



Department of Children and Youth Memo 25-091

TO: Boards of County Commissioners
County Boards of Developmental Disabilities Superintendents
County Departments of Job and Family Services Directors
Designated Early Intervention Service Coordination Agencies
Family and Children First Council Administrators
Ohio Association of County Boards of DD (OACB)
Public Children Services Agency Directors

FROM: Colleen Tucker, Executive Director, Ohio Family and Children First
Diane J. Fox, Deputy Director, Division of Training, Technical Assistance and Practice

DATE: December 22, 2025

SUBJECT: Opt-Out Option for Local Family and Children First Council and Impact on Early Intervention Requirements

Background

As outlined in House Bill 96 of the 136th General Assembly, enacted July 1, 2025 and effective September 30, 2025, a Board of County Commissioners may pass a resolution to dissolve the Family and Children First Council (FCFC) in their county, if alternative programs and services exist in the county to meet the needs of children and families who would have been served by the FCFC.

ORC 121.37(C) identifies a local FCFC's role in the IDEA, Part C Early Intervention (EI) program that includes: local oversight, monitoring and supervision of a comprehensive, coordinated, multi-disciplinary, interagency system for infants and toddlers with developmental disabilities or delays and their families, as established pursuant to federal grants received and administered by the Department of Children and Youth (DCY) for early intervention services under the "Individuals with Disabilities Education Act of 2004," 20 U.S.C. 1400.

On September 17, 2025, OFCF issued Procedure Letter 37 which outlined recent legislative changes to ORC 121.37.

On March 20, 2023, the Ohio Family and Children First (OFCF) and then Lead Agency for Part C Early Intervention, the Ohio Department of Developmental Disabilities, issued a memo that required the designated Early Intervention Service Coordination (EISC) agency to be a member of the local FCFC to



implement Part C Early Intervention Service Coordination services under Part C (Infants and Toddlers with Disabilities) of the Individuals with Disabilities Education Act ((IDEA, P.L. 108-446); 303.22).

Purpose of this Memo

Local Family and Children First Councils have historically played a key role in coordinating Early Intervention services to fulfill IDEA Part C obligations. However, under certain conditions HB96 allows counties to dissolve the local FCFC. When doing so, the responsibility for ensuring compliance with federal and state Early Intervention requirements shifts to the Board of County Commissioners.

With the passage of HB 96, DCY will no longer require that the designated EISC agency be a member of the local FCFC.

Guidance

If a Board of County Commissioners dissolves a Family and Children and First Council in accordance with the terms established under HB 96, then the Board of County Commissioners must designate the Early Intervention Service Coordination agency who will provide EI service coordination services for their county.

If the Board of Commissioners does not designate the EISC agency to carry out federal and state mandates related to IDEA Part C EISC activities after dissolving a Family and Children First Council, then the Board of County Commissioners shall become the default Early Intervention Service Coordination agency and all referrals of families with infants and toddlers seeking Early Intervention services will be sent to the Board of Commissioners for administration and oversight, subject to state and federal oversight and regulation.

DCY, as the Lead Agency for IDEA Part C Early Intervention, and in accordance with 34 CFR 303.22, offers the following guidance to local Boards of County Commissioners when the Board of Commissioners has dissolved a local FCFC. The local Board of County Commissioners is responsible for submitting to DCY the following information in writing within 14 calendar days following the passage of the resolution to the EI mailbox ei@childrenandyouth.ohio.gov:

- A copy of the resolution that dissolves the local FCFC.
- The name of the designated EISC agency and contact information (primary contact name, email address, and phone number) that will be providing IDEA Part C service coordination for families with infants and toddlers with disabilities.
- The name of the Early Intervention Contract Manager with responsibility for the day-to-day supervision and monitoring of the early intervention service coordination activities; and
- A written description of how the Board of County Commissioners will provide oversight and ensure a countywide, comprehensive, coordinated, multidisciplinary, interagency system for



infants and toddlers with developmental disabilities or delays and their families, as set forth in the “Individuals with Disabilities Education Act of 2004.” This includes child find, evaluation, assessment, provision of service coordination services, IFSP and transition services, and procedural safeguards.

As previously stated, failure to include any of the above information will result in families with infants and toddlers with disabilities seeking Early Intervention services being referred directly to the local Board of County Commissioners as requests and inquiries are received by DCY.

Contact Information:

If you have any questions regarding the guidance in this memo, please contact Colleen Tucker at Colleen.Tucker@childrenandyouth.ohio.gov or Diane Fox at Diane.Fox@childrenandyouth.ohio.gov