

## DEPARTMENT OF EDUCATION

## 34 CFR Part 303

## Office of Special Education and Rehabilitative Services, Part C of the Individuals With Disabilities Education Act (IDEA) Amendments of 1997

**AGENCY:** Department of Education.

**ACTION:** Notice of request for advice and recommendations on regulatory issues regarding Part C of IDEA.

**SUMMARY:** The Secretary of Education (Secretary) solicits advice and recommendations from the public—including persons with disabilities and their representatives, parents, members of interagency coordinating councils, service providers, program administrators, and Federal and State administrators—as to whether to develop new regulations implementing Part C (currently Part H), the Early Intervention Program for Infants and Toddlers with Disabilities under IDEA.

**DATES:** In order to be assured of consideration, comments should be received on or before July 31, 1998.

**ADDRESSES:** Comments should be addressed to Thomas Irvin, Office of Special Education and Rehabilitative Services, U.S. Department of Education, Room 3090, Mary E. Switzer Building, 330 C St., SW., Washington, DC 20202.

**FOR FURTHER INFORMATION CONTACT:** JoLeta Reynolds or Thomas Irvin. Telephone: (202) 205-5507. Individuals who use a telecommunications device for the deaf (TDD) may call (202) 205-5465 or the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8:00 a.m. and 8:00 p.m., Eastern time, Monday through Friday, except Federal holidays.

Individuals with disabilities may obtain a copy of this notice in an alternate format (e.g., Braille, large print, audiotope, or computer diskette) on request to Katie Mimcy, Director of the Alternate Formats Center. Telephone: (202) 205-8113.

**SUPPLEMENTARY INFORMATION:****Background**

On June 4, 1997, the President signed into law Pub. L. 105-17, the Individuals with Disabilities Education Act Amendments of 1997, amending IDEA.

On June 27, 1997 (62 FR 35051), the Secretary asked for advice and recommendations from the public, particularly on areas in which regulations would be needed to clarify

provisions of the statute. Most comments received were regarding Part B of IDEA.

On October 22, 1997 (62 FR 55026), the Secretary published proposed regulatory changes that described how the Secretary would incorporate the statutory changes of the IDEA Amendments of 1997 into the applicable subparts of the Department's regulations for Assistance to States for the Education of Children with Disabilities (34 CFR part 300) and Preschool Grants for Children with Disabilities (34 CFR part 301). Only six changes were proposed to the regulations governing Part H, the Early Intervention Program for Infants and Toddlers with Disabilities (34 CFR Part 303), to conform to proposed changes in part 300.

The Secretary is publishing in this issue of the **Federal Register** final regulations making technical changes to 34 CFR Part 303. These changes incorporate the statutory amendments to Part H of IDEA added by the IDEA Amendments of 1997. Those regulations will take effect on July 1, 1998, and at that time "Part H" will be renamed "Part C."

**Invitation to Comment**

This request for comments is designed to elicit the views of interested parties on whether additional revisions to the Part H regulations are needed to implement the requirements of Part C of IDEA. In addition to considering further regulatory changes based on the IDEA Amendments of 1997, the Secretary also invites comments on whether to revise the regulations in areas unaffected by the statutory amendments.

If the Department regulates, it will regulate consistent with its Principles for Regulating, under which the Department considers whether regulations are needed to promote quality and equality in educational opportunity, whether a demonstrated problem requires the issuance of regulations, whether regulations are needed to resolve ambiguity, and whether a uniform approach to a situation is appropriate. In developing regulations, the Department's policy is to provide flexibility and minimize burden to the extent consistent with ensuring the implementation of the Early Intervention Program for Infants and Toddlers with Disabilities, Part C of IDEA. The Department is particularly interested in public input on any areas

in which the statutory changes in Part C of IDEA may need clarification.

The Secretary requests that each commenter identify her or his role in early intervention, special education, or regular education, if any, and the perspective from which she or he views the early intervention system—either as a representative of persons with disabilities or of an association, agency, type of service provider (public or private), or as an individual person with a disability, parent, or private citizen. The Secretary urges each commenter to be specific regarding her or his recommendations, including identifying the particular section of Part C of IDEA or its implementing regulations.

All comments submitted in response to this notice will be available for public inspection during and after the comment period in Room 3072, Mary E. Switzer Building, 300 C St., SW., Washington, DC, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday of each week except Federal holidays.

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**Note:** The official version of a document is the document published in the **Federal Register**.

(Catalog of Federal Domestic Assistance Number 84.027, Assistance to States for Education of Children with Disabilities)

Dated: April 7, 1998.

**Richard W. Riley,**

*Secretary of Education.*

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