

# IDEA Regulations Relevant to Interagency Coordinating Councils

## Regulations by Section

### Subpart G-State Interagency Coordinating Council

#### General

##### **Sec. 303.600 Establishment of Council.**

(a) A State that desires to receive financial assistance under this part shall establish a State Interagency Coordinating Council.

(b) The Council must be appointed by the Governor. The Governor shall ensure that the membership of the Council reasonably represents the population of the State.

(c) The Governor shall designate a member of the Council to serve as the chairperson of the Council or require the Council to do so. Any member of the Council who is a representative of the lead agency designated under Sec. 303.500 may not serve as the chairperson of the Council.

(Approved by the Office of Management and Budget under control number 1820-0550)

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

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

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

### Subpart G-State Interagency Coordinating Council

#### General

##### **Sec. 303.601 Composition.**

(a) The Council must be composed as follows:

(1)

(i) At least 20 percent of the members must be parents, including minority parents, of infants or toddlers with disabilities or children with disabilities aged 12 or younger, with knowledge of, or experience with, programs for infants and toddlers with disabilities.

(ii) At least one member must be a parent of an infant or toddler with a disability or a child with a disability aged six or younger.

(2) At least 20 percent of the members must be public or private providers of early intervention services.

(3) At least one member must be from the State legislature.

(4) At least one member must be involved in personnel preparation.

(5) At least one member must--

(i) Be from each of the State agencies involved in the provisions of, or payment for, early intervention services to infants and toddlers with disabilities and their families; and

(ii) Have sufficient authority to engage in policy planning and implementation on behalf of these agencies.

(6) At least one member must--

(i) Be from the State educational agency responsible for preschool services to children with disabilities; and

(ii) Have sufficient authority to engage in policy planning and implementation on behalf of that agency.

(7) At least one member must be from the agency responsible for the State governance of health insurance.

(8) At least one member must be from a Head Start agency or program in the State.

(9) At least one member must be from a State agency responsible for child care.

(b) The Council may include other members selected by the Governor, including a representative from the BIA or, where there is no school operated or funded by the BIA, from the Indian Health Service or the tribe or tribal council.

(Approved by the Office of Management and Budget under control number 1820-0550)

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

[58 FR 40959, July 30, 1993, as amended at 63 FR 18296, Apr. 14, 1998]

## **Subpart G-State Interagency Coordinating Council**

### **General**

#### **Sec. 303.602 Use of funds by the Council.**

(a) General. Subject to the approval of the Governor, the Council may use funds under this part--

(1) To conduct hearings and forums;

(2) To reimburse members of the Council for reasonable and necessary expenses for attending Council meetings and performing Council duties (including child care for parent representatives);

(3) To pay compensation to a member of the Council if the member is not employed or must forfeit wages from other employment when performing official Council business;

(4) To hire staff; and

(5) To obtain the services of professional, technical, and clerical personnel, as may be necessary to carry out the performance of its functions under this part.

(b) Compensation and expenses of Council members. Except as provided in paragraph (a) of this section, Council members shall serve without compensation from funds available under this part.

(Approved by the Office of Management and Budget under control number 1820-0550)

(Authority: 20 U.S.C. 1438, 1441 (c) and (d))

[58 FR 40959, July 30, 1993, as amended at 63 FR 18296, Apr. 14, 1998]

## **Subpart G-State Interagency Coordinating Council**

### **General**

#### **Sec. 303.603 Meetings.**

(a) The Council shall meet at least quarterly and in such places as it deems necessary.

(b) The meetings must--

(1) Be publicly announced sufficiently in advance of the dates they are to be held to ensure that all interested parties have an opportunity to attend; and

(2) To the extent appropriate, be open and accessible to the general public.

(c) Interpreters for persons who are deaf and other necessary services must be provided at Council meetings, both for Council members and participants. The Council may use funds under this part to pay for those services.

