(i) through (a)(2)(iv) of this section, consistent with 34 CFR §§303.700 through 303.707, and any other activities required by the State under those sections.</li> </ul> <p>(b) The identification and coordination of all available resources for early intervention services within the State, including those from Federal, State, local, and private sources, consistent with subpart F of 34 CFR Part 303.</p> |

| Check and enter date(s) as applicable                |   | <b>Subpart B – Assurances</b><br>(20 U.S.C. 1434; 1435; and 1437(b); 34 CFR §§303.101-126; 303.220; 303.227))  |
|--|---|--|
| <b>Yes</b><br><i>(Assurance is hereby provided.)</i> | <b>No</b><br><i>(Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)</i> |  |
|  |   | <p>(c) The assignment of financial responsibility in accordance with subpart F of 34 CFR Part 303.</p> <p>(d) The development of procedures in accordance with subpart F of 34 CFR Part 303 to ensure that early intervention services are provided to infants and toddlers with disabilities and their families under Part C of the Act in a timely manner, pending the resolution of any disputes among public agencies or EIS providers.</p> <p>(e) The resolution of intra- and interagency disputes in accordance with subpart F of 34 CFR Part 303.</p> <p>(f) The entry into formal interagency agreements or other written methods of establishing financial responsibility, consistent with 34 CFR §303.511, 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 as set forth in subpart F of 34 CFR Part 303.</p> <p>(34 CFR §303.120)</p> |
| <b>X</b>   |   | <p>14. The Statewide system includes a policy pertaining to the contracting or making of other arrangements with public or private individuals or agency service providers to provide early intervention services in the State, consistent with the provisions of Part C of the Act and 34 CFR Part 303, including the contents of the application, and the conditions of the contract or other arrangements. The policy --</p> <p>(a) Includes a requirement that all early intervention services must meet State standards and be consistent with the provisions of Part C; and</p> <p>(b) Is consistent with The Education Department General Administrative Regulations in 34 CFR part 80.</p> <p>(34 CFR §303.121)</p>  |
| <b>X</b>   |   | <p>15. The Statewide system includes procedures for securing the timely reimbursement of funds used under Part C of the Act, in accordance with subpart F of 34 CFR Part 303. (34 CFR §303.122)</p>  |
|  | June 30, 2013   | <p>16. The Statewide system includes procedural safeguards that meet the requirements of subpart E of 34 CFR Part 303. (34 CFR §303.123)</p>   |
| <b>X</b>   |   | <p>17. The Statewide system includes a system for compiling and reporting</p>  |

| Check and enter date(s) as applicable                |   | <b>Subpart B – Assurances</b><br>(20 U.S.C. 1434; 1435; and 1437(b); 34 CFR §§303.101-126; 303.220; 303.227))   |
|--|---|---|
| <b>Yes</b><br><i>(Assurance is hereby provided.)</i> | <b>No</b><br><i>(Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)</i> |   |
|  |   | timely and accurate data that meets the requirements of 34 CFR §§303.700 through 303.702 and 303.720 through 303.724 and the following requirements. The data system includes a description of the process that the State uses, or will use, to compile data on infants or toddlers with disabilities receiving early intervention services under Part C, including a description of the State's sampling methods, if sampling is used, for reporting the data required by the Secretary under sections 616 and 618 of the IDEA and 34 CFR §§303.700 through 303.707 and 303.720 through 303.724. (34 CFR §303.124)                                   |
| <b>X</b>   |   | 18. The Statewide system includes a State Interagency Coordinating Council (Council) that meets the requirements of subpart G of 34 CFR Part 303. (34 CFR §303.125)   |
| <b>X</b>   |   | 19. The Statewide system includes policies and procedures to ensure, consistent with 34 CFR §§303.13(a)(8) (early intervention services), 303.26 (natural environments), and 303.344(d)(1)(ii) (content of an IFSP), that early intervention services for infants and toddlers with disabilities are provided--<br><br>(a) To the maximum extent appropriate, in natural environments; and<br>(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.<br><br>(34 CFR §303.126) |
| <b>X</b>   |   | 20. The Statewide system ensures that Federal funds made available to the State under section 643 of the Act will be expended in accordance with the provisions of 34 CFR Part 303, including §§303.500 and 303.501. (34 CFR §303.221)  |
| <b>X</b>   |   | 21. The Statewide system will comply with the requirements in §§303.510 and 303.511 in subpart F of this part. (34 CFR §303.222)  |
| <b>X</b>   |   | 22. The Statewide system ensures that--<br>(a) The control of funds provided under 34 CFR Part 303, and title to property acquired with those funds, will be in a public agency for the uses and purposes provided in 34 CFR Part 303; and<br>(b) A public agency will administer the funds and property.   |

