

**Policy:**

Annual Determination of IDEA/Part C Eligibility

**Effective:**

Approved: July 1, 2019

Updated: January 7, 2020

**Federal Authority:**Title 34 of the U.S. Code of Federal Regulations, Vol. II, Chapter III, Parts 300-399:

§§ 303.321, 303.322.

Title 20 of the U.S. Code of Law, Chapter 33. §§1400-1499:

§§ 1435(a)(3); 1435(a)(5); 1436(a)(1)–(2); 1439(a)(6)

- Infants and toddlers initially eligible due to an Established Risk Condition remain eligible for IDEA/Part C services until age three, or the parent withdraws participation in IDEA/Part C. Parent withdrawal may be based on accomplishment of Individualized Family Service Plan (IFSP) outcomes **and** the family agrees there is no need for ongoing IDEA/Part C services.
- Infants and toddlers initially eligible under Documented Significant Delays in Development are considered eligible for IDEA/Part C if the present level of performance in the annual IFSP documents a 15% delay in at least one area of development. Sources of documentation for the present level of performance for the annual IFSP must include up-to-date reassessments from all Early Intervention Service (EIS) providers on the IFSP team using the most current edition of evaluation or assessment tools.