

581-015-2780 revisions (SB 13 and SB 16)

El Eligibility

- (1) Upon completing the administration of tests and other evaluation materials, the designated referral and evaluation agency must determine, through a multidisciplinary team, whether an [infant or toddler child](#) is eligible for EI services by following the procedures in this rule.
- (2) The multidisciplinary team must include the parents, in accordance with OAR 581-015-2750, and individuals from two or more separate disciplines or professions, including persons who are knowledgeable about the [infant or toddler child](#).
- (3) To be eligible for EI services, the [infant or toddler child](#) must meet the minimum criteria for subsection (a), (b) or (c), below:
- (a) [Developmental delay: The infant or toddler experiences a developmental delay and as a result needs EI services. Developmental delay means two standard deviations or more below the mean in one or more of the following developmental areas, or 1.5 standard deviations below the mean in two or more of the developmental areas:](#)
- [\(A\) Cognitive development;](#)
 - [\(B\) Physical development;](#)
 - [\(C\) Communication development;](#)
 - [\(D\) Social or emotional development;](#)
 - [\(E\) Adaptive development.](#)
- (b) Medical Conditions: The [infant or toddler child](#) has a diagnosed physical or mental condition that has a high probability of resulting in developmental delay, as documented by [at least](#) one of the following: ~~with the appropriate State Board licensure: a physician, a physician assistant, or a nurse practitioner.~~
- ~~[\(A\) A physician licensed under ORS chapter 677 or by the appropriate authority in another state;](#)~~
 - ~~[\(B\) A naturopathic physician licensed under ORS chapter 685 or by the appropriate authority in another state;](#)~~
 - ~~[\(C\) A nurse practitioner licensed under ORS 678.375 to 678.390 or by the appropriate authority in another state; or](#)~~
 - ~~[\(D\) A physician assistant licensed under ORS 677.505 to 677.525 or by the appropriate authority in another state.](#)~~
- [\(c\) Categorical:](#)
- [\(A\) The infant or toddler meets the minimum criteria for one of the following disability categories: autism spectrum disorder \(OAR 581-015-2130\), deafblindness \(OAR 581-015-2140\), deaf and hard of hearing \(OAR 581-015-2150\), orthopedic impairment \(OAR 581-015-2160\), traumatic brain injury \(OAR 581-015-2175\) or visual impairment \(581-015-2180\).](#)
 - [\(B\) If the infant or toddler meets the disability criteria for a categorical eligibility in subsection \(A\), the infant or toddler's disability does not need to be presently affecting their development for the infant or toddler to be eligible for EI services.](#)
- (4) The multidisciplinary team must prepare an evaluation report and a written statement of eligibility.
- (a) The evaluation report(s) must describe and explain the results of the evaluation conducted.
 - (b) The written statement of eligibility must include:
 - (A) A list of the evaluation data considered in determining the [infant or toddler child](#)'s eligibility;

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(B) A determination of whether the infant or toddlerchild meets the minimum criteria for EI as described in (3) of this part; and

(C) The signature of each member of the team signifying his or hertheir concurrence or dissent.

(5) For an infant or toddler child who may have disabilities in more than one category, the team need only qualify the infant or toddlerchild for EI services under one disability category, however:

- (a) The infant or toddlerchild must be evaluated in all areas of development and areas of suspected disability; and
- (b) The infant or toddlerchild's IFSP must address all of their child's early intervention needs.

(6) The multidisciplinary team must give the parents a copy of the eligibility statement and evaluation report.

(7) The contractor or subcontractor must notify the infant or toddlerchild's resident district upon determination of eligibility for EI services.

(8) An infant or toddler child found eligible under this rule is eligible for regional services if they child meets the criteria under OAR 581-015-2550 for vision impairment visual impairment, hearing impairment deaf or hard of hearing, autism spectrum disorder, deafblind, severe-orthopedic impairment, - or traumatic brain injury.

Statutory/Other Authority: ORS 343.513

Statutes/Other Implemented: ORS 343.513 & 34 CFR 303.24

History:

ODE 20-2012, f. & cert. ef. 8-1-12

ODE 14-2012, f. 3-30-12, cert. ef. 4-2-12

Renumbered from 581-015-0946, ODE 10-2007, f. & cert. ef. 4-25-07

ODE 2-2003, f. & cert. ef. 3-10-03

ODE 8-2001, f. & cert. ef. 1-29-01

ODE 24-2000, f. & cert. ef. 10-16-00

EB 27-1995, f. & cert. ef. 12-11-95

EB 4-1995, f. & cert. ef. 1-24-95

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