

3525.1350 INFANT AND TODDLER INTERVENTION SERVICES.

Subpart 1. **Services required.** Infant and toddler intervention services under United States Code, title 20, chapter 33, sections 1431, et seq., and Code of Federal Regulations, title 34, part 303, must be available to children from birth through two years of age who meet the criteria described in subpart 2.

Subp. 2. **Criteria for birth through two years of age.** The team shall determine that a child from birth through the age of two years is eligible for infant and toddler intervention services if:

A. the child meets the criteria of one of the disability categories in United States Code, title 20, chapter 33, sections 1400, et seq., as defined in Minnesota Rules; or

B. the child meets the criteria for developmental delay in subitem (1), (2), or (3):

(1) the child has a diagnosed physical or mental condition or disorder that has a high probability of resulting in developmental delay regardless of whether the child has a demonstrated need or delay;

(2) the child is experiencing a developmental delay that is demonstrated by a score of 1.5 standard deviations or more below the mean, as measured by the appropriate diagnostic measures and procedures, in one or more of the following areas:

- (a) cognitive development;
- (b) physical development, including vision and hearing;
- (c) communication development;
- (d) social or emotional development; and
- (e) adaptive development; or

(3) the child's eligibility is established through the application of informed clinical opinion. Informed clinical opinion may be used as an independent basis to establish a child's eligibility under this part even when other instruments do not establish eligibility; however, in no event may informed clinical opinion be used to negate the results of evaluation instruments to establish eligibility.

Subp. 3. [Renumbered 3525.1351]

Subp. 4. **Evaluation.** Evaluation of the child and assessment of the child and family will be conducted in a manner consistent with Code of Federal Regulations, title 34, section 303.321.

Subp. 5. **Transition.** The service coordinator provided for in Minnesota Statutes, section 125A.33, must facilitate transition from infant and toddler intervention services before the child's third birthday. The IFSP must include steps to determine and document

eligibility for special education, and steps to support the transition of the child to special education under United States Code, title 20, chapter 33, sections 1411 et seq., and Code of Federal Regulations, title 34, part 300, or to other appropriate community-based services that may be available.

A. For a child who may be eligible for special education services under United States Code, title 20, chapter 33, sections 1411 et seq., and Code of Federal Regulations, title 34, part 300, the service coordinator must, with the approval of the family of the child, convene a conference between the family, the local educational agency, and community-based service providers to discuss services that the child may receive under United States Code, title 20, chapter 33, sections 1411 et seq., and Code of Federal Regulations, title 34, part 300. The conference must be held not less than 90 days, and, at the discretion of all the parties, not more than nine months, before the child is eligible for the preschool services.

B. For a child who may not be eligible for special education services under United States Code, title 20, chapter 33, sections 1411 et seq., and Code of Federal Regulations, title 34, part 300, the service coordinator must, with the approval of the family, take reasonable steps, to convene a conference between the family, the lead agency, and community-based service providers to discuss appropriate services that the child may receive after exiting infant and toddler intervention services.

Statutory Authority: *MS s 14.389; 121.11; 125A.07; L 1994 c 647 art 3 s 23; L 1999 c 123 s 19,20; L 2013 c 116 art 5 s 29*

History: *19 SR 2432; L 1998 c 397 art 11 s 3; 24 SR 1799; 26 SR 657; 32 SR 653; 38 SR 1145*

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