

Guidance for States on the Federal Fiscal Year 2026 Individuals with Disabilities Education Act Part C Appropriations Language

Purpose: The purpose of this guidance is to support States in implementing the new appropriations language included in the [Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2026](#),¹ which expands the use of funds under the Individuals with Disabilities Education Act (IDEA) Part C program and allows States to use IDEA Part C funds to conduct child find, public awareness, and referral activities for individuals who expect to become parents of an infant with a disability. The FY 2026 Appropriations language provides support to parents and families expecting infants with disabilities to ensure they have early access to information and tools to prepare for the arrival of their child and are equipped to secure supports and services their child will need after birth. For example, if an expectant mother learns through genetic testing that her child will be born with Down Syndrome and will therefore be eligible for Part C early intervention (EI) services in her State upon birth, a State choosing to use this flexibility could work with her to ensure she understands how the IDEA Part C system operates, refer her for services, and, within 45 days of the child’s birth, ensure that an individualized family services plan (IFSP) is established to provide IDEA Part C EI services. This appropriations language did not create any new requirements, but instead gives States new flexibility to streamline the IDEA Part C referral process for expecting parents of an infant with a disability.

Appropriations Language: *“Provided further, That, notwithstanding section 638 of the IDEA, a State may use funds appropriated under Part C of the IDEA to conduct child find, public awareness, and referral activities for an individual who is expected to become a parent of an infant with a disability (as that term is defined in section 632(5)), as established by medical or other records;*

Provided further, That any State electing to use funds under the preceding proviso shall ensure that, as soon as possible but not later than 45 days after the child's birth, it completes the referral and eligibility process under this part for that child”.

A. New FY 2026 Department of Education Appropriations Language

A1. What does the text of the FY 2026 Appropriations for IDEA Part C mean in plain language?

The FY 2026 Appropriations language provides States with the flexibility to use IDEA Part C funds to conduct activities related to identification and referral processes under IDEA Part C with pregnant women who are expected to have an infant with a disability. If States choose to use IDEA Part C funds for these

¹ The applicable language is found in Division B, (Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2026), Title III (Department of Education) in the section titled, Office of Special Education and Rehabilitative Services Section (p.126). In this document this is referred to as the “FY 2026 Appropriations.”

	activities, individual determinations of eligibility for IDEA Part C services must be completed within 45 days of the child’s birth.
A2. What was the rationale for adding the new FY 2026 Appropriation language?	The FY 2026 Appropriations language was added to give States new flexibilities within the Part C identification and referral processes so that infants born with a disability, or are otherwise likely to qualify for IDEA Part C services at birth, as defined by IDEA section 632(5), and their families can get IDEA Part C EI services as soon as possible. As an example, if an expectant mother learns through genetic testing that her child will be born with Down Syndrome and will therefore be eligible for IDEA Part C EI services in their State, a State choosing to use this flexibility could use IDEA Part C funds to provide information to the mother on how the IDEA Part C system operates, collect information related to her due date, confirm the best methods to contact her, and as soon as possible but no later than 45 days after the child’s birth, ensure that an IFSP is established to provide IDEA Part C EI services. Numerous studies have found that expectant parents often want more access to prenatal support and that providing children with EI services as quickly as possible improves long term outcomes.
A3. What are some potential benefits of using IDEA Part C funds to provide child find and referral activities to expecting parents of infants with disabilities?	Connecting expecting parents of infants with disabilities with the IDEA Part C program prenatally to complete intake tasks early can help prepare parents for the eligibility determination process and on how to best support their newborn infant. It can also support the infant and family getting IDEA Part C EI services as early as possible.
A4. Does the FY 2026 Appropriation language amend IDEA?	No, the FY 2026 Appropriations language does not amend IDEA. However, appropriations language does have the force of law for any fiscal year that contains the appropriations language.
A5. When did the FY 2026 Appropriations language go into effect?	The FY 2026 Appropriation was signed into law on February 3, 2026, and provides funding to agencies through September 30, 2026. States will be able to use their FY 2026 IDEA Part C funds (awarded on July 1, 2026) for activities

