



Friday
August 14, 1998

Part VI

**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;
Proposed Rule**

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: Reopening of the comment period.

SUMMARY: The Secretary of Education (Secretary) reopens the comment period for receiving advice and recommendations from the public on whether to develop new regulations implementing the Early Intervention Program for Infants and Toddlers with Disabilities under Part C of the Individuals with Disabilities Education Act (IDEA).

DATES: The comment period will be open until 30 days following the future publication of the final regulations implementing part B of IDEA (34 CFR part 300), and containing conforming changes to Part C of IDEA (34 CFR part 303). A separate document announcing the specific closing date will be published after publication of those final regulations.

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 Mincey, Director of the Alternate Formats Center. Telephone: (202) 205-8113.

SUPPLEMENTARY INFORMATION:**Background**

On April 14, 1998, the Secretary published in the **Federal Register** (63 FR 18290) final regulations governing Part H of IDEA, the Early Intervention Program for Infants and Toddlers with

Disabilities (34 CFR part 303). Those final regulations made technical changes to part 303 to incorporate the statutory amendments to Part H that were added by the IDEA Amendments of 1997. The regulations became effective on July 1, 1998, and at that time, the Part H program was renamed "Part C."

In the same (April 14) issue of the **Federal Register** (63 FR 18297), the Secretary also published a notice soliciting 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. That comment period ended on July 31, 1998.

Invitation to Comment

The Secretary is reopening the comment period for the Part 303 regulations to further elicit the views of interested parties on whether additional revisions to those 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 do so 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 commenters to be specific regarding their comments, including identifying clearly the section or sections of the regulations (or of Part C of IDEA, if appropriate) that each comment addresses.

All comments submitted in response to this notice will be available for public inspection during and after the comment period in Room 3090, Mary E. Switzer Building, 330 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: August 10, 1998.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

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