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ADMINISTRATIVE
HEARINGS

1 **Department of Education**

2 **Adopted Permanent Rules Relating to Infant and Toddler Intervention Services**

3 **3525.1350 INFANT AND TODDLER INTERVENTION SERVICES.**

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

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

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

13 B. the child meets one of the criteria for developmental delay in subitem (1) or the
14 criteria in subitem (2):

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

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

21 (a) cognitive development;

22 (b) physical development, including vision and hearing;

23 (c) communication development;

24 (d) social or emotional development; and

1 (e) adaptive development.

2 Subp. 3. **Criteria for three through six years of age.** The team shall determine that a
3 child from the age of three years through the age of six years is eligible for special
4 education when:

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

7 B. the child meets one of the criteria for developmental delay in subitem (1) and
8 the criteria in subitem (2). Local school districts have the option of implementing these
9 criteria for developmental delay. If a district chooses to implement these criteria, it may
10 not modify them.

11 (1) The child:

12 (a) has a diagnosed physical or mental condition or disorder that has a high
13 probability of resulting in developmental delay; or

14 (b) has a delay in each of two or more of the areas of cognitive development;
15 physical development, including vision and hearing; communication development;
16 social or emotional development; and adaptive development, that is verified by an
17 evaluation using one or more technically adequate, norm-referenced instruments. The
18 instruments must be individually administered by appropriately trained professionals
19 and the scores must be at least 1.5 standard deviations below the mean in each area.

20 (2) The child's need for special education is supported by:

21 (a) at least one documented, systematic observation in the child's daily
22 routine setting by an appropriate professional or, if observation in the daily routine
23 setting is not possible, the alternative setting must be justified;

24 (b) a developmental history; and

25 (c) at least one other evaluation procedure in each area of identified delay

1 that is conducted on a different day than the medical or norm-referenced evaluation;
2 which may include criterion-referenced instruments, language samples, or
3 curriculum-based measures.

4 Subp. 4. **Evaluation.** The evaluation used to determine whether a child is eligible for
5 infant and toddler intervention services must be conducted within the timelines
6 established in Code of Federal Regulations, title 34, part 303. It must be based on
7 informed clinical opinion; must be multidisciplinary in nature, involving two or more
8 disciplines or professions; and must be conducted by personnel trained to utilize
9 appropriate methods and procedures. The evaluation must include:

10 A. a review of the child's current records related to health status and medical
11 history;

12 B. an evaluation of the child's levels of cognitive, physical, communication, social
13 or emotional, and adaptive developmental functioning;

14 C. an assessment of the unique needs of the child in terms of each of the
15 developmental areas in item B; and

16 D. at least one documented, systematic observation in the child's daily routine
17 setting by an appropriate professional or, if observation in the daily setting is not
18 possible, the alternative setting must be justified.

19 Subp. 5. **Transition.** The service coordinator provided for in Minnesota Statutes,
20 section 125A.33, must facilitate transition from infant and toddler intervention services
21 before the child's third birthday. The IFSP must include steps to determine and
22 document eligibility for ~~early childhood~~ special education, and steps to support the
23 transition of the child to ~~early childhood~~ special education under United States Code,
24 title 20, chapter 33, sections 1411 et seq., and Code of Federal Regulations, title 34, part
25 300, or to other appropriate community-based services that may be available.

26 A. For a child who may be eligible for ~~early childhood~~ special education services

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

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

15 **RENUMBERING INSTRUCTION.** In Minnesota Rules, the revisor of statutes must
16 renumber Minnesota Rules, part 3525.1350, subpart 3, as Minnesota Rules, part
17 3525.1351, and make necessary cross-reference changes.