	<p>included in the appropriation language. If Congress continues to enact the appropriations language in future appropriations bills, the activities would continue to be permissible for funding available in those fiscal years. Furthermore, this guidance, unless amended, would continue to apply to future fiscal years when the appropriations language is enacted.</p>
A6. Does the FY 2026 Appropriation language expire?	<p>Yes. Appropriations language must be renewed annually for the flexibility to remain available to States. The President’s FY 2027 discretionary budget request, submitted to Congress on April 3, 2026, requests Congress enact the same appropriations language in the FY 2027 appropriations bill.</p>
A7. Are States required to use IDEA Part C funds for expecting parents of an infant with a disability?	<p>No. While the FY 2026 Appropriations language allows States to use IDEA Part C funds for expecting parents of an infant with a disability, it is a voluntary use of IDEA Part C and States may decide whether to utilize this flexibility.</p>
A8. Will States that choose to use funds for expecting parents of an infant with a disability be given additional funding?	<p>No. States who choose to use this flexibility will not receive additional IDEA Part C funding for this specific purpose. Rather, States may choose to use their FY 2026 IDEA Part C funds, or funds provided in future fiscal years in which the appropriations language is enacted, for expecting parents of an infant with a disability.</p>
<p>B. <u>Child Find, Public Awareness, and Referral Activities</u></p>	
B1. What activities under IDEA Part C can be conducted for expecting parents of an infant with a disability?	<p>Under the FY 2026 Appropriations language, child find, public awareness, and referrals may be conducted before a child is born.</p>
B2. What are some examples of child find activities for expecting parents of an infant with a disability?	<p>Consistent with 34 C.F.R. §§ 303.302 – 303, examples of child find activities for expecting parents of an infant with a disability could include:</p>

	<ul style="list-style-type: none"> • Developing informational materials on IDEA Part C tailored to families expecting to have an infant with a disability, and disseminating the materials to organizations and partners that may interact with expecting parents of an infant with a disability, including State and local agencies, State and local chapters of family-based and parenting organizations, medical providers, religious institutions, and early childhood programs. • Developing updated outreach and referral procedures for use by primary referral sources (see 34 C.F.R. § 303.303(c) to include obstetricians, perinatologists, midwives, doulas, prenatal genetic counselors, and expecting parents of an infant with a disability. • Developing professional learning materials and trainings for primary referral sources emphasizing the importance of early referral to IDEA Part C services to expecting parents of an infant with a disability. • Creating materials to assist expecting parents of an infant with a disability with self-referral procedures.
<p>B3. What are examples of public awareness activities for expecting parents of an infant with a disability?</p>	<p>Consistent with 34 C.F.R. § 303.301, examples of public awareness activities for expecting parents of an infant with a disability might include coordination and collaboration with State and local agencies, State and local chapters of family-based and parenting organizations, medical providers, religious institutions, early childhood programs and other relevant State agencies to update the public awareness program such that:</p> <ul style="list-style-type: none"> • Expecting parents of an infant with a disability receive information regarding the availability of IDEA Part C EI services for eligible infants with disabilities and how to connect with the IDEA Part C program. • Primary referral sources receive information regarding how to connect with and make referrals to the IDEA Part C program for expecting parents of an infant with a disability. <p>In addition, States may need to update their websites and social media to include content for expecting parents of infants with disabilities as a means to raise public awareness.</p>

