

NEW ELIGIBILITY DEFINITION FOR THE NC INFANT TODDLER PROGRAM

The following eligibility definition for the NC Infant Toddler Program for children aged birth to three under Part C of the Individuals with Disabilities Education Act (IDEA) has been approved by both state (Commission for Health Services and Rules Review Commission) and federal (U.S. Department of Education Office of Special Education Programs) entities, with an implementation date of July 1, 2006.

The Early Intervention Program (NC Infant Toddler Program) in the Early Intervention Branch and its Children's Developmental Services Agencies appreciate the public comment associated with this change in the eligibility definition.

This change in eligibility definition means that eligibility for children referred on or after July 1, 2006 will be determined under the new definition. Children who were referred to the program before July 1, 2006 will have their eligibility determined by the "old" criteria. Children who were determined eligible and enrolled in the program under the "old" eligibility criteria will continue to have their eligibility determined by that criteria. They will not be subject to the "new" criteria.

(a) Children from birth to age three (3) are eligible for early intervention services under Part C of the Individuals with Disabilities Education Act (IDEA) if they have been determined by the Children's Developmental Services Agency to meet the criteria of one of the two following categories:

- (1) developmental delay; or
- (2) established conditions.

(b) Developmental Delay.

- (1) A child is considered to have developmental delay if the child's development is delayed in one or more of the following areas:
 - (A) Cognitive Development;
 - (B) Physical Development, including fine and gross motor function;
 - (C) Communication Development;
 - (D) Social-Emotional Development; or
 - (E) Adaptive Development.
- (2) The specific level of delay shall be:
 - (A) documented by scores of 2.0 standard deviations below the mean of the composite score (total test score) on standardized tests in at least one of the above areas of development; or
 - (B) documented by a 30 percent (30%) delay on instruments which determine scores in months in at least one of the above areas of development, or

(C) documented by scores of 1.5 standard deviations below the mean of the composite score (total test score) on standardized tests in at least two of the above areas of development, or

(D) documented by a 25 percent (25%) delay on instruments which determine scores in months in at least two of the above areas of development.

(c) Established Conditions. A child is considered to have an established condition if the child has a diagnosed physical or mental condition which has a high probability of resulting in developmental delay. Specific conditions through which a child may be deemed eligible in the established conditions category are as follows:

(1) Congenital Anomaly/Genetic Disorders/Inborn Errors of Metabolism. These are children diagnosed with one or more congenital abnormalities or genetic disorders with developmental implications. Some examples are Down Syndrome, Fragile X Syndrome, familial retardation syndromes, and fetal alcohol syndrome.

(2) Congenital Infections. These are children diagnosed with congenital infections with developmental implications. Some examples are toxoplasmosis, rubella, cytomegalovirus, and HIV.

(3) Autism. These are children diagnosed with autism or autism spectrum disorders.

(4) Attachment disorder. These are children with a diagnosed attachment disorder.

(5) Hearing Loss. These are children diagnosed with unilateral or bilateral permanent hearing loss.

(6) Visual Impairment. These are children diagnosed with a visual impairment that is not correctable with treatment, surgery, glasses, or contact lenses.

(7) Neurologic Disease/Central Nervous System Disorders. These are children diagnosed with a disease or disorder known to affect the nervous system with developmental implications, such as Cerebral Palsy, Spina Bifida, Epilepsy, and Microcephaly.

(8) Neonatal Conditions and Associated Complications. These are children diagnosed with one or more of the following neonatal diseases or disorders known to have developmental implications:

(A) Gestational age less than 27 weeks or birth weight less than 1000 grams;

(B) Neonatal encephalopathy with neurological abnormality persisting at discharge from the neonatal intensive care unit;

(C) Moderate to Severe Ventricular Enlargement at discharge from the neonatal intensive care unit or a ventriculoperitoneal shunt;

(D) Neonatal seizures, stroke, meningitis, encephalitis, porencephaly, or holoprosencephaly;

(E) Bronchopulmonary Dysplasia requiring supplemental oxygen at discharge from the neonatal intensive care unit;

(F) Intrauterine Growth Retardation;

(G) Necrotizing enterocolitis requiring surgery;

(H) Abnormal neurological exam at discharge;

(I) Intraventricular hemorrhage III or IV; or

(J) Periventricular leukomalacia.