

**COMPARISON OF KEY REQUIREMENTS OF LEGISLATION FOR YOUNG CHILDREN WITH DISABILITIES**  
**April, 2003**

Program	Individuals with Disabilities Education Act (IDEA) – Part C, First Steps	Early Head Start	Healthy Families	Individuals with Disabilities Education Act (IDEA) – Part B, Early Childhood Special Education	Head Start	American with Disabilities Act of 1990 (ADA)
<b>General Purpose</b>	A federal funding statute whose purpose is to provide financial aid to states in their efforts to develop and implement a statewide, comprehensive, coordinated, multidisciplinary, interagency program of early intervention services for infants and toddlers with disabilities, birth to age 3 and their families.	A federal funding statute whose purpose is to provide federal financial assistance to ensure comprehensive child development programs to foster healthy development in low-income children, ages birth to age 3.	A national research based home visitation model whose purpose is to provide weekly home visiting services that include child development, access to health care, and parent education, offered to parents prenatally or postnatally continuing up to age 5. Programs must meet criteria in 12 critical elements that have research-based standards. Only those programs that commit to the quality standards can be affiliated with the national initiative.	A federal funding statute whose purpose is to provide federal financial assistance to State and local education agencies to make available special education and related services to eligible children with disabilities, ages 3 through 21.	A federal funding statute whose purpose is to provide federal financial assistance to ensure comprehensive child development programs to foster healthy development in low-income children, ages 3 to 5.	A civil rights law to prohibit discrimination solely on the basis of disability in employment, public services, and accommodations.
<b>Lead Agency</b>	Indiana Family & Social Services Administration, Division of Family and Children, Bureau of Child Development	U.S. Department of Health and Human Services, Administration For Children, Youth and Families, and includes Regional staff	Indiana Family & Social Services Administration, Division of Family and Children, Bureau of Child Development	Indiana Department of Education, Division of Exceptional Learners	U.S. Department of Health and Human Services, Administration For Children, Youth and Families, and includes Regional staff	U.S. Department of Justice, Civil Rights Division
<b>Eligible Children</b>	Children from birth to 36 months of age who: <ul style="list-style-type: none"> <li>• are experiencing developmental delays in one or more of the following areas: cognitive development, physical development, including vision and hearing, communication development, social-emotional development, adaptive development; or</li> <li>• have a diagnosed physical or mental condition that has a high probability of resulting in a developmental delay; or</li> <li>• are biologically at risk for developmental delay.</li> </ul>	Early Head Start has age and income eligibility criteria. The program must make 10% of its enrollment opportunities available to children with disabilities.  Infants and toddlers with disabilities are those from birth to three years, as identified under the IDEA, Part C Program	Eligibility for enrollment is determined through a voluntary screening and assessment of family risk factors.  Infants identified with developmental delays, or who are biologically at risk for developmental delay are referred to the IDEA, Part C Program.	3 – 5 year old children with disabilities under one of 13 categories: <ul style="list-style-type: none"> <li>• autism spectrum disorder, communication disorder, deaf-blind, developmental delay, emotional disability, hearing impairment, learning disability, mental disability, multiple disabilities, orthopedic impairment, other health impairment, traumatic brain injury, visual impairment, and</li> <li>• who, by reason of the disability, require special education and related services.</li> </ul>	Head Start has age and income eligibility criteria. The program must make 10% of enrollment opportunities available to children with disabilities.  Children with disabilities are identified by using the same eligibility categories that are in Indiana’s Special Education Rules for Part B.	Any individual with a disability who: (1) has a physical or mental impairment that substantially limits one or more life activities; or (2) has a record of such an impairment; or (3) is regarded as having such an impairment.

