

#1 Eligibility: *What are the federal eligibility requirements for early intervention?*

Response:

Early Intervention is part of the federal Individuals with Disabilities Education Act (IDEA) which defines infants and toddlers with disabilities as individuals birth through age two who require early intervention services because they:

- Are experiencing developmental delays, as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: cognitive development; physical development, including vision and hearing; communication development; social or emotional development; and/or adaptive development.
- Have a diagnosed physical or mental condition that has a high probability of developmental delay. Examples of diagnosed conditions with a high probability of developmental delay as set forth in 34 CFR §303.21 (2)(ii) include *chromosomal abnormalities, genetic or congenital disorders; severe sensory impairment; inborn errors of metabolism; disorders reflecting disturbance of nervous system development; disorders secondary to exposure to toxic substances, and severe attachment disorders.*

Within this basic eligibility framework, states have the authority to define eligibility requirements. 34 CFR §303.302(3) requires states to include eligibility criteria and procedures as a component of their early intervention systems. These regulations specify that each state must define developmental delay by:

- Describing, for each of the defined developmental areas, the procedures, including the use of informed clinical opinion that will be used to measure a child's development.
- Stating the levels of functioning or other criteria that constitute a developmental delay in each of those areas.
- Describing the criteria and procedures that will be used to determine the existence of a condition that has a high probability of resulting in a developmental delay.

Considerations for Planning and Program Implementation:

- It is the role and responsibility of the service coordinator to coordinate all applicable processes on behalf of the family including screenings, evaluations, and child and family directed assessments.
- It is the role and responsibility of the service coordinator to inform parents of Ohio's eligibility process and what this process will look like for each child and family.
- It is the role and responsibility of the service coordinator to inform parents of Ohio's determination of need process and what this process will look like for each family.
- It is the role and responsibility of the service coordinator to obtain informed consent from the parent prior to screening, evaluation, and child and family directed assessments.

Authorizing Rule: 3701-08-7