

## Division of Special Education/Early Intervention Services

### Part C Definitions

The reauthorized Individuals with Disabilities Education Act (IDEA) was signed into law on December 3, 2004, by President George W. Bush. The provisions of the Act will be effective July 1, 2005 with the exception of some elements of the definition of “highly qualified teacher” that took effect upon the signing of the Act. This is one in a series of documents, prepared by the Division of Special Education/Early Intervention Services, Maryland State Department of Education (MSDE) that cover a variety of high-interest topics to support local school systems, local Infants and Toddlers Programs, and other public agencies in preparing to implement the new requirements. This document only addresses the changes in the provisions regarding Part C Definitions that take effect on July 1, 2005. It does not address any changes that may be made in the final federal regulations or potential changes to State statutes or regulations.

#### 1. What definitions has IDEA 2004 changed or modified?

##### Changes affecting early identification and referral:

1. Ward of the State: The term “ward of the State” means a child who, as determined by the State where the child resides, is a foster child, is a ward of the State, or is in the custody of a public child welfare agency. The term does not include a foster child who has a foster parent who meets the definition of a parent under IDEA 2004, Part A, Sec. 602 (23).
2. Homeless child: The term “homeless children” is defined in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a). Homeless students is also defines in COMAR 13A.05.09.02B.
3. Parent: Under IDEA 2004, Part A, Sec. 602 (23) a parent is defined as:
  - A natural, adoptive, or foster parent of a child (unless a foster parent is prohibited by State law from serving as a parent\*);
  - A guardian (but not the State if the child is a ward of the State)
  - An individual acting in the place of a natural or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child’s welfare; or
  - An individual assigned under Part C or Part B to be a parent surrogate.

\*Although the statute includes a foster parent in the definition of “parent,” the definition in Md. Ed. Art. 8-412 does not include a foster parent, unless the foster parent is a relative or stepparent. Therefore, individuals serving as foster parents who are not relatives or stepparents, must be appointed as the child’s parent surrogate in order to represent the child in the early intervention decision making process.

**Changes affecting early intervention services:**

1. “as identified by the individualized family service plan team” was added to the definition of Early intervention services.[§632(4)(C)]
2. “and sign language and cued language services” was added to speech –language pathology and audiology services. [§632(4)(E)(iii)]
3. “Registered dietitians” replaces “nutritionists” in the list of qualified personnel. [§632(4)(F)(vii)]
4. vision specialists, including ophthalmologists and optometrists were added to the list of qualified personnel. [§632(4)(F)(x)]

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