| Check and enter date(s) as applicable                |   | <b>Subpart B – Assurances</b><br>(20 U.S.C. 1434; 1435; and 1437(b); 34 CFR §§303.101-126; 303.220; 303.227))  |
|--|---|--|
| <b>Yes</b><br><i>(Assurance is hereby provided.)</i> | <b>No</b><br><i>(Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)</i> |  |
|  |   | (34 CFR §303.223)  |
| <b>X</b>   |   | <p>23. The Statewide system ensures that it will--</p> <ul style="list-style-type: none"> <li>(a) Make reports in the form and containing the information that the Secretary may require; and</li> <li>(b) Keep records and afford access to those records as the Secretary may find necessary to ensure compliance with the requirements of 34 CFR Part 303, the correctness and verification of reports, and the proper disbursement of funds provided under 34 CFR Part 303.</li> </ul> <p align="center">(34 CFR §303.224)</p>   |
| <b>X</b>   |   | <p>24. The Statewide system ensures that –</p> <ul style="list-style-type: none"> <li>(a) Federal funds made available under section 643 of the Act to the State – <ul style="list-style-type: none"> <li>(1) Will not be commingled with State funds; and</li> <li>(2) Will be used so as to supplement the level of State and local funds expended for infants and toddlers with disabilities and their families and in no case to supplant those State and local funds.</li> </ul> </li> <li>(b) To meet the requirement in paragraph (a) of this section, the total amount of State and local funds budgeted for expenditures in the current fiscal year for early intervention services for children eligible under this part and their families must be at least equal to the total amount of State and local funds actually expended for early intervention services for these children and their families in the most recent preceding fiscal year for which the information is available. Allowance may be made for— <ul style="list-style-type: none"> <li>(1) A decrease in the number of infants and toddlers who are eligible to receive early intervention services under this part; and</li> <li>(2) Unusually large amounts of funds expended for such long-term purposes as the acquisition of equipment and the construction of facilities.</li> </ul> </li> <li>(c) <u>Requirement regarding indirect costs.</u> (1) Except as provided in paragraph (c)(2) of this section, a lead agency under this part may not charge indirect costs to its Part C grant. <ul style="list-style-type: none"> <li>(2) If approved by the lead agency's cognizant Federal agency or by the Secretary, the lead agency must charge indirect costs through either-- <ul style="list-style-type: none"> <li>(i) A restricted indirect cost rate that meets the requirements in 34 CFR 76.560 through 76.569; or</li> <li>(ii) A cost allocation plan that meets the non-supplanting requirements in paragraph (b) of this section and 34 CFR part 76 of</li> </ul> </li> </ul> </li> </ul> |

| Check and enter date(s) as applicable         |  | <b>Subpart B – Assurances</b><br>(20 U.S.C. 1434; 1435; and 1437(b); 34 CFR §§303.101-126; 303.220; 303.227))  |
|---|--|--|
| Yes<br><i>(Assurance is hereby provided.)</i> | No<br><i>(Assurance cannot be ensured. Provide date on which State will complete changes in order to provide assurance.)</i> |  |
|   |  | EDGAR.<br><u>(3) In charging indirect costs under paragraph (c)(2)(i) and (c)(2)(ii) of this section, the lead agency may not charge rent, occupancy, or space maintenance costs directly to the Part C grant, unless those costs are specifically approved in advance by the Secretary.</u><br><br>(34 CFR §303.225)  |
| <b>X</b>                                      |  | 25. The Statewide system ensures that fiscal control and fund accounting procedures will be adopted as necessary to ensure proper disbursement of, and accounting for, Federal funds paid under 34 CFR Part 303.<br><br>(34 CFR §303.226)  |
| <b>X</b>                                      |  | 26. The State ensures that policies and practices have been adopted to ensure that--<br><br>(a) Traditionally underserved groups, including minority, low-income, homeless, and rural families and children with disabilities who are wards of the State, are meaningfully involved in the planning and implementation of all the requirements of Part C; and<br><br>(b) These families have access to culturally competent services within their local geographical areas.<br><br>(34 CFR §303.227)   |
|   |  | Assurance Regarding Optional Policy  |
| <b>X</b>                                      |  | <i>Enter 'NA' in the cell to the left if this assurance is not applicable to your State.</i><br><br>27. A State may adopt and has adopted a policy that includes making ongoing good-faith efforts to recruit and hire appropriately and adequately trained personnel to provide early intervention services to infants and toddlers with disabilities, including, in a geographic area of the State where there is a shortage of such personnel, the most qualified individuals available who are making satisfactory progress toward completing applicable course work necessary to meet the standards described in paragraphs (a) and (b) of this section. (34 CFR §303.119(d)) |

