

year for which the State receives a grant under section 619(a)(1) of the Individuals with Disabilities Education Act [20 U.S.C. 1419(a)(1)].”

SUBCHAPTER III—INFANTS AND TODDLERS WITH DISABILITIES

§ 1431. Findings and policy

(a) Findings

Congress finds that there is an urgent and substantial need—

(1) to enhance the development of infants and toddlers with disabilities, to minimize their potential for developmental delay, and to recognize the significant brain development that occurs during a child’s first 3 years of life;

(2) to reduce the educational costs to our society, including our Nation’s schools, by minimizing the need for special education and related services after infants and toddlers with disabilities reach school age;

(3) to maximize the potential for individuals with disabilities to live independently in society;

(4) to enhance the capacity of families to meet the special needs of their infants and toddlers with disabilities; and

(5) to enhance the capacity of State and local agencies and service providers to identify, evaluate, and meet the needs of all children, particularly minority, low-income, inner city, and rural children, and infants and toddlers in foster care.

(b) Policy

It is the policy of the United States to provide financial assistance to States—

(1) to develop and implement a statewide, comprehensive, coordinated, multidisciplinary, interagency system that provides early intervention services for infants and toddlers with disabilities and their families;

(2) to facilitate the coordination of payment for early intervention services from Federal, State, local, and private sources (including public and private insurance coverage);

(3) to enhance State capacity to provide quality early intervention services and expand and improve existing early intervention services being provided to infants and toddlers with disabilities and their families; and

(4) to encourage States to expand opportunities for children under 3 years of age who would be at risk of having substantial developmental delay if they did not receive early intervention services.

(Pub. L. 91-230, title VI, §631, as added Pub. L. 108-446, title I, §101, Dec. 3, 2004, 118 Stat. 2744.)

PRIOR PROVISIONS

A prior section 1431, Pub. L. 91-230, title VI, §631, as added Pub. L. 105-17, title I, §101, June 4, 1997, 111 Stat. 106, set out findings and policy, prior to the general amendment of subchapters I to IV of this chapter by Pub. L. 108-446.

Another prior section 1431, Pub. L. 91-230, title VI, §631, Apr. 13, 1970, 84 Stat. 184; Pub. L. 98-199, §§3(b), 11, Dec. 2, 1983, 97 Stat. 1358, 1369; Pub. L. 99-457, title III, §308, Oct. 8, 1986, 100 Stat. 1165; Pub. L. 100-630, title I, §104(b), Nov. 7, 1988, 102 Stat. 3298; Pub. L. 101-476, title IV, §401, title IX, §901(b)(129)-(142), Oct. 30, 1990, 104

Stat. 1129, 1148; Pub. L. 102-119, §§9(a), (b), 25(a)(12), (b), Oct. 7, 1991, 105 Stat. 593, 594, 606, 607; Pub. L. 102-421, title II, §202, Oct. 16, 1992, 106 Stat. 2165; Pub. L. 102-569, title IX, §912(a), Oct. 29, 1992, 106 Stat. 4486; Pub. L. 103-73, title III, §302, Aug. 11, 1993, 107 Stat. 736; Pub. L. 103-218, title IV, §401, Mar. 9, 1994, 108 Stat. 95, related to grants for personnel training, prior to the general amendment of subchapters I to IV of this chapter by Pub. L. 105-17.

EFFECTIVE DATE

Subchapter effective July 1, 2005, see section 302(a) of Pub. L. 108-446, set out as a note under section 1400 of this title.

§ 1432. Definitions

In this subchapter:

(1) At-risk infant or toddler

The term “at-risk infant or toddler” means an individual under 3 years of age who would be at risk of experiencing a substantial developmental delay if early intervention services were not provided to the individual.

(2) Council

The term “council” means a State inter-agency coordinating council established under section 1441 of this title.

(3) Developmental delay

The term “developmental delay”, when used with respect to an individual residing in a State, has the meaning given such term by the State under section 1435(a)(1) of this title.

(4) Early intervention services

The term “early intervention services” means developmental services that—

(A) are provided under public supervision;

(B) are provided at no cost except where Federal or State law provides for a system of payments by families, including a schedule of sliding fees;

(C) are designed to meet the developmental needs of an infant or toddler with a disability, as identified by the individualized family service plan team, in any 1 or more of the following areas:

(i) physical development;

(ii) cognitive development;

(iii) communication development;

(iv) social or emotional development; or

(v) adaptive development;

(D) meet the standards of the State in which the services are provided, including the requirements of this subchapter;

(E) include—

(i) family training, counseling, and home visits;

(ii) special instruction;

(iii) speech-language pathology and audiology services, and sign language and cued language services;

(iv) occupational therapy;

(v) physical therapy;

(vi) psychological services;

(vii) service coordination services;

(viii) medical services only for diagnostic or evaluation purposes;

(ix) early identification, screening, and assessment services;

(x) health services necessary to enable the infant or toddler to benefit from the other early intervention services;

(xi) social work services;
 (xii) vision services;
 (xiii) assistive technology devices and assistive technology services; and
 (xiv) transportation and related costs that are necessary to enable an infant or toddler and the infant's or toddler's family to receive another service described in this paragraph;

(F) are provided by qualified personnel, including—

(i) special educators;
 (ii) speech-language pathologists and audiologists;
 (iii) occupational therapists;
 (iv) physical therapists;
 (v) psychologists;
 (vi) social workers;
 (vii) nurses;
 (viii) registered dietitians;
 (ix) family therapists;
 (x) vision specialists, including ophthalmologists and optometrists;
 (xi) orientation and mobility specialists; and
 (xii) pediatricians and other physicians;

(G) to the maximum extent appropriate, are provided in natural environments, including the home, and community settings in which children without disabilities participate; and

(H) are provided in conformity with an individualized family service plan adopted in accordance with section 1436 of this title.

