

ANNOUNCEMENT: EI 13-#08

Effective Date: 12/13/13

SUBJECT: Eligibility for Infant/Toddler and Preschool Early Intervention

TO: Infant/Toddler and Preschool Early Intervention Program Leadership

FROM: Barbara G. Minzenberg, Ph.D. 
Deputy Secretary, Office of Child Development & Early Learning

PURPOSE:

The purpose of this announcement is to clarify practices, provide guidance and ensure consistency in the process of determining when an infant, toddler, or preschool age child is eligible for the early intervention (EI) program.

BACKGROUND:

Results of early intervention program verifications, analysis of statewide data and discussions with early intervention leadership have shown that there is a need to clarify when an infant, toddler, or preschool age child is eligible for early intervention services.

DISCUSSION:

1) Identifying an Infant or Toddler as Having a Developmental Delay

Pursuant to 55 Pa. Code § 4226.22(a)(1) an infant or toddler is eligible for early intervention services if the infant's or child's score on an appropriate diagnostic instrument indicates that the infant or toddler is demonstrating a delay of 25% of the infant's or toddler's chronological age in one or more of the developmental areas of cognitive development; physical development, including vision and hearing; communication development; social or emotional development; and adaptive development. Section 4226.22(a)(2) provides that an infant or toddler is eligible for early intervention services if a developmental delay in one of the developmental areas specified above is documented by test performance of 1.5 standard deviations below the mean on an accepted or recognized standard test for infants or toddlers.

Diagnostic instruments and standard tests shall be used for the purpose and population for which they are valid and reliable. The instruments and tests shall also be administered in accordance with the recommendations provided by the instrument or test developer, including the guidelines on user qualifications and documented evidence that the user has been trained to administer the instrument or test.

Eligibility for early intervention services is established as a result of the overall score in one or more of the developmental areas identified above. Subset scores shall not be used to determine if an infant or toddler is eligible for the early intervention program under either Section 4226.22(a)(1) or (2).

2) Additional Methods for Determining Eligibility for the Infant/Toddler Early Intervention Program

Section 4226.22(a)(3) provides that an infant or toddler is eligible for early intervention services if the infant or toddler has a diagnosed physical or mental condition which has a high probability of resulting in a developmental delay, that is not accompanied by delays in one of the developmental areas specified above at the time of diagnosis.

Section 4226.22(b) and 34 CFR § 303.321(a)(3)(ii) provide that qualified personnel may use informed clinical opinion to establish an infant's or toddler's eligibility for early intervention services, especially when there are no standardized measures or the standardized measures are not appropriate for an infant's or toddler's chronological age or developmental area. In addition, Section 303.321(a)(3)(ii) provides that informed clinical opinion may be used as an independent basis for determining an infant's or toddler's eligibility for early intervention services.

Informed clinical opinion makes use of qualitative and quantitative information to assist in forming a determination regarding difficult-to-measure aspects of current developmental status and the potential need for early intervention services. Informed clinical opinion "is neither an objective criterion nor a separate assessment strategy. Rather, informed clinical opinion is the way in which qualified personnel utilize their cumulative knowledge and experience in evaluating and assessing a child and in interpreting the results of evaluation and assessment instruments." 76 FR 60199.

When informed clinical opinion is used to establish eligibility for early intervention services, the multidisciplinary evaluation team shall fully document the evaluation process, including a description of any instruments used, a systematic analysis of information from multiple sources and an explanation of the finding that the infant or toddler is eligible for early intervention services even though the instruments used did not establish eligibility for early intervention services and the infant or toddler does not have a diagnosed physical or mental condition.

Finally 34 CFR § 303.321(a)(3)(i) provides that an infant's or toddler's medical and other records may be used to establish eligibility for early intervention services if those records indicate that an infant's or toddler's level of functioning in one or more of the developmental areas identified above constitutes a developmental delay or that the infant or toddler otherwise meets the criteria for an infant or toddler with a disability under 34 CFR § 303.21.

3) Determining Eligibility for the Preschool Early Intervention Program

Pursuant to 22 Pa. Code § 14.101 a child who is less than the age of beginners and at least 3 years of age may be determined eligible for preschool early intervention services if the child's score on an appropriate diagnostic instrument indicates that the child is demonstrating a delay of 25% of the child's chronological age or 1.5 standard deviations below the mean in one or more of the developmental areas discussed in Section 1 of this Announcement or by being identified as a child with a disability, as defined in 34 CFR § 300.8. In addition to being identified as having a disability or developmental delay, a preschool age child must also be in need of special education and related services in order to be eligible for early intervention services.

Diagnostic instruments and standard tests shall be used for the purpose and population for which they are valid and reliable. The instruments and tests shall also be administered in accordance with the recommendations provided by the instrument or test developer, including the guidelines on user qualifications and documented evidence that the user has been trained to administer the instrument or test.

Eligibility for early intervention services is established as a result of the overall score in one or more of the developmental areas identified in Section 1 of this Announcement. Subset scores shall not be used to determine if a preschool age child is eligible for the early intervention program under 22 Pa. Code § 14.101.

NEXT STEPS:

Infant/toddler and preschool early intervention programs shall review existing procedures to assure they are consistent with this Announcement.

Infant/toddler and preschool early intervention programs shall ensure that all staff and providers, including independent evaluation teams, review the information included in this Announcement and revise local procedures.

Comments and questions should be directed to the Office of Child Development and Early Learning, Bureau of Early Intervention Services at 717-346-9320 or ra-ocdintervention@pa.gov.