**C. Certifications**

The State Lead Agency is providing the following certifications:

| Yes |  |
|-----|--|
| X   | <p>1. The State certifies that ED Form 80-0013, <i>Certification Regarding Lobbying</i>, is on file with the Secretary of Education.</p> <p>With respect to the <i>Certification Regarding Lobbying</i> the State recertifies that no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making or renewal of Federal grants under this program; that the State shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," when required (34 CFR Part 82, Appendix B); and that the State Agency shall require the full certification, as set forth in 34 CFR Part 82, Appendix A, in the award documents for all sub awards at all tiers.</p> |
| X   | <p>2. The State certifies that it has met the certifications in the Education Department General Administrative Regulations (EDGAR) at 34 CFR §80.11 relating to State eligibility, authority and approval to submit and carry out the provisions of its State application, and consistency of that application with State law are in place within the State.</p>  |
| X   | <p>3. The State certifies that the arrangements to establish financial responsibility for the provision of Part C services among appropriate public agencies under §303.511 and the lead agency's contracts with EIS providers regarding financial responsibility for the provision of Part C services meet the requirements in §§303.500 through 303.521 and are current as of the date of submission of the certification. (34 CFR §303.202)</p>   |

**D. Statement**

I certify that the State of Illinois has provided the policies, procedures, methods, descriptions, and assurances checked as 'yes' in Sections II.A and II.B and the certifications required in Section II.C of this application. These provisions meet the requirements of Part C of the Individuals with Disabilities Education Act as found in 20 U.S.C. 1431-1443 and the final regulations in 34 CFR Part 303. The State will operate its Part C program in accordance with all of the required policies, procedures, methods, descriptions, assurances and certifications.

If any policies, procedures, methods, descriptions, and assurances have been checked 'no', I certify that the State will operate throughout the period of this grant award consistent with the requirements of the IDEA as found in 20 U.S.C. 1431-1443 and the final regulations 34 CFR Part 303, and will make such changes to existing policies and procedures as are necessary to bring those policies and procedures into compliance with the requirements of the IDEA, as amended, as soon as possible, and not later than June 30, 2013. (34 CFR §76.104)

I, the undersigned authorized official of the

I, the undersigned authorized official of the

Illinois Department of Human Services

(Name of State and official name of State lead agency)

am designated under Part C by the Governor of this State to submit this application for FFY 2012 funds under Part C of the Individuals with Disabilities Education Act (IDEA).

Printed/Typed Name and Title of Authorized Representative of the State:

**Michelle R.B. Saddler, Secretary**

Signature:

*Michelle R.B. Saddler*  
*by [Signature]*

(previously submitted)

Date:

*6/19/12*

**Section III**

**A. Description of Use of Part C Funds for the Lead Agency**

(Completion of this Section, III.A., is optional for SEAs.)

When completing this section include:

- Totals for the number of lead agency administrative positions, salaries and fringe benefits funded either 100 percent and/or less than 100 percent with Part C funds;
- A general description of the duties which the positions entail; and
- A subtotal of the amount.

