

§ 57.4

performance. That term includes both partially seeing and blind children.

§ 57.4 Policy.

It is DoD policy that:

(a) Eligible infants and toddlers with disabilities and their families shall be entitled to receive early intervention services consistent with Appendix A to this part.

(b) Eligible children with disabilities, ages 3 to 21, inclusive, shall be provided a FAPE in the least restrictive environment, consistent with Appendix B to this part.

(c) Parents of eligible infants, toddlers, and children with disabilities from birth to age 21, inclusive, shall be full participants in early intervention and special education services.

§ 57.5 Responsibilities.

(a) The Under Secretary of Defense for Personnel and Readiness shall:

(1) Establish a NAP consistent with Appendix C to this part.

(2) Establish and chair, or designate a "Chair," of the DoD-CC on Early Intervention, Special Education, and MRS consistent with Appendix D to this part.

(3) Establish and chair, or designate a "Chair," of the DoD Inter-Component Coordinating Council (ICC) on Early Intervention consistent with Appendix E to this part.

(4) Ensure compliance with this part in the provision of early intervention services, special education, and related services through the DoD-CC, in accordance with DoD Instruction 1342.14⁸ and other appropriate guidances.

(5) In consultation with the General Counsel of the Department of Defense (GC, DoD) and the Secretaries of the Military Departments, do the following:

(i) Ensure that eligible infants and toddlers with disabilities and their families are provided early intervention services under 20 U.S.C. 921 *et seq.* and 1400 *et seq.*

(ii) Ensure the coordination of early intervention, special education, and related services.

(iii) Ensure the development of a DoD-wide comprehensive child-find

32 CFR Ch. I (7-1-00 Edition)

system to identify eligible infants, toddlers, and children ages birth to age 21, inclusive, under 20 U.S.C 921 *et seq.* and 1400 *et seq.* who may require early intervention or special education services.

(iv) Ensure that DoD personnel are trained to provide the mediation services specified in Appendix F to this part.

(v) Ensure that transition services are available to promote movement from early intervention, preschool, and other educational programs into different educational settings and post-secondary environments.

(vi) Ensure that DoD personnel who provide services (e.g., child care, medical care, and recreation) to infants and toddlers and their families are participants in a comprehensive inter-Component system for early intervention services.

(vii) Assign functions and geographic regions of responsibility to the Military Departments for providing MRS and early intervention services.

(viii) Ensure that the Military Departments deliver the following:

(A) A comprehensive, coordinated and multidisciplinary program of early intervention services for eligible infants and toddlers with disabilities.

(B) MRS for eligible children with disabilities, ages 3 to 21, inclusive.

(ix) Ensure that qualified personnel participate in providing transition services for eligible infants, toddlers, and children with disabilities from birth to age 21, inclusive.

(x) Ensure the development and implementation of a comprehensive system of personnel development for the DoDDS and the Military Departments. That system shall include professionals, paraprofessionals, and primary referral source personnel in the areas of early intervention, special education, and MRS. That system may include the following:

(A) Implementing innovative strategies and activities for the recruitment and retention of providers of early intervention services, special education, and MRS.

(B) Ensuring that personnel requirements are established consistent with recognized certification, licensing, registration, or other comparable requirements for personnel providing early intervention services, special education, or MRS.

(C) Ensuring that training is provided in and across disciplines.

(D) Training providers of early intervention services, special education, and MRS to work overseas.

⁸See footnote 1 to § 57.1(a).

(xi) Develop procedures to compile data on the numbers of eligible infants and toddlers with disabilities and their families in need of early intervention services, in accordance with DoD Directives 5400.7 and 5400.11.⁹ Those data elements shall include the following:

(A) The number of infants and toddlers and their families served.

(B) The types of services provided.

(C) Other information required to evaluate the implementation of early intervention programs (EIPs).

(xii) Resolve disputes in the DoD Components arising under Appendix A to this part.

(b) The Secretaries of the Military Departments shall:

(1) Provide MRS for eligible children with disabilities, ages 3 to 21, inclusive.

(2) Plan, develop, and implement a comprehensive, coordinated, intra-Component, and community-based system of early intervention services for eligible infants and toddlers with disabilities and their families.

(3) Design and implement activities to ensure compliance through technical assistance and program evaluation for early intervention and MRS.

(c) The Director, Department of Defense Education Activity, shall ensure that the Director, DoDDS, does the following:

(1) Ensures that eligible children with disabilities, ages 3 to 21, inclusive, are provided a FAPE.

(2) Ensures that the educational needs of children with and without disabilities are met comparably, consistent with Appendix B to this part.

(3) Ensures that educational facilities and services operated by the DoDDS for children with and without disabilities are comparable.

(4) Maintains records on special education and related services provided to eligible children with disabilities, ages 3 to 21, inclusive, consistent with DoD Directive 5400.11.

(5) Provides any or all special education and related services required by a child with a disability, ages 3 to 21, inclusive, other than those furnished by the Secretaries of the Military Departments. The Director, DoDDS, may act through inter-Agency, intra-Agency, and inter-Service arrangements, or through contracts with private parties when funds are authorized and appropriated.

(6) Participates in the development and implementation of a comprehensive system of personnel development.

(7) Undertakes activities to ensure compliance by the DoDDS with this part through monitoring, technical assistance, and program evaluation of special education and those related services provided by the DoDDS.

(d) The Director, Defense Office of Hearings and Appeals, under the General Counsel of the Department of Defense, shall ensure impartial due process hearings are provided consistent with Appendix F to this part.

§ 57.6 Procedures.

(a) The procedures for early intervention services for infants and toddlers with disabilities and their families are prescribed in Appendix A to this part.

(b) The procedures for educational programs and services for children with disabilities, ages 3 to 21, inclusive, are prescribed in Appendix B to this part.

(c) The procedures for conducting hearings are prescribed in Appendix F to this part.

APPENDIX A TO PART 57—PROCEDURES FOR THE PROVISION OF EARLY INTERVENTION SERVICES FOR INFANTS AND TODDLERS WITH DISABILITIES AND THEIR FAMILIES

A. Requirements for an Early Intervention Program (EIP)

1. All eligible infants and toddlers with disabilities from birth through age 2 and their families shall receive early intervention services, as follows:

a. In school years 1991 through 1994, the Department of Defense planned and continues to develop a comprehensive, coordinated, multidisciplinary program of early intervention services for infants and toddlers with disabilities among DoD entities involved in providing such services.

b. In school year 1994 through 1995, the Department of Defense implemented and shall continue to implement the following program components described in paragraph A.1.a. of this Appendix:

(1) Multidisciplinary assessments.

(2) IFSPs.

(3) Service coordination.

c. In school year 1995 through 1996, the Department of Defense shall implement the program described in paragraph A.1.a. of this Appendix.¹

2. Early intervention services shall be provided in the natural environment.

3. Parents of infants and toddlers with disabilities are to be full and meaningful participants in the EIP.

B. Military Department Responsibilities

Each Military Department shall develop and implement in its assigned geographic area a system to provide for the following:

¹The EIP shall be continuously implemented.

⁹See footnote 1 to § 57.1(a).