(5) Infant or toddler with a disability

The term “infant or toddler with a disability”—

(A) means an individual under 3 years of age who needs early intervention services because the individual—

(i) is experiencing developmental delays, as measured by appropriate diagnostic instruments and procedures in 1 or more of the areas of cognitive development, physical development, communication development, social or emotional development, and adaptive development; or
 (ii) has a diagnosed physical or mental condition that has a high probability of resulting in developmental delay; and

(B) may also include, at a State's discretion—

(i) at-risk infants and toddlers; and
 (ii) children with disabilities who are eligible for services under section 1419 of this title and who previously received services under this subchapter until such children enter, or are eligible under State law to enter, kindergarten or elementary school, as appropriate, provided that any programs under this subchapter serving such children shall include—

(I) an educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills; and

(II) a written notification to parents of their rights and responsibilities in determining whether their child will continue

to receive services under this subchapter or participate in preschool programs under section 1419 of this title.

(Pub. L. 91-230, title VI, § 632, as added Pub. L. 108-446, title I, § 101, Dec. 3, 2004, 118 Stat. 2744.)

PRIOR PROVISIONS

A prior section 1432, Pub. L. 91-230, title VI, § 632, as added Pub. L. 105-17, title I, § 101, June 4, 1997, 111 Stat. 106, set out definitions for this subchapter, prior to the general amendment of subchapters I to IV of this chapter by Pub. L. 108-446.

Another prior section 1432, Pub. L. 91-230, title VI, § 632, Apr. 13, 1970, 84 Stat. 184; Pub. L. 98-199, §§3(b), 11, Dec. 2, 1983, 97 Stat. 1358, 1371; Pub. L. 99-457, title III, § 309, Oct. 8, 1986, 100 Stat. 1168; Pub. L. 100-630, title I, § 104(c), Nov. 7, 1988, 102 Stat. 3298; Pub. L. 101-476, title IV, § 402, title IX, § 901(b)(143), Oct. 30, 1990, 104 Stat. 1132, 1148; Pub. L. 102-119, § 25(b), Oct. 7, 1991, 105 Stat. 607, related to grants to State educational agencies and institutions for traineeships, prior to the general amendment of subchapters I to IV of this chapter by Pub. L. 105-17.

§ 1433. General authority

The Secretary shall, in accordance with this subchapter, make grants to States (from their allotments under section 1443 of this title) to assist each State to maintain and implement a statewide, comprehensive, coordinated, multidisciplinary, interagency system to provide early intervention services for infants and toddlers with disabilities and their families.

(Pub. L. 91-230, title VI, § 633, as added Pub. L. 108-446, title I, § 101, Dec. 3, 2004, 118 Stat. 2746.)

PRIOR PROVISIONS

A prior section 1433, Pub. L. 91-230, title VI, § 633, as added Pub. L. 105-17, title I, § 101, June 4, 1997, 111 Stat. 108, related to the general authority of the Secretary, prior to the general amendment of subchapters I to IV of this chapter by Pub. L. 108-446.

Another prior section 1433, Pub. L. 91-230, title VI, § 633, Apr. 13, 1970, 84 Stat. 184; Pub. L. 98-199, §§3(b), 11, Dec. 2, 1983, 97 Stat. 1358, 1371; Pub. L. 99-457, title III, § 310, Oct. 8, 1986, 100 Stat. 1168; Pub. L. 100-630, title I, § 104(e), Nov. 7, 1988, 102 Stat. 3299; Pub. L. 101-476, title IV, § 403, title IX, § 901(b)(144), Oct. 30, 1990, 104 Stat. 1133, 1149; Pub. L. 102-119, § 25(b), Oct. 7, 1991, 105 Stat. 607, related to establishment of national clearinghouses, prior to the general amendment of subchapters I to IV of this chapter by Pub. L. 105-17.

§ 1434. Eligibility

In order to be eligible for a grant under section 1433 of this title, a State shall provide assurances to the Secretary that the State—

(1) has adopted a policy that appropriate early intervention services are available to all infants and toddlers with disabilities in the State and their families, including Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the State, infants and toddlers with disabilities who are homeless children and their families, and infants and toddlers with disabilities who are wards of the State; and

(2) has in effect a statewide system that meets the requirements of section 1435 of this title.

(Pub. L. 91-230, title VI, § 634, as added Pub. L. 108-446, title I, § 101, Dec. 3, 2004, 118 Stat. 2746.)