Identify any administrative positions for which less than 100% of the time is spent on Part C and, for each such position, indicate the percentage of time spent on Part C and the total amount of salary and fringe benefits included in the Part C application budget.

| Positions Funded                   | Number of Positions | % of Time Spent on Part C | Salaries & Fringe Benefits | Description of Duties   |
|------------------------------------|---------------------|---------------------------|----------------------------|---|
| 100% funded with Part C Funds      | 0                   | 0                         | \$0                        |   |
| < 100% funded with Part C Funds    | 0                   | 0                         | \$0                        | Responsible for administration of statewide Early Intervention system including fiscal oversight, technical assistance and follow up and staff support of the Illinois Interagency Council on Early Intervention. Each of these staff is fully dedicated to the Early Intervention program. |
| <b>Subtotal of amount under A:</b> |                     |                           | \$0                        |   |

**Section III (Continued)**

**B. Maintenance and Implementation Activities for the Lead Agency**

When completing this section include:

- A description of the nature and scope of each major activity to be carried out under Part C in maintaining and implementing the statewide system of early intervention services. Activities could include enhancing the Comprehensive System of Personnel Development, implementing child find strategies, or ensuring a timely, comprehensive, multidisciplinary evaluation for each child;
- The approximate amount of funds to be spent for each activity; and
- A subtotal of the amount.

*(Add columns and rows as needed.)*

| Major Activity                                       | Part C Funds to be Spent | Description of Activities  |
|--|--------------------------|--|
| <b>Comprehensive Structure</b>                       | \$0                      | Funding of 25 CFCs to continue a consistent, comprehensive statewide system including a provider network, intake, eligibility determination, service coordination and development of IFSPs as well as the following: Local Interagency Councils to coordinate child find activity & provider communications, Parent Liaison support to families, Developmental Pediatric Consultation for professional assistance on child development concerns, and social-emotional consultation activities. |
| <b>Comprehensive System of Personnel Development</b> | \$0                      | Responsible for comprehensive training to providers and CFC staff. (Part of maintenance of effort)   |
| <b>Credentialing/Enrollment</b>                      | \$0                      | Responsible for ensuring that providers meet credentialing/enrollment requirements.  |
| <b>Data &amp; Payment System</b>                     | \$0                      | Centralized data management system for case management for all children and families served and system for claims processing.  |
| <b>CFC &amp; Provider Monitoring</b>                 | \$0                      | Contractual Monitoring unit, monitors CFCs and direct service providers  |
| <b>Staff &amp; Other Misc. Administrative Costs</b>  | \$0                      | Includes contractual costs, facility costs, travel, commodities, etc., excludes ICC and direct staff costs   |
| <b>Subtotal of amount under B:</b>                   | \$0                      |  |

**Section III (Continued)**

**C. Description of Use of Part C Funds for the Interagency Coordinating Council (ICC)<sup>2</sup>**

- When completing this section include: Totals for the number of ICC administrative positions, salaries and fringe benefits funded either 100 percent and/or less than 100 percent with Part C funds;
- A general description of the duties which the positions entail; and
- A subtotal of the amount.

Identify any administrative positions for which less than 100% of the time is spent on Part C and, for each such position, indicate the percentage of time spent on Part C and the total amount of salary and fringe benefits included in the Part C application budget.

| Positions Funded                   | Number of Positions | % of Time Spent on Part C | Amount of Salaries & Fringe Benefits | Description of Duties  |
|------------------------------------|---------------------|---------------------------|--------------------------------------|--|
| 100% funded with Part C Funds      | 0                   | 0                         | \$0                                  | None of the costs of the staff of the Early Intervention Bureau or for any other support provided by the Department of Human Services in support of the ICC are charged to Part C. |
| < 100% funded with Part C Funds    | 0                   | 0                         | \$0                                  | None of the costs of the staff of the Early Intervention Bureau or for any other support provided by the Department of Human Services in support of the ICC are charged to Part C. |
| <b>Subtotal of amount under C:</b> |                     |                           | \$0                                  |  |

<sup>2</sup> Federal Part C funds used to support the SICC must meet the requirements of 34 CFR §303.603

**Section III (Continued)**

**D. Maintenance and Implementation Activities for the Interagency Coordinating Council (ICC)**

When completing this section include:

- A description of the nature and scope of each major activity to be carried out under Part C in maintaining and implementing the statewide system of early intervention services. Activities could include coordinating child find identification efforts, ensuring the timely provision and payment of early intervention services to eligible children and their families, advising on early childhood transition, support for the ICC (travel), or other implementation and development activities of the SICC;
- The approximate amount of funds to be spent for each activity; and
- A subtotal of the amount.