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Services	<p>Individualized services on the Individualized Family Service Plan (IFSP) may include but are not limited to: assistive technology devices and services, audiology, family training, counseling and home visits, health services, medical services only for diagnostic evaluation purposes, nursing services, nutrition services, occupational therapy, physical therapy, psychological services, service coordination services, social work services, special instruction, speech-language pathology, transportation and related services, vision services.</p> <p>Early intervention services are stand alone services and do not need to be linked with special instruction or any other early intervention service.</p> <p>Services are available throughout the calendar year in accordance with the IFSP of an eligible child and child’s family.</p>	<p>The Early Head Start program provides family-centered services to facilitate child development, support parental roles, and promote self-sufficiency. Services for infants and toddlers and their families support the attainment of the expected outcomes contained in the IFSP for children identified under IDEA Part C. Enrolled families with infants and toddlers with disabilities are referred to the local Part C early intervention system point of entry to coordinate development of the IFSP for children eligible under IDEA, Part C.</p> <p>Services are available throughout the calendar year same as in Part C.</p>	<p>The Healthy Families program provides family-centered services to facilitate child development, support parental roles, and promote self sufficiency.</p> <p>Enrolled families with infants and toddlers with disabilities are referred to the local Part C early intervention system point of entry. If the family is engaged with Healthy Families and a referral has been made to Part C, efforts are made to coordinate the role of Healthy Families in the IFSP and the appropriate services.</p> <p>Healthy Families and Early Head Start have parallel service goals for the 0 to 3 population. Healthy Families funding allows service for families at a higher income level.</p> <p>Multiple factors such as basic health and nutrition, proper stimulation and ability to listen and concentrate contribute to a child ready to benefit from school. Children participating in Healthy Families receive early developmental screenings and, if needed, are referred to appropriate services. Home visitors help new parents provide experiences that stimulate healthy brain development and help parents develop strong parent-child</p>	<p>Special education means specially designed instruction, at no cost to the parent, designed to meet the unique needs of a student eligible for special education and related services. Special education includes instruction conducted in the classroom, the home, hospitals and institutions, and other settings. It includes instruction in physical education; speech-language pathology services; travel training; transition services; and vocational education.</p> <p>Related <u>services</u> are supplementary to the student’s instructional program and are required for the student to benefit from special education. Related services include, but are not limited to: audiological services; counseling; early identification and assessment; medical services for evaluation; occupational therapy services; orientation and mobility; parent counseling and training; physical therapy; psychological services; recreation; rehabilitation counseling; school health services; social work services in the school; transportation; other supportive services.</p> <p>Related services may not be Provided in the absence of special education. Related services must enable the child to benefit from special education and directly impact educational progress.</p>	<p>The term special education means specially designed instruction, at no cost to parents or guardians, to meet the unique needs of a child with a disability. These services include classroom or home-based instruction, instruction in hospitals and institutions, and specially designed physical education if necessary.</p> <p>Related services are defined the same as in IDEA, Part B. The Head Start Performance Standards were developed with a deliberate attempt to have provisions comparable to IDEA as well as being responsive to Head Start issues. There are many similarities between the Head Start Standards and IDEA requirements, particularly under IDEA, Part B.</p> <p>The disabilities coordinator must arrange for formal evaluation of a child who has been identified as possibly having a disability. The disability coordinator must refer the child to the Local Education Agency (LEA) for evaluation as soon as need is evident, starting as early as the child’s third birthday. If the LEA does not evaluate, the evaluation must be done by Head Start. Head Start must arrange or provide special education to facilitate participation in the regular Head Start program unless the services are provided by the LEA.</p>	<p>The ADA does not specify placement procedures; it does require that public accommodations including private schools and child care providers may not discriminate on the basis of disability. Physical barriers in existing facilities must be removed if removal is readily achievable (i.e., easily accomplished and able to be carried out without much difficulty or expense). If not, alternative methods of providing the services must be offered, if those methods are readily achievable.</p> <p>ADA protections apply to nonsectarian private schools, but not to organizations or entities controlled by religious organizations.</p> <p>As a rule, costs of reasonably accommodating a child with a disability may not be passed along to parents of that child, unless the fees are increased uniformly for all parents.</p> <p>There is no funding to implement requirements. Limited tax credits may be available for removing architectural or transportation barriers.</p>

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			<p>bonds so that their children are more cognitively, emotionally and socially, and behaviorally ready to enter school.</p>	<p>Special education and related services are provided during the normal school year, unless the case conference committee determines extended school year (ESY) services are necessary to ensure provision of a free appropriate public education. The need for ESY services may be based on variables such as maintaining critical skills or break through learning opportunities essential to independent functioning. All eligible students must be considered for ESY Services, however, federal and state laws do no require that every child with a disability receive ESY services as part of the IEP. The case conference committee makes the determination based on the unique needs of the student.</p>	<p>Head Start programs may define their program year based on community assessment and community needs. The decision is locally determined.</p>	

