

2361.2 Essential Early Education (EEE) Eligibility of Children Age Three Years Up To the Sixth Birthday

(a) A child age three years up to the sixth birthday shall be eligible for EEE services if the child meets at least one of the following:

(1) The child meets criteria set forth in Part C Rule 2360.5.9(c): (i) Received consistent (e.g., one 60 minute intervention session per week) specialized instruction, developmental therapy services or speech and language services through an IFSP/One Plan; and (ii) CIS/EI IFSP/One Plan team has determined the child as 'potentially eligible' for EEE services within six months of the child's third birthday; or (iii) The child has a medical condition which may result in significant delays by the child's sixth birthday, and the school based Evaluation Planning Team (EPT) has determined that the child is in need of Part B EEE services;

(2) After the EPT reviews the results of the comprehensive evaluation and concludes that the child has a disability caused by a developmental delay and the child is in need of early childhood special education services;

(3) The child has a medical condition which may result in significant delays, and the child is in need of early childhood special education services;

or

(4) For a child enrolled in kindergarten, the EPT may consider using eligibility criteria for children ages 6 through 21 (school age) pursuant to Rule 2362, including the determination of a disability, adverse effect on educational performance and need for special education.

(b) For the purposes of this section, "medical condition" means a condition diagnosed by a licensed physician such as, but not limited to, autism, cerebral palsy, Down Syndrome, attention deficit disorder with hyperactivity that may result in significant delays by the child's sixth birthday.

(c) For the purposes of this section, "developmental delay" is determined through a comprehensive evaluation as measured by at least two appropriate assessment measures, one of which must be a diagnostic instrument. Other measures may include, but are not limited to, observation, interview, review of ongoing assessment, and functional assessment. To meet developmental delay criteria a child must demonstrate at least one of the following:

(1) A 40% delay in one or more developmental domains;

(2) A 25% delay in two or more developmental domains;

(3) A 2.0 standard deviation at, or below the mean (2nd percentile) in one or more developmental domains;

or

(4) A 1.5 standard deviation at, or below the mean (7th percentile) in two or more developmental domains.

(d) Developmental Domains are defined as:

(1) Speech and language development including receptive and/or expressive communication, articulation, fluency and/or voice;

(2) Adaptive development (self-help skills);

(3) Social or emotional development;

(4) Physical development including gross or fine motor skills;

or

(5) Cognitive skills such as perception, memory, processing and reasoning.

(e) The administration of any assessments shall be in compliance with the evaluation requirements set forth in Rule 2362.2.1.

(f) The percentage delay in a child's performance on a norm referenced assessment may be measured by dividing the child's age equivalent score in months by the child's actual age in months, and then multiplying the quotient by 100. The result is then subtracted from 100 to determine the child's percentage of delay.

(g) If the EPT has determined the child eligible to receive special education and related services an IEP shall be written within 30 days of the eligibility determination.

(h) The content of the child's IEP shall be as set forth in Rule 2363.7. For a preschool age child, the IEP shall address how the child's disability affects his/her access to and participation in age appropriate activities.