*(Add columns and rows as needed.)*

| Major Activity                     | Part C Funds to be Spent | Description of Activities   |
|------------------------------------|--------------------------|---|
| <b>Meeting Room</b>                | \$0                      | Cost of Illinois Interagency Council meetings held four times a year.   |
| <b>Facilitator Expenses</b>        | \$0                      | Presenter fees, expenses and materials for council retreats.  |
| <b>Travel Expenses</b>             | \$0                      | Travel reimbursements to non-State agency council members. Reimbursements include mileage, hotel accommodations and per diem (meals).           |
| <b>Materials</b>                   | \$0                      | This includes cost of postage on Council packets and miscellaneous mailings between meetings.   |
| <b>Parent Reimbursements</b>       | \$0                      | Travel reimbursements to parent council members. Reimbursements include mileage, hotel accommodations and per diem (meals) and parent stipends. |
| <b>Subtotal of amount under D:</b> | \$0                      |   |

**Section III (Continued)**

**E. Direct Services (Funded by Part C Federal Dollars)**

- When completing this section include a description of any direct early intervention service that the State lead agency expects to provide to eligible children and their families with funds under Part C, and the approximate amount for each service.

| Description of Direct Early Intervention Service  | Approximate Amount of Part C Funds to be Spent on Service |
|---|---|
| <b>Audiological</b> – Provider Agreements with public and private organizations and individuals   | \$159,840   |
| <b>Assistive Technology</b> – Provider Agreements with public and private organizations and individuals   | \$44,390  |
| <b>Developmental Therapy</b> – Provider Agreements with public and private organizations and individuals  | \$3,498,995   |
| <b>Medical (Diagnostic Eval)</b> – Provider Agreements with public and private organizations and individuals  | \$10,937  |
| <b>Nursing/Health</b> – Provider Agreements with public and private organizations and individuals   | \$4,620   |
| <b>Nutrition</b> – Provider Agreements with public and private organizations and individuals  | \$187,679   |
| <b>Occupational Therapy</b> – Provider Agreements with public and private organizations and individuals   | \$1,414,992   |
| <b>Psychological</b> – Provider Agreements with public and private organizations and individuals  | \$439,575   |
| <b>Physical Therapy</b> – Provider Agreements with public and private organizations and individuals   | \$1,522,020   |
| <b>Service Coordination</b> – Provider Agreements with public & private organizations (Child & Family Connections agencies), Service Coordination paid via a modified fee-for-service system, Current period payments based on the # of children served in a recent past period, Funds added for good performance & may be subtracted for failure to meet performance standards | \$5,355,375   |
| <b>Social Work</b> – Provider Agreements with public and private organizations and individuals  | \$25,734  |
| <b>Speech Therapy</b> – Provider Agreements with public and private organizations and individuals   | \$3,793,703   |
| <b>Transportation</b> – Provider Agreements with public and private organizations and individuals   | \$32,108  |
| <b>Vision</b> – Provider Agreements with public and private organizations and individuals   | \$43,513  |
| <b>Family Training/Support</b> – Provider Agreements with public and private organizations and individuals  | \$937,401   |
| <b>Subtotal of amount under E:</b>  | <b>\$17,470,882</b>                                       |

**Section III (Continued)**

**F. Activities by Other Agencies**

If other State or local public agencies are to receive a portion of the Federal funds under Part C, the Application must include:

- The name of each public agency expected to receive funds;
- The approximate amount of funds each public agency will receive; and
- A summary of the purposes for which the funds will be used.

Provide subtotal of amount. *(Add columns and rows as needed.)*

| Agency Receiving Funds             | Amount of Funds | Purpose |
|------------------------------------|-----------------|---------|
| NA                                 | \$0             |         |
|                                    |                 |         |
|                                    |                 |         |
|                                    |                 |         |
| <b>Subtotal of amount under F:</b> |                 |         |

**Section III (Continued)**

**H. Totals**

Enter the subtotal amounts for Sub Sections A-G found in Section III and any indirect costs charged as specified in Section IV.B. The sub total amounts (Rows 1-8) should total the estimated grant application amount. (A State may apply for less than the full estimated allotted amount.)

