

ATTACHMENT 3.—DISPOSITION OF NPRM NOTES IN FINAL PART 300 AND 303 REGULATIONS <sup>1</sup>—Continued

[Note: Attachment 3 will not be codified in the Code of Federal Regulations]

I. List of notes by section in NPRM	II. Disposition of notes in final regulations
<b>Subpart F</b>	
<p>300.600—<i>Responsibility for all educational programs:</i></p> <ul style="list-style-type: none"> <li>• Provision = Congressional desire—central point of contact. S.Rpt (1975) * * * Options</li> </ul> <p>300.623—<i>Amount required for subgrants to LEAs:</i></p> <ul style="list-style-type: none"> <li>• Amt. required for subgrants will vary—yr-to-yr. \$ for subgrants 1 yr become flow-thru in next.</li> </ul> <p>300.624—<i>State discretion in awarding subgrants:</i></p> <ul style="list-style-type: none"> <li>• Purpose of subgrants to LEAs—to provide \$ SEA can direct Re needs—can't address Re-formula-\$.</li> </ul> <p>300.650—<i>Establishment of Advisory panels:</i></p> <ul style="list-style-type: none"> <li>• Panel must advise on students in Adult prisons .....</li> </ul> <p>300.660—<i>Adoption of State complaint procedures:</i></p> <ul style="list-style-type: none"> <li>• SEA may award compensatory damages Re-denial of FAPE .....</li> </ul> <p>300.661—<i>Minimum State complaint procedures:</i></p> <ol style="list-style-type: none"> <li>1. If complaint also subject of a hearing, must set aside any part addressed-hearing; but resolve the rest.</li> <li>2. If issue in complaint already decided in a hearing (same parties), H-decision = binding ..</li> </ol> <p>300.662—<i>Filing a complaint:</i></p> <ul style="list-style-type: none"> <li>• SEA must resolve complaint, even if it is filed by indiv-organization in another State .....</li> </ul>	<ul style="list-style-type: none"> <li>• In discussion under § 300.600.</li> <li>• In discussion under § 300.623.</li> <li>• In discussion under § 300.624.</li> <li>• Added to Reg at § 300.652(b).</li> <li>• Added to Reg at § 300.660(b).</li> <li>1. Added to Reg at § 300.661(c)(1).</li> <li>2. Added to Reg at § 300.661(c)(2).</li> <li>• Added to Reg at § 300.662(a).</li> </ul>
<b>Subpart G</b>	
<p>300.712—<i>Allocations to LEAs:</i></p> <ul style="list-style-type: none"> <li>• Re-85%—use best data available; new data not needed-pvt schs. Re-15%—use best (Examples).</li> </ul> <p>300.750—<i>Annual report of children served-report requirement:</i></p> <ul style="list-style-type: none"> <li>• Report—solely for allocation purposes; count may differ from children who receive FAPE</li> </ul> <p>300.753—<i>Annual report of children served-criteria for counting children:</i></p> <ol style="list-style-type: none"> <li>1. State may count children in Head Start if Sp Ed .....</li> <li>2. Criteria related to counting children in private schools and certain Indian children .....</li> </ol> <p>300.754—<i>Annual report of children served-other responsibilities of SEA:</i></p> <ul style="list-style-type: none"> <li>• Data are not to go to Secretary in personally identifiable form .....</li> </ul>	<ul style="list-style-type: none"> <li>• Added to Reg at § 300.712.</li> <li>• In discussion under § 300.750.</li> <li>1. Covered by reg. note deleted.</li> <li>2. Covered by reg. note deleted.</li> <li>• In discussion under § 300.754.</li> </ul>
<b>Part 303</b>	
<p>303.19—<i>Parent:</i></p> <ul style="list-style-type: none"> <li>• Definition: examples of grandparent, stepparent .....</li> </ul> <p>303.510—<i>Adopting Complaint Procedures:</i></p> <ol style="list-style-type: none"> <li>1. Complaints can be against any public agency or private provider; these procedures are in addition to other rights.</li> <li>2. Compensatory services possible .....</li> </ol> <p>303.511—<i>An organization or individual may file a complaint:</i></p> <ul style="list-style-type: none"> <li>• Complaints from out-of-state OK .....</li> </ul> <p>303.512—<i>Minimum State complaint procedures:</i></p> <ol style="list-style-type: none"> <li>1. Same issues in complaint and due process hearing .....</li> <li>2. Issues previously decided in due process hearing .....</li> </ol> <p>303.520—<i>Policies related to payment for services:</i></p> <ol style="list-style-type: none"> <li>1. Use of private insurance must be voluntary .....</li> <li>2. State can use Part C funds to pay insurance costs .....</li> <li>3. Insurance reimbursements not treated as program income; spending Federal reimbursements doesn't violate nonsupplanting rule.</li> </ol>	<ul style="list-style-type: none"> <li>• Added to Reg in § 303.19(a)(3).</li> <li>1. Public/private added to Reg in § 303.510(a)(1); "other rights" in discussion under § 303.512.</li> <li>2. Added to Reg in § 303.510(b).</li> <li>• Added to Reg in § 303.510(a)(1).</li> <li>1. Added to Reg in § 303.512(c)(1).</li> <li>2. Added to Reg in § 303.512(c)(2).</li> <li>1. Deleted.</li> <li>2. Deleted.</li> <li>3. "Program income" added to discussion under § 303.512; "nonsupplanting" added to Reg in § 303.512(d)(2).</li> </ul>

<sup>1</sup> All notes have been removed as notes from the regulations. The substance of certain notes has been added to the text of the regulation, or included in the Notice of Interpretation on IEPs in "Appendix A." A description of each of these notes (and most of the other notes in the NPRM) is included in the "discussion" under the Analysis of Comments (Attachment 1 to the final regulations). Column II, above, describes the primary action taken with each note (e.g., (1) "Added to Reg \* \* \*" (or to Appendix A); (2) "In discussion under \* \* \*;" or "Deleted.")