<p>B4. Who can refer expecting parents of an infant with a disability to IDEA Part C?</p>	<p>Anyone can refer expecting parents of an infant with a disability to their State’s IDEA Part C program. Referral sources may be similar to those for parents of children with a developmental delay or a diagnosed physical or mental condition with a high probability of resulting in developmental delays. This includes, but is not limited to, self-referral, home visitors, state or local agencies, family-based and parenting organizations, medical providers, religious institutions, early childhood programs, and health care providers.</p>
<p>C. Eligibility Determination and Provision of Early Intervention Services</p>	
<p>C1. Can an eligibility determination be made before an infant is born?</p>	<p>No. The FY 2026 Appropriation language allows for child find, public awareness, and referral activities to be completed before the infant is born. The infant’s eligibility determination for IDEA Part C EI services should be completed as soon as possible and no later than 45 days after the infant is born.</p>
<p>C2. Upon referral, how much time does the IDEA Part C system have to make an eligibility determination for expecting parents of an infant with a disability?</p>	<p>If a State implements the FY 2026 Appropriations language and: (1) a referral was made before the infant was born and (2) the expecting parents provided consent to conduct an evaluation to determine IDEA Part C eligibility, the State has 45 days after the infant's birth to complete the referral and eligibility process for the infant and family. The 45 day requirement is the same as the current requirement under § 303.342 that States make an eligibility determination for all children within 45 days after the referral of a child.</p>
<p>C3. Does the FY 2026 Appropriation language allow for an IFSP to be developed or EI services to be implemented before the infant is born?</p>	<p>No. The use of funds is limited to child find, public awareness, and referral activities. IDEA’s definition of early intervention services states that IDEA Part C EI services “are designed to meet the developmental needs of an infant or toddler with a disability and the needs of the family to assist appropriately in the infant's or toddler's development.” 34 C.F.R. 303.13(a)(4). That said, there is nothing preventing States or EI personnel from providing information to expectant families to prepare them to support their children after they are born.</p>

<p>C4. What are some strategies for supporting families prenatally?</p>	<p>Families with a prenatal diagnosis frequently seek information, emotional support, and help preparing for their child’s arrival. States could develop guidance for expecting parents of an infant with a disability that explains how the IDEA Part C program works, what to expect after their child is born, and their rights under IDEA Part C. This information should be written in plain language to support informed decision making.</p> <p>The State could also create a directory of contact information for the IDEA Part C program and other resources that parents of newborns can readily access.</p>
<p>D. Administration</p>	
<p>D1. Does a Lead Agency (LA) need to revise any policies to implement the flexibility?</p>	<p>Maybe. To implement this flexibility, an LA may need to revise its policies and procedures related to child find, public awareness, and referral activities to incorporate activities targeted toward expecting parents of an infant with a disability within the policies and procedures.</p>
<p>D2. What steps need to occur when an LA revises its IDEA Part C policies?</p>	<p>Consistent with 34 C.F.R. § 303.208(b), before adopting any new policy or procedure (including revising an existing policy or procedure), the LA must hold public hearings on the new policy or procedure; provide notice of the hearings at least 30 days before they are conducted; and provide an opportunity for public comment for at least 30 days.</p>
<p>D3. How will federal monitoring be impacted by this change?</p>	<p>The FY 2026 Appropriation language will not change the Office of Special Education Program’s (OSEP) IDEA Part C monitoring protocol and process; this flexibility would be administered as a component of a State’s general supervision system and its IDEA Part C policies and procedures and subject to OSEP’s typical monitoring procedures.</p>

<p>D4. How should States report their use of this flexibility to OSEP?</p>	<p>States should report their intention to use IDEA Part C funds for these purposes under Section III of their Part C Application. If a State has already submitted their application, they may revise Section III at any time. OSEP approval is needed for revisions that involve transferring among direct cost categories a cumulative amount that exceeds ten percent (10%) of the total allocation in Section III as last approved by OSEP.</p>
<p>D5. How will exercising this flexibility impact State Performance Plan/Annual Performance Report (SPP/APR) reporting?</p>	<p>Adopting this flexibility will not impact the information States are required to report for their SPP/APR submissions. However, the new appropriations language does specify that the referral and eligibility process must be completed “as soon as possible, but not later than 45 days after the child’s birth,” which States must include when reporting data for Indicator 7 – Percent of eligible infants and toddlers with IFSPs for whom an initial evaluation and initial assessment and an initial IFSP meeting were conducted within IDEA Part C’s 45-day timeline.</p>
<p>D6. Will States implementing this flexibility be required to report additional data under IDEA section 618?</p>	<p>No. Implementing this flexibility will not impact the data collection and reporting requirements under IDEA section 618.</p>

For additional information on implementing the optional flexibility of using IDEA Part C funds to conduct child find, public awareness, and referral activities for individuals who expect to become parents of an infant with a disability, please contact your [OSEP State Lead](#) and OSEP-funded technical assistance centers, including the [Early Childhood Technical Assistance Center](#).