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Individual Plans	<p>The Individualized Family Service Plan includes:</p> <ul style="list-style-type: none"> <li>• A statement of the child’s present levels of physical development, including vision, hearing, and health status; cognitive development; communication development; social or emotional development; and adaptive development.</li> <li>• With parental agreement, a statement of the family’s resources, priorities, and concerns related to enhancing their child’s development.</li> <li>• A statement of major outcomes to be achieved for the child and family which include criteria, procedures and timelines.</li> <li>• A statement of early intervention services necessary to meet the unique needs of the child and family related to the outcome statements which include frequency, intensity and method of delivering services.</li> <li>• Natural environments including justification of extent, if any, to which the services will not be provided in a natural environment.</li> <li>• Location where a service will be provided, payment arrangements, projected dates for initiating each service and anticipated duration dates of services.</li> <li>• To the extent appropriate, a description of medical and other services needed but not provided through early intervention, and funding sources for each service.</li> </ul>	<p>See IFSP components under Part C. Since the child is eligible under Part C, the IFSP contains the same components.</p>		<p>The Individualized Education Program includes:</p> <ul style="list-style-type: none"> <li>• A statement of the student’s present levels of educational performance.</li> <li>• A statement of measurable annual goals including benchmarks or short-term objectives.</li> <li>• A statement of special education and related services, and supplementary aids and services to be provided to the student.</li> <li>• A statement of program modifications or supports for school personnel that will be provided to the student.</li> <li>• The projected dates for initiation of services and program modifications and anticipated length, frequency and duration of services and modifications.</li> <li>• An explanation of the extent, if any, to which the student will not participate with non-disabled students in general education classes or settings.</li> <li>• A statement of how student’s progress toward annual goals, including benchmarks or short term objectives will be measured and how the parents will be informed of progress at least as often as parents of non-disabled students are informed.</li> <li>• A statement of student’s need for extended school year services.</li> <li>• Identification of placement in the least restrictive environment.</li> <li>• A statement listing any additional devices or services that the case conference committee determined on</li> </ul>	<p>When Head Start provides the evaluation, the multidisciplinary team makes the determination of eligibility and develops the IEP before special education and related services are provided.</p> <p>When the LEA develops the IEP, a representative from Head Start must attempt to participate in the IEP meeting and placement decision for any child meeting Head Start Eligibility requirements.</p> <p>If Head Start develops the IEP, the IEP must take into account the child’s unique needs, strength, developmental potential and the family strengths and circumstances as well as the child’s disabilities.</p> <p>The IEP must include:</p> <ul style="list-style-type: none"> <li>• A statement of the child’s present level of functioning in the social-emotional, motor, communication, self-help, and cognitive areas of development, and the identification of needs in those areas requiring specific programming.</li> <li>• A statement of annual goals, including short-term objectives for meeting these goals.</li> <li>• A statement of services to be provided by each Head Start component that are in addition to those services provided for all Head Start children, including transition services.</li> </ul>	

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<b>Individual Plans continued</b>	<ul style="list-style-type: none"> <li>• The name of the service coordinator.</li> <li>• Steps to support transition.</li> </ul>			<p>the basis of the general and specific factors listed in Article 7, that the student needs in order to receive a free and appropriate public education.</p>	<ul style="list-style-type: none"> <li>• A statement of the specific special education services to be provided to the child and those related services necessary for the child to participate in a Head Start program. This includes services provided by Head Start and services provided by other agencies and non-Head Start professionals.</li> <li>• The identification of personnel responsible for the planning and supervision of services for the delivery of services.</li> <li>• The projected dates for initiation of services and the anticipated duration of services.</li> <li>• A statement of objective criteria and evaluation procedures for determining at least annually whether the short-term objectives are being achieved or need to be revised.</li> <li>• Family goals and objectives related to the child’s disabilities when they are essential to the child’s progress.</li> </ul>	

