

1820-0557 Report of Children Receiving Early Intervention Services in Accordance With Part C; Report of Program Settings in Accordance with Part C; Report on Infants and Toddlers Exiting Part C Response to 60-day Comments

Comment: One commenter asked who is in charge of data collection and by what means the data will be collected.

Discussion: Section 618 of the Individuals with Disabilities Education Act (IDEA), Public Law 108-446, directs the Secretary of Education to obtain data on: (1) the number and percentage of infants and toddlers with disabilities, by race, ethnicity, and gender, who are receiving early intervention services; (2) the number and percentage of infants and toddlers, by race and ethnicity, who are at risk of having substantial developmental delays (as described in Section 632), and who are receiving early intervention services under Part C; and (3) the number and percentage of children with disabilities, by race, ethnicity, and gender, who, from birth through age 2, stopped receiving early intervention services because of program completion or for other reasons. Within the Department, the Office of Special Education Programs (OSEP) is delegated the authority to implement the IDEA.

The specific legislative authority for these data collections may be found in Section 618(a)(1)(B), Section 618(a)(1)(C), Section 618(a)(2) and Section 618(a)(3). The Department will collect the data electronically through the ED Facts Metadata and Process System (EMAPS) from State lead agencies that receive grants under Part C of the IDEA. EMAPS is an established submission system that State agencies have been using to submit information to the Department for several years. EMAPS allows each State agency to provide the data in the non-proprietary, electronic formats that could be generated through automated processes within the State agency.

Change: None.

Comment: One commenter wondered if the collection of data was contingent on funding and if it will inform the amount of funds the program receives.

Discussion: Data collection under IDEA section 618 is required for each State lead agency that receives and IDEA Part C grant. Funds for the IDEA Part C program are available under Consolidated Appropriation Act, 2023 (Public Law 117-328). Annually, all States must submit an application IDEA Part C. States receive approval based on the OSEP's review of the IDEA Part C application to determine eligibility. Funding under IDEA Part C for 50 states and the District of Columbia and Puerto Rico

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is determined by their relative populations of infants and toddlers.<sup>1</sup> (The source of this population data is that which is reported by the U.S. Census bureau. Thus, the data that States report under IDEA section 618 does not affect the amount of their IDEA Part C grants.

As part of its application, each State must provide an assurance that its Statewide system includes a system for compiling and reporting timely and accurate data that meets the requirements of 34 CFR §§303.700 through 303.702 and 303.720 through 303.724 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).

Change: None.

#### Part C Child Count

Comment: One commenter expressed overall support for a new metadata question to ask states to annually report the permitted values the state uses for reporting gender.

Discussion: The Department appreciates the commenter's support for the Department to collect the Report of Children Receiving Early Intervention Services in Accordance with Part C. We agree that most lead agencies already collect information for accurately reporting gender as part of their data quality review.

Changes: None.

#### Part C Settings

Comment: One commenter expressed overall support for updating the definition of "community-based" to be more consistent with the current settings in which infants and toddlers may be receiving services. The commenter asked if the settings no longer included in the definition (libraries, grocery stores,

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<sup>1</sup>Note that the IDEA Part C grants for five other jurisdictions under IDEA section 643 is neither based on population data nor IDEA section 618 data.

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parks, restaurants) still could be considered a natural environment.

Discussion: The Department appreciates the commenter's support for the Department to collect the Report of Program Settings where Early Intervention Services are Provided. Libraries, grocery stores, parks, and restaurants are generally not the primary setting in which the child receives the largest number of hours of Part C early intervention services. We removed these examples to reduce confusion around this category. However, while they are not as frequent, these categories would still be considered a Community-based Setting. If one of these settings is the child's primary setting, then it would be appropriate to count them in the Community-based Setting.

Changes: None.

Part C Exiting: New Categories

Comment: Many commenters shared various concerns regarding the three new proposed categories on the Report on Infants and Toddlers Exiting Part C. Concerns include overlap with existing reporting requirements, need for clarification for the new categories, burden, and data collection/ sharing. Feedback summarized below:

- Five commenters requested clarification for the proposed category of "eligibility not determined, evaluation not completed".
- Two commenters were concerned with the overlap of data being collected in Indicator B 12: Early Childhood Transition of the SPP/APR and the Report on Infants and Toddlers Exiting Part C.
- Eight commenters were concerned about data sharing between Part C and Part B programs.
- Eight commenters were concerned that the three new reporting categories proposed would increase burden related to programming changes to the state data system, changes in forms and training materials, training on the new categories and work over several years to be sure the data are accurate. Commenters stressed that significant costs, time, and resources would be necessary to implement the changes.
- Six commenters were concerned with the parents' role in reporting this data. Comments include concerns with

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parental consent under both IDEA Part C and the Family Educational Rights and Privacy Act (FERPA), the need to provide technical support to parents, and the integrity of the data that are reliant upon parent reporting.

Discussion: IDEA, Section 618, 2020 Part C Exiting data demonstrate that in some States up to nearly 40% of infants and toddlers that "Exit at Age 3" are reported in the category "Part B eligibility not determined". We know the transition of children served under Part C to Part B programs requires coordination and collaboration to be timely and effective. To this end, State lead agencies (LAs) and SEAs should develop and maintain mechanisms that clearly define and support the accountability measures used within and between LEAs and EIS programs and providers or other early childhood programs to ensure smooth and seamless transitions. This includes State and local teams conducting ongoing analysis to assess their policies, procedures, and practices and identify improvement activities that enhance the infrastructure necessary to support successful transitions.

We strongly believe there is value in understanding what happens to infants and toddlers who are in the category "Part B eligibility not determined" once they exit Part C. We appreciate the States' concerns about data quality, data sharing, and increased burden. However, we need to also better understand the ways that States collect data on children who reached age three and their Part B eligibility was not determined or reported during this reporting period. That is why we are proposing a new metadata question asking States to list the categories that are used to collect data on children who reached age three and their Part B eligibility was not determined or reported during this reporting period. We believe this will better inform future technical assistance, monitoring, and data collections.

Changes: We have removed the three new proposed categories on the Report on Infants and Toddlers Exiting Part C and added a metadata question asking States to list the categories that are used to collect data on children who reached age three and their Part B eligibility was not made or reported during this reporting period.

Part C Exiting: Extended Part C Program

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Comment: One commenter expressed the need for new exiting categories for states implementing the Extended Option under 20 U.S.C. 1432(5)(B)(ii) and 1435(c) to accurately report children's exit from the Part C program. Additionally, the commenter expressed concerns with OSEP's determination methodology for states implementing the Extended Option under 20 U.S.C. 1432(5)(B)(ii) and 1435(c). Specifically, by reporting outcomes at age three, the collection does not include their outcomes at the actual exit from the Part C program.

Discussion: States should report the number of infants and toddlers with disabilities who, during the 12-month reporting period, either no longer received services under Part C prior to age three or reached age three. This data collection currently does not include counts of children over the age of three and therefore, States should not report children over 3 years of age in this file. Children determined to be eligible for Part B, and whose parents were offered and consented to have their child remain in Part C under 20 U.S.C. 1432(5)(B)(ii) and 1435(c) should be reported under the Part B eligible, continuing in Part C category. The Part B eligible, continuing in Part C category may ONLY be used by a state whose application for IDEA Part C funds includes a policy under which parents of children with disabilities who were eligible for services under IDEA Section 619 and previously received services under Part C may continue to receive early intervention services under Part C beyond age three. States that do not offer this option may NOT report children in this category.

Changes: None.