

Division of Special Education/Early Intervention Services

Early Intervention Services under Part C

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 are 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 Early Intervention Services under Part C 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 changes to the provision of early intervention services are required by IDEA 2004?**

In providing early intervention services to infants and toddlers with disabilities and their families, IDEA 2004 has amended the IDEA 1997 requirements as follows:

- a) The definition of the term “developmental delay” must be rigorous in order to appropriately identify infants and toddlers with disabilities that are in need of services under Part C. [§635(a)(1)]
- b) Appropriate early intervention services which are based on scientifically based research, to the extent practicable, must be available to all eligible infants and toddlers and their families. [§635(a)(2)]
- c) The provision of early intervention services occurs in other than a natural environment that is most appropriate, as determined by the parent and the individualized family service plan team, only when early intervention cannot be achieved satisfactorily for the infant or toddler in a natural environment. [§635(a)(16)(B)]
- d) States are given the option of continuing early intervention services to children 3 years of age until entrance into kindergarten. [§635(c)]
- e) Each eligible infant and toddler and their family shall be provided a written

individualized family service plan developed by a multidisciplinary team, including the parents, which includes a description of the appropriate transition services for the infant or toddler. [§636(a)(3)]

- f) The content of the individualized family service plan must include:
- A statement of the measurable results or outcomes expected to be achieved for the infant or toddler and the family, including pre-literacy and language skills, as developmentally appropriate for the child, and the criteria, procedures, and timelines used to determine the degree to which progress toward achieving the results or outcomes is being made and whether modifications or revisions of the results or outcomes or services are necessary. [§636(d)(3)]
 - A statement of specific early intervention services based on peer-reviewed research, to the extent practicable, necessary to meet the unique needs of the infant or toddler and the family, including the frequency, intensity, and method of delivering the services. [§636(d)(4)]

2. Does MITP anticipate a change in the definition of the term “developmental delay”?

Not at this time.

3. What is meant by “scientifically-based research”?

IDEA 2004 does not provide a definition of the term.

4. Does IDEA 2004 change the requirement that early intervention services be provided in natural environments?

Current guidance indicates that the addition of the phrase, “as determined by the parent and the individualized family service plan team,” does not change the requirement that early intervention services must be provided in natural environments and that services may be provided in other than a natural environment only if early intervention cannot be achieved satisfactorily for the infant or toddler in a natural environment.

The Congressional Conference Report accompanying the new legislation noted that the legislation amended the IDEA 1997 to recognize that there may be instances when a child’s IFSP cannot be implemented satisfactorily in the natural environment. The report indicated it was the intention of the conferees that in those instances, the child’s parents and other members of the IFSP team would together make the determination that the IFSP could not be implemented satisfactorily in the natural environment and then identify the most appropriate setting in which early intervention services would be provided.

The addition of the term “parent” is intended to emphasize the role of the parent as a

member of the team in making decisions regarding setting for the provision of early intervention services..

5. Does Maryland intend to adopt the option to continue early intervention services to children beyond the age of 3?

Maryland does not intend to exercise that option in FY 2006. No decision has been made beyond FY 2006.

6. What is meant by the term “transition services”?

Transition services are those early intervention services, strategies, or activities identified by the individualized family service plan team, including the parent, as necessary to address the child’s outcomes and to ensure a smooth transition for the child who is exiting Part C.

The IDEA 2004 requirement for the inclusion of transition services on the IFSP is compatible with the requirements of Maryland’s Policies and Procedures for Transition from Part C to Part B and Other Community-based Services to develop transition outcomes which address the steps to be taken to ensure a smooth transition for the child and family exiting Part C. Refer to the Informational Update on Transition At Age 3.

7. What changes to the content of the IFSP are required by IDEA 2004?

IDEA 2004 requires that a statement of the measurable results or outcomes expected to be achieved for the infant or toddler and the family be included in the IFSP, as well as criteria, procedures, and timelines used to determine the degree to which progress toward achieving the results or outcomes is being made and whether modifications or revisions of the results or outcomes or services are necessary.

The requirement for a statement of measurable results or outcomes is compatible with Maryland’s current standards for IFSP outcomes. IDEA 2004 has not provided additional guidance on what constitutes “measurable results or outcomes.”

IDEA 2004 requires that outcomes include pre-literacy and language skills as developmentally appropriate for the child. Local Infants and Toddlers Programs must ensure that staff are informed of the requirement for the inclusion of pre-literacy and language skills, as developmentally appropriate for the child, on the IFSP. MITP recommends that evaluation/ assessment procedures also include pre-literacy and language skills.

8. What is meant by “early intervention services based on peer-reviewed research”?

IDEA 2004 does not provide a definition of the phrase.

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This document was developed and produced by the Division of Special Education/Early Intervention Services, IDEA Part B Grant #HO27A040035A funded by the U.S. Department of Education, Office of Special Education and Rehabilitative Services. The views expressed herein do not necessarily reflect the views of the U.S. Department of Education or any other Federal agency and should not be regarded as such. The Division of Special Education/Early Intervention Services receives funding from the Office of Special Education Programs, Office of Special Education and Rehabilitative Services, U.S. Department of Education. This information is copyright free. Readers are encouraged to copy and share it but please credit the Division of Special Education/Early Intervention Services, Maryland State Department of Education.