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Transition	<p>With informed written consent of the parent, the service coordinator notifies the school 18 months prior to the child’s third birthday or soon as the child enters First Steps of the child’s name, date of birth, and suspected disability.</p> <p>With informed written consent of the parent, the service coordinator transmits the IFSP and evaluation reports to the school 6 months prior to the third birthday. If the parent declines to give consent, the service coordinator explains continuity of services may not occur.</p> <p>At least 90 days before the third birthday and before the end of school year if child’s Birthday is in the summer or early fall, the service coordinator convenes, with approval of the family, a transition conference. The transition conference to establish a transition plan includes the family, the local education agency, current service providers, and potential service providers.</p>	<p>The Grantee and delegate agencies must establish and maintain procedures to support successful transitions for enrolled children and families from previous child care programs into Early Head Start or Head Start and from Head Start into elementary school, a Title I preschool program, or other child care settings. The procedures must include:</p> <ul style="list-style-type: none"> <li>• coordinating with the schools or other agencies to ensure that individual Early Head Start or Head Start children’s records are transferred to the school or next placement in which a child will enroll or from earlier placements to Early Head Start or Head Start.</li> <li>• outreach to encourage communication between Early Head Start or Head Start staff and their counterparts in the schools and other child care settings including principals, teachers, social workers, and health staff to facilitate continuity of programming.</li> <li>• initiating meetings involving Head Start teachers and parents and kindergarten or elementary school teachers to discuss the developmental progress and abilities of individual children.</li> <li>• initiating joint transition-related training for Early Head Start and Head Start staff and school or other child development staff.</li> <li>• assist parents in becoming their</li> </ul>		<p>The local education agency must establish and implement policies and procedures to assist the child participating under Part C who will be participating under Part B experience a smooth and effective transition.</p> <p>With parental consent, at least six (6) months prior to the student’s third birthday, the state operated or state supported programs transmit to the school corporation of legal settlement the most recent IFSP and the most recent evaluation reports from any appropriate sources.</p> <p>The local education agency shall participate in transition planning conferences convened by the Part C service coordinator, with the approval of the family.</p> <p>The obligation to make a free appropriate public education available to the student with a disability begins on the third birthday.</p> <p>By the date of the third birthday of a student who may be eligible for early childhood special education, the local education agency shall:</p> <ul style="list-style-type: none"> <li>• complete its evaluation;</li> <li>• convene a case conference committee meeting to determine eligibility for special education and related services;</li> <li>• develop an IEP; and</li> <li>• implement the IEP</li> </ul>	<p>The Grantee and delegate agencies must establish and maintain procedures to support successful transitions for enrolled children and families from previous child care programs into Early Head Start or Head Start and from Head Start into elementary school, a Title I preschool program, or other child care settings. The procedures must include:</p> <ul style="list-style-type: none"> <li>• coordinating with the schools or other agencies to ensure that individual Early Head Start or Head Start children’s records are transferred to the school or next placement in which a child will enroll or from earlier placements to Early Head Start or Head Start.</li> <li>• outreach to encourage communication between Early Head Start or Head Start staff and their counterparts in the schools and other child care settings including principals, teachers, social workers, and health staff to facilitate continuity of programming.</li> <li>• initiating meetings involving Head Start teachers and parents and kindergarten or elementary school teachers to discuss the developmental progress and abilities of individual children.</li> <li>• initiating joint transition-related training for Early Head Start and Head Start staff and school or other child development staff.</li> <li>• assist parents in becoming their</li> </ul>	

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		<p>children’s advocate as they transition both into Early Head Start or Head Start from the home or other child care setting, and from Head Start to elementary school, Title I preschool program, or a child care setting.</p> <p>The Disabilities Service Plan must address strategies for the transition of children into Head Start from infant/toddler programs, as well as the transition from Head Start to the next placement. The plan must include preparation of staff and parents for the entry of children with severe disabilities into the Head Start program.</p> <p>To ensure the most appropriate placement and services following participating in Early Head Start, transition planning must be undertaken for each child and family at least six months prior to the child’s third birthday. A child may remain in Early Head Start, following his or her third birthday, for additional months until he or she can transition into Head Start or another program.</p>		<p>If the student’s birthday occurs during the summer, the case conference committee determines the student requires extended school year (ESY) services which will be initiated during the summer or determines the student does not require ESY services and the student’s IEP will be initiated at the beginning of the upcoming year.</p>	<p>children’s advocate as they transition both into Early Head Start or Head Start from the home or other child care setting, and from Head Start to elementary school, Title I preschool program, or a child care setting.</p> <p>The Disabilities Service Plan must address strategies for the transition of children into Head Start from infant/toddler programs, as well as the transition from Head Start to the next placement. The plan must include preparation of staff and parents for the entry of children with severe disabilities into the Head Start program.</p>	