| Enter the subtotal amounts for Sub Sections A-G found in Section III of this application. |         |                     |
|---|---------|---------------------|
| Row No.   | Section | Amount              |
| 1.  | III.A.  | \$0                 |
| 2.  | III.B.  | \$0                 |
| 3.  | III.C.  | \$0                 |
| 4.  | III.D.  | \$0                 |
| 5.  | III.E.  | \$17,470,882        |
| 6.  | III.F.  | \$0                 |
| Enter any Indirect Costs Charged (See Section IV.B of this application.)                  |         |                     |
| 8.  | IV.B    | \$0                 |
| <b>Total (Rows 1-8)</b>   |         | <b>\$17,470,882</b> |

**Section IV**

**A. System of Payments / Use of Insurance / Program Income**

The State

does (check as applicable)

does not (check as applicable)

have a system of payments for Part C services under 20 U.S.C. 1432(4)(B) which may include use of public benefits or insurance, private insurance or family fees, such as a sliding scale. Any family fees are treated as 'program income' for purposes of 34 CFR §80.25 and are not included in the State's determination of State and local expenditures for purposes of 20 U.S.C. 1437(b)(5)(B). *Note: If the State has adopted new or has revised its existing policies and procedures regarding its system of payments, it must submit these new and/or revised policies and procedures under Item 7 in Section II.A above.*

**B. Restricted Indirect Cost Rate/Cost Allocation Plan Information**

*(Note: To be completed if Lead Agency is not a State Educational Agency.)*

A lead agency may not charge indirect costs to its Part C grant unless the lead agency charges indirect costs through either-- (i) A restricted indirect cost rate that meets the requirements in 34 CFR 76.560 through 76.569; or (ii) A cost allocation plan that meets the non-supplanting requirements in paragraph (b) of this section and 34 CFR part 76 of EDGAR.

1. If the lead agency is not a State educational agency (as well as any outlying areas that have the Department of Interior as its cognizant Federal agency, even if an SEA) check the applicable status below (more than one check mark may be necessary) and enclose appropriate documentation for this Federal Fiscal Year.

The lead agency has a final restricted indirect cost rate or cost allocation plan that has been approved by the State lead agency's cognizant Federal agency and is in effect for this Federal fiscal year (FFY) (ending on June 30, 2013). (Attach a copy of the approved restricted indirect cost rate agreement or cost allocation plan.)

The lead agency has either a provisional or final restricted indirect cost rate or cost allocation plan that expires or expired on \_\_\_\_\_ and the State is in the process of negotiating a new restricted indirect cost rate agreement or cost allocation plan that will be in effect for the period \_\_\_\_\_.<sup>3</sup> The State lead agency will continue to charge or bill the Part C grant using the provisional or previously approved final restricted indirect cost rate or cost allocation plan until a new rate or plan is negotiated and approved by the State's cognizant Federal agency, at which point the State lead agency must make appropriate adjustments for applicable FFYs. The State acknowledges that a final restricted indirect cost rate may result in an adjustment of the final audited expenditures allowable to be charged to the Part C grant and the Department's approval of this FFY Part C application with an expired or provisional restricted indirect cost rate does not constitute approval of that rate as the final rate for the lead agency for this FFY. When a final restricted indirect cost rate is approved, the lead agency must submit to OSEP: (1) a copy of the "final" restricted indirect cost rate agreement; and (2) details of adjustments made to past GAPS draw downs in light of the "final" rate. (Attach a copy of the previously approved restricted indirect cost rate agreement or cost allocation plan.)

No indirect costs are charged to the Part C grant. The total amount of the Federal Part C grant is used for allowable direct costs.

Other, explanation attached.

<sup>3</sup> A "provisional" indirect cost rate is a temporary rate established for a future prospective period of time to permit budgeting, obligations, and payment of funds by awarding agencies until such time as the actual indirect costs can be determined and a final rate is established for the applicable period; provisional rates are subject to adjustment by issuance of a "final" rate based on actual indirect costs incurred for the period (usually the organization's fiscal year).

2. Check if applicable.

\_\_\_\_\_ Under §303.225(d), the lead agency may not charge rent, occupancy, or space maintenance costs directly to the Part C grant, unless those costs are specifically approved in advance by the Secretary. The lead agency is requesting the Secretary's approval to charge rent, occupancy or space maintenance costs either directly or indirectly to Part C FFY 2009 funds. If checked, the lead agency must attach to this Application a description of the amount to be charged, all uses of the space, the proposed method of charging.

