

10A NCAC 43G .0110 ELIGIBILITY

(a) Children from birth to age three are eligible for early intervention services under the provisions of this Subchapter and under Part C of the Individuals with Disabilities Education Act (IDEA). The Early Intervention Branch oversees the North Carolina Infant-Toddler Program, which is implemented by the Children's Developmental Services Agencies (CDSA). The CDSAs are the local lead agencies that are responsible for evaluating and determining eligibility to meet the criteria of one of the two following categories:

- (1) Developmental delay; or
- (2) Established conditions.

(b) Developmental Delay.

- (1) A child shall be considered to have developmental delay if the child's development is delayed in one or more of the following areas:
 - (A) Cognitive Development;
 - (B) Physical Development, including fine and gross motor function;
 - (C) Communication Development;
 - (D) Social-Emotional Development;
 - (E) Adaptive Development.
- (2) The specific level of delay shall be:
 - (A) Documented by scores of 2.0 standard deviations below the mean of the composite score (total test score) on standardized tests in at least one of the areas of development in Subparagraph (b)(1) of this Rule;
 - (B) Documented by a 30 percent delay on instruments that determine scores in months in at least one of the areas of development in Subparagraph (b)(1) of this Rule;
 - (C) Documented by scores of 1.5 standard deviations below the mean of the composite score (total test score) on standardized tests in at least two of the areas of development in Subparagraph (b)(1) of this Rule; or
 - (D) Documented by a 25 percent delay on instruments that determine scores in months in at least two of the above areas of development.

(c) Established Conditions. A child shall be considered to have an established condition if the child has a diagnosed physical or mental condition that has a high probability of resulting in developmental delay. Diagnosis may be made by Children's Developmental Services Agency staff or the child's physician. Specific conditions through which a child shall be deemed eligible in the established conditions category are as follows:

- (1) Congenital Anomaly/Genetic Disorders/Inborn Errors of Metabolism. Children diagnosed with one or more congenital abnormalities or genetic disorders with developmental implications. Some examples are Down Syndrome, Fragile X Syndrome, familial retardation syndromes, and fetal alcohol syndrome.
- (2) Congenital Infections. Children diagnosed with congenital infections with developmental implications. Some examples are toxoplasmosis, rubella, cytomegalovirus, and HIV.
- (3) Autism. Children diagnosed with autism or autism spectrum disorders.
- (4) Attachment Disorder. Children with a diagnosed attachment disorder.
- (5) Hearing Loss. Children diagnosed with unilateral or bilateral permanent hearing loss.
- (6) Visual Impairment. Children diagnosed with a visual impairment that is not correctable with treatment, surgery, glasses, or contact lenses.
- (7) Neurologic Disease/Central Nervous System Disorders. Children diagnosed with a disease or disorder known to affect the nervous system with developmental implications, such as Cerebral Palsy, Spina Bifida, Epilepsy, and Microcephaly.
- (8) Neonatal Conditions and Associated Complications. Children diagnosed with one or more of the following neonatal diseases or disorders:
 - (A) Gestational age less than 27 weeks or birth weight less than 1000 grams;
 - (B) Neonatal encephalopathy with neurological abnormality persisting at discharge from the neonatal intensive care unit.
 - (C) Moderate to Severe Ventricular Enlargement at discharge from the neonatal intensive care unit or a ventriculoperitoneal shunt;
 - (D) Neonatal seizures, stroke, meningitis, encephalitis, porencephaly, or holoprosencephaly;
 - (E) Bronchopulmonary Dysplasia requiring supplemental oxygen at discharge from the neonatal intensive care unit;
 - (F) Intrauterine Growth Retardation;

- (G) Necrotizing enterocolitis requiring surgery;
- (H) Abnormal neurological exam at discharge;
- (I) Intraventricular hemorrhage III or IV; or
- (J) Periventricular leukomalacia.

History Note: Authority G.S. 130A-126;
Temporary Adoption Eff. July 1, 2006;
Eff. January 1, 2007;
Agency did not readopt rule pursuant to G.S. 150B-21.3A by RRC established deadline of
September 30, 2017;
Readopted Eff. January 1, 2018.