(Approved by the Office of Management and Budget under control number 1820-0550)

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

## **Subpart G-State Interagency Coordinating Council**

### **General**

#### **Sec. 303.604 Conflict of interest.**

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

(Approved by the Office of Management and Budget under control number 1820-0550)

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

## **Subpart G-State Interagency Coordinating Council Functions of the Council**

### **Sec. 303.650 General.**

(a) Each Council shall--

- (1) Advise and assist the lead agency in the development and implementation of the policies that constitute the statewide system;
- (2) Assist the lead agency in achieving the full participation, coordination, and cooperation of all appropriate public agencies in the State;
- (3) Assist the lead agency in the effective implementation of the statewide system, by establishing a process that includes--
  - (i) Seeking information from service providers, service coordinators, parents, and others about any Federal, State, or local policies that impede timely service delivery; and
  - (ii) Taking steps to ensure that any policy problems identified under paragraph (a)(3)(i) of this section are resolved; and
- (4) To the extent appropriate, assist the lead agency in the resolution of disputes.

(b) Each Council may advise and assist the lead agency and the State educational agency regarding the provision of appropriate services for children aged birth to five, inclusive.

(c) Each Council may advise appropriate agencies in the State with respect to the integration of services for infants and toddlers with disabilities and at-risk infants and toddlers and their families, regardless of whether at-risk infants and toddlers are eligible for early intervention services in the State.

(Approved by the Office of Management and Budget under control number 1820-0550)

(Authority: 20 U.S.C. 1441(e)(1)(A) and (e)(2))

[58 FR 40959, July 30, 1993, as amended at 63 FR 18296, Apr. 14, 1998]

## **Subpart G-State Interagency Coordinating Council Functions of the Council**

### **Sec. 303.651 Advising and assisting the lead agency in its administrative duties.**

Each Council shall advise and assist the lead agency in the--

- (a) Identification of sources of fiscal and other support for services for early intervention programs under this part;
- (b) Assignment of financial responsibility to the appropriate agency; and
- (c) Promotion of the interagency agreements under Sec. 303.523.

(Approved by the Office of Management and Budget under control number 1820-0550)

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

## **Subpart G~State Interagency Coordinating Council Functions of the Council**

### **Sec. 303.652 Applications.**

Each Council shall advise and assist the lead agency in the preparation of applications under this part and amendments to those applications.

(Approved by the Office of Management and Budget under control number 1820-0550)

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

## **Subpart G-State Interagency Coordinating Council Functions of the Council**

Each Council shall advise and assist the State educational agency regarding the transition of toddlers with disabilities to services provided under part B of the Act, to preschool and other appropriate services.

(Approved by the Office of Management and Budget under control number 1820-0578)

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

[58 FR 40959, July 30, 1993, as amended at 63 FR 18296, Apr. 14, 1998]

## Subpart G-State Interagency Coordinating Council Functions of the Council

Sec. 303.654 Annual report to the Secretary.

(a) Each Council shall--

(1) Prepare an annual report to the Governor and to the Secretary on the status of early intervention programs operated within the State for children eligible under this part and their families; and

(2) Submit the report to the Secretary by a date that the Secretary establishes.

(b) Each annual report must contain the information required by the Secretary for the year for which the report is made.

(Approved by the Office of Management and Budget under control number 1820-0550)

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

### Changes Made to Part C by IDEA Reauthorization of 2004

#### Section 641 – State Interagency Coordinating Council

• Added new required members to the SICCC in (b) including representatives from: **the State Medicaid agency, the Office of the Coordinator of Education of Homeless Children and Youth, the State child welfare agency responsible for foster care, the State agency responsible for children’s mental health.** In addition, the term “governance” was changed to “**regulation**” in relation to the agency responsible for the State **regulation** of health insurance. • Changes the conflict of interest language at (f) as follows: - No member of the council shall cast a vote on any matter that **is likely to provide** a direct financial benefit to that member or otherwise give the appearance of a conflict of interest under State law. The language “would provide” is deleted.