## Section II.A.3.a - Addendum Proposal

303.520/303.521

### PRIVATE INSURANCE

The Illinois Department of Human Services will introduce legislation to amend the Illinois Early Intervention Services System Act and will update all policies, procedures, forms and consents regarding private insurance to ensure safety of private insurance usage for children/families consistent with the new Part C regulations. Updates will include the following.

- Parental consent will be obtained prior to using private insurance to pay for Part C services. Consent will be obtained when the lead agency or EIS provider seeks to use the child/parent's private insurance or benefits to pay for the initial provision of EI services in the IFSP and anytime that an increase in frequency, length, duration or intensity is made to existing services in a child's IFSP.
- If a parent revokes consent, that revocation is not retroactive.
- When obtaining parental consent, the State will provide to the parent a copy of the State's system of payments policies that identifies the potential costs that the parent may incur when their private insurance is used to pay for early intervention services (such as co-payments, premiums, or deductibles, or other long-term costs such as the loss of benefits because of annual or lifetime health insurance coverage caps under the insurance policy). If the State requires a parent to pay any costs that the parent would incur as a result of the use of private insurance, those costs will be identified in the State's system of payment policies or the State may not charge those costs to the parents.

303.520

### PUBLIC BENEFITS OR PUBLIC INSURANCE

The Illinois Department of Human Services will introduce legislation to amend the Illinois Early Intervention Services System Act and will update policies, procedures, forms and consents regarding public benefits or public insurance to be consistent with new Part C regulations. Updates will include the following:

- A parent may not be required to enroll in public benefits or insurance programs as a condition of receiving Part C services.
- Illinois will obtain parental consent prior to using the public benefits or insurance of a child or parent if that child or parent is not already enrolled in a public benefits or insurance program.
- Illinois public benefits or insurance programs meet the no-cost protections identified under 303.520(a)(2)(ii)(A)(B)(C) or (D).
- Prior to using a child's or parent's public benefits or insurance to pay for Part C services, the State must provide written notification to the child's parents which includes: (1) a statement that parental consent is required before the lead agency or EIS provider discloses, for billing purposes, a child's personally identifiable information to the Illinois Department of Healthcare and Family Services, the State agency responsible for administering the State's public benefits or insurance program; (2) a statement that the parent can withdraw their consent at any time; (3) a statement of the no-cost protections in 303.520(a)(2) and if the parent does not provide the consent under 303.520(a)(2) the lead agency will still make available those Part C services on the IFSP for which the parent has provided consent; (4) a statement of the general categories of costs to parents for participating in public benefits or insurance program (such as co-payment or deductibles or the required use of private insurance as the primary insurance). If the general costs are not identified in the notification and the State's system of payment policies, the State cannot charge these costs to the parent.

303.521

FAMILY FEES

The Illinois Department of Human Services will introduce legislation to amend the Illinois Early Intervention Services System Act and will update all policies, procedures, forms and consents regarding family fees to be consistent with the new Part C regulations. Updates will include:

- The written policies of the State's system of payments will be distributed to parents and will include: (1) the functions or services that are subject to the system of payments including any fees charged to the family as a result of using one or more of the family's public insurance or benefits or private insurance; (2) the payment system and schedule of sliding or cost participation fees; (3) the basis and amount of payments or fees; (4) the State's definition of ability to pay (including its definition of income and family expenses, such as extraordinary medical expenses), its definition of inability to pay and when and how the state makes its determination; (5) a provision that families who fail to provide income information will be charged the maximum amount on the sliding fee schedule; (6) provisions that permit, but do not require, the lead agency to use Part C or other funds to pay for costs such as premiums, deductibles or co-payments;
- The written policies will also include an assurance that (1) fees will not be charged to parents for the services that a child is otherwise entitled to receive at no cost; (2) 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, without delay; (3) families will not be charged any more than the actual cost of the Part C Service, factoring in any amount received from other sources for payment for that service; and (4) families with public insurance or benefits or private insurance will not be charged disproportionately more than families who do not have public insurance or benefits or private insurance.
- The written policies of the State's system of payments will inform a family of what steps that it may take to contest the imposition of a family fee or the State's determination of a parent's ability to pay, including an appeal to the Bureau of Early Intervention or use of procedural safeguards such as participating in mediation, requesting a due process hearing, or the filing of a State complaint. These procedural safeguards will be provided to parents by either providing parents with a copy when obtaining consent for provision of early intervention services or in the notice